

**ERIE COUNTY LEGISLATURE  
MEETING NO. 12  
JUNE 12, 2014**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Miller-Williams, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Savage.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 10 from 2014. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. DIXON and MR. BURKE presented a resolution Congratulating Jeffrey Conrad for Being Honored for his Continued Service to Mount Mercy Academy and the South Buffalo Community at the 6th Annual MMA 5K Race on June 13th.

Item 6 – MS. DIXON and MR. BURKE presented a resolution Congratulating Barbara Kelleher Fitzgerald for Being Honored for her Continued Service to Mount Mercy Academy and the South Buffalo Community at the 6th Annual MMA 5K Race on June 13th.

Item 7 – MS. DIXON and MR. BURKE presented a resolution Congratulating John H. Glose for Being Honored for his Continued Service to Mount Mercy Academy and the South Buffalo Community at the 6th Annual MMA 5K Race on June 13th.

Item 8 – MS. GRANT presented a resolution Celebrating the Life of Audrey Jenkins York.

Item 9 – MS. GRANT and MS. MILLER-WILLIAMS presented a resolution Celebrating the 100th Birthday of Mrs. Brunette Washington of Sycamore Street in Buffalo.

Item 10 – MS. GRANT presented a resolution Celebrating the Life of Chester Flakes, Loving Father, Musician, and Buffalo Entrepreneur.

Item 11 –MR. HARDWICK presented a resolution Honoring Francine McMahon on Receiving the 2014 AccuTheranotics Women's Leadership Award.

Item 12 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Honoring the History and Significance of the Buffalo Chapter of the NAACP on the Occasion of their Annual Awards Dinner.

Item 13 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Congratulating the Buffalo Urban League Young Professionals and Honorees at their Second Annual Soiree, "Queen City Nights."

Item 14 – MS. MILLER-WILLIAMS presented a resolution Honoring the Hillside Work-Scholarship Connection Class of 2014.

Item 15 – MR. MILLS presented a resolution Congratulating Matthew Holder, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 16 – MR. MILLS presented a resolution Congratulating Jon Paul Wardner, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 17 – MR. MILLS presented a resolution Congratulating Jackson Ogin, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 18 – MR. MILLS presented a resolution Congratulating Jason M. Stuhr, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 19 – MR. MILLS presented a resolution Congratulating Andrew Wright Bieler, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 20 – MR. MILLS presented a resolution Congratulating Darryl J. Colosi, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 21 – MR. MILLS presented a resolution Congratulating Pastor Phil Owen of the Berean Free Presbyterian Church on Receiving the Spiritual Volunteer of the Year Award for New York State

Item 22 – MR. MILLS presented a resolution Congratulating the Orchard Park High School Drama Club on Winning the Kenny Award for Their Production of "Les Miserables."

Item 23 – MR. MORTON presented a resolution Congratulating Hailey Rospierski on Winning the New York State Section VI Championship in High Jump.

Item 24 – MR. MORTON presented a resolution Congratulating McKenzie Kuehlewind on Winning the New York State Championship in Shot Put.

Item 25 – MR. MORTON and MR. BURKE presented a resolution Congratulating the Cheektowaga Boys 4x800 Relay Team on Winning the New York State Division II Title.

Item 26 – MR. RATH presented a resolution Congratulating Boy Scout Troop 440's New Eagle Scouts.

Item 27 – MR. RATH presented a resolution Honoring John and Flora Leamer Being Named as June 2014 Citizens of the Month for Continued Commitment to the Community.

MR. LORIGO moved for consideration of the above twenty-three items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above twenty-three items to include Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above twenty-three items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 28 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 29 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 31 – MR. MORTON presented the following report and moved to separate item number 1 and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

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

1. COMM. 11E-7 (2014)  
MILLER-WILLIAMS

RESOLVED, the Erie County Legislature hereby recommends the appointment of George Johnson Jr (291 East Delavan Ave., Buffalo, NY 14208) to the Erie County Fisheries Advisory Board.  
(6-0)

2. COMM. 11E-8 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry would like to rename the Casino at Como Lake Park to James "Jimmy D." Depczynski Casino; and

WHEREAS, Mr. Depczynski was a long time employee of the Department of Parks, Recreation and Forestry who spent the majority of his career at Como Lake Park; and

WHEREAS, Como Lake Park employees have requested the name change.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Parks, Recreation and Forestry is hereby authorized to formally change the name from Casino to James "Jimmy D." Depczynski Casino; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive and the Department of Parks, Recreation and Forestry.  
(6-0)

3. COMM. 11E-10 (2014)  
COUNTY EXECUTIVE

WHEREAS, the County currently owns approximately eleven (11) acres of the Seneca Bluffs Natural Habitat Park located in the City of Buffalo, State of New York; and

WHEREAS, the County has been given the opportunity to purchase an adjacent frontage parcel comprising 0.54-acres providing access to Seneca Street; and

WHEREAS, the subject parcel is currently vacant and the acquisition of same will allow the County to further develop the Park by providing a parking area which will enable more recreating and use by area residents; and

WHEREAS, DePaul Properties, Inc. is the current owner of the parcel located at 1670 Seneca Street, located in the City of Buffalo, State of New York, and more fully described on Attachment A to this Resolution; and

WHEREAS, DePaul Properties, Inc. has offered to sell the subject parcel to the County for a purchase price of One Hundred Thousand Dollars (\$100,000.00); and

WHEREAS, Joseph Maciejewski, Commissioner of Real Property Tax Services, has made a determination that the purchase price is fair market value for the subject parcel; and

WHEREAS, the Department of Environment and Planning has completed a review pursuant to New York State Environmental Quality Review Act (SEQR) and a Negative Declaration was issued on March 24, 2014; thus determining that the proposed action will not have an adverse environmental impact; and

WHEREAS, at its meeting on March 25, 2014, the Erie County Advisory Review Committee (ARC) approved the purchase of said real property by the County; and

WHEREAS, on May 8, 2014, the Erie County Legislature approved the 2013 Budget Balancing Amendments which allocated \$100,000 in funds into the 2014 Budget for the purposes of acquiring 1670 Seneca Street adjacent to the Seneca Bluffs pocket park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute any and all agreements relating to the purchase of real property located at 1670 Seneca Street, Buffalo, New York, as more fully described on Attachment A, for consideration in the amount of One Hundred Thousand Dollars (\$100,000.00) plus any ancillary costs to be paid by the County of Erie to DePaul Properties, Inc.; and be it further

RESOLVED, that the source of funds for said purchase is \$100,000 from account 561100, Land Acquisition, in Cost Center 16200, Department of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required budgetary adjustments to implement this action; and be it further

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

(6-0)

TED B. MORTON  
CHAIR

Item 32 – MR. MORTON moved to confirm item number 1. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

June 5, 2014

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS RATH & MILLER-WILLIAMS.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11M-6 (2014)  
NYS DEPARTMENT OF TAXATION AND FINANCE: "2014 Class Equalization Rate - City of Buffalo"  
(4-0)
  - b. COMM. 11M-7 (2014)  
NYS DEPARTMENT OF TAXATION AND FINANCE: "2014 State Equalization Rate - City of Buffalo"  
(4-0)

2. COMM. 1D-8 (2014)  
 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 214121 through 214128, 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.	214,121.00
	ASSESSOR	Cancel	\$1,809.08
S-B-L	55.18-5-13	279 Fairways Blvd 142289 AMHERST	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,809.08 Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$1,809.08
	Relevy School		\$1,809.08 142207 SWEET HOME

CENTRAL

RPTL550(2) - Article 7 missed computer  
New tax bill to be issued

FISCAL YEAR 2013                      Petition No.                      214,122.00

   ASSESSOR                      Refund                      \$519.00

S-B-L 134.54-4-3                      51 Briarwood Dr 146800 WEST SENECA

   Acct. No. 112                      \$0.00                      County

   Acct. No. 132                      \$519.00                      Town/SpecialDist/School

Charge To :                      146800 WEST SENECA                      \$519.00

   Relevy School                      \$519.00                      146801 WEST SENECA

CENT

RPTL550(2) - Failed to apply basic star exemption  
Refund to be issued to Christine Harris

FISCAL YEAR 2014                      Petition No.                      214,123.00

   ASSESSOR                      Cancel                      \$46.95

S-B-L 206.00-4-52./A Sturgeon Point Rd 144489 EVANS

   Acct. No. 112                      \$7.18                      County

   Acct. No. 132                      \$39.77                      Town/SpecialDist/School

   44021 NORTH EVANS FIRE PROTECT                      \$2.65

Charge To :                      144489 EVANS                      \$37.12

   Relevy School                      \$25.61

RPTL550(2) - Gas well for personal use  
New tax bill to be issued

FISCAL YEAR 2014                      Petition No.                      214,124.00

   ASSESSOR                      Cancel                      \$346.19

S-B-L 630.089-9999-750                      Outside Plant                      143089 CHEEKTOWAGA

   Acct. No. 112                      \$49.56                      County

   Acct. No. 132                      \$296.63                      Town/SpecialDist/School

   30300 ERIE CO SEW DST 1                      \$5.95

   30800 EC#4 SS DEPEW CHK                      \$0.58

Charge To :                      143089 CHEEKTOWAGA                      \$290.10

   Relevy School                      \$180.66

RPTL550(3) - Deleted Parcel  
Delete parcel from roll

FISCAL YEAR 2014                      Petition No.                      214,125.00

   ASSESSOR                      Cancel                      \$51.83

S-B-L 630.003-9999-750                      Outside Plant                      143003 DEPEW

   Acct. No. 112                      \$8.26                      County

   Acct. No. 132                      \$43.57                      Town/SpecialDist/School

   30300 ERIE CO SEW DST 1                      \$0.99

   30800 EC#4 SS DEPEW CHK                      \$0.10

Charge To :                      143003 DEPEW                      \$42.48

   Relevy School                      \$30.11

RPTL550(3) - Deleted Parcel  
Delete parcel from roll

FISCAL YEAR 2014                      Petition No.                      214,126.00

   ASSESSOR                      Cancel                      \$1,139.44

S-B-L 555.00-90-5                      Special Franchise                      143003 DEPEW

   Acct. No. 112                      \$164.79                      County

   Acct. No. 132                      \$974.65                      Town/SpecialDist/School

Charge To :                      143003 DEPEW                      \$974.65

   Relevy School                      \$727.81

RPTL550(3) - Deleted Parcel  
delete parcel from the roll

FISCAL YEAR 2014                      Petition No.                      214,127.00

   ASSESSOR                      Cancel                      \$102.27

S-B-L 33514-1-15                      519 W Main St                      143801 SPRINGVILLE

   Acct. No. 112                      \$0.00                      County

   Acct. No. 132                      \$102.27                      Town/SpecialDist/School

Charge To :                      143801 SPRINGVILLE                      \$102.27

   Relevy Village                      \$71.59                      Village of SPRINGVILLE

RPTL550(2) - IDA PILOT not entered  
New tax bill to be issued

FISCAL YEAR 2014	Petition No.	214,128.00	
ASSESSOR	Cancel	\$5,033.90	
S-B-L 335.14-1-16.1	535 W Main St 143801	SPRINGVILLE	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$5,033.90	Town/SpecialDist/School
<u>Charge To :</u>	143801 SPRINGVILLE	\$5,033.90	
	Relevy Village	\$3,130.35	Village of SPRINGVILLE
RPTL550(2) - IDA PILOT not entered			
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.  
(4-0)

JOSEPH C. LORIGO  
CHAIR

Item 34 – MR. HARDWICK presented the following report and moved to separate item number 3 and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

June 5, 2014

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 6

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 10E-12 (2014)  
COMPTROLLER: “ECC Financial Statements and Management Letter for Fiscal Year Ending Aug 31, 2013”  
(6-0)
  - b. COMM. 11M-1 (2014)  
ERIE COMMUNITY COLLEGE: “2014-2015 ECC Budget”  
(6-0)
2. COMM. 10E-14 (2014)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby appoints Corrine Nelson (120 Marian Drive, Tonawanda, NY 14150) to the Erie County Youth Services Board for a term ending December 31, 2016.

(5-0, Chair Mills not present for vote)

3. COMM. 11E-18

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Erie Community College has continuously managed itself in a fiscally responsible manner and has maintained strong student enrollment levels; and

WHEREAS, Erie Community College's student population is comprised of almost 92 percent of Erie County residents and is the largest SUNY College in Erie County in terms of residents served; and

WHEREAS, Fifty-one percent of ECC's budget revenue is derived from student tuition and fees; and

WHEREAS, Erie County contributes approximately 15.5% of ECC's annual budget in its capacity as ECC's local sponsor; and

WHEREAS, State Education Law provides that four fifteenths (26.7%), or so much as may be necessary, of annual operating costs should derive from ECC's sponsor and as such Erie County's contribution is less than this percentage; and

WHEREAS, such local sponsor shortfall is over \$12.6 million for the 2014-2015 ECC budget; and

WHEREAS, New York State contributes approximately 28.2% of ECC's annual budget; and

WHEREAS, State Education Law provides that basic state financial assistance shall be the lowest of 40% of ECC's net operating budget or enrollment multiplied by the state reimbursement rate plus rental aid and using 40% of the annual operating budget as a measure New York State's contribution is less than this percentage; and

WHEREAS, such state funding shortfall is \$13.3 million for the 2014-2015 ECC budget; and

WHEREAS, the College has historically exceeded the 33.3% cap on student tuition as a percent of net operating costs which was in an amount of approximately \$20 million; and

WHEREAS, the historical practice of exceeding one-third cap on student tuition has been due in large part to the failure of both Erie County and the State of New York to fulfill their required funding; and Whereas: State Education Law provides that so long as ECC's sponsor (Erie County) "maintains effort" by not decreasing its annual contribution, the College may continue to exceed the one-third cap on student tuition cited above; and

WHEREAS, if Erie County does not fulfill its "maintenance of effort" obligations under State Education Law, the College will be faced with catastrophic budget circumstances which would

potentially include closing one, or more, of its facilities all to the detriment of thousands of students and taxpayers; and

WHEREAS, ECC's 2014-15 budget process included a review of operations and services provided to ensure that the Erie County Executive and Erie County Legislature are presented with a balanced budget which is austere and reasonable given current economic realities; and

WHEREAS, ECC's budget may not address all of the needs necessary to fully service the approximately 20,000 unduplicated students who currently attend ECC; and

WHEREAS, this budget includes no increases for any collective bargaining agreements for ECC employees which may be negotiated by the County and/or ECC in the future; and

WHEREAS, the amount of \$17,429,317 reflected in the 2014-15 budget for sponsor contribution in no way waives ECC's rights for additional funding should pursuit of such funding become necessary; and

WHEREAS, despite difficult economic times locally, ECC has increased its enrollment by almost 37% in the past fifteen years; and

WHEREAS, even with significantly increased enrollment, ECC has decreased full-time staffing by 153 positions or in excess of 18% in the past 21 years; and

WHEREAS, the College has operated as one of the most efficient public education organizations in New York State; and

WHEREAS, proof of this efficiency is objectively demonstrated by relative rankings released by the State University of New York (SUNY) which places ECC as the fifth most cost efficient community college in the state of the 30 community colleges in terms of the amount expended to educate its students; and

WHEREAS, based upon State averages, this efficiency translates into an annual savings to the taxpayers of Erie County of almost \$17 million; and

WHEREAS, Erie Community College is the most cost effective administratively of the 30 community colleges in the SUNY system; and

WHEREAS, these efficiencies have allowed ECC to provide significant educational opportunities to thousands of individuals in Erie County and Western New York at reasonable cost compared to other public colleges and universities in New York State; and

WHEREAS, ECC's student population is derived mainly from Erie County residents as the percentage attending ECC is the second highest percentage of any community college in New York State; and

WHEREAS, studies demonstrate a community college student is much more likely to remain in the local region, thereby being employed, raising families, paying taxes, and contributing in a positive economic fashion to the vitality of the region,

NOW, THEREFORE, BE IT

RESOLVED, that passage and submission of this budget by the Trustees shall not constitute a waiver of ECC's rights to pursue additional funding from Erie County should that become necessary and that the College reserves all rights in this regard; and

BE IT FURTHER

RESOLVED, this budget submission is expressly conditioned that Erie County, as ECC's statutory sponsor, shall "maintain its effort" at the minimum amount of \$17,429,317; and

BE IT FURTHER

RESOLVED, ECC's undesignated fund balance shall not be expended, earmarked, utilized or otherwise designated without the approval of the Board of Trustees consistent with autonomy and fiscal standards identified through Middle States accreditation; and

BE IT FURTHER

RESOLVED, that the ECC Board of Trustees and College President seek to work with the Erie County Executive and the Erie County Legislature to identify opportunities for additional funding for "one shot" initiatives; and

BE IT FURTHER

RESOLVED, that the ECC Board of Trustees and College President seek to work with Erie County and New York State officials to identify opportunities to better utilize ECC as the recognized leader in Workforce Development; and

BE IT FINALLY

RESOLVED, that upon approval by the ECC Board of Trustees, a copy of this Resolution, along with ECC's 2014-2015 budget, be forwarded to the Erie County Executive.  
(5-0, Chair Mills not present for vote)

KEVIN R. HARDWICK  
CHAIR

Item 35 – MR. HARDWICK moved to amend item number 3. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Add the Following Resolved to COMM. 11E-18 (2014):

RESOLVED, that the Erie County Legislature does hereby approve the 2014-2015 Budget of Erie Community College as adopted by the ECC Board of Trustees on April 24, 2014, and submitted to this Honorable Body by the County Executive on May 20, 2014, with the following change:

- Delete the Third Resolve Clause in its entirety on page 3 (ECC 2014-2015 Budget Resolution) relative to collective bargaining agreements;

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

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 36 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

June 5, 2014

PUBLIC SAFETY COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 6M-3 (2014)  
GLORIA MCLAUGHLIN: “Incarceration Rates in Erie County”  
(5-0)

2. COMM. 10D-11 (2014)

CLERK OF THE LEGISLATURE AS AMENDED

RESOLVED, that the Public Safety Committee of the Erie County Legislature recommends Joseph Sacco to serve on the Erie County Community Corrections Advisory Board; and be it further

RESOLVED, that on the recommendation of a recognized organization working on behalf of prisoners’ rights, the Public Safety Committee of the Erie County Legislature recommends Lesley Haynes to serve on the Erie County Community Corrections Advisory Board; and be it further

RESOLVED, that on the recommendation from the Hispanic Community of Erie County, the Public Safety Committee of the Erie County Legislature recommends Victor Colon de Bonilla to serve on the Erie County Community Corrections Advisory Board; and be it further

RESOLVED, that on the recommendation of an employee of a non-profit organization that is involved in alternatives to incarceration, the Public Safety Committee of the Erie County Legislature recommends William Schultz to serve on the Erie County Community Corrections Advisory Board.

(5-0)

3. COMM. 11E-15 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's Department has investigated the continued automation and improvement of inmate and jail management systems; and

WHEREAS, the Erie County Sheriff's Department identified the Black Creek Security Control Systems as compared to other products available in the market place; that no other product provides substantially equivalent or similar benefits; and that, considering the benefits received the cost of the upgrades are deemed reasonable; and

WHEREAS, the proposed system is accepted by the New York State Commission of Corrections and will integrate seamlessly with the facility's existing electronic Watchtour and Sallyport NY inmate management system; and

WHEREAS, the County Executive is seeking your Honorable Body's authorization to enter into an Agreement with the firm of Black Creek Integrated Systems Corporation for design, equipment and installation of security upgrades for the Erie County Holding Center- 2014 Security Control Systems Upgrade- Phase1 project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Black Creek Integrated Systems Corporation for design, equipment and installation of security upgrades for the Erie County Holding Center- 2014 Security Control Systems Upgrade- Phase1 project for an amount not to exceed \$1,200,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project: A.11007 - 2011 Video and Door Control Upgrades- ECCF & ECHC for an amount not to exceed \$1,200,000.00, including a design contingency; and be it further

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

(5-0)

4. COMM. 11E-16  
COUNTY EXECUTIVE

WHEREAS, the Commissioner of Emergency Services has indicated that it is vital for Emergency Services communications in the Southtowns be upgraded; and

WHEREAS, the Commissioner of Public Works has determined that the firm of DiDonato Associates has the necessary expertise, experience and manpower to provide the required services; and

WHEREAS, the Department of Public Works, is requesting authorization for the County Executive to enter into an Agreement with DiDonato Associates for professional engineering

services for design and construction documents for the Emergency Communications Upgrades at South Wales, Harris Hill and East Aurora sites.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the firm of DiDonato Associates in an amount not to exceed \$65,000.00, including a design contingency, for engineering, design and construction for Emergency Communications Upgrade at South Wales, Harris Hill & East Aurora Sites; and be it further

RESOLVED, that The Comptroller's office is authorized to make payments for all the above from SAP Account A.21009-2010-Public Safety 400 MHZ Communications System-Phase 3, for an amount not to exceed \$65,000.00; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Division of Budget and Management, the Commissioner of Emergency Services, two (2) copies to the Department of Public Works and one copy to the Erie County Comptroller.  
(5-0)

EDWARD A. RATH, III  
CHAIR

Item 37 – MR. RATH presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

June 5, 2014

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 7

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11E-4 (2014)  
BURKE: "Follow-Up to Request for Highway Reform Committee"  
(5-0, Chair Mills not present for vote)
  - b. COMM. 11E-5 (2014)  
MILLS: "Response to Burke Request for Committee Formation"  
(5-0, Chair Mills not present for vote)
  - c. COMM. 11E-6 (2014)

BURKE: "Response to Chair Mills Letter Regarding Formation of Highway Reform Committee"  
(5-0, Chair Mills not present for vote)

- d. COMM. 11M-3 (2014)  
NFTA: "Metro Statements of Actual Cash Flow for Period April 2013-March 2014 and Projected Cash Flow for Period April 2014-March 2015"  
(5-0, Chair Mills not present for vote)
- e. COMM. 11M-4 (2014)  
BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION: "Request to Update Committee About the Land Bank's Work"  
(6-0)
- f. COMM. 11M-5 (2014)  
BUFFALO COMMON COUNCIL: "Request for a Joint Legislative Session"  
(6-0)

EDWARD A. RATH, III  
CHAIR

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Appointment to Erie County Bridge and Road Infrastructure Maintenance Advisory Board  
(INTRO. 12-1)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLS

WHEREAS, this honorable body recently passed a resolution creating the Erie County Bridge and Road Infrastructure Maintenance Advisory Board; and

WHEREAS, the purpose of this board is to provide input from experts to help develop a comprehensive plan regarding maintenance and control of its roadways; and

WHEREAS, the resolution creating this board gives a recommendation to the Chair of the Erie County Legislature; and

WHEREAS, Gary A. Eppolito, the Town Supervisor of Concord, N.Y., has been performing his job admirably and is well suited to assist the Advisory Board in developing a plan for the long-term control and maintenance of county roadways.

NOW, THEREFORE, BE IT

RESOLVED, that I hereby nominate Gary A. Eppolito as the Chairman's nomination on the Erie County Bridge and Road Infrastructure Maintenance Advisory Board; and be it, further

RESOLVED, that the certified copies of this resolution are sent to the Erie County Executive's Office, the Association of Erie County Governments, the Town Highway Superintendents Association of Erie County, the Erie County Public Works Association, the Greater Buffalo-Niagara Regional Transportation Council and all other parties deemed necessary.

Item 39 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Appointments to the Erie County  
Community Corrections Advisory Board  
(INTRO. 12-2)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLS

WHEREAS, this body restructured the Erie County Community Corrections Advisory Board by resolution on April 10, 2014.

NOW, THEREFORE, BE IT

RESOLVED, that upon the recommendation of the Minority Leader of the Erie County Legislature, this body appoints Karima Amin; and be it further

RESOLVED, that upon the recommendation of the Public Safety Committee of the Erie County Legislature, this body appoints Joseph Sacco; and be it further

RESOLVED, that upon the recommendation of the Erie County Executive, this body appoints Ben Swanekamp; and be it further

RESOLVED, that upon the recommendation of the Superintendent of the Erie County Jail Management Division, this body appoints Thomas Diina; and be it further

RESOLVED, that upon the recommendation of the Hispanic community of Erie County, this body appoints Victor Colon de Bonilla; and be it further

RESOLVED, that upon the recommendation of the an individual employed at a non-profit organization that is involved in alternatives to incarceration, this body appoints William Schultz; and be it further

RESOLVED, that upon the recommendation of the Commissioner of Mental Health of Erie County, this body appoints Michael Ranney; and be it further

RESOLVED, that upon the recommendation of the Chief Administrative Judge for the Eighth Judicial District, this body appoints Christopher Pannozzo; and be it further

RESOLVED, that upon the recommendation of the Erie County Director of Probation, this body appoints Brendon Dickman; and be it further

RESOLVED, that upon the recommendation of the Sheriff of Erie County, this body appoints Donald Allen.

Item 40 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: State Implementation of Jocelyn's Law  
(INTRO. 12-3)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS DIXON, RATH, MILLS,  
LORIGO, MORTON & HARDWICK

WHEREAS, in 2012 Jocelyn Elberson and Sheila Pelton were killed when walking on a bike path by David Smith who was driving his motorcycle while drunk in November of 2012; and

WHEREAS, Mr. Smith had received four prior convictions across multiple states for driving while under the influence; and

WHEREAS, Jocelyn's Law would increase the charge of vehicular manslaughter to vehicular homicide for any person who kills someone while driving under the influence and have had three or more prior driving under the influence charges; and

WHEREAS, this law, also known as bill S4772-2013, recently passed in the State Senate and was sent to the Assembly; and

WHEREAS, this increased punishment would act as a further deterrent to those who foolishly drive while under the influence putting not only their own lives at risk, but those of bystanders as well.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby endorses Jocelyn's Law, bill number S4772-2013, and implores the State Assembly and Governor Cuomo to act swiftly in the passage of this law; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the State Senate and Assembly, Governor Cuomo's office, and all other parties deemed necessary and proper.

Item 41 – CHAIR MILLS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 12-4 from SAVAGE & BURKE. Urge New York State Legislature to Pass and the Governor to Sign S.6516, Authorizing Local Governments to Establish and Enforce Higher Levels of Minimum Wage.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 12D-18 from the COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES Re: Child Protective Services.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE SHERIFF**

Item 43 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: Asset Forfeiture Allocation - Part-Time  
Helicopter Pilot  
(COMM. 12E-1)

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

WHEREAS, there are currently \$188,498.15 in funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account; and

WHEREAS, the Sheriff's Office has determined that the need exists to hire a part-time helicopter pilot, contract for flight training and purchase mandatory life insurance policy for part-time helicopter pilot; and

WHEREAS, critical repairs are necessary for the proper and safe operation of Air One,

NOW, THEREFORE, BE IT

RESOLVED, that \$86,000 in available balances in the Asset Forfeiture Trust Fund is hereby authorized for transfer as follows:

ERIE COUNTY SHERIFF'S OFFICE  
ASSET FORFEITURE FUNDED PROGRAM SAFS

REVENUE		Increase
421550	Forfeiture Crime Proceeds	<u>\$86,000</u>
	Total Revenue	<u>\$86,000</u>
APPROPRIATION		Increase
516020	Professional Services & Fees	\$16,000
506200	Repairs & Maintenance	\$60,000
500010	Part-Time Wages	<u>\$10,000</u>
	Total Appropriations	<u>\$86,000</u>

and be it further

RESOLVED, that authorization is granted to amend communication 6E-1 (2014) approved by the Erie County Legislature to increase the authorized amount of contract with Jacob Ventura by \$5,500 for purposes of helicopter rental for training, and be it further

RESOLVED, that authorization is granted to purchase the life insurance policy through Lawley Benefits, Erie County's insurance consultant with the appropriate life insurance company, and be it further

RESOLVED, that authorization is hereby granted to create one part-time Captain-Aviation JG 11, Step E for Captain Kevin Caffery, and be it further

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

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, the Department of Emergency Services and the Chief of Administration of the Sheriff for implementation.

FROM THE SHERIFF

Item 44 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Contract Approval - 207c Hearing  
Officer  
(COMM. 12E-2)

WHEREAS, the Erie County Sheriff's Office requires the services of a qualified individual to perform 207c hearings, and

WHEREAS, George E. Deitz, Ph.D. has been selected by the Sheriff's Office to serve in this capacity; and

WHEREAS, the Erie County Sheriff's Office has sufficient funds to cover the estimated cost of these services, therefore requiring no additional tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to appoint George E. Deitz, Ph. D. for purposes of conducting 207c hearings; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract retroactive to May 30, 2014 with George E. Deitz, Ph.D. to conduct 207c hearings at a rate not to exceed \$800 per hearing as approved in Budget Resolution #35 of 2014; and be it further,

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Office of the Sheriff, the Erie County Comptroller and the County Attorney.

**FROM LEGISLATOR BURKE**

Item 45 – (COMM. 12E-3) Inmate Commissary Account

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 46 – (COMM. 12E-4) ECC Request to Enter into Contract with STAMATS Higher Education Marketing

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 47 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Climate Smart Community Pledge -  
Commitment to Greenhouse Gas  
Emission Reduction and Climate  
Adaptation  
(COMM. 12E-5)

WHEREAS, Erie County believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County, in order to reduce greenhouse gas emissions and adapt to a changing climate will:

Pledge to Combat Climate Change by Becoming a Climate Smart Community  
Set Goals, Inventory Emissions, Move to Action  
Decrease Energy Demand for Erie County Government Operations  
Encourage Renewable Energy for Erie County Government Operations  
Realize Benefits of Recycling and Other Climate Smart Solid Waste Management  
Practices  
Promote Climate Protection through Community Land Use Planning  
Plan for Adaptation to Unavoidable Climate Change  
Support a Green Innovation Economy  
Inform and Inspire the Public  
Commit to an Evolving Process; and be it further

RESOLVED, that certified copies of this resolution be provided to the Director of the Division of Budget and Management; the Commissioner of the Department of Environment and

Planning; and the Office of Climate Change, Attention Climate Smart Communities, NYS DEC, 625 Broadway, Eighth Floor, Albany, NY 12233-1030.

Item 48 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: Authorization to Contract with Horizon Village, Inc  
(COMM. 12E-6)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, Alcohol and Drug Dependency Services' loss of certification to provide certain services for Erie County was effective midnight December 31, 2013, requiring a new contractor to provide said services; and

WHEREAS, on January 23, 2014, the Erie County Legislature approved Comm. 2E-2, authorizing the County to enter into a contract with Horizon Village, Inc. for the provision of mental health services previously provided by Alcohol and Drug Dependency Services, on an emergency basis, for the period January 1, 2014 through June 30, 2014; and

WHEREAS, in order to provide uninterrupted services the Department of Mental Health recommends that the County immediately enter into a contract with the Horizon Village, Inc. effective for July 1, 2014, through December 31, 2014; and

WHEREAS, New York State Aid and Erie County funding previously budgeted for Alcohol and Drug Dependency Services Inc. to provide medically monitored withdrawal, medically supervised withdrawal and inpatient rehabilitation services is available for this contract with Horizon Village, Inc. without the need for additional County funding.

NOW, THEREFORE, BE IT

RESOLVED, that in order to provide uninterrupted medically monitored withdrawal, medically supervised withdrawal and, inpatient rehabilitation services the Department of Mental Health is authorized to immediately enter into an agency provider agreement consistent with the completed comprehensive RFP process to provide the service on a permanent basis; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Horizon Village, Inc. for the period commencing July 1, 2014, and, ending December 31, 2014; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to transfer funds in the 2014 Budget originally budgeted in account 517517 for Alcohol and Drug Dependency Services to account 517663 (Horizon Village, Inc.), in order to cover the cost of the contract with

Horizon Village, Inc. estimated at \$775,360 for the period July 1, 2014, through December 31, 2014; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

Item 49 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Authorization to Contract with  
Renaissance Addiction Services, Inc  
(COMM. 12E-7)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, Alcohol and Drug Dependency Services' loss of certification to provide certain services for Erie County was effective at midnight on December 31, 2013, requiring a new contractor to provide said services; and

WHEREAS, on January 23, 2014, the Erie County Legislature approved Comm. 2E-21 (2014) authorizing the County to enter into a contract with the Alcohol and Drug Dependency Foundation, Inc. on an emergency basis for the period January 1, 2014, through June 30, 2014; and

WHEREAS, in order to provide uninterrupted services the Department of Mental Health recommends that the County immediately enter into a contract with Renaissance Addiction Services, Inc., for the period July 1, 2014, through December 31, 2014; and

WHEREAS, New York State Aid estimated at approximately \$614,979 previously budgeted for Alcohol and Drug Dependency Services Inc. to provide services to youth receiving residential chemical dependency rehabilitation services is available for this contract with Renaissance Addiction Services, Inc. without the need for additional County funding.

NOW, THEREFORE, BE IT

RESOLVED, that in order to provide uninterrupted services to youth receiving residential chemical dependency rehabilitation services, the Department of Mental Health is authorized to immediately enter into an agency provider agreement consistent with the completed comprehensive RFP process to provide the service on a permanent basis; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Renaissance Addiction Services Inc., for the period commencing July 1, 2014, and, ending on December 31, 2014; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to transfer funds in the amount of \$614,979 in the 2014 Budget originally budgeted in account 517517 for Alcohol and Drug Dependency Services to account 517767 (Renaissance Addiction Services Inc.) in order to cover the cost of the contract with Renaissance Addiction Services Inc. for the period July 1, 2014 through December 31, 2014; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, the Division of Budget and Management and the County Attorney.

Item 50 – MR. LORIGO presented the following resolution and moved to consider. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: PLACEHOLDER - Division of  
Highways - Authorization to  
Appropriate Additional 2014 Funds  
(COMM. 12E-8)

MR. LORIGO moved to amend. MR. RATH seconded.

CARRIED UNANIMOUSLY.

INSERT:

WHEREAS, the winter 2013-2014 conditions were severe and extraordinary, creating severe damage and deterioration to County roads; and

WHEREAS, on May 22, 2014, in Intro. 10-1, the County Legislature has designated \$5 million of fund balance intended for the Division of Highways/Road Fund; and

WHEREAS, additional funding and positions is necessary to increase the ability of the Division of Highways to conduct maintenance and repair work on County roads, including the purchase of materials.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby approve the creation of five new Laborer (JG 3) positions as noted in B-100 #7788 and five new Motor Equipment Operator (JG 5) positions as noted in B-100 #7787 in the 2014 Budget of the Department of Public Works Highways Division, Fund Center 123, to be effective July 1, 2014; and be it further

RESOLVED, that authorization is hereby provided to make the following budgetary changes in the 2014 Budget Erie County Budget:

Fund 110 - County Wide Interfund Fund Center 14020

Revenue	Increase
402190 Appropriated Fund Balance	5,000,000
Expense	
500070 Interfund Road	5,000,000
Net (Revenue less Expense)	0
Fund 210 - Highways Fund Center 123	
Revenue	Increase
486000 Interfund Subsidy	5,000,000
Expense	
500000 Full Time Salaries	148,897
502000 Fringe Benefits	102,739
570000 Interfund Transfer	<u>4,748,364</u>
	5,000,000
Net (Revenue less Expense)	0
Fund 420 - Project B.14024 Capital Overlay	
Revenue	Increase
486000 Interfund Subsidy	4,748,364
Expense	
Capital Projects	4,748,364
Net (Revenue less Expense)	0

and be it further

RESOLVED, that the Commissioner of Personnel, Director of Budget and Management and Commissioner of Public Works are hereby authorized to make the necessary budgetary and personnel adjustments necessary to facilitate this resolution; and be it further

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

MR. LORIGO moved to amend a second time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

AFTER THE FIRST RESOLVED, INSERT THE FOLLOWING:

RESOLVED, all positions created within this resolution will terminate effective December 31, 2014; and be it further

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

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**FROM LEGISLATOR MILLER-WILLIAMS**

Item 51 – (COMM. 12E-9) Open Letter Regarding Potential Buffalo Bills Stadium Sites in Buffalo

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR MILLS**

Item 52 – (COMM. 12E-10) Response to Common Council Regarding a Joint Legislative Session

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 53 – (COMM. 12E-11) ECC North Campus - 2014 Bretschger Hall Roof Replacement

Item 54 – (COMM. 12E-12) Ralph Wilson Stadium - 2014 Concrete Restoration & Parking Lot Lighting Improvements, and Drive 5 Field Ring Wall Drainage Improvements

Item 55 – (COMM. 12E-13) Appointments to Youth Services Board

Item 56 – (COMM. 12E-14) EC Youth Bureau - 2014 Summer Primetime Funding

Item 57 – (COMM. 12E-15) OPEN ITEM - ECC Academic Building - Environmental Analysis, Design and Construction

Item 58 – (COMM. 12E-16) OPEN ITEM - Ralph Wilson Stadium - 2014 - Field House Lighting Upgrades

The above six items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR MILLS**

Item 59 – (COMM. 12E-17) Letter Regarding Appropriation of Additional Highway Funds  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 60 – (COMM. 12E-18) Fee and Permanent Easements to NYS Department of  
Transportation for Improvements Along Lakeshore Road

Item 61 – (COMM. 12E-19) Payment in Lieu of Taxes Agreement for Braco and Linwood  
Apartments - Affordable Housing Development

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

**FROM LEGISLATOR RATH**

Item 62 – (COMM. 12E-20) Follow-Up for Priority Project List for Additional Road Work  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM LEGISLATOR MORTON**

Item 63 – (COMM. 12E-21) Site of the Former EC Home

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 64 – (COMM. 12E-22) EC Sewer District No. 5, Clarence Research Park STP  
Improvements, Contract No. 19

Item 65 – (COMM. 12E-23) EC Sewer District No. 3 - Engineer Term Agreement - URS  
Corporation

Item 66 – (COMM. 12E-24) EC Sewer District No. 3 - Engineer Term Agreement - Arcadis  
of New York, Inc

Item 67 – (COMM. 12E-25) EC Sewer District No. 3 - Engineering Agreement Close-Out  
A/E Agreement - Conestoga Rovers & Associates

Item 68 – (COMM. 12E-26) EC Sewer District No. 3 - Engineering Services Agreement -  
Southtowns AWTF Sewer Sludge Incinerator Emission Control Upgrades

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

FROM THE COMPTROLLER

Item 69 – (COMM. 12E-27) Investigation of EC Division of Weights and Measures for Period Jan-Apr 1, 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 70 – (COMM. 12E-28) 2014 Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 71 – (COMM. 12E-29) Extension of Training Services Contract - Department of Personnel

Item 72 – (COMM. 12E-30) EC Polling Sites Evaluation and ADA/HAVA Upgrades

Item 73 – (COMM. 12E-31) Employee Assistance Program Contract

Item 74 – (COMM. 12E-32) Indigent Legal Services Grant

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

FROM LEGISLATOR MILLER-WILLIAMS

Item 75 – (COMM. 12E-33) Letter Regarding Status of Commissioner Dankert-Maurer

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 76 – (COMM. 12E-34) Child Protective Services Adjustments

Item 77 – (COMM. 12E-35) EC Medical Examiner - Chief Toxicologist

Item 78 – (COMM. 12E-36) Authorization to Contract with Managed Long Term Care Companies

Item 79 – (COMM. 12E-37) Authorization to Contract with Premier OB/GYN

Item 80 – (COMM. 12E-38) Medical Examiner's Office - Transfer of Funds

Item 81 – (COMM. 12E-39) Authorization to Contract with PPD Development, LP

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

FROM THE COUNTY EXECUTIVE

Item 82 – (COMM. 12E-40) Subcontracts with City of Buffalo & NFTA Police Department - FY2013 Tactical Grant Program

Item 83 – (COMM. 12E-41) Justice Assistance 2014 Grant

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE & SHERIFF

Item 84 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: EC Holding Center - 2014 - Gulf East  
Inmate Housing Cell Door and Frame  
Replacements  
(COMM. 12E-42)

WHEREAS, the County of Erie received bids for the Erie County Holding Center - 2014 - Gulf East Inmate Housing Cell Door and Frame Replacements project on April 25, 2014; and

WHEREAS, the lowest responsible bidder is George A. Keene, Inc.

WHEREAS, the Erie County Department of Public Works, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the 2014 Budget is hereby adjusted to decrease Jail Trust Account 610-221800 in an amount not to exceed \$280,000 with said funds to be appropriated as follows:

Business Area 116, Cost Center 11610, Fund 110 - Jail Management Division

Revenue:	Increase
415622 Jail Phone Revenue	\$280,000
Expense:	
570050 Interfund Transfer to Capital	\$280,000

Business Area 122, Fund 410 Capital Projects - Buildings and Grounds

Revenue:	Increase
486000 Interfund Revenue Subsidy	\$280,000
Expense:	
Capital Projects	\$280,000

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, George A. Keene, Inc. for the Erie County Holding Center - 2014 - Gulf East Inmate Housing Cell Door and Frame Replacements project for an amount not to exceed \$248,250.00; and be further

RESOLVED, that the sum of \$31,750.00 be allocated to a Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund, and be it further

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

RESOLVED, that the Comptroller's office be authorized to make payments for the above from the established SAP Project Account for an amount not to exceed \$280,000.00; and be it further

RESOLVED, that excess funds not utilized for this project shall be transferred back to the Jail Phone Revenue Account upon completion of the project, and be it further

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF ENVIRONMENT AND PLANNING**

Item 85 – (COMM. 12D-1) Bi-Monthly Report - ECC Academic Building

.  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COMMISSIONER, DEPARTMENT OF PUBLIC WORKS**

Item 86 – (COMM. 12D-2) Response to Legislator Rath Request Regarding Designated Fund Balance Priority Project List

.  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COMMISSIONER, DEPARTMENT OF ENVIRONMENT AND PLANNING**

Item 87 – (COMM. 12D-3) One Region Forward Initiative

.  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COMMISSIONER, DEPARTMENT OF ENVIRONMENT AND PLANNING**

Item 88 – (COMM. 12D-4) Land Bank Presentation

.  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE DIRECTOR, DEPARTMENT OF BUDGET AND MANAGEMENT**

Item 89 – (COMM. 12D-5) Budget Monitoring Report for Period Ending April 2014

.  
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 90 – (COMM. 12D-6) Transmittal of New Claims Against Erie County

Item 91 – (COMM. 12D-7) Notice of Claim - Bernard J. Mazurczak vs Erie County

Item 92 – (COMM. 12D-8) Notice of Claim - Clare Yager vs Erie County

Item 93 – (COMM. 12D-9) Notice of Claim - Cynthia S. Surowiec

Item 94 – (COMM. 12D-10) Notice of Claim - Damone Taree Savage vs Michael Reardon,  
et al

Item 95 – (COMM. 12D-11) Notice of Claim - Dashon Hines vs Erie County, Department of  
Social Services

Item 96 – (COMM. 12D-12) Notice of Claim - Elisa Heim vs Sheriff Timothy Howard, et al

Item 97 – (COMM. 12D-13) Notice of Claim - Robert Wilms vs Erie County

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

**FROM THE DEPARTMENT OF SOCIAL SERVICES**

Item 98 – (COMM. 12D-14) Letter to Pamela Scotch Regarding Child Protective Services  
Testimony

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES**

Item 99 – (COMM. 12D-15) Community Response to Child Protective Services

Item 100 – (COMM. 12D-16) Initiatives to Support Child Protective Services

Item 101 – (COMM. 12D-17) Education and Training within Child Protective Services

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

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 102 – (COMM. 12M-1) Copy of June 12, 2014 Board of Trustees Meeting Agenda, Minutes for April 17, 2014 Meeting

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE NFTA**

Item 103 – (COMM. 12M-2) NFTA Board Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Item 104 – (COMM. 12M-3) Copy of Remedy Proposed for River Road Site Contamination; Public Comment Period Announced

Item 105 – (COMM. 12M-4) Copy of Remedy Proposed for South Ogden Street Site Contamination; Public Comment Period Announced

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

**FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS**

Item 106 – (COMM. 12M-5) Request for Proposals for Farmland Protection Implementation Projects

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS ASSOCIATION OF COUNTIES**

Item 107 – (COMM. 12M-6) 2014 EC Overview and State Budget Impact

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM FRANCISCO M. VASQUEZ**

Item 108 – (COMM. 12M-7) Letter Regarding CPS and Commissioner Dankert-Maurer  
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM VOICE-BUFFALO**

Item 109 – (COMM. 12M-8) Paper in Support of the Re-Establishment of the Erie County  
Conditional Release Commission

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 110 – CHAIR MILLS announced that the committee schedules and agendas have been  
distributed.

**MEMORIAL RESOLUTIONS**

Item 111 – Legislator Hardwick requested that when the Legislature adjourns, it do so in  
memory of Lisa Marie Stiegman-Strong.

Item 112 – Legislator Morton requested that when the Legislature adjourns, it do so in  
memory of Pat Kozlowski and Ronald Rumski.

Item 113 – Legislator Rath requested that when the Legislature adjourns, it do so in memory  
of Tom “Doc” Ahern.

Item 114 – Legislator Dixon requested that when the Legislature adjourns, it do so in  
memory of Marge Dombrowski.

\*\*\*CHAIR MILLS declared the legislature in recess until June 19, 2014 at 1:00 PM.

The legislature reconvened on June 19, 2014 at 1:00 PM.

All were present.

Item 115 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES  
COMMITTEE from further consideration of Comm. 12E-34. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR.  
SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR.  
RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: Child Protective Services Adjustments  
(COMM. 12E-34)

WHEREAS, Erie County child protective services (“CPS”) investigates reports alleging child abuse or neglect; and

WHEREAS, since the New York State Office of Children and Family Services (“OCFS”) audit in 2013, there has been a significant increase in caseloads caused by a significantly reduced closing rate during the audit period; and

WHEREAS, the backlog has caused CPS workers to be less effective because their time and attention is severely diluted; and

WHEREAS, in order to maintain and sustain high-quality work, caseloads must be reduced; and

WHEREAS, in order to bring caseloads down, the administration has reallocated its existing resources, created new CPS positions (both with legislative approval and through the reclassification process), and increased access to overtime; and

WHEREAS, these measures have not been as impactful as expected and additional resources are needed; and

WHEREAS, OCFS recommends each CPS worker have (at most) fifteen (15) cases; and

WHEREAS, Erie County receives approximately 1,000 reports from the statewide central register each month; and

WHEREAS, if all cases were closed after sixty (60) days and caseloads were on average 15 per worker, there would need to be 133 workers at full capacity (i.e., experienced, non-trainee); and

WHEREAS, due to a salary lower than similar positions and high-stress, turnover occurs frequently in CPS; and

WHEREAS, it is estimated that 151 positions would be necessary in order to ensure there are 133 trained and experienced workers able to take cases; and

WHEREAS, due to the prolonged training time for CPS workers, adding additional CPS workers will not have an immediate impact; and

WHEREAS, law enforcement and probation officers have skills needed to perform some CPS work immediately, and have other skills that will improve CPS investigations and enhance the safety of CPS workers; and

WHEREAS, the Administration for Children’s Services (New York City) has successfully used retired law enforcement officers in its child welfare response for several years and is a model Erie County wishes to utilize; and

WHEREAS, many cases get referred to Children’s Services from CPS for services; and

WHEREAS, due to more rigorous work being during CPS investigations, more services are needed by families at risk; and

WHEREAS, Children’s Services is at capacity, creating a logjam at CPS because cases are not able to move forward and must remain open; and

WHEREAS, additional funding is necessary to increase capacity at community agencies that are contracted by Children’s Services.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby approve the creation of the following new positions in the 2014 Budget of the Department of Social Services in Fund Center 120, Cost Center 1208030, to be effective July 1, 2014:

- Eighteen (18) Child Protective Worker positions (JG 8)
- Three (3) Child Protective Team Leaders (JG 11)
- Three (3) Social Services Team Workers (JG 5)
- One (1) Child Protective Coordinator (JG 12)
- Three (3) RPT Senior Protective Services Investigators (JG 14)
- Three (3) RPT Protective Services Investigators (JG 12)
- Six (6) PT Protective Services Investigators (JG 12)

and be it further

RESOLVED, that authorization is hereby granted to temporarily duplicate-fill Child Protective Worker positions for no more than 180 days for training purposes and to provide critical CPS functions while new employees are canvassed, hired and trained due to the recent establishment of a civil service list for this title; and be it further

RESOLVED, that authorization is hereby provided to make the following budgetary changes in the 2014 Budget of the department of Social Services:

Fund Center 12080 Social Services Child Protection	
<u>Revenue</u>	<u>Increase</u>
407540 State Aid SS Admin	275,478
407680 State Aid Srvs. for Recipients	117,800
411540 Federal Aid SS Admin	115,398
411490 Federal Aid TANF FFFS	160,776
411640 Federal Aid Day Care Block Grants	<u>57,380</u>

Total Revenue	726,832
<u>Expense</u>	<u>Increase/ (Decrease)</u>
500000 Full Time Salaries	436,780
500010 Part Time	63,948
500020 Regular Part Time	104,766
502000 Fringe Benefits	330,043
510000 Local Mileage	44,400
516400 Title XX Preventive and Protective Srvs.	200,000
516410 Lab and Tech Equipment	36,075
525000 MMIS	(500,400)
980000 ID Billing DISS	<u>11,220</u>
Total Expense DSS	726,832
Fund Center 105 Dept. Information and Support Services	
<u>Expense</u>	<u>Increase/ (Decrease)</u>
515000 Utility Charges	11,220
980000 ID Billing DISS	<u>(11,220)</u>
Total Expense DISS	0
Net (Revenue less Expense)	0

and be it further

RESOLVED, that authorization is provided to adjust budgets and contractual agreements based on the increase in Title XX funding, for various community based preventive and protective service agencies as required to expand the availability of services for child protection clients, and be it further

RESOLVED, that the Commissioner of Personnel, Director of Budget and Management and Commissioner of Social Services are hereby authorized to make the necessary budgetary and personnel adjustments necessary to facilitate this resolution; and be it further

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

MR. LORIGO moved to amend. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

ADD THE FOLLOWING RESOLVEDS AFTER THE FIFTH RESOLVED:

RESOLVED, that the Commissioner of the Department of Social Services is directed to attend the Erie County Legislature Health and Human Services Committee meetings on a monthly basis to give updates; and be it further

RESOLVED, that the commissioner comes prepared to discuss several topics including, but not limited to, the number of cases opened and closed for that time period, the average number of cases per worker over that period, the number of outstanding cases that stretch out longer than 60 days and reasoning for their delay; and be it further

RESOLVED, that these reports will further include details regarding the management team hired in 2013 and demonstrable improvements made under their tenure; and be it further

RESOLVED, that in addition to the above reports, the Legislature will be informed about steps taken to address inter- and intra-departmental communication on an individual CPS caseworker basis, including, but not limited to, mental health professionals, youth counseling, and law enforcement agencies; and be it further

RESOLVED, that documentation in these reports be delivered to the Legislative Chambers at least ten (10) business days before the date the Commissioner is scheduled to attend the Health and Human services Committee; and be it further

MR. LORIGO moved to approve as amended. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**ADJOURNMENT**

Item 116 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, June 26, 2014 at 2:00 p.m. Eastern Standard Time. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, June 26, 2014 at 2:00 p.m. Eastern Standard Time.

**SCOTT W. KROLL**  
**CLERK OF THE LEGISLATURE**