

**ERIE COUNTY LEGISLATURE  
MEETING NO. 21  
NOVEMBER 6, 2014**

The Legislature was called to order by Chair Mills.

All members present.

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

The Pledge of Allegiance was led by Ms. Dixon.

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 20 from 2014. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring the Sacrifices, Dedication and Service of All Members of the Armed Forces on Veterans Day.

Item 6 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring Sheriff Deputy Robert Ellis' Heroism and Service to the Community.

Item 7 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring Sheriff Deputy Richard Lundberg Jr's Heroism and Service to the Community.

Item 8 – MS. GRANT presented a resolution Congratulating Pastor James Giles on being Honored by the National Action Network for his Work in the Community.

Item 9 – MS. GRANT presented a resolution Congratulating Reverend James A. Lewis III on being Honored by the National Action Network for his Work in the Community.

Item 10 – MS. GRANT presented a resolution Congratulating Pastor Charles Walker on being Honored by the National Action Network for his Work in the Community.

Item 11 – MR. HARDWICK presented a resolution Honoring Renee Gilbert on Receiving the "Service to Youth Award" from the City of Tonawanda Youth Board.

Item 12 – MR. HARDWICK presented a resolution Honoring Mark E. Saltarelli on being Named the Chamber of Commerce of the Tonawandas Citizen of the Year 2014.

Item 13 – MR. HARDWICK presented a resolution Honoring "Ramblin' Lou" Schriver on being Awarded the 2014 Lifetime Achievement Award by the Chamber of Commerce of the Tonawandas.

Item 14 – MR. HARDWICK presented a resolution Honoring Benjamin George Shaw for achieving the rank of Eagle Scout.

Item 15 – MR. HARDWICK presented a resolution Honoring DeGraff Memorial Hospital Upon Being Named the Chamber of Commerce of the Tonawandas 2014 Business of the Year.

Item 16 – MR. HARDWICK presented a resolution Honoring the Zonta Club of the Tonawandas for Recognition by the Chamber of Commerce of the Tonawandas for Community Service.

Item 17 – MS. MILLER-WILLIAMS presented a resolution Honoring the 97th Anniversary of Trinity Baptist Church and the Leadership of Rev. Bennie D. Jemison.

Item 18 – MS. MILLER-WILLIAMS presented a resolution Congratulating the Lutheran Church of Our Savior on Hosting the 68th Annual Concert of The Royal Serenaders Male Chorus.

Item 19 – MR. MILLS presented a resolution Honoring John Bailey for Outstanding Service to the Orchard Park Conservancy.

Item 20 – MR. SAVAGE presented a resolution Congratulating the Theatre for Change on the Occasion of their 25th Anniversary.

MR. LORIGO moved for consideration of the above sixteen items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above sixteen items to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above sixteen items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 21 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 25 – 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 26 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

October 23, 2014	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11E-13 (2014)

**COMPTROLLER:** “Call For Special Committee”  
(6-0)

b. COMM. 11E-14 (2014)

**LORIGO:** “Support for Comptroller's Call to Form a Special Committee”  
(6-0)

c. INTRO. 17-6 (2014)

**LORIGO & DIXON:** “Lukey's Legacy - Placement of AEDs in Public Venues”  
(6-0)

2. COMM. 20E-17 (2014)

**COUNTY EXECUTIVE**

Dear Honorable Members,

Pursuant to the powers vested in me by Section 11-B-03 of the Erie County Charter, I hereby appoint the following to the Erie County Mental Hygiene Community Services Board for the term stated.

Lizbeth J. Booth, Ph.D., L.M.S.W., A.C.S.W  
2230 Staley Road  
Grand Island, NY 14075

Term expires: 12/31/2015

Sincerely Yours,  
Mark C. Poloncarz

(Chair's motion to Receive, file and print)

LYNNE M. DIXON  
CHAIR

Item 27 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

October 23, 2014	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT FOR LEGISLATOR BURKE.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 13E-3 (2014)

**COMPTROLLER:** “Audit of the Buffalo & Erie County Public Library for the Period January 2011 to December 2013”

(5-0)

b. COMM. 13M-1 (2014)

**BUFFALO & EC PUBLIC LIBRARY:** “Comments on Comptroller's Audit Report”

(5-0)

c. COMM. 19M-1 (2014)

**HULL FAMILY HOME & FARMLAND:** “The Patriot Newsletter”

(5-0)

d. COMM. 20M-1 (2014)

**BUFFALO & EC PUBLIC LIBRARY:** “October 16, 2014 Board of Trustees Meeting Agenda”

(5-0)

KEVIN R. HARDWICK  
CHAIR

Item 28 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

October 23, 2014	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 19E-10 (2014)

**HARDWICK:** “Letter Inviting Amigone Funeral Homes, Inc to Government Affairs Committee Meeting”

(6-0)

b. COMM. 19M-5 (2014)

**THE KNOER GROUP:** “Sheridan Park, Inc and Amigone Funeral Home Response to Committee Meeting Hearing”

(6-0)

c. COMM. 19M-6 (2014)

**THE KNOER GROUP:** “Correspondence Regarding Sheridan Park, Inc Crematory”

(6-0)

- d. COMM. 20E-20 (2014)  
**LORIGO:** “Supporting Materials Regarding Mount Pleasant Group of Cemeteries, Toronto, Ontario”  
(6-0)
- e. COMM. 20D-3 (2014)  
**COUNTY ATTORNEY:** “Notice of Claims”  
(6-0)
- f. COMM. 20D-4 (2014)  
**COUNTY ATTORNEY:** “Amigone Crematorium”  
(6-0)
- g. COMM. 20M-3 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** “Amigone-Sheridan Park Crematory”  
(6-0)
- h. COMM. 20M-4 (2014)  
**CLEAN AIR COALITION:** “Supporting Materials to Testimony Given at Government Affairs Committee Meeting”  
(6-0)
- 2. COMM. 20E-15 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling \$1,455,129 to the County for the provision of indigent defense services, and

WHEREAS, Erie County will contract with the Erie County Bar Association’s Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$1,455,129 over three years from January 1, 2014 to December 31, 2016 to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three year subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services from January 1, 2014 to December 31, 2016; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney’s Office as follows:

Erie County Attorney's Office  
ILS Quality Improvement D4 Grant  
Grant Fund 281 160QID4ILS1416

January 1, 2014 to December 31, 2016

Revenue	Increase
Account 409000 - State Aid Revenue	\$1,455,129
Appropriation	Increase
Account 516601 - Legal Aid Bureau	\$727,566
Account 516602 - EC Bar Association	<u>727,563</u>
Total Appropriation	\$1,455,129

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 the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

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

(6-0)

3. COMM. 20E-16 (2014)

**COUNTY CLERK**

WHEREAS, the Erie County Clerk, as Clerk of the Supreme and County Courts, is responsible for the recording, filing, indexing and maintaining of all court pleadings and papers; and

WHEREAS, once the original documents are recorded, the information entered into the Clerk's official records must be verified for complete accuracy; and

WHEREAS, a backlog in verifying the accuracy of the indexing information currently exists and studies have indicated that current staffing levels and award of overtime will not be able to eliminate this backlog; and

WHEREAS, this Honorable Body previously approved the award of a contract to NewVision Systems Corporation (Comm. 2E-18/2014) to allow them to assist with the verification of other documents in the Clerk's Office; and

WHEREAS, the Clerk's Office and CSEA have entered into a Memorandum of Understanding that allows for these additional services to be provided by NewVision.

NOW, THEREFORE, BE IT

RESOLVED, that upon approval of this resolution the Erie County Clerk is authorized to amend its agreement with NewVision, and be it further

RESOLVED, that funding not to exceed \$100,000 for this amendment is available in the County Clerk's 2014 Budget, BA 11310, Fund 110, GL 516020, Professional Services Contracts and Fees, Funds Reservation 100000778; and be it further

RESOLVED, that the Budget Director and Comptroller are hereby authorized to make necessary adjustments to the Clerk's 2014 Budget; and be it further

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

(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 29 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

October 23, 2014	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 20E-12 (2014)  
**COMPTROLLER:** "Report of Secured Funds Relating to 2013 Revenue Anticipation Note Issue"  
(6-0)
  - b. COMM. 20E-13 (2014)  
**COMPTROLLER:** "2014 Bond Borrowing"  
(6-0)
  - c. COMM. 20E-14 (2014)  
**COMPTROLLER:** "Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for June, July August 2014"  
(6-0)
  - d. COMM. 20D-2 (2014)

**DIRECTOR, DEPARTMENT OF BUDGET AND MANAGEMENT:** "Budget Monitoring Report for Period Ending August 2014"  
(6-0)

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

a. COMM. 20E-19 (2014)  
**COUNTY EXECUTIVE:** "2015 Erie County Budget"  
(Chair's motion)

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 214237 through 214250, 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.	214,237.00
	OWNER	Cancel	\$143.01
S-B-L	658.089-9999-705	fiber optic	145889 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$143.01 Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$143.01
	Relevy School	\$143.01	145801 NORTH COLLINS

CENT

RPTL550(3): fiber optic in private ROW not taxable  
New tax bill to be issued.

FISCAL YEAR	2014	Petition No.	214,238.00
	OWNER	Cancel	\$41.19
S-B-L	658.001-9999-705	fiber optic Pike	145801 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$41.19 Town/SpecialDist/School

Charge To : 145801 NORTH COLLINS \$41.19  
Relevy School \$41.19 145801 NORTH COLLINS  
CENT

RPTL550(3): fiber optic in private ROW not taxable  
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,239.00

ASSESSOR Cancel \$508.97  
S-B-L 337.00-1-31 10399 Creek Rd 146200 SARDINIA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$508.97 Town/SpecialDist/School  
Charge To : 146200 SARDINIA \$508.97  
Relevy School \$508.97 143801 SPRING-GRIFFITH

RPTL550(2): Failed to apply basic STAR exemption  
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,240.00

ASSESSOR Cancel \$516.83  
S-B-L 250.16-1-27 304 Herr Rd 144489 EVANS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$516.83 Town/SpecialDist/School  
Charge To : 144489 EVANS \$516.83  
Relevy School \$516.83 144401 LAKE SHORE

CENTRAL

RPTL550(2): Failed to apply basic STAR exemption  
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,241.00

ASSESSOR Cancel \$569.18  
S-B-L 28.33-1-156 456 Charlesgate Cir 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$569.18 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$569.18  
Relevy School \$569.18 142203 WILLIAMSVILLE

CENT

RPTL550(2): Failed to apply basic STAR exemption  
New tax bill to be issued

FISCAL YEAR 2014                      Petition No.                      214,242.00

                                 ASSESSOR                      Refund                      \$373.41  
S-B-L 54.74-1-22                      454 Homecrest Dr 142289 AMHERST

                                 Acct. No. 112                      \$0.00                      County  
                                 Acct. No. 132                      \$373.41                      Town/SpecialDist/School  
Charge To :                      142289 AMHERST                      \$373.41  
                                 Relevy School                      \$373.41                      142207 SWEET HOME

CENTRAL

RPTL550(2): Failed to apply senior exemption  
Refund to be issued to Frank J. Zuppa

FISCAL YEAR 2014                      Petition No.                      214,243.00

                                 ASSESSOR                      Refund                      \$571.82  
S-B-L 69.08-7-30                      387 Shetland Dr 142289 AMHERST

                                 Acct. No. 112                      \$0.00                      County  
                                 Acct. No. 132                      \$571.82                      Town/SpecialDist/School  
Charge To :                      142289 AMHERST                      \$571.82  
                                 Relevy School                      \$571.82                      142203 WILLIAMSVILLE

CENT

RPTL550(2): Failed to apply enhanced STAR exemption  
Rfeund to be issued Viola K Yeostros

FISCAL YEAR 2014                      Petition No.                      214,244.00

                                 ASSESSOR                      Cancel                      \$1,288.30  
S-B-L 114.20-4-38                      86 Dubonnet Dr 143089 CHEEKTOWAGA

                                 Acct. No. 112                      \$0.00                      County  
                                 Acct. No. 132                      \$1,288.30                      Town/SpecialDist/School  
Charge To :                      143089 CHEEKTOWAGA                      \$1,288.30  
                                 Relevy School                      \$1,288.30                      143007 DEPEW UNION-

CHEEK

RPTL550(2): Falied to apply disability exemption  
New tax bill to be issued



S-B-L 113.42-1-47 90 Vern Ln 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,063.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$1,063.00	
	Relevy School	\$1,063.00	143001 CHEEKTO.

CENTRAL

RPTL550(2): Failed to apply enhanced STAR exemption  
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,249.00

ASSESSOR Cancel \$2,478.87  
S-B-L 223.18-1-4.2 2476 W Church St 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,478.87	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN	\$2,478.87	
	Relevy School	\$2,478.87	144001 EDEN CENTRAL

RPTL550(2): Failed to apply aged and enhanced STAR exemption  
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,250.00

ASSESSOR Cancel \$925.00  
S-B-L 112.36-1-23.1 177 Lackawanna A 143001 SLOAN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$925.00	Town/SpecialDist/School
<u>Charge To :</u>	143001 SLOAN	\$925.00	
	Relevy School	\$925.00	143009 SLOAN UNION #9

RPTL550(2): Failed to apply enhanced STAR  
New tax bill to be issued

and be it further

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

(6-0)

4. COMM. 20E-10 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty -four (54) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

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

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2014 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 28, 2014, the scheduled tax sale date for 2014 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2014 real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Joseph L. Maciejewski, Director of Real Property Tax Services, the Director of Budget and Management, the County Comptroller and County Attorney.  
(6-0)

5. COMM. 20E-11 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to prior legislative authorization, a public auction of county-owned properties was conducted for Erie County in the auditorium of the Downtown Library on September 24, 2014, and

WHEREAS, at said public auction, bids totaling the sum of \$7,300.00 were accepted as to four (4) properties, as set forth below:

<u>TOWN</u>	<u>ADDRESS</u>	<u>SBL#</u>	<u>PURCHASE PRICE</u>
Cheektowaga	Vern Lane	113.12-1-13	\$500.00
Eden	R 4331 Mary Dr.	225.10-1-26.2	\$1,000.00
Holland	H-3 Skyline Dr	233.29-1-20	\$5,600.00
West Seneca	Emporium Ave	124.69-2-26	\$200.00

NOW, THEREFORE, BE IT

RESOLVED, that as to those four (4) properties, the sale of same is hereby approved, confirmed and ratified, and be it further

RESOLVED, that provided that the full amount of the bid and applicable fees and commissions have first been paid, the the County Executive is hereby authorized and directed to

execute, deliver and record a Quit-Claim Deed conveying to the particular bidder-designated purchaser(s) all of the County of Erie's right, title and interest in and to the properties whose public auction sale is approved herein.

(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 30 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

October 23, 2014	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 20E-7 (2014)

**COUNTY EXECUTIVE:** "EC Sewer Districts Nos. 1-6 & 8 Section 270-271 Resolutions"  
(6-0)

b. COMM. 20E-9 (2014)

**COUNTY EXECUTIVE:** "EC Sewer District No. 3 - Increase & Improvement of Facilities, Sewer Agency Report"  
(6-0)

c. COMM. 20D-1 (2014)

**CLERK OF THE LEGISLATURE:** "Public Notice for Agricultural District Nos 16 & 17 Modifications"  
(6-0)

2. COMM. 14E-14 (2014)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie obtained a certain parcel of land through the In Rem foreclosure process on or about the 3<sup>rd</sup> day of June, 1997; and

WHEREAS, said parcel consists of 81.76 acres of land located in the Town of Concord, which is adjacent to the southern property line of Erie County Forestry Lot Number 13; and

WHEREAS, the parcel of land is vacant land and more suitable for use as County parkland;  
and

WHEREAS, the County of Erie's Department of Parks, Recreation and Forestry is seeking to incorporate said parcel into Forestry Lot Number 13; and

WHEREAS, in order to for the land to be treated as and afforded the protections of parkland, the Legislature of the County of Erie must deem it as such; and

WHEREAS, the County of Erie's ARC Committee has formally reviewed and approved such a proposal.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby dedicate the lands described herein as County parkland; and be it further

RESOLVED, that said lands be subjected to and afforded the protections of Local Law No. 4-1993, entitled "Erie County's Parks Protection Law;" and be it further

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to execute any and all appropriate documents as may be necessary for the dedication of said land as parkland and its incorporation into Forestry Lot Number 13; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; Troy P. Schinzel, the Commissioner of the Department of Parks, Recreation and Forestry; and Assistant County Attorney Kristen M. Walder.  
(6-0)

3. COMM. 20E-8 (2014)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 9E-26 (2012) Contract 40 was awarded to Milherst Construction, Inc. for the installation of sanitary sewers necessary to eliminate three (3) pumping stations in the Village of Hamburg in Erie County Sewer District No. 3; and

WHEREAS, in accordance with a merger agreement with the Village of Hamburg, the Village will reimburse Erie County Sewer District No. 3 the full amount of this contract; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 40, in the final contract amount of \$1,081,979.99 which includes Change Order No. 1 (final), an increase of \$123,381.39, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 40 between the County of Erie and Milherst Construction, Inc. (10025 County Road, Clarence Center, New York 14032-0430) is accepted in the final contract

amount of \$1,081,979.99 which includes Change Order No. 1 (final), an increase of \$123,381.39 and is allocated in Erie County Sewer District No. 3 Bond Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 40, to Milherst Construction, Inc. for a total contract amount of \$1,081,979.99; and be it further

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

TED B. MORTON  
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

October 23, 2014	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 20M-2 (2014)  
**TOWN OF CLARENCE:** “Notice of Connor Road in Need of Repair and Reconstruction”  
(6-0)
  2. COMM. 20E-4 (2014)  
**COUNTY EXECUTIVE**  
WHEREAS, the Intersection Improvement Project CR 268, Strickler Road @ CR 282, County Road, in the Town of Clarence, Erie County, PIN 5758.22 (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 Design and Construction & Construction Inspection phase of the Project, PIN 5758.22; and

WHEREAS, the County of Erie advanced the Project’s Construction Phase via Comm. No. 13E-12 (2013) adopted on July 18, 2013; and

WHEREAS, the Project, has been advertised, bid, awarded to the responsible low bidder Occhino Corp; and

WHEREAS, the project budget is currently estimated at \$665,000.00 and the County of Erie desires to accept Federal and New York State Marchiselli funds for all phases of the Project, PIN 5758.22 through a Supplemental Agreement with NYSDOT; and

WHEREAS, the Project is budgeted in Fund 420, B.00151, 2006 Unanticipated Road & Bridge Costs-Design & Construction (Countywide) Program; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for change orders for Occhino Corp. and project engineer Bergmann Associates for work related to poor soil conditions, drainage problems, and extra time needed for the contractor to finish work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above Strickler Road project; and be it further

RESOLVED, that the County Legislature authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of all phases of the Project or portions thereof; and be it further

RESOLVED, that Project B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program, Fund 420, Business Area 123 is authorized to accept anticipated Federal and New York State Marchiselli project related revenue; and be it further

RESOLVED, that the estimated total sum of the Project, \$665,000.00 is hereby appropriated from B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program and made available to cover the cost of participation in the above 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, \$665,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid 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 County Executive be authorized and is hereby directed to approve change orders for the Intersection Improvement Project C R 269, Strickler Road & CR 282, County Road PIN 5758.22 for the responsible low bidder Occhino Corp. and project engineer Bergmann Associates; 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)

3. COMM. 20E-6 (2014)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Rath Building -15<sup>th</sup> floor current Data/Computer Room that was constructed in the early to mid-1980's is no longer functional and the 25 years plus cooling units are not able to provide sufficient cooling for the room. This project will renovate the space utilizing a much smaller room with new state of the art cooling equipment, security and fire suppression system; and

WHEREAS, during the progress of design, additional scope changes required additional design services; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering services agreement with the firm of Trautman Associates for providing professional design and construction document services for the Rath Building Data/Computer Room Renovation; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Trautman Associates for providing additional design and Construction administration services for the Rath Building Data/Computer Room Renovations.

**NOW, THEREFORE, BE IT**

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates for providing professional design and construction administration services for the Rath Building, Data/Computer Room Renovations for an amount not to exceed \$16,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project: A.20920 – Countywide IT Communication & Fire Suppression for an amount not to exceed \$16,000.00; 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.  
(6-0)

EDWARD A. RATH, III  
CHAIR

Item 32 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

October 23, 2014	PUBLIC SAFETY COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18E-15 (2014)  
**COUNTY EXECUTIVE:** "Personnel Adjustments - Erie County Correctional Health Services"  
(6-0)
  - b. COMM. 20M-8 (2014)  
**DANIEL WARD:** "Letter Regarding Possibility of a Drone Flying over Larkinsville in September 2014"  
(6-0)

2. COMM. 17E-20 (2014)  
**SHERIFF** **AS AMENDED**  
WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994; and

WHEREAS, the Erie County Sheriff's Office is in need of proper funding to purchase tires, vehicle parts for the safety of its officers and the Sexual Offender Registration software fee; and

WHEREAS, the Erie County Sheriff's Office is in need of additional funds for ammunition to continue training and qualification for its Deputies; and

WHEREAS, there will be no impact on county tax dollars with the appropriation of these funds.

NOW, THEREFORE, BE IT

RESOLVED, that \$102,000 in available balances in the Asset Forfeiture Trust Interest Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE  
ASSET FORFEITURE FUNDED PROGRAM SAFS

REVENUE

421550	Forfeiture Crime Proceeds	\$ 102,000
	Total Revenue	<u>\$ 102,000</u>

APPROPRIATION

		<u>Increase</u>
505200	Automobile Supplies Maintenance & Repair	\$ 39,000
506200	Maintenance and Repair	\$ 56,000
516020	Professional Service and Fees	\$ 7,000
	Total Appropriations	<u>\$ 102,000</u>

and be it further

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

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

(6-0)

3. INTRO. 18-5 (2014)

**GRANT**

**AS AMENDED**

WHEREAS, recent events across the United States have highlighted a need for increased racial awareness between Police Departments and minority communities; and

WHEREAS, the Lockport Police Department was recently made aware of the racially insensitive language used in their databases that classified African-American citizens as 'Negro,' grading people by the darkness of their skin tone; and

WHEREAS, language accepted and used by an institution can create and reinforce an unintended culture of bias; and

WHEREAS, any police or public service agency, especially those funded by tax dollars, should not utilize any terminology that could be construed as demeaning, prejudicial or derogatory toward any individual or group of people; and

WHEREAS, the Lockport Police Department should not be criticized for this transgression, yet should be commended for the modernization of their database to no longer make use of the word 'Negro' and for their commitment to diversity through training; and

WHEREAS, it is tantamount for law enforcement and public service agencies to continue their work on improving and developing effective protocols and procedures to reflect the diversity of all races and genders in our community with thoughtfulness and understanding.

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature directs the Department of Central Police Services to verify in a letter to the legislature that they have checked their databases to ensure that modernized racial terminology is used; and be it further

RESOLVED, that the Department of Central Police Services shall send a memo to all Police Agencies they work with in Erie County to encourage those departments to verify the same, and that the Commissioner of CPS shall provide this Legislature's Public Safety Committee with an update concerning the aforementioned notifications at a future committee meeting; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the Commissioner of the Department of Central Police Services; as well as to all other departments of the Erie County government; and to the Clerk of the Niagara County Legislature; Mary Jo Tamburlin (Niagara County Courthouse, 175 Hawley St., Lockport, NY 14094-2740); and to the County Manager of Niagara County, Jeffrey M. Glatz (Philo J. Brooks Co. Office Bldg., 2nd Floor, 59 Park Ave., Lockport, NY 14094).

(6-0)

4. **COMM 20E-18 (2014)**

**COUNTY EXECUTIVE**

Dear Honorable Members,

Pursuant to the power vested in me by Article 14, Section 1403 of the Erie County Charter, I hereby appoint the following to the Disaster Preparedness Advisory Board, for a term ending December 31, 2016.

Amanda Vallone  
American Red Cross  
786 Delaware Avenue  
Buffalo NY 14209

Thomas Trzepacz  
56 Stutzman Road  
Bowmansville, NY 14026

Gary Shoffstall  
Army Corp of Engineers  
1778 Niagara Street  
Buffalo, NY 14207

Kevin Kennedy  
National Grid  
144 Kensington Avenue  
Buffalo, NY 14214

Richard Gallivan  
NYS Thruway Authority  
455 Cayuga Rd, Suite 800  
Cheektowaga, NY 14225

Richard Jones  
NYS Department of  
Transportation  
100 Seneca Street  
Buffalo, NY 14203

Terry Reinke  
NFTA  
181 Ellicott Street

John Gullo  
Town of West Seneca  
Emergency Services

Daniel McCartan  
ECMC & WNY Regional  
Resource Center

Buffalo, NY 14203

1130 Center Road  
West Seneca, NY 14224

462 Grider Street, 3rd Floor  
Buffalo, NY 14215

Gary Geitter  
Tops Markets  
PO Box 1027  
Buffalo, NY 14240

Ernest Matthews  
Erie County Fire Chief's  
Mutual Aid Organization  
7267 Chestnut Ridge Road  
Orchard Park, NY 14127

Earl Loder  
Town of Cheektowaga  
Emergency Services  
3301 Broadway  
Cheektowaga, NY 14227

Lynda Burey  
SUNY Buffalo  
220 Winspear Avenue  
Room 204C  
Buffalo, NY 14215

Sean Crotty  
Town of Hamburg  
Emergency Services  
6100 South Park Avenue  
Hamburg, NY 14075

Peter Spilsbury Jr.  
Erie County Fire District  
Officers Association  
126 Tudor Blvd.  
West Seneca, NY 14220

Thomas Wik  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227

Judy Levan  
National Weather Service  
587 Aero Drive  
Cheektowaga, NY 14225

Robert Koster  
ARES/RACES  
5463 S. Abbott Road  
Orchard Park, NY 14127

Jim Zymanek  
Town of Amherst  
Emergency Services  
5583 Main Street  
Williamsville, NY 14221

Michael Muscarella  
City of Buffalo  
Inspections Department  
65 Niagara Square  
City Hall, Room 304  
Buffalo, NY 14201

Frank Cefalu  
Verizon Communications  
2755 Millersport Hwy  
Getzville, NY 14068

Michael Moskal  
Village of Depew  
Emergency Services  
38 Rumford Street  
Depew NY 14043

If you have any questions about this or any other matter, please feel free to contact my office at 858-8500.

Sincerely Yours,  
Mark C. Poloncarz  
(Chair's motion to Receive, file and print)

EDWARD A. RATH, III  
CHAIR

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

RE: Annual Designation of Visit Buffalo  
Niagara as the Tourism Promotion  
Agency for Erie County  
(INTRO 21-1)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS MILLS, LORIGO, GRANT, DIXON,  
HARDWICK, MORTON, RATH, BURKE, LOUGHRAN, MILLER-WILLIAMS & SAVAGE

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

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

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2014-2015; and be it further

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

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the

aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, 30 South Pearl St., Albany, NY 12245; Patrick Kaler and Leah Mueller of Visit Buffalo Niagara, 403 Main St., Suite 630, Buffalo, NY 14203; the tourism committees of both the New York State Assembly and Senate; County Executive Mark C. Poloncarz; Maria Whyte, Commissioner of the Department of Environment & Planning, and all other deemed necessary and proper.

Item 34 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

RE: Standard Work Day for Appointed  
Officials for Retirement Reporting  
Purposes  
(INTRO. 21-2)

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; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for appointed officials and will report the following Standard Work Day to the New York State and Local Employees’ Retirement System based on the Erie County Personnel Department’s time-keeping system that shows hours worked:

<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/Months (Based on Record of Activities)</u>
<u>Appointed Officials</u> Erie County Legislature Clerk of Legislature	Karen M. McCarthy	7	10/3/14-12/31/14	Y	N/A

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

RE: Appointment to the Erie County  
Agricultural and Farmland Protection  
Board  
(INTRO. 21-3)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLS

WHEREAS, in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302, members of the Erie County Agricultural and Farmland Protection Board are to be appointed by the Chairperson of the County Legislative Body; and

WHEREAS, among the membership of the Agricultural and Farmland Protection Board, there shall be a member appointed by the County Legislature representative of the citizens of Erie County; and

WHEREAS, action is necessary to ensure appropriate representation on this important advisory body.

NOW, THEREFORE, BE IT

RESOLVED, that Nancy R. Smith of the Western New York Land Conservancy is appointed to serve as a member of the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that a copy of this resolution be forwarded to the County Executive, the Commissioner of NYS Department of Agriculture, the Commissioner of the Department of Environment and Planning, and the Chair of the Erie County Agricultural and Farmland Protection Board.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

RE: Appointment of a Member of the Erie  
County Legislature to the Cornell  
Cooperative Extension Board  
(INTRO. 21-4)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLS

WHEREAS, the Constitution for the Cornell Cooperative Extension of Erie County in Article V, Sec. 3B (1) requires that the Erie County Legislature appoint one (1) member of the

Legislative body to serve as an ex-officio director on the Erie County Cornell Cooperative Extension's Board of Directors; and

WHEREAS, there is currently no representative of the Erie County Legislature present on this board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby appoints Legislator Joseph C. Lorigo, District 10, as this honorable body's representation on the Cornell Cooperative Extension of Erie County Board of Directors.

RESOLVED, that certified copies of this resolution be sent to Diane Held the Executive Director of the Cornell Cooperative Extension of Erie County and all other parties deemed necessary and proper.

Item 37 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded. MS. DIXON abstained.

CARRIED 10-0-1.

RESOLUTION NO. 263

RE: Appointment to the Erie County Jury Board  
(INTRO. 21-5)

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

WHEREAS, pursuant to Section 503 of the New York State Judiciary Law the Jury Board is to include a member of the Erie County Legislature; and

WHEREAS, said appointment is to be designated by this honorable body; and

WHEREAS, there is no current appointment to the Erie County Jury Board on behalf of the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby appoints Legislator Lynne M. Dixon, District 9, to represent the Erie County Legislature on the Erie County Jury Board; and be it further

RESOLVED, that certified copies of this resolution be sent to Hon. Paula L. Feroletto the Administrative Judge of the Eighth Judicial District and any other parties deemed necessary and proper.

Item 38 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MS. MILLER-WILLIAMS abstained.

CARRIED 10-0-1.

RESOLUTION NO. 264

RE: Reorganization of First District  
Legislative Office Personal Services  
Budget  
(INTRO. 21-6)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLER-WILLIAMS

WHEREAS, in order to better serve the residents of the First District of the Erie County Legislature, a reorganization is necessary of the Legislature's district office personal services budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget adjustments to the Legislature's 2014 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2014:

DELETE one (1) Administrative Clerk Legislature (RPT), JG 8, Position Number 51012207, and one (1) Administrative Clerk Legislature (PT), JG 8, Position Number 51012206, effective November 6, 2014; and

REPLACE with one (1) Administrative Clerk (Legislature) Full-Time, JG 8, to Fund Center 100, Cost Center 100501 7 District Office Staff, effective November 6, 2014; and be it further

RESOLVED, that the filling of the position be in accordance with Erie County Budget Resolution Number 84, as well as all Personnel Department policies; and be it further

RESOLVED, that the Clerk of the Legislature is directed to forward certified copies of this resolution to the Director of the Division of Budget, Management & Finance and the Commissioner of the Department of Personnel.

Item 39 – MS. GRANT presented the following resolution and moved for consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

RE: Appointment of Democratic  
Commissioner of Elections for Erie  
County, To Fill Vacancy  
(INTRO. 21-7)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS GRANT, MILLER-WILLIAMS,  
LOUGHRAN, BURKE & SAVAGE

WHEREAS, on October 24, 2014, pursuant to Election Law§ 3-204, the Erie County Democratic Committee filed with the Clerk of the Erie County Legislature a Certificate of Party Recommendation, recommending Leonard Lenihan, residing at 233 Glendale Ave., Tonawanda, NY

14150, for appointment to the office of Democratic Commissioner of Elections for Erie County, to fill a vacancy in that public office; and

WHEREAS, said appointment shall commence immediately for the unexpired term that ends on December 31, 2016.

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with New York State Election Law, the Erie County Legislature hereby appoints Leonard Lenihan, residing at 233 Glendale Ave., Tonawanda, NY 14150, as Democratic Commissioner of Elections, to fill a vacancy in that public office; and be it further

RESOLVED, that said appointment shall commence immediately for the unexpired term that ends on December 31, 2016; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Leonard Lenihan; to the Republican Commissioner of Elections, Ralph Mohr; and pursuant to Election Law § 3-210, a certificate of appointment of Mr. Lenihan shall be filed in the offices to the Erie County Clerk and the New York State Board of Elections.

MS. GRANT moved for approval of the item. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 40 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

INTRO. 21-8 from LORIGO. Citizens Salary Review Recommendation for the Office of the Erie County Executive.

CHAIR MILLS directed that a roll call vote be taken.

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

FAILED.

Item 41 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

INTRO. 21-9 from LORIGO. Citizens Salary Review Recommendation for the Office of the Erie County Sheriff.

CHAIR MILLS directed that a roll call vote be taken.

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

FAILED.

Item 42 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

INTRO. 21-10 from LORIGO. Citizens Salary Review Recommendation for the Office of the Erie County Comptroller.

CHAIR MILLS directed that a roll call vote be taken.

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

FAILED.

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

INTRO. 21-11 from LORIGO. Citizens Salary Review Recommendation for the Office of the Erie County Clerk.

CHAIR MILLS directed that a roll call vote be taken.

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

FAILED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

RE: Amendment to the 2014 Rules of Order  
Regarding Time to Presentation to Clerk  
(INTRO. 21-12)

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

WHEREAS, this honorable body would like to amend the Rules of Order for the Erie County Legislature; and

WHEREAS, one day notice is required to be filed with the Clerk of the Legislature pursuant to section 5.10 of the 2014 rules.

NOW, THEREFORE, BE IT

RESOLVED, section 2.33 shall be amended to read as follows:

Except as provided for in Section 2.02, all petitions, resolutions, offers, or communication of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., three (3) business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

In the event that three business days before session is a recognized holiday or a recognized holiday occurs within three business days before a regular meeting date, the appropriate clock-in day will be the first business day of the week in which the regular meeting date is held.

RESOLVED, that certified copies of this resolution be sent to all elected officials in Erie County.

Item 45 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded. MR. BURKE voted in the negative.

CARRIED 10-1.

RESOLUTION NO. 267

RE: Amendment to the 2014 Rules of Order  
Regarding Reduction of Agenda  
(INTRO. 21-13)

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

WHEREAS, the Erie County Legislature would like to amend the Erie County Rules of Order for the Erie County Legislature; and

WHEREAS, one day notice is required to be filed with the Clerk of the Legislature pursuant to section 5.10 of the 2014 rules.

NOW, THEREFORE, BE IT

RESOLVED, that the following subsection replace the current section 5.05:

5.05 OPEN ITEMS IN COMMITTEE RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

Any item on a committee agenda, including but not limited to Local Laws, Resolutions, communications from the departments, and communications from other officials will be removed from the agenda one (1) calendar year from the date of their introduction.

The Chair of the Committee may, on his or her motion, keep an expired item on the table for an additional calendar year. The motion to leave an item on the table is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

RESOLVED, that certified copies of this resolution be sent to all elected officials in Erie County.

Item 46 – CHAIR MILLS directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 21-14 from GRANT & BURKE. Encouraging the State Attorney General to Enforce Laws Against Geographically-Based Zone Pricing.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 47 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 21-15 from LEGISLATOR MILLS. Re: Appointment to the Citizens' Budget Review Commission.

MR. LORIGO moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLS

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstating a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No.2 of 2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, one of the members of the Commission, Kim Bowers, is no longer able to serve the public through the Citizens Budget Review Commission and therefore the vacancy must be filled.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individual is hereby appointed by this Honorable Body to serve as a member of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2014:

Appointee:

Jorge S. deRosas  
77 Middlebury Rd.  
Orchard Park, NY 14127

Membership Category:

Represents a cross-section of the County's diverse population and has a depth of appropriate experience and expertise.

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, the Erie County Citizens' Budget Review Commission appointees at the addresses listed above, and all other parties deemed necessary and proper.

Item 48 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21M-12 from the BUFFALO & EC PUBLIC LIBRARY. Re: Information Requested by Legislators Lorigo and Rath from Committee Meeting Testimony.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR MILLER-WILLIAMS**

Item 49 – MR. LORIGO presented the following resolution and moved for consideration. MS. DIXON seconded. MS. MILLER-WILLIAMS abstained.

CARRIED 10-0-1.

RESOLUTION NO. 269

RE: Lease Agreement for Legislative Office  
Space  
(COMM. 21E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement (Term of 01/01/2014-12/31/2014) with Towne Gardens, LLC for Legislative office space for Barbara Miller-Williams, located at 440 Clinton Street, Buffalo, New York 14202 for a monthly rate of \$799.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 270

RE: Buffalo and Erie County Botanical  
Garden 2014 - Houses 2 & 3 Renovation  
Winter Protection Package  
(COMM. 21E-2)

WHEREAS, the Department of Public Works received bids for the Buffalo and Erie County Botanical Gardens 2014 Houses 2 & 3 Renovation Winter Protection Package on October 7, 2014; and

WHEREAS, the Department of Public Works along with Foit Albert Associates are recommending award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for the Buffalo and Erie County Botanical Gardens 2014 Houses 2 & 3 Renovation Winter Protection Package for an amount not to exceed as follows:

General Construction Work  
Nichter Construction, Inc.

Base Bid: \$21,000.00

and be it further

RESOLVED, that the sum of \$5,000 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 the additional funding from SAP project accounts as follows:

A.13002- 2013 Buffalo & Erie County Botanical Gardens  
Master Plan Implementation \$26,000.00

; and be it further

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

**FROM THE COUNTY EXECUTIVE & SHERIFF**

Item 51 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 271

RE: Jail Management Division Funds  
Transfer  
(COMM. 21E-3)

WHEREAS, the Jail Management Division finds it necessary to make certain purchases for the safe and efficient operation of the Erie County Holding Center and Erie County Correctional Facility, and

WHEREAS, the transport vehicles utilized by the holding center and correctional facility are in need of tires and parts for proper and safe operation of the vehicles, and

WHEREAS, the maintenance of the transportation vehicles provide for increased security and safety for the Deputies and inmates, and

WHEREAS, Erie County Sheriff's Office Jail Management Division needs ammunition for the proper training for effective and efficient use of firearms, and

WHEREAS, each year officers and Basic Corrections Academy recruits need to qualify for weapons use, and

WHEREAS, necessary funds exist within the Jail Phone Revenue Trust account, and

WHEREAS, pursuant to Communication 6E-24 approved by your Body on May 9, 2013, the County Executive and the Sheriff jointly agree that available telephone revenue should be utilized for these purposes.

NOW, THEREFORE BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to transfer \$100,000 from the Jail Phone Revenue Trust Account to the Jail Phone Revenue Account (#415622) and increase the following accounts within the Jail Management Division:

JAIL PHONE REVENUE ACCOUNT

APPROPRIATION		Increase
505600	Automobile Supplies	\$ 35,000
506200	Maintenance and Repair	\$ 45,000
561410	Lab and Technical Equipment	<u>\$ 20,000</u>
	Total Appropriations	\$ 100,000

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.

FROM CHAIR MILLS

Item 52 – (COMM. 21E-4) Letter to Clerk of the Legislature Calling for Public Hearing Regarding Citizens Salary Review Commission Report

Received, filed and printed.

Dear Ms. McCarthy:

Please be advised that there is a need to call a Public Hearing to consider the recommendations of the Citizens Salary Review Commission of Erie County.

This public hearing is in accordance with the Erie County Charter §202.3 (1) which directs the legislature to hold at least one public hearing to solicit public input on said commission's recommendations.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 5:30 p.m. on October 30, 2014 in the Chambers of the Erie County Legislature located at Old County Hall, 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York 14202.

Thank You for your attention to this matter.

Sincerely,  
John J. Mills, Chair

FROM CHAIR MILLS

Item 53 – (COMM. 21E-5) Appointment of Legislators Morton and Grant to Serve on Finance and Management/Budget Committee

Received, filed and printed.

Dear Ms. McCarthy,

Pursuant to Section 1.01(12) and Section 3.02 of the Erie County Legislature's 2014 Rules of Order, I hereby appoint Legislator Ted B. Morton and Minority Leader Betty Jean Grant to serve as members of the Finance and Management/Budget Committee.

Yours very truly,  
John J. Mills – Chairman

FROM CHAIR MILLS

Item 54 – (COMM. 21E-6) 2015 Budget Hearing Schedule for the County Executive's 2015 Tentative Budget

Received, filed and printed.

Dear Ms. McCarthy:

Attached please find the budget hearing schedule for the 2015 tentative Erie County Budget, to be conducted by the Legislature's Finance & Management/Budget Committee on November 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup>, 2014.

Also included on this schedule are the dates for the legislative public hearing on the tentative budget, and the date scheduled for the Annual Budget Meeting for a vote of the full Legislature.

Please place these dates on the calendar of the Legislature and make the appropriate notifications.

Thank you for your assistance with this matter.

Sincerely,  
John J. Mills, Chair of the Erie County Legislature

**REVISED**  
**BUDGET HEARING SCHEDULE**  
**2015 TENTATIVE ERIE COUNTY BUDGET**  
**Conducted by the Erie County Legislature**  
**Finance & Management/Budget Committee**  
*All meetings will be held in the Chambers of the Erie County Legislature,*  
*located at 92 Franklin St., 4<sup>th</sup> Floor, Buffalo, NY 14202*

**MONDAY, NOVEMBER 17, 2014**

9:00 AM - 11:00 AM

Budget Presentation:  
*Robert Keating, Budget Director*

11:00 AM - 11:30 AM	<i>of Budget and Management</i>
11:30 AM - 12 NOON	Board of Elections
1:00 PM – 1:45PM	Comptroller
	County Executive
1:45 PM – 2:15PM	Budget and Management
2:15 PM – 2:45 PM	Senior Services
	Purchasing
<b>TUESDAY, NOVEMBER 18, 2014</b>	
9:00 AM - 9:30 AM	Environment and Planning
9:30 AM - 11:00 AM	Social Services
11:00 AM - 12 NOON	District Attorney
1:00 PM - 1:30 PM	Personnel/Labor Relations
1:30 PM - 2:00 PM	Probation and Youth Detention Services
2:00 PM - 2:30 PM	Central Police Services
<b>WEDNESDAY, NOVEMBER 19, 2014</b>	
9:00 AM - 9:45 AM	Health/Emergency Medical Services
9:45 AM - 10:15 AM	County Attorney
10:15 AM - 11:00 AM	Public Works
11:00 AM - 11:30 AM	Parks, Recreation and Forestry
12:30 PM - 1:15 PM	Buffalo & Erie County Public Library
1:15 PM - 1:45 PM	County Clerk
1:45 PM - 2:15 PM	Sheriff
2:15 PM - 2:45 PM	DISS
<b>THURSDAY, NOVEMBER 20, 2014</b>	
11:00 AM - 11:30 AM	Emergency Services
<b>FRIDAY, NOVEMBER 21, 2014</b>	
<i>Reserved for Call-Backs</i>	
<b>MONDAY, NOVEMBER 24, 2014</b>	
5:00 PM	PUBLIC HEARING
<b>TUESDAY, DECEMBER 2, 2014</b>	
2:00 PM	ANNUAL BUDGET MEETING

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 21E-7) Appointment to the Citizens Budget Review Commission

Received, filed and printed.

Dear Honorable Members:

Pursuant to the Erie County Charter, I, Mark C. Poloncarz, Erie County Executive do hereby submit the following individual to be appointed to the Citizens Budget Review Commission:

Jud R. Payne  
2 Ashford Place  
Depew, NY 14043

Sincerely,  
Mark C. Poloncarz, Esq., Erie County Executive

**FROM LEGISLATORS LORIGO & RATH**

Item 56 – (COMM. 21E-8) Letter to B&ECPL Director Regarding Follow-Up Information  
From Committee Meeting Testimony

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR MILLER-WILLIAMS**

Item 57 – (COMM. 21E-9) Letters of Support for the Buffalo City Mission Expansion  
Project

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 58 – (COMM. 21E-10) Payment in Lieu of Taxes (PILOT) Agreement for Bellamy  
Commons, City of Buffalo - Affordable Housing Development

Item 59 – (COMM. 21E-11) Budget Adjustment - Bicycle/Pedestrian Trail Construction

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

**FROM THE COUNTY EXECUTIVE**

Item 60 – (COMM. 21E-12) Black Rock Canal Park Improvements Phase II - Contractor  
Bid Deposits

Item 61 – (COMM. 21E-13) EC Sewer District No. 2 - Revocable Permit - Wendt Beach  
Park Property

Item 62 – (COMM. 21E-14) EC Sewer District No. 3 - Brookview Apartments of WNY,  
Town of Hamburg

Item 63 – (COMM. 21E-15) EC Sewer District Nos. 1-6 & 8 - 2015 User charges

Item 64 – (COMM. 21E-16) EC Sewer District No. 6 - Kennedy Drive Sanitary Sewer  
Rehabilitation Project, City of Lackawanna - Contract No. 51 Opening Bid

Item 65 – (COMM. 21E-17) Solid Waste Management Board Memorandum of Understanding

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

**FROM THE COUNTY EXECUTIVE**

Item 66 – (COMM. 21E-18) WNY Sustainable Business Roundtable (Oct 1, 2014 - Sept 30, 2016) - Acceptance of Grant Funding, Program Budget, Personnel Adjustment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM CHAIR MILLS**

Item 67 – (COMM. 21E-19) Subpoena of Director, Department of Weights & Measures to Appear at Committee Meeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 68 – (COMM. 21E-20) Interim Financial Report for the Nine-Month Period Ended Sept 30, 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 69 – (COMM. 21E-21) Transfer of Surplus County Owned Land Locked Parcels, Town of Newstead

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 70 – (COMM. 21E-22) 2015 EC Budget and Comptroller's Request to Delete Audit Positions

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

**FROM THE COMPTROLLER**

Item 71 – (COMM. 21E-23) Review of Poloncarz Administration's 2015 Tentative Budget Revenue and Expense Projections

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

FROM THE COUNTY EXECUTIVE

Item 72 – (COMM. 21E-24) Comptroller's Review of 2015 Tentative Budget Revenue and Expense Projections

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

FROM THE COUNTY EXECUTIVE

Item 73 – (COMM. 21E-25) EC Encroachment Policy for County Owned Lands

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 74 – (COMM. 21E-26) Acceptance of TANF Domestic Violence Funds and Adjustment to Non-Residential Domestic Violence Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 75 – (COMM. 21E-27) Acceptance of FY2014 Hazmat Grant

Item 76 – (COMM. 21E-28) Acceptance of FY2014 State Homeland Security Program (SHSP) Funds

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

Item 77 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

RE: Correctional Health Division –  
Department of Health - Transfer of  
Funds  
(COMM. 21E-29)

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

WHEREAS, the Department of Health has determined that in that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$712,000; and

WHEREAS, the Adopted 2014 Health Department Budget provides funding to provide medical services at the Erie County Holding Center and the Erie County Correctional Facility; and

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

NOW, THEREFORE, BE IT

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

Health Department: Correctional Health - Fund Center 12760

Expense	Increase/(Decrease)
Account 516050 Payments to ECMC	\$(712,000)
Account 516020 Professional Services Contracts and Fees	\$712,000
Net	- 0-

and be it further

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE CLERK OF THE LEGISLATURE**

Item 78 – (COMM. 21D-1) Letter to Legislature Regarding Notice of Public Hearing Regarding County Executive's 2015 Tentative Budget

Item 79 – (COMM. 21D-2) Notice of Public Hearing Regarding County Executive's 2015 Tentative Budget

Item 80 – (COMM. 21D-3) Letter to Legislature Regarding Notice of Public Hearing For Salary Review Commission Report

Item 81 – (COMM. 21D-4) Notice of Public Hearing Regarding Salary Review Commission Report

Item 82 – (COMM. 21D-5) Supporting Materials Given During Public Hearing Regarding Recommendations of Citizens' Salary Review Commission

The above five items were received and filed.

**FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 83 – (COMM. 21D-6) EC Agricultural Districts Inclusion of Viable Agricultural Land 2014 Report

Item 84 – (COMM. 21D-7) Agricultural District No. 16, Towns of Lancaster, Alden - Eight-Year Review Report

Item 85 – (COMM. 21D-8) Agricultural District No. 17, Town of Amherst - Eight-Year Review Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 86 – (COMM. 21D-9) Initiatives for a Smart Economy - July 2014 Reports

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

Item 87 – (COMM. 21D-10) 2015 Tentative Budget Revenue and Expense Projections

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

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

Item 88 – (COMM. 21D-11) Comm. 12E-34 Compliance Report - September - CPS Caseloads

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE EC DEMOCRATIC COMMITTEE**

Item 89 – (COMM. 21M-1) Recommendation of Leonard Lenihan as Commissioner of Elections

Received and filed.

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 90 – (COMM. 21M-2) Letter Regarding Follow-Up Information From Committee Meeting Testimony

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE TOWN CLERK, TOWN OF NEWSTEAD**

Item 91 – (COMM. 21M-3) Resolution Supporting Niagara Military Affairs Council Initiative

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN CLERK, TOWN OF TONAWANDA

Item 92 – (COMM. 21M-4) Resolution Supporting Niagara Military Affairs Council Initiative

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MAYOR, VILLAGE OF HAMBURG

Item 93 – (COMM. 21M-5) Letter to DPW Regarding Bicycle Lanes and Sharrow Markings on Main St and Buffalo St, and Legion Dr, Village of Hamburg

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEE COPPOLA

Item 94 – (COMM. 21M-6) Letter to DPW Regarding Maintenance of McKinley Park Median, Town of Hamburg

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NY POWER AUTHORITY

Item 95 – (COMM. 21M-7) Winter Mooring Relocation Project Request for SEQRA Lead Agency Concurrence

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EXECUTIVE DIRECTOR, BUFFALO PLACE INC

Item 96 – (COMM. 21M-8) Letter Regarding Buffalo Place's 2015 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE AMHERST SYMPHONY ORCHESTRA ASSOCIATION

Item 97 – (COMM. 21M-9) Letter of Support for the County Executive's 2015 Budget Request for Funding of the Arts and Cultural

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

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 98 – (COMM. 21M-10) Letters of Support for Funding of the Library System

Item 99 – (COMM. 21M-11) Acknowledgement of Letters of Support for Funding of the Library

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

### **ANNOUNCEMENTS**

Item 100 – CHAIR MILLS announced that a Public Hearing is scheduled for Monday, November 24, 2014 at 5:00 PM to hear public comment on the County Executive's 2015 Tentative Budget.

Item 101 – CHAIR MILLS announced that the committee schedules and agendas have been distributed.

### **MEMORIAL RESOLUTIONS**

Item 102 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Kitty Turgeon.

Item 103 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of James J. Depsey.

Item 104 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of John Wilson.

Item 105 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Jacob Tanner.

Item 106 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Daniel Ludwig.

### **ADJOURNMENT**

Item 107 - 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, November 20, 2014 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, November 20, 2014 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**