

**ERIE COUNTY LEGISLATURE  
MEETING NO. 15  
JULY 24, 2014**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Dixon, who offered a short prayer.

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. LORIGO moved for the approval of the minutes for Meeting Number 13 from 2014. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. GRANT presented a resolution In Remembrance of Charles A. McCracken, Community Leader and Father of Former Legislator Terrence D. McCracken.

Item 6 – MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. BURKE, MR. SAVAGE, MR. MILLS, MR. LORIGO, MS. DIXON, MR. RATH, MR. HARDWICK and MR. MORTON presented a resolution Celebrating the Life of Vincent J. Graber, Sr. Dedicated Statesman, Beloved Father, Grandfather and Invaluable Western New Yorker.

Item 7 – MR. HARDWICK and MR. SAVAGE presented a Memorial Resolution Honoring the Life of Joseph Alaimo.

Item 8 – MR. LORIGO presented a resolution Congratulating Andrew Lavanture, Boy Scout Troop 54, on Obtaining the Rank of Eagle Scout.

Item 9 – MR. LORIGO presented a resolution Congratulating Morgan Paladino on Being Awarded the Gold Award from the Girl Scouts of America.

Item 10 – MS. MILLER-WILLIAMS presented a resolution Congratulating Bianca Sharpe of the Mayor's Summer Internship Program Upon the Successful Completion of First District Legislative Office Internship.

Item 11 – MS. MILLER-WILLIAMS presented a resolution Congratulating Evelyn Jackson, Bryant and Stratton College Student, Upon the Successful Completion of First District Legislative Office Internship.

Item 12 – MS. MILLER-WILLIAMS presented a resolution Congratulating Jeremiah Westbrook of the Mayor's Summer Internship Program Upon the Successful Completion of First District Legislative Office Internship.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Congratulating Naesia Woods of the Mayor's Summer Internship Program Upon the Successful Completion of First District Legislative Office Internship.

Item 14 – MS. MILLER-WILLIAMS presented a resolution Congratulating Shaneequa Cheney of the Mayor's Summer Internship Program Upon the Successful Completion of First District Legislative Office Internship.

Item 15 – MS. MILLER-WILLIAMS presented a resolution Congratulating Vanessa Wilson, Bryant and Stratton College Student, Upon the Successful Completion of First District Legislative Office Internship.

Item 16 – MR. MILLS presented a resolution Congratulating the Orchard Park Chamber of Commerce for Fifty Years of Service to the Community.

Item 17 – MR. MILLS presented a resolution Honoring Heather Willard on the Completion of Her 4000+ Mile Bicycle Ride in Support of The Ulman Cancer Fund For Young Adults - "4K for Cancer".

Item 18 – MR. SAVAGE, MS. MILLER-WILLIAMS, MS. GRANT, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. BURKE, MR. MORTON, MS. DIXON, MR. LORIGO and MR. MILLS presented a resolution Honoring Holy Mother of the Rosary Cathedral and the Wounded Warriors Project for their Dedication to the Wounded Service Members of our Nation.

MR. LORIGO moved for consideration of the above fifteen items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above seven items to add two resolutions for MS. MILLER-WILLIAMS, one for MS. GRANT, one for MS. DIXON and include Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above fifteen items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 19 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 23 – MR. LORIGO moved to take Local Law No. 6 (Print #1) 2014 off of the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
LOCAL LAW INTRO NO. 6 - 2014  
LOCAL LAW NO. \_\_-2014

A local law relating to the leasing of approximately 2 acres of vacant land with an option to lease an additional 1 acre parcel on the South Campus of Erie Community College to West Herr Imports, LLC d/b/a West Herr Toyota of Orchard Park. This Local Law supersedes County Law Section 215, subdivision (4).

Section 1 – Title

This chapter shall be known as the West Herr-ECC lease agreement of 2014.

Section 2 – Description of leasehold

- A. The Erie County Legislature hereby finds as follows: (i) that certain vacant land comprising approximately 2 acres on the South Campus of Erie Community College currently being leased to West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park, New York whose principal offices are located at 3552 Southwestern Boulevard, Orchard Park, New York

14127 (“West Herr”) is not needed for County purposes and that such land shall be best utilized to the County’s and the College’s benefit by permitting the County to extend the term of the existing lease of the property for fair and reasonable consideration to West Herr Imports LLC d/b/a West Herr Toyota . Said property will be used as a site for the construction and operation of a parking surface for displaying vehicles for sale by West Herr. The property (“Parcel 1”) is adjacent to the West Herr Toyota Dealership at 4141 Southwestern Boulevard in Orchard Park and is more fully described and shown on Exhibit “A” hereto, replacing property lost by West Herr through eminent domain proceedings brought by the State of New York for the reconstruction and widening of Southwestern Boulevard, Route 20. and (ii) that certain additional vacant land comprising approximately 2 acres (“Parcel 2”) on the South Campus of Erie Community College is not presently needed for County purposes or public use and that such land as well as a contiguous 1 additional acre (“Parcel 3”) shall be best utilized to the County’s and the College’s benefit by permitting the County to lease the property for fair and reasonable consideration to West Herr. Said property will be used as a site for the construction and operation of a parking surface for displaying vehicles for sale by West Herr. The property is adjacent to property currently under the Lease described above to West Herr, and the parcels are more fully described and shown in Exhibit “A” hereto.

### Section 3 - Limitations

- A. The County of Erie, on behalf of ECC may enter into an amendment of the existing Lease Agreement for Parcel 1, as well as a new Lease Agreement for Parcels 2 and 3, relating to such surplus vacant land with West Herr upon such terms and conditions as may be set forth in a resolution enacted by the Erie County Legislature including, but not limited to, the conditions set forth in Section hereafter.

### Section 4 – Term of Agreement

- A. Notwithstanding the provisions of Section 215 of the County Law or any special act or local law to the contrary, the County of Erie, on behalf of ECC, shall (i) enter into an amendment of the existing Lease Agreement that shall provide for the extension of the lease for Parcel 1 for an additional six (6) year term and an additional five (5) year term, beyond the remaining two (2) five (5) year renewal terms originally contemplated in the existing Lease Agreement, at the option of West Herr upon written notice to the County at any time prior to the end of a renewal term, which amendment shall become effective upon the approval of the Erie County Legislature and (ii) enter into a new Lease Agreement that shall provide for the lease of said Parcel 2 for an initial term of five (5) years which shall begin as soon as practical upon the approval of the Erie County Legislature; provided, however, that West Herr shall have the right to renew the Lease for up to four (4) additional five (5) year terms upon

written notice to the County at any time prior to the end of the initial term and each renewal term, along with an option to lease Parcel 3.

Section 5 – Severability

- A. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion herein.

Section 6 - Effective Date

- A. This local law shall take effect immediately upon its filing in accordance with Section 27 of the Municipal Home Rule Law.

Sponsored By: Legislator Mills

MR. LORIGO moved to approve Local Law No. 6 (Print #1) 2014. Mr. RATH seconded.

CHAIR MILLS directed 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: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 24 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2014 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 25 – MR. HARDWICK 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. 172

July 21, 2014

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 12E-9 (2014)  
MILLER-WILLIAMS: "Open Letter Regarding Potential Buffalo Bills Stadium Sites in Buffalo"  
(6-0)
  - b. COMM. 12E-15 (2014)  
COUNTY EXECUTIVE: "OPEN ITEM - ECC Academic Building - Environmental Analysis, Design and Construction"  
(6-0)
  - c. COMM. 12E-16 (2014)  
COUNTY EXECUTIVE: "OPEN ITEM - Ralph Wilson Stadium - 2014 - Field House Lighting Upgrades"  
(6-0)
2. COMM. 14E-6 (2014)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Florine Luhr of 777 Starin Avenue, Buffalo, NY 14223 to serve on the Erie Arts and Cultural Advisory Board.

(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 26 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

July 21, 2014

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6D-1 (2014)  
COMPTROLLER'S OFFICE: "Notice of Audit of Fleet Services"

(6-0)

b. COMM. 14M-1 (2014)  
NFTA: "NFTA Board Minutes"  
(6-0)

c. COMM. 14M-2 (2014)  
NFTA: "Notice of Audited Financial Statement Available on Website"  
(6-0)

2. INTRO. 14-1 (2014)  
BURKE

WHEREAS, Erie County is limited to two Internet Service Providers, Time Warner and Verizon; and

WHEREAS, the City of Buffalo is limited to only one high speed Internet Service Provider, Time Warner; and

WHEREAS, many rural areas have very limited access to internet service which is needed in our modern society; and

WHEREAS, the cost of internet access is unreasonably high due to a lack of competition; and

WHEREAS, people of low income, often the people who need internet access the most are not able to afford this necessary service; and

WHEREAS, Erie County does not have a provider that offers top level internet speed; and

WHEREAS, Chattanooga Tennessee as well as several other local governments throughout our nation have developed their own high speed broadband service that has served their citizens well, added much needed revenue to their books and worked as a mechanism for attracting companies to their region; and

WHEREAS, several companies such as Volkswagen America, sighted Chattanooga's municipal broadband service as a reason for investing in that city; and

WHEREAS, several new technology companies are committing to the Buffalo region and their chances of viability will be aided with the increased capacity of a top speed fiber optic broadband network; and

WHEREAS, municipal broadband service acts as a necessary counter to the negative effects of anti-net neutrality policies; and

WHEREAS, municipal broadband service could serve as an alternative revenue source for County government, reducing our dependence on sales tax revenue; and

WHEREAS, municipal broadband service acts as a necessary counter to the growing monopoly created by the potential Time Warner/Comcast merger.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature recognizes the positive economic and social impact that a county wide broadband system could have on our region; and be it further

RESOLVED, that the Economic Development Committee make serious consideration through discussions of this matter at its earliest possible convenience, and that the appropriate persons be invited to address the committee; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; the New York State Governor, the Honorable Andrew Cuomo; and all New York State Assembly and Senate representatives whose district encompasses any portion of Erie County.

(6-0)

3. COMM. 14E-7 (2014)  
COUNTY EXECUTIVE

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

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

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

WHEREAS, it is anticipated that the Buffalo Erie Niagara Land Improvement Corporation will exercise its preemptive bid powers at the upcoming County In Rem 162 tax sale; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation

(BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 162.to be held on September 24, 2014; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes

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

(6-0)

4. COMM. 14E-8 (2014)  
COUNTY EXECUTIVE

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

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

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

WHEREAS, it is anticipated that the Buffalo Erie Niagara Land Improvement Corporation will exercise its preemptive bid powers at the upcoming City of Lackawanna tax foreclosure sale; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and

Maintenance/Foreclosure Cost Recapture Policy for the City of Lackawanna tax sale; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes

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

(6-0)

5. COMM. 14E-9 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Abbott Road Bridge over Newman Creek Reconstruction Project in the Town of Orchard Park, Erie County, PIN 5758.74 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN 5758.74; and

WHEREAS, the County of Erie advanced the Project's Construction Phase via Comm. Nos. 10E-14 (2013) adopted on June 6, 2013 and 5E-13 (2014) adopted on April 3, 2014; and

WHEREAS, the County of Erie desires to accept Federal and Marchiselli funds for the Construction phase of the Project, PIN 5758.74 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by \$118,750 and related project budget in Fund 420, B.13001, 2013 Abbott Road Bridge over Newman Creek Reconstruction; and

WHEREAS, the Abbott Road Bridge over Newman Creek Reconstruction Project PIN 5758.74 has been advertised, bid, awarded to the responsible low bidder Edbauer Construction, and work is now complete; and

WHEREAS, the SAP project is currently estimated at \$1,281,250; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased and the County can request Federal and Marchiselli reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie 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 Construction and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.13001 - 2013 Abbott Road Bridge over Newman Creek Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$118,750 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$142,500	\$18,750	\$161,250
414000	Federal Aid	760,000	100,000	860,000
445070	Prem on Obligation	35,205	0	35,205
475000	Gen Oblig Bond Proc	<u>224,795</u>	<u>0</u>	<u>224,795</u>
TOTAL REVENUES		<u>\$1,162,500</u>	<u>\$118,750</u>	<u>\$1,281,250</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$1,162,500</u>	<u>\$118,750</u>	<u>\$1,281,250</u>
TOTAL APPROPRIATIONS		<u>\$1,162,500</u>	<u>\$118,750</u>	<u>\$1,281,250</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,281,250 is hereby appropriated from B.13001 – 2013 Abbott Road Bridge over Newman Creek Reconstruction and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection phase exceeds the amount appropriated, \$1,281,250, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and 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 and State Aid eligible Project costs and all Project costs within appropriations therefor 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 the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 14E-10 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Federal Aid Bridge Painting Project, Five (5) Bridges, BIN 3327390, 3327770, 3327830, 33128110 and 3328410, in the Towns of Evans, Brant, Aurora and Concord, in Erie County, PIN 5760.41; the Federal Aid Bridge Deck Sealing of Various Bridges in Various Towns in Erie County, PIN 5760.42 ; and the Federal Aid Bridge Joint Replacement of Four Bridges in Towns of Aurora, Alden and Amherst in Erie County, PIN 5760.43 (the Projects) are eligible for funding under Title 23 US Code, as amended, that calls for the appointment of the costs of such programs to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute Supplemental Agreements with New York State Department of Transportation in the total amount of \$1,225,000; and

WHEREAS, the Legislature of the County of Erie via Comm. 8E-4 of April 24, 2014 approved the above subject projects design phase; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Non-Federal share of the costs of the project, PIN 5760.41, PIN 5760.42, PIN 5760.43; and

WHEREAS, the total Construction and Construction Inspection Phases of the project is \$1,225,000, and the County is required to provide the local share portion of the Project phase in the amount of \$97,250.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the Department of Public Works' Federal Aid Projects 5760.41, 5760.42, and 5760.43 Construction and Construction Inspection Phases; and be it further

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

RESOLVED, that the Project Fund B.13002, 2013 Bridge Enhancement Programs, Fund Center 123, Fund 420, be increased by the anticipated Federal and New York State revenue in the amount of \$1,127,750 as follows:

REVENUES		CURRENT	INCREASE/	REVISED
Account	Description	BUDGET	DECREASE	BUDGET
405160	NYS Marchiselli	\$ 0	\$ 147,750	\$147,500
414000	Federal Aid	\$ 0	\$ 980,000	\$980,000
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$400,000</u>
TOTAL REVENUES		<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>
TOTAL APPROPRIATIONS		<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,225,000 is hereby appropriated from B.13002 – 2013 Bridge Enhancement Programs and made available to cover the cost of participation in the Construction and Construction Inspection Phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

RESOLVED, that the County Executive be authorized and is hereby directed to execute the New York State Federal Aid Supplemental Agreements, award the respective project responsible low bidder(s), contract with LiRo Engineers, Inc. and CHA Consultants, Inc. for construction engineering and inspection services, establish respective project contingencies for approved related project change orders in an amount not to exceed \$1,225,000; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, by attaching it to any necessary Agreement in connection with the Projects, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward one (1) certified copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

7. COMM. 14E-11 (2014)  
COUNTY EXECUTIVE

WHEREAS, on June 18, 1934 Congress approved an Act “to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States to expedite and encourage foreign commerce and for other purposes” (hereafter the “Foreign Trade Zones Act”); and

WHEREAS, in accordance with the Foreign Trade Zones Act and regulations relating thereto, the County of Erie did apply to the Foreign Trade Zones Board (“Board”) for a GRANT to establish, operate and maintain Foreign Trade Zone No. 23 at Buffalo, New York and received such GRANT pursuant to Board Order No. 110 on March 31, 1976; and

WHEREAS, the County of Erie has determined, in accordance with the Foreign Trade Zones Act and regulations relating thereto, that it is desirable to restructure Foreign Trade Zone No. 23 under the Alternative Site Framework as announced by the Board in 74 *Federal Register* 1170 on January 12, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie and the County Executive, Grantee of Foreign Trade Zone No. 23, is hereby duly authorized to submit an Application to reorganize General Purpose Foreign Trade Zone No. 23 under the Alternative Site Framework and the County Executive is hereby authorized to execute any Agreements with the Foreign Trade Zone Board, with any prospective companies to be in the Zone, and the Erie County Industrial Development Agency for management of the Zone; and be it further

RESOLVED, that any subsequent Administrative Actions, such as the addition of a Usage Driven Boundary Modification application to be filed at the Foreign Trade Zones Board relating to this application are also specifically authorized. This will provide the County of Erie with the ability to quickly react to a request by a company under the Alternative Site Framework; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Director of the Division of Budget and Management; the Comptroller’s Office; the Commissioner of the Department of Environment and Planning and the County Attorney.

(6-0)

EDWARD A. RATH, III  
CHAIR

Item 27 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

July 21, 2014

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 12E-22 (2014)  
COUNTY EXECUTIVE: “EC Sewer District No. 5, Clarence Research Park STP  
Improvements, Contract No. 19”  
(6-0)

2. COMM. 13E-13 (2014)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Tribute Garden will honor those whose lives have been affected by domestic violence and give survivors and their families a safe place to reflect and find solace; and

WHEREAS, the Eire County Department of Public Works received bids for the Isle View Park – 2014 – Tribute Garden – Phase I on July 8, 2014 and is recommending award of a contract, along with the Architect, to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, Scott Lawn Yard, Inc. for an amount not to exceed \$33,550.00; and be it further

RESOLVED, that the sum of \$6,450.00 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 payment for all the above from SAP project account and Erie County Operating Budget as follows:

A.14007 –2014- Countywide Parks Improvements	\$15,000.00
Fund 110, Fund Center 10910, Account 513060	<u>\$25,000.00</u>
For An Amount Not To Exceed	\$40,000.00

and be it further

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

(6-0)

3. COMM. 14E-13 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 5, Clarence Research Park STP Improvements, Contract No. 19 at 2:00 P.M. on June 10, 2014:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 19	NFP and Sons, Inc. 7311 Ward Road North Tonawanda, NY 14120	\$453,300.00

WHEREAS, the aforementioned lowest responsible bidder has successfully completed similar sized construction contracts in Erie County; and

WHEREAS, there is available cash in the County Sewer District No. 5 Capital Reserve Account C.00005.

NOW, THEREFORE BE IT

RESOLVED, the Clarence Research Park STP Improvement project, Contract No. 19, be awarded to NFP and Sons, Inc. in the not to exceed amount of \$453,300.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized and directed to establish a new Capital Project – C.14501 – “ECSD5 CRP STP Upgrades .453M”, with estimated revenues of \$453,300.00 ((486000), Interfund Transfer from Capital Reserve) and appropriations of \$453,300.00 (Professional Services (516020)), and to establish all budgetary accounts necessary to facilitate transfer of funds; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized to establish budgets as necessary and directed to transfer \$453,300.00 from Erie County Sewer District No. 5 Capital Reserve Account C.00005 to Erie County Sewer District No. 5 Capital Account C.14501; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$453,300.00 from Erie County Sewer District No. 5 Capital Account C.14501 for this project, and be it further;

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

4. COMM. 14E-15 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project will rehabilitate three (3) dams; and

WHEREAS, funding for this Project was approved and is available in Fund 420, Business Area 123, Project B.11029.1 – 2011 Dam Safety and Preservation, Construction in the amount of \$284,914.51; and in Fund 420, Business Area 123, Project B.12010.1 – 2012 Dam Safety and Preservation, construction in the amount of \$150,000.00.

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project between the County of Erie and the lowest responsible bidder, establish a Construction Contingency and execute a negotiated contract between the County of Erie and project engineers Bergmann Associates; and be it further

RESOLVED, that funding for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project be allocated from Fund 420, Business Area 123, Project B.11029.1 – 2011 Dam Safety and Preservation, Construction in an amount not to exceed \$284,914.51, and from Fund 420, Business Area 123, Project B.12010.1 – 2012 Dam Safety and Preservation, Construction; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Sprague

Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

TED B. MORTON  
CHAIR

Item 28 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

July 21, 2014

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 24E-2 (2013)  
COUNTY EXECUTIVE: “2014-2017 Revised EC Four Year Financial Plan”  
(5-0, Legislator Miller-Williams not present for vote)
  - b. COMM. 10D-5 (2014)  
DIVISION OF INFORMATION AND SUPPORT SERVICES: “DISS Response to Comptroller Review of Wireless Devices”  
(5-0, Legislator Miller-Williams not present for vote)
  - c. COMM. 14E-16 (2014)  
COMPTROLLER: “Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Mar, Apr, May 2014”  
(5-0, Legislator Miller-Williams not present for vote)
  - d. COMM. 14D-1 (2014)  
DIRECTOR, DEPARTMENT OF BUDGET AND MANAGEMENT: “Budget Monitoring Report for Period Ending May 2014”  
(5-0, Legislator Miller-Williams not present for vote)
  - e. COMM. 14M-3 (2014)

NYS DEPARTMENT OF TAXATION AND FINANCE: "2014 State Equalization Rates - City of Buffalo, Town of Eden"  
(5-0, Legislator Miller-Williams not present for vote)

2. COMM. 14E-17 (2014)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individuals to the Citizens Salary Review Commission of Erie County for a full term: Robert Glaser - Chair (5039 Shale Bluff Court, Clarence, NY 14031), Dr. Laurie Buonanno (134 Euclid Avenue, Kenmore, NY 14217), William Ransom Jr (8152 Oak Leaf Lane, Williamsville, NY 14221), Owen Partick Brady (53 Birchwood Court, Williamsville, NY 14221), James Wagner (67 Cloverside Court, West Seneca, NY 14224), and Jennifer Persico (231 Richmond Avenue, Buffalo, NY 14222).

(5-0, Legislator Miller-Williams not present for vote. Receive, file, and print.)

3. 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 214129 through 214150, 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	2014	Petition No.	214,129.00
	ASSESSOR	Cancel	\$318.89
S-B-L	335.20-3-19	135 Elk St	143801 SPRINGVILLE
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$318.89 Town/SpecialDist/School
<u>Charge To :</u>		143801 SPRINGVILLE	\$318.89
	Relevy Village		\$318.89 Village of SPRINGVILLE
RPTL550(2): Assessment record card differs from assessment roll			
New tax bill to be issued			

FISCAL YEAR	2014	Petition No.	214,130.00
	ASSESSOR	Cancel	\$951.23

S-B-L 115.28-6-24.1 3 Huntley Dr 145203 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$951.23	Town/SpecialDist/School
<u>Charge To :</u>	145203 LANCASTER		\$951.23

Relevy Village \$951.23 Village of LANCASTER  
RPTL550(3): Building demolished before taxable status date  
New tax bill to be issued

FISCAL YEAR 2012 Petition No. 214,131.00

ASSESSOR Refund \$225.49  
S-B-L 53.80-2-21 247 Northwood Dr 146489 TONAWANDA

	Acct. No. 112	\$92.77	County
	Acct. No. 132	\$132.72	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA		\$132.72

RPTL550(2): Veterans exemption removed in error  
Refund to be issued to Lucille Spoth

FISCAL YEAR 2013 Petition No. 214,132.00

ASSESSOR Refund \$226.02  
S-B-L 53.80-2-21 247 Northwood Dr 146489 TONAWANDA

	Acct. No. 112	\$92.10	County
	Acct. No. 132	\$133.92	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA		\$133.92

RPTL550(2): Veterans exemption removed in error  
Refund to be issued to Lucille Spoth

FISCAL YEAR 2014 Petition No. 214,133.00

ASSESSOR Refund \$232.42  
S-B-L 53.80-2-21 247 Northwood Dr 146489 TONAWANDA

	Acct. No. 112	\$91.88	County
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RPTL550(2): Incorrect special district charge  
Refund to be issued to Nancy Fohagy

FISCAL YEAR	2014	Petition No.	214,137.00
	ASSESSOR	Refund	\$306.39
S-B-L	69.20-4-1	306 Hampton Hill D	142289 AMHERST
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Dorothy Creighton

FISCAL YEAR	2014	Petition No.	214,138.00
	ASSESSOR	Refund	\$306.39
S-B-L	69.20-4-4	300 Hampton Hill D	142289 AMHERST
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Patricia A Oreskovic

FISCAL YEAR	2014	Petition No.	214,139.00
	ASSESSOR	Refund	\$306.39
S-B-L	69.20-4-17	12 St. Charles Ct	142289 AMHERST
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to James and Loraine Ingrassi

FISCAL YEAR 2014                      Petition No.                      214,140.00

   ASSESSOR                      Refund                      \$306.39  
S-B-L 69.20-4-19                      8 St. Charles Ct 142289 AMHERST

   Acct. No. 112                      \$0.00                      County  
   Acct. No. 132                      \$306.39                      Town/SpecialDist/School  
Charge To :                      142289 AMHERST                      \$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Ruth Bagardus

FISCAL YEAR 2014                      Petition No.                      214,141.00

   ASSESSOR                      Refund                      \$306.39  
S-B-L 69.20-4-21                      4 St. Charles Ct 142289 AMHERST

   Acct. No. 112                      \$0.00                      County  
   Acct. No. 132                      \$306.39                      Town/SpecialDist/School  
Charge To :                      142289 AMHERST                      \$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Susan Tully

FISCAL YEAR 2014                      Petition No.                      214,142.00

   ASSESSOR                      Refund                      \$306.39  
S-B-L 69.20-4-22                      2 St. Charles Ct 142289 AMHERST

   Acct. No. 112                      \$0.00                      County  
   Acct. No. 132                      \$306.39                      Town/SpecialDist/School  
Charge To :                      142289 AMHERST                      \$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to John P and Patricia Panko

FISCAL YEAR	2014	Petition No.	214,143.00
	ASSESSOR	Refund	\$306.39
S-B-L	69.20-4-23	1 St. Charles Ct 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Gust D. and Jean M. Servis

FISCAL YEAR	2014	Petition No.	214,144.00
	ASSESSOR	Refund	\$306.39
S-B-L	69.20-4-24	3 St. Charles Ct 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Dianne P.Killeen

FISCAL YEAR	2014	Petition No.	214,145.00
	ASSESSOR	Refund	\$306.39
S-B-L	69.20-4-26	7 St. Charles Ct 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Katherine Tse

FISCAL YEAR	2014	Petition No.	214,146.00
	ASSESSOR	Refund	\$306.39

S-B-L 69.20-4-27 9 St. Charles Ct 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Victor and Rose Viglioli

FISCAL YEAR 2014 Petition No. 214,147.00

ASSESSOR Refund \$306.39  
S-B-L 69.20-4-28 11 St. Charles Ct 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Thomas L and Elizabeth J McDonald

FISCAL YEAR 2014 Petition No. 214,148.00

ASSESSOR Refund \$306.39  
S-B-L 69.20-4-31 17 St.Charles Ct 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Angelo D Lauris and Katherine

FISCAL YEAR 2014 Petition No. 214,149.00

ASSESSOR Refund \$306.39  
S-B-L 69.20-4-32 289 Hampton Hill D 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Nancy J. Schueler

FISCAL YEAR 2014                      Petition No.                      214,150.00

   ASSESSOR                      Refund                      \$306.39  
S-B-L 69.20-4-20                      6 St Charles Ct 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.39	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$306.39

RPTL550(2): Incorrect special district charge  
Refund to be issued to Diane E. Cockrell

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.  
(5-0, Legislator Miller-Williams not present for vote)

JOSEPH C. LORIGO  
CHAIR

Item 29 – MR. HARDWICK presented the following report and moved to separate item number 4 and approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

July 21, 2014

GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 9

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

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

- a. COMM. 10E-30 (2014)  
MILLS: "Letter to Chris Johnston Regarding Departure of Buffalo Niagara World Trade Center and Remaining Acting Chairman of the ECIDA"  
(6-0)
- b. COMM. 14D-2 (2014)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 30 – MS. DIXON presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

July 21, 2014

HEALTH & HUMAN SERVICES COMMITTEE  
REPORT NO. 9

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 10D-6 (2014)  
COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES: "Department of Social Services Review of Enhanced Shelter Rates As Per Intro. 3-5 (2014)"  
(5-0, Legislator Grant not present for vote)
  - b. COMM. 10D-7 (2014)  
DEPARTMENT OF SOCIAL SERVICES: "CPS A Review of Determinations and Cases Recommended for Closure in Child Abuse and Maltreatment Reports Investigated by EC"  
(5-0, Legislator Grant not present for vote)
  - c. COMM. 10M-10 (2014)  
NYS OFFICE OF CHILDREN AND FAMILY SERVICES: "EC Child Protective Services Assessment - Findings and Recommendations"  
(5-0, Legislator Grant not present for vote)
  - d. COMM. 10M-11 (2014)  
PETER A. REESE: "Documents Regarding Status of ECMC and its Relationship to EC, Kaleida and Great Lakes Healthcare"  
(5-0, Legislator Grant not present for vote)
  - e. COMM. 12E-33 (2014)

MILLER-WILLIAMS: "Letter Regarding Status of Commissioner Dankert-Maurer"  
(5-0, Legislator Grant not present for vote)

- f. COMM. 12D-14 (2014)  
DEPARTMENT OF SOCIAL SERVICES: "Letter to Pamela Scotch Regarding Child Protective Services Testimony"  
(5-0, Legislator Grant not present for vote)
- g. COMM. 12D-16 (2014)  
COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES: "Initiatives to Support Child Protective Services"  
(6-0)
- h. COMM. 12D-17 (2014)  
COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES: "Education and Training within Child Protective Services"  
(6-0)
- i. COMM. 12D-18 (2014)  
COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES: "Immediate Consideration for Comm. 12E-34"  
(6-0)
- j. COMM. 13E-27 (2014)  
LORIGO: "Request for Additional Information from Commissioner Dankert-Maurer and Child Protective Services"  
(6-0)
- k. COMM. 13E-28 (2014)  
MILLS: "Appointment Request for the Board of Health"  
(6-0)

2. COMM. 14E-19 (2014)  
COUNTY EXECUTIVE

WHEREAS, the purpose of this resolution is to authorize entering into contract for Cancer Services reimbursement from multiple sources with Brain and Spine Medical Services, PLLC, DBA DIA Invision Health for the provision eligible clinical services during the time period 12/1/13 through 3/31/18; and

WHEREAS, the provision of clinical services is based upon New York State Department of Health assigned rates for the Partners for Prevention Cancer Services Program of Erie County; and

WHEREAS, the funds necessary to cover the costs of this contract have been appropriated in the 2014 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and amendments to that contract for Cancer Services reimbursement from multiple sources with Brain and Spine Medical Services, PLLC, DBA DIA Invision Health for the provision eligible clinical services during the time period 12/1/13 through 3/31/18; and be it further

RESOLVED, that funds necessary to cover the costs of this contract are available in the 2014 budget; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

(6-0)

3. COMM. 14E-20 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition (III-C-1) grant for the period January 1, 2014 through December 31, 2014; and

WHEREAS, the Department of Senior Services continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, the Department of Senior Services recommends that a new congregate dining site, Williamstowne Apartments located at 2940 William Street, Cheektowaga, NY 14227, be added to the Stay Fit Dining program to serve needful seniors, and

WHEREAS, Williamstowne Apartments desires to operate as a dining site at 2940 William Street, Cheektowaga, NY 14227 as part of the Department's Stay Fit Dining program to serve needful seniors; and

WHEREAS, the Department of Senior Services desires to contract with the sponsor, Williamstowne Apartments, to begin serving meals after the effective date of this resolution for the period August 1, 2014 to December 31, 2014, and

WHEREAS, the Professional Services (Clean-up and Escort Services) account has sufficient funds available to cover the cost of the new dining site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Williamstowne Apartments to operate a dining site at 2940 William Street, Cheektowaga, NY 14227, for the period August 1, 2014 to December 31, 2014; and be it further

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

(6-0)

4. COMM. 14E-21 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP), selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has the responses, evaluation and selection material available; and

WHEREAS, these contracts will enable employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting departmental operations; and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts; and

WHEREAS, there is no fiscal impact to the 2014 Adopted Budget based on this resolution and no additional County local share funds are necessary because the existing appropriation in Account 516040, DSS Training and Education, is sufficient to cover these contract renewals for 2014.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contracts to New York State mandated State University of New York (SUNY) institutions as specified below:

Educational Institution	Period	Gross Contract	Institution's Contribution	Amount to be Paid
Buffalo State College (CDHS) degrees (Master's in Public Administration / Bachelor's in Business / Social Work)	9/1/14 - 8/31/15	\$467,936	\$168,457	\$299,479
Empire State College (Bachelor's/Associate's Degrees in Business / Community and Human Services)	9/1/14 - 8/31/15	\$433,049	\$155,898	\$277,151
Empire State College (In-Service Training And Organizational Development)	9/1/14 - 8/31/15	\$1,015,581	\$304,674	\$710,907
SUNYAB – School of Social Work (Master's of Social Work)	9/1/14 - 8/31/15	\$225,671	\$78,985	\$146,686
SUNYAB – School of Social Work (In-Service Training)	9/1/14 - 8/31/15	\$8,448	\$2,957	\$5,491
Total		\$2,150,685	\$710,971	\$1,439,714

and be it further

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

(6-0)

5. COMM. 14E-22 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Commissioner, Dr. Gale R. Burstein's research and advocacy has focused on health insurance and public financing of care for adolescents and young adults, consent and confidentiality protections and sexual and reproductive health care; and

WHEREAS, due to her dedication, efforts and knowledge, Northeastern University invited her to give a presentation via webinar that promoted the health of adolescents and young adults and their access to comprehensive health care; and

WHEREAS, Northeastern University has indicated that the Health Department is entitled to an honorarium in the amount of \$1,000.00; and

WHEREAS, the Department of Health has provided the necessary W-9 to process the payment from the Northeastern University.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the honorarium from Northeastern University, to be recorder as revenue in the Department of Health, and be it further

RESOLVED, that certified copies of this resolution will 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, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

(6-0)

6. COMM. 14E-24 (2014)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides medical services at the Youth Detention Center under an agreement with the Department of Social Services; and

WHEREAS, in order to more efficiently meet the New York State staffing mandates for seven days per week medical coverage, it is necessary to adjust the nursing staff at the Youth Detention Center; and

WHEREAS, it is necessary to create one full-time position of Registered Nurse, JG 8, one part-time position of Registered Nurse, JG 8 and delete one regular part-time position of Registered Nurse, JG 8; and

WHEREAS, there are sufficient funds available in the 2014 Adopted Budget of the Health Department for this personnel adjustment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to make the following staffing adjustments to be budgeted as follows:

Health Division BD12700	
<u>INCREASE</u>	
Account 500000 Full Time Salaries	\$21,890
Account 500010 Part-Time Staff	<u>4,000</u>
Total	\$25,890
 <u>DECREASE</u>	
Account 500020 Regular Part Time	\$17,890
Account 516020 Professional Service Contract & Fees	<u>8,000</u>
Total	\$25,890

and be it further

RESOLVED, that one position of Registered Nurse RPT, JG8, is hereby deleted, and one full-time position of Registered Nurse, JG 8, and one part-time position of Registered Nurse, JG 8, are hereby created effective 8/4/14, (B100-7832); and be it further

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

(6-0)

LYNNE M. DIXON  
CHAIR

Item 31 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

July 21, 2014

PUBLIC SAFETY COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 2E-28 (2014)

RATH: "Air Card Usage by Law Enforcement Officers"  
(5-0)

b. COMM. 14M-4 (2014)

JOHN R MCCLIVE: "Letter Concerning the Removal of Conviction Question for  
Employment Applications"  
(5-0)

2. COMM. 14E-1 (2014)

SHERIFF

WHEREAS, from time to time the Erie County Sheriff's Office is requested to provide  
traffic safety details for utility and construction companies, and

WHEREAS, other municipal policing entities including the New York State Police  
charge utility, construction and other companies for said services, and

WHEREAS, the Erie County Sheriff's Office does not currently have  
legislative authorization to charge for traffic safety details, and

WHEREAS, the Erie County Sheriff's Office would like to have authorization to charge  
non-governmental entities for traffic safety details in an effort to defray costs to county  
taxpayers,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sheriff's Office is authorized to charge for traffic  
safety details to non-governmental entities at an hourly rate equivalent to the cost of providing  
the service, and be it further

RESOLVED, that funds derived from the provision of traffic safety details shall be  
recorded in Business Area 115, Sheriff Division, to be utilized for the maintenance and repair of  
the Sheriff's Road Patrol fleet; and be it further

RESOLVED, that upon receipt of actual funds from a traffic safety detail, the Director  
of

Budget and Management shall appropriate said funds within the revenue and expense  
accounts of the Sheriff Division, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County  
Sheriff's Chief of Administration, the County Executive, the Division of Budget and Management  
and the Office of Comptroller.

(5-0)

3. COMM. 14E-2 (2014)  
SHERIFF

AS AMENDED

WHEREAS, the New York State Commission of Correction 2012 security staffing analysis recommended the addition of 72 positions to the Jail Management Division, and

WHEREAS, over the past few years the County has added security positions to the Jail Management Division through a phased in approach, and

WHEREAS, the additional security staffing additions have allowed the Jail Management Division to decrease mandated overtime which served to relieve officer stress, improve moral and provide for overtime savings in the budget, and

WHEREAS, the final phase of the staffing additions requires the approval of 13 new positions, and

WHEREAS, available vacancy savings will provide funding for the positions in the personal services and fringe benefit accounts of the Jail Management Division,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided to add the following positions in the Sheriff's Jail Management Division effective September 8, 2014 (B-100 #s 7853, 7854, 7855 and 7856):

Title	New Positions
Deputy Sheriff-Officer (Teamster)	9
Sergeant-Officer (Teamster)	1
Correction Sergeant (CSEA)	2
Captain-Officer (Teamster)	<u>1</u>
Total	13

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary budgetary adjustments to facilitate this request, including using vacancy control as a source of funds for these positions as necessary; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Sheriff's Chief of Administration, the County Executive, the Division of Budget and Management, Personnel Office and the Office of Comptroller.

(5-0)

4. COMM. 14E-23 (2014)

COUNTY EXECUTIVE

WHEREAS, the State of New York, through its Office of Homeland Security serves as the administrator for grant HS167SHSP1114 and has awarded Erie County funding to prevent, defend against, prepare and mitigate the impacts of terrorist attacks; and

WHEREAS, the City of Buffalo, Erie County and Niagara County are considered the Buffalo Erie Niagara Region and collaborate homeland security funds;

WHEREAS, the City of Buffalo Police Department identified a gap in homeland security and Erie County is able to, as part of this partnership, purchase and provide the City with ten (10) Mobile Data Terminals (MDT); and

WHEREAS, these Mobile Data Terminals have each been assigned a county tracking tag consistent with the Department of Homeland Security and NYS Homeland Security for audit purposes. The City of Buffalo has agreed to maintain accurate accounting of each MDT and present verification of use and location in the event of an audit by the Department of Homeland Security and/or NYS Homeland Security.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of the ten (10) MDTs from Erie County Emergency Services to the City of Buffalo Police Department; 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 c/o Melissa Calhoun, the County Comptroller, and the County Attorney.  
(5-0)

EDWARD A. RATH, III  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 32 – MR. LORIGO presented the following resolution and moved to consider. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Appointments to the EC Bridge and  
Road Infrastructure Maintenance  
Advisory Board  
(INTRO. 15-1)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLS

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

CARRIED UNANIMOUSLY.

ADD:

WHEREAS, Intro. 11-3 (2014), approved by this body on May 22, 2014, created the Erie County Bridge and Road Infrastructure Maintenance Advisory Board.

NOW, THEREFORE, BE IT

RESOLVED, that upon the recommendation of the Association of Erie County Governments of a representative from "North" municipalities, the Erie County Legislature appoints:

Supervisor Mary S. Cooke  
Town of Grand Island  
2255 Baseline Road  
Grand Island, NY 14072

RESOLVED, that upon the recommendation of the Association of Erie County Governments of a representative from "South" municipalities, the Erie County Legislature appoints:

Supervisor Michael C. Kasprzyk  
Town of Holland  
47 Pearl Street  
Holland, NY 14080

RESOLVED, that upon the recommendation of the Town Highway Superintendents Association of Erie County of a representative from "North" municipalities, the Erie County Legislature appoints:

William E. Swanson  
Town of Tonawanda  
2919 Delaware Avenue  
Kenmore, NY 14217

RESOLVED, that upon the recommendation of the Town Highway Superintendents Association of Erie County of a representative from "South" municipalities, the Erie County Legislature appoints:

Dennis M. Dains  
Town of Concord  
North Central Avenue  
Springville, NY 14141

RESOLVED, that upon the recommendation of the Greater Buffalo-Niagara Regional Transportation Council, the Erie County Legislature appoints:

Hal Morse  
Greater Buffalo-Niagara Regional Transportation Council  
438 Main Street, Suite 503  
Buffalo, NY 14202

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

CARRIED UNANIMOUSLY.

Item 33 – MR. LORIGO presented the following resolution and moved to consider. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Chairman and Majority Appointments to  
Salary Review Commission  
(INTRO. 15-2)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLS

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

CARRIED UNANIMOUSLY.

ADD:

WHEREAS, the Erie County Charter authorizes the majority to appoint two (2) members to the Citizens Salary Review Commission; and

WHEREAS, the majority, through a vote of the majority of their members, has selected the following individuals for appointment:

Dennis Jewell, CPA.  
8 Thomaston Ln.  
Orchard Park, NY 14127

Jim Domagalski  
75 Hawthorne Rd.  
Orchard Park, NY 14127

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the Erie County Charter the majority caucus of the Erie County Legislature hereby approves and appoints the above named individuals to the Citizens Salary Review Commission.

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

CARRIED UNANIMOUSLY.

Item 34 – MR. LORIGO presented the following resolution and moved to consider. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Appointments to the EC Community  
Corrections Advisory Board  
(INTRO. 15-3)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLS

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

CARRIED UNANIMOUSLY.

ADD:

WHEREAS, Intro. 8-3 (2014), approved by this body on April 10, 2014, re-established the Erie County Community Corrections Advisory Board.

NOW, THEREFORE, BE IT

RESOLVED, that upon the recommendation of the Chair of the Erie County Legislature, the Erie County Legislature appoints:

Richard Lippitt  
60 South Davis Street  
Orchard Park, NY 14127

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

CARRIED UNANIMOUSLY.

Item 35 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

RE: Standard Work Day for Elected Officials  
for Retirement Reporting Purposes  
(INTRO. 15-4)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLS

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/ends</u>	<u>Participates in Employer's Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
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ELECTED OFFICIALS:

Comptroller	Stefan Mychajliw	7	01/01/2014 – 12/31/2018	N	31.11
Legislator	Barbara Miller-Williams	6	01/01/2014 – 12/31/2015	N	22.33
Legislator	Betty Jean Grant	6	01/01/2014 – 12/31/2015	N	31.39
Legislator	Patrick Burke	6	01/01/2014 – 12/31/2015	N	23.72
Legislator	Ted B. Morton	6	01/01/2014 – 12/31/2015	N	17.33
Legislator	Kevin R. Hardwick	6	01/01/2014 – 12/31/2015	N	17.22
Legislator	Thomas A. Loughran	6	01/01/2014 – 12/31/2015	N	22.56
Legislator	Edward A. Rath III	6	01/01/2014 – 12/31/2015	N	17.61
Legislator	Joseph C. Lorigo	6	01/01/2014 – 12/31/2015	N	24.14
Legislator	Lynne M. Dixon	6	01/01/2014 – 12/31/2015	N	25.03
Legislator	John J. Mills	6	01/01/2014 – 12/31/2015	N	18.53

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

Item 36 – CHAIR MILLS directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 15-5 from LORIGO & RATH. Extension of Brownfield Clean-Up Tax Incentives Program.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

RE: Requesting the Governor Extend Section  
13 of Chapter 329 of the Laws of 2009  
(INTRO. 15-6)

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

WHEREAS, the Erie County Child Protection Services (CPS) has a tremendous backlog of cases; and

WHEREAS, Child and Family Services of Erie County has been performing CPS's after-hours work for several years now and has demonstrated a capability to handle the after-hours cases with sufficient skill so as to improve the overall operation of the entire CPS program; and

WHEREAS, the County Executive has stated that the State's Office of Children and Family Services did not find a single area of improvement for the work done by Children and Family Services in their 900 case audit in 2013; and

WHEREAS, the Child and Family Services Program helps to not only protect the lives and well-being of our area's children but they serve to decrease costs to the Department of Social Services (DSS) and alleviate the exceptional caseload our CPS workers are currently burdened with; and

WHEREAS, the Erie County Legislature, at the request of DSS, has approved the creation of additional caseworker positions both this year and last; and

WHEREAS, the workers hired last year were insufficient to alleviate the elevated number of cases each CPS worker handles and the employee positions approved this year will not be completely filled and trained for at least a period of six months; and

WHEREAS, the County Executive has already written Governor Cuomo requesting the approval of an extension on the amount of time our county is able to contract with the Children and Family Services Program listing the numerous other reasons as to why our county needs to continue to work with Children and Family Services to help serve our community's needs, and this honorable body agrees with that assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests that the governor sign Senate Bill 6926A (Assembly Bill 9225B) into law; and be it further

RESOLVED, that this honorable body requests that the State look into allowing Erie County's Department of Social Services to contract with other not-for-profit organizations to help reduce the backlog of CPS cases; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Cuomo's Office, the Western New York Delegations to the New York State Senate and Assembly, County Executive

Poloncarz's office, the Commissioner of the Erie County Department of Social Services Dankert-Maurer, and all other parties deemed necessary and proper.

Item 38 – CHAIR MILLS directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 15-7 from RATH. Indemnifying ECC from Cost-Overruns for STEM Building Capital Project.

Item 39 – CHAIR MILLS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 15-8 from RATH. Limitation on the Number of Consecutive Terms to be Served by Erie County Legislators.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 40 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 11E-12. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188                      RE:    2014 Revenue Anticipation Note

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$110,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT, OF SUCH NOTES.

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to

exceed \$110,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2014 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, (iii) State Receivables Health, (iv) State Receivables Mental Health, and (v) the collection or receipt of revenues due and payable to the County in the 2014 fiscal year from sales and compensating use taxes. The proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

MR. LORIGO moved to approve. MR. RATH seconded.



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

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

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

CARRIED UNANIMOUSLY.

ADD THE FOLLOWING WHEREAS:

WHEREAS, the Project also contains approximately 18,000 square feet of commercial space; and

ADD THE FOLLOWING RESOLVEDS AFTER THE THIRD RESOLVED:

RESOLVED, that said authorization is hereby conditioned on a determination by the Commissioner of the Department of Environment and Planning and the Erie County Attorney on the need for, and content of an amendment to the Pilot Agreement wherein said amendment shall contain an additional PILOT Schedule relative to the commercial space utilization of the Project; and be it further

RESOLVED, that should it be determined by the above parties that an amendment to the PILOT Agreement is necessary the County Executive is hereby authorized to execute said amendment; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning and the Erie County Attorney shall submit a written report of their determination to the Erie County Legislature within 60 days of this resolution; and be it further

RESOLVED, that the first year of said fifteen (15) year PILOT , and any amendments thereto, shall begin with the County tax year immediately following the City's final assessment roll, as so established after project completion; and be it further

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

CARRIED UNANIMOUSLY.

Item 42 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 13E-17. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Erie County Sewer District No. 1  
Modification of Plans (2013)  
(COMM. 13E-17)

Recitals

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 1 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated October 4, 2013, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 1 in said County which lists new projects and future improvements and future capital repairs to the existing infrastructure, all as more fully described in the report and estimate of cost herein referred; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$3,432,596, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 1; and

WHEREAS, said County Legislature duly adopted Resolution No. 20E-13 on the 23<sup>rd</sup> of January, 2014, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 19<sup>th</sup> day of February, 2014, at 1:30 o'clock P.M., Prevailing Time; and

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

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

WHEREAS, it is now necessary to amend the Bond Resolution adopted by the County Legislature on July 8, 2004 to reflect the modification of plans for the increase and improvement of facilities for Erie County Sewer District No. 1;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK  
(by the favorable vote of not less than two-thirds of all members of said Legislature) AS  
FOLLOWS:

Section (A). Resolution No. 302-2004 of said County duly adopted by the Legislature  
on July 8, 2004, entitled:

“BOND RESOLUTION AUTHORIZING THE ISSUANCE OF  
\$4,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH  
THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST  
OF AN INCREASE AND IMPROVEMENT OF FACILITIES FOR  
ERIE COUNTY SEWER DISTRICT NO. 1, STATING THE  
ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000;  
STATING THE PLAN OF FINANCING SAID COST INCLUDES  
THE ISSUANCE OF THE ISSUANCE OF \$4,000,000 BONDS  
HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE  
PRINCIPAL OF AND INTEREST ON SAID BONDS; AND  
PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY  
SEWER DISTRICT NO. 1 TO SAID COUNTY”

is hereby amended to read as follows:

BOND RESOLUTION DATED \_\_\_\_\_, 2014, AMENDING THE BOND RESOLUTION  
ADOPTED JULY 8, 2004.

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS  
OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE  
NECESSARY, TO FINANCE THE COST OF AN INCREASE AND  
IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT  
NO. 1; STATING THE ESTIMATED MAXIMUM COST THEREOF IS  
\$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE  
ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR  
A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND  
PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT  
NO. 1 TO SAID COUNTY.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE,  
NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said  
Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter  
33-a of the Consolidated Laws of the State of New York, as amended (the “Law”), and to the  
provisions of other laws applicable thereto, \$4,000,000 bonds of the County, or so much thereof as  
may be necessary, are hereby authorized to be issued to finance the cost of an increase and  
improvement of facilities for Erie County Sewer District No. 1, all as more fully described in the  
report and estimate of cost accepted and adopted by the Board of Managers of said District on  
October 4, 2013 and filed with the County Legislature pursuant to Section 268 of the County Law  
and as modified by the Board of Managers of said District on October 22, 2013, and filed with the

County Legislature pursuant to Section 253-b of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessment against a benefited area which consists of the entire area of said Sewer District No. 1.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$4,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a.4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. LORIGO moved to approve. 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.

Item 43 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 14E-18. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

RE: Appointments to the EC Mental Hygiene  
Community Services Board  
(COMM. 14E-18)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Karl Shallowhorn (71 Margaret Road, Amherst, NY 14226), Jennifer L. Tremblay (82 Barnard Street, Buffalo, NY 14206), Catherine Wallace (305 North Street, Apt. 99, Buffalo, NY 14201), Victoria Brooks, MD, Director of CPEP, UPP, Erie County Medical Center (462 Grider Street, Buffalo, NY 14215), and Helen Trowbridge Hanes, Aspire of WNY (2495 Main Street, Suite 203, Buffalo, NY 14214) to serve on the Erie County Mental Hygiene Community Services Board for terms ending December 31, 2015.

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

CARRIED UNANIMOUSLY.

Item 44 – MS. GRANT moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 14E-3. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MR. SAVAGE. NOES: MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. (AYES: 4; NOES: 7)

MOTION FAILS.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR GRANT**

Item 45 – MR. LORIGO presented the following resolution and moved to consider. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

RE: Minority Caucus Appointment to  
Citizens Salary Review Commission of  
EC  
(COMM. 15E-1)

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

ADD:

RESOLVED, the Erie County Legislature hereby confirms the appointment of Robert M. Graber of 37-15<sup>th</sup> Street, Buffalo, NY 14213 to serve on the Citizens Salary Review Commission of Erie County for a term expiring on June 30, 2017.

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

(10-1). CARRIED. MS. MILLER-WILLIAMS voted in the negative.

**FROM THE SHERIFF**

Item 46 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

RE: Capital Improvements to ECSO Training  
Facility & Range  
(COMM. 15E-2)

WHEREAS, The Erie County Sheriff's Office Training Facility and Range is in need of upgrades and repairs, and

WHEREAS, the ECSO Training Facility and Range is utilized to train and qualify Deputies of the Sheriff's Office, and

WHEREAS, budget constraints have limited the ability of the Sheriff's Office to make the necessary upgrades and repairs to the facility, and

WHEREAS, the United States Department of Justice has funding to make necessary capital improvements to the training facility; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into any agreement that may be necessary with the United States Department of Justice to allow for certain capital improvements to the Erie County Training Facility and Range; and be it further

RESOLVED, that the County of Erie and the Erie County Sheriff's Office, pursuant to the Erie County Charter, are authorized to accept improvements to the Erie County Sheriff's Office Training Facility and Range from the Department of Justice; and be it further

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

**FROM THE SHERIFF**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

RE: School Resource Officer  
(COMM. 15E-3)

WHEREAS, School Resource Officers (hereinafter "SROs") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools including serving as first responders for any and all incidents on a school district's campus whether its violence between

students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, budget constraints have limited the ability of the Alden, Holland, Iroquois, N. Collins and Springville school districts, (hereinafter "the Districts") to include SROs in their budgets, such that none of the Districts are able to employ a SRO on their campuses; and

WHEREAS, New York State Senator Patrick Gallivan (hereinafter "Senator Gallivan"), has secured a one-hundred thousand dollar (\$100,000) legislative initiative grant to fund an SRO to be shared by the Districts; and

WHEREAS, pursuant to the terms of the special legislative grant, BOCES shall serve as the contract coordinator for administrative purposes; and

WHEREAS, the Sheriff has conferred with BOCES and the Districts, and has agreed to provide and assign one uniformed Deputy Officer to be shared among the Districts as SRO; and

WHEREAS, it is the intent of all parties that neither BOCES nor the Districts will incur any additional expense for the Sheriff's provision of the uniformed Deputy Officer beyond the funds provided by the legislative initiative grant secured by Senator Gallivan's office; and

WHEREAS, the BOCES and the County, acting through its Sheriff, desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the deputy officer as SRO in the Districts; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislatures does hereby authorize the County Executive to enter into contract and agreement with Erie 2 Chautauqua-Cattaraugus BOCES and accept funds in the amount of \$100,000; and be it further

RESOLVED, that the County Executive is authorized to enter into sub-contracts with the participating agencies to reimburse the expenses incurred while participating in the School Resource Officer program; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to make necessary budgetary adjustments to effect this resolution; and be it further

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

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

**FROM THE COUNTY EXECUTIVE**

Item 48 – (COMM. 15E-4) EC Department of Personnel - Personnel Adjustments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: Erie County Highways - Emergency  
Culvert Repairs  
(COMM. 15E-5)

WHEREAS, on July 8, 2014 a severe rainstorm hit the southern part of Erie County and caused extensive damage to county road culverts and drainage ditches, and

WHEREAS, repairs must be accomplished as soon as possible in order to avoid additional damage and costs to the County and road closures should further heavy rains occur, and

WHEREAS, the estimated “not to exceed” cost is \$800,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to issue a contract to the lowest bid contractor in the Emergency Highway Repair Bid Book (item E636.0101) for repairs to Erie County culverts and roads; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payments to the designated low bid contractor from SAP Account B.14024, Capital Overlay in an amount not to exceed \$800,000; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management and the Department of Public Works, Commissioner’s Office.

**FROM THE COUNTY EXECUTIVE**

Item 50 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: Authorization to Open and Operate a  
New Congregate Dining Site  
(COMM. 15E-6)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition (III-C-1) grant for the period January 1, 2014 through December 31, 2014; and

WHEREAS, the Department of Senior Services continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, the Department of Senior Services recommends that a new congregate dining site, Metro CDC/ Delavan Grider Community Center located at 877 East Delavan Avenue, Buffalo, NY 14215 be added to the Stay Fit Dining program to serve needful seniors, and

WHEREAS, Metro CDC/ Delavan Grider Community Center desires to operate as a dining site at 877 East Delavan Avenue, Buffalo, NY 14215 as part of the Department's Stay Fit Dining program to serve needful seniors; and

WHEREAS, the Department of Senior Services desires to contract with the sponsor, Metro CDC/ Delavan Grider Community Center, to begin serving meals after the effective date of this resolution for the period August 1, 2014 to December 31, 2014; and

WHEREAS, the Professional Services (Clean-up and Escort Services) account has sufficient funds available to cover the cost of the new dining site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Metro CDC/ Delavan Grider Community Center to operate a dining site at, 877 East Delavan Avenue, Buffalo, NY 14215 for the period August 1, 2014 to December 31, 2014; and be it further

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

**FROM THE COUNTY EXECUTIVE**

Item 51 – (COMM. 15E-7) Central Police Services/Stop-DWI State Police Traffic Control

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 52 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

RE: Establish New Freedom Grant Funding  
(COMM. 15E-8)

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

WHEREAS, the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) has informed the Department of Senior Services of the award of \$98,993 in grant funds for the period September 30, 2014 through September 29, 2015; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract with the Niagara Frontier Transportation Authority (NFTA) to operate a New Freedom Mobility Grant to increase transportation options for elderly and disabled persons for the period September 30, 2014 to September 29, 2015; and be it further

RESOLVED, the County Executive be and is hereby authorized to enter into contracts with CTE and WNYIL; and be it further

RESOLVED, that the budget for the New Freedom Mobility Grant 163FREEDOM1415, be established as follows:

**APPROPRIATIONS**

Account	Description	INITIAL BUDGET
516020	Professional Services& Fees	\$82,977
916390	ID Senior Services	
	Grant Services	<u>\$16,016</u>
	<b>TOTAL APPROP</b>	<u><b>\$98,993</b></u>

**REVENUES**

Account	Description	INITIAL BUDGET
41400	Federal Aid	<u>\$98,993</u>
	<b>TOTAL REVENUE</b>	<u><b>\$98,993</b></u>

and be it further

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

RESOLVED and, if necessary, the County Executive is hereby authorized to execute amendments to the contract with CTE and WNYIL to effectuate adjusted funding levels; and be it further

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

**FROM THE COUNTY EXECUTIVE**

Item 53 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

RE: Award of Contract for Services - Buffalo River AOC Remedial Action Plan Habitat Restoration (COMM. 15E-9)

WHEREAS, the County of Erie advertised for and received five (5) responses for proposals from consulting firms to perform professional services associated with the final design and engineering of habitat restorations at two County-owned parks; and

WHEREAS, a review committee consisting of representatives from the Erie County Department of Environment & Planning, Erie County Division of Sewerage Management, and Buffalo Niagara Riverkeeper used a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Wendel WD Architecture, Engineering, Surveying, & Landscape Architecture, P.C. (also known as Wendel) for Red Jacket (Smith Street) Natural Habitat Park, and CHA Consultants, Inc. (also known as CHA) for Bailey Peninsula Natural Habitat Park.

NOW, THEREFORE, BE IT

RESOLVED, that Wendel be retained to provide professional services associated with developing the final design and engineering for Red Jacket (Smith Street) Natural Habitat Park, and CHA be retained to provide professional services associated with developing the final design and engineering for Bailey Peninsula Natural Habitat Park; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute agreements with each Wendel WD Architecture, Engineering, Surveying, & Landscape Architecture, P.C., 140

John James Audubon Parkway – Suite 201, Buffalo, New York 14228 for professional services associated with the final design and engineering of habitat restoration in an amount not to exceed \$126,366.35; and, CHA Consultants, Inc., 2200 Main Place Tower, Buffalo, New York 14202 for professional services associated with the final design and engineering of habitat restoration in an amount not to exceed \$108,000.00; and be it further

RESOLVED, that funds are available within grant 162BRRPM0916, business area 162, fund 281, GL 516020 Professional Services Contracts and Fees; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Thomas R. Hersey, Jr., Division of Environmental Compliance; and one certified copy each to the County Executive; the Erie County Comptroller; the Commissioner of the Department of Environment & Planning; the Erie County Director of the Division of Budget and Management; and Kristen Walder, Assistant County Attorney.

**FROM THE COUNTY EXECUTIVE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Authorization to Enter Into Contract  
with Integrated Therapy Group  
(COMM. 15E-10)

WHEREAS, the purpose of this resolution is to authorize entering into contract with Integrated Therapy Group during the time period July 1, 2014 through June 30, 2015 with two automatic renewals; and

WHEREAS, the funds necessary to cover the costs of this contract have been appropriated in the 2014 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with Integrated Therapy Group for the provision of Speech, Physical and Occupational therapies to the children of Erie County under the Preschool Program; and be it further

RESOLVED, that funds necessary to cover the costs of this contract are available in the 2014 budget; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

**FROM THE COUNTY EXECUTIVE**

Item 55 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Transfer of County Owned Vacant  
Lands - Village of Blasdell  
(COMM. 15E-11)

WHEREAS, it is recommend that Erie County transfer two pieces of surplus county owned lands known as SBL# 151.46-2-1 and 151.46-2-2 to the Village of Blasdell; and

WHEREAS, the parcels have been owned by the County since 1941 and measure 20’x153 and 30’x153; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Advisory Review Committee;

NOW, THEREFORE BE IT

RESOLVED, that the following parcels of land be transferred pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to the Village of Blasdell for One Dollar (\$1.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 13, Township 10, Range 8 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots Numbers seventy-nine (79) and eighty-one (81) as shown on a map of McGurk Subdivision filed in the Erie County Clerk’s Office under Cover No. 647.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying any and all interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.

Item 56 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: Reconstruction of Brighton Road  
CR196, Construction Award &  
Construction Engineering, Town of  
Tonawanda  
(COMM. 15E-12)

WHEREAS, bids were taken for the reconstruction of Brighton Road CR196, from Fries Road to Niagara Falls Boulevard, Town of Tonawanda, Project Number CAP-196-14 in the Town of Tonawanda, on June 19, 2014, and the lowest responsible bidder was Accadia Site Contracting, in the amount of \$2,080,691.70; and

WHEREAS, funding for this Project was approved and is available in Fund 420 Business Area 123, WBS Elements B.11028, 2011 Road Reconstruction, Brighton et al. in the amount of \$738,950.91 and B.14014, 2014 Preservation of Roads, Construction in the amount of \$1,911,049.09; and

WHEREAS, it is necessary that this approval be granted, so the contract can be awarded and allow the contractor to order material and begin work this summer; and

WHEREAS, in order to facilitate the reconstruction of Brighton Road CR196 Project Number CAP-196-14 in the Town of Tonawanda, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a contract with C & S Engineers, Inc. for construction inspection and engineering services is currently being negotiated.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute contracts between the County of Erie and Accadia Site Contracting and between the County of Erie and C & S Engineers, Inc., establish a Construction Contingency, and execute Change Orders for the reconstruction of Brighton Road CR196 Project Number CAP-196-14 in the Town of Tonawanda in the total project amount of \$2,650,000.00; and be it further

RESOLVED, that funding for the reconstruction of Brighton Road CR196 Project Number CAP-196-14 in the Town of Tonawanda be allocated from Fund 420, Business Area 123, WBS Elements B.11028, 2011 Road Reconstruction, Brighton et al. in the amount of \$738,950.91 and B.14014, 2014 Preservation of Roads, Construction in the amount of \$1,911,049.09; and be it further

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

Item 57 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Buffalo Niagara Convention Center -  
Boiler Stack Replacement and Loading  
Dock Trench Drain Repairs  
(COMM. 15E-13)

WHEREAS, the Department of Public Works will be receiving bids for the Buffalo Niagara Convention Center-2014-Boiler Stack Replacement and Loading Dock Trench Drain Repair project during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award contracts to the lowest responsible bidders so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$260,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.13003- 2013 Buffalo Niagara Convention Center, for a total amount not to exceed \$260,000.00; and be it further

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

Item 58 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: Various County Parks Projects - Pre-Demolition Survey & Demolition, New Park Shelters Re-Bid, Wendt Beach Backflow Preventer (COMM. 15E-14)

WHEREAS, several old dilapidated parks buildings need to be demolished because they pose a safety and health threat or are structurally unsafe to occupy for the public and as such, the project will require a pre-demolition hazardous materials survey and demolition design consulting services; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreements with the firms of Watts Architectural & Engineering, P.C. and Clark Patterson Lee for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Watts Architectural & Engineering, P.C. for providing design and construction administration services for the Various County Park Buildings – 2014 Pre-Demolition Survey of Hazardous Materials – Phase II project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Clark Patterson Lee for providing design and construction administration services for the Various County Park Buildings – 2014 Demolition – Phase II project; and

WHEREAS, new park shelters will be constructed in various County parks to replace the old ones; and

WHEREAS, a backflow preventer must be installed at Wendt Beach to provide water to the new Lifeguard and Public Restroom Facility as required by the Erie County Water Authority and the New York State Department of Health; and

WHEREAS, the Department of Public Works will be receiving bids after the last legislative meeting before summer recess for the Various County Parks – 2014 New Park Shelters Re-Bid project and the Wendt Beach Park – 2014 Backflow Preventer project; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of a construction contract after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of Watts Architectural & Engineering, P.C. for an amount not to exceed \$35,000.00, including a design contingency; and be it further

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of Clark Patterson Lee for an amount not to exceed \$70,000, including a design contingency; and be it further

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidders, during the Legislative summer recess, so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$100,000.00 for the Various County Parks – 2014 New Shelters Re-Bid project and \$75,000.00 for the Wendt Beach Park – 2014 Backflow Preventer project; 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 Department of Public Works will report to the Legislature the value of the contract awarded and to whom for both projects; and be it further

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

<u>A.14007 – 2014 Countywide Parks Improvements</u>	<u>\$280,000.00</u>
Total Payments Not To Exceed:	\$280,000.00

;and be it further

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

**FROM LEGISLATOR BURKE**

Item 58 – (COMM. 15E-15) Follow-up Regarding ECC Hiring of Vice President of Operations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 59 – (COMM. 15E-16) Bandwagon Fee Waiver

Item 60 – (COMM. 15E-17) EC Sewer District No. 3 Engineering Change Order No. 2, GHD Consulting Engineers, LLC

Item 61 – (COMM. 15E-18) EC Sewer District No. 6 Engineer Term Contract Agreement, CRA Infrastructure & Engineering, Inc

Item 62 – (COMM. 15E-19) EC Sewer District No. 3 Engineer Term Contract Agreement, CRA Infrastructure & Engineering, Inc

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

**FROM THE COMPTROLLER**

Item 63 – (COMM. 15E-20) EC 2013 Comprehensive Annual Financial Report

Item 64 – (COMM. 15E-21) EC Supplement to the 2013 Comprehensive Annual Financial Report

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

**FROM THE COUNTY EXECUTIVE**

Item 65 – (COMM. 15E-22) Notice of Findings, Intent to Request Release of Funds - Senior Center Construction, Town of Concord

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM LEGISLATOR MILLER-WILLIAMS**

Item 66 – (COMM. 15E-23) Letter Regarding Social Services Decision to Remove Clients from My Place Home

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

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

Item 67 – (COMM. 15D-1) Amherst Bee Article and Editorial - Goodrich and Conner Road

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

Item 68 – (COMM. 15D-2) Notice of Performance Audit of Fleet Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

Item 69 – (COMM. 15D-3) 2014 Mid-Year Budget Hearings Data

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 70 – (COMM. 15D-4) Notice of Claim - Quintino Dino Liberta vs EC Sheriff's Office

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

Item 71 – (COMM. 15D-5) Information Requested at Mid-Year Budget Hearing

Item 72 – (COMM. 15D-6) Invitation to Appear at Health and Human Services Committee Meeting

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

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE CHAIR, ECC BOARD OF TRUSTEES**

Item 73 – (COMM. 15M-1) Information Regarding Hiring of Vice President of Operations  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 74 – (COMM. 15M-2) Board of Trustees Meeting Agenda for July 17, 2014  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM NYS DEPARTMENT OF TAXATION AND FINANCE**

Item 75 – (COMM. 15M-3) 2014 State Equalization Rate - City of Buffalo, Lackawanna,  
Town of Eden

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE BUFFALO COMMON COUNCIL**

Item 76 – (COMM. 15M-4) Prevent HUB Methadone Clinic on Virginia Street  
Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 77 – CHAIR MILLS announced that there will be a special session of the Erie County  
Legislature on August 7, 2014 at 10:00 AM to consider th CSEA contract, as well as other possible  
items.

Item 78 – MS. MILLER-WILLIAMS recognized and thanks interns who served in her office.

Item 79 – MR. HARDWICK reminded those in attendance of the County Executive v.  
Legislature softball game on Monday, July 28, 2014.

Item 80 – MS. GRANT announced that she will be providing royal blue shirts for Team  
Legislature.

**MEMORIAL RESOLUTIONS**

Item 81 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory  
of Jennifer Martello.

Item 82 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Brian Martin and Donald LaDuca.

Item 83 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Joe Lewis and Jeffrey McCarley.

Item 84 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Bruce Hoffman.

**ADJOURNMENT**

Item 85 - 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, August 7, 2014 at 10:00 a.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, August 7, 2014 at 10:00 a.m. Eastern Standard Time.

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