

ERIE COUNTY LEGISLATURE
MEETING NO. 13
JUNE 25, 2015

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Mills, who introduced Fr. Leon J. Biernat to offer a prayer.

The Pledge of Allegiance was led by Mr. Savage.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 12. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. LORIGO presented a resolution Honoring Buffalo Choral Arts Society on its 50th Anniversary.

Item 6 – MR. LORIGO presented a resolution Honoring East Aurora's Boys 4x400 Relay Team on its Outstanding Year and Taking First Place in the New York State Championship.

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 Congratulating Shakespeare in Delaware Park on its 40th Season of Producing First Class Shakespearean Theater for the Residents of Erie County.

Item 8 – MR. RATH presented a resolution Honoring Father Leon J. Biernat, Pastor from St. Gregory the Great Church in Williamsville, as the Erie County Legislature's Citizen of the Month for June 2015.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above four items by adding one miscellaneous resolution for MS. GRANT & MR. SAVAGE and to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLS directed that Local Law No. 1 (Print #3) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 8 (Print #2) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 19 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

June 18, 2015	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-12 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is seeking approval to execute contracts for the 2015 Supervision and Treatment Services for Juveniles Program (STSJP) program; and

WHEREAS, STSJP promotes positive youth development and address long-term juvenile delinquency within Erie County; and

WHEREAS, the New York State Office of Children and Family Services have approved the use of unspent 2014 STSJP funds in 2015 to enhance agency programs; and

WHEREAS, a Request for Proposals (RFP) was distributed for this program in January 2014 and scored by the Youth Board.

NOW, THEREFORE, BE IT

RESOLVED, the County Administrative Code requirement in Section 19.08 for a RFP is hereby waived and the January 2014 RFP for STSJP services shall be extended to December 31, 2016; and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are hereby authorized to amend and execute contracts with the following providers for STSJP from available 2015 funds in Fund Center 12530, Account 517879 Supervision & Treatment for Juveniles in the Budget of the Youth Bureau:

2014-15 STSJP Community Agencies	Original 2014-15 Contract Amount	Enhanced Programing with Contract Extension	Total Contract to December 31, 2015
Berkshire Farms	\$ 75,000	\$ 93,790	\$168,790
Families' Child Advocacy Network	100,000	14,370	114,370
Compass House	75,000	11,954	86,954
Community Action Network	50,000	32,600	82,600
CCNY	21,092		21,092
New Directions Youth & Family Services	<u>0</u>	<u>17,000</u>	<u>17,000</u>
Total	\$321,092	\$169,714	\$490,806
Less payments from 2014			(\$78,306)
2015 Funding Required Available in Youth Bureau - Account 517879			\$412,500

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 Division of Budget and Management.

(6-0)

2. **COMM. 12E-13 (2015)**
COUNTY EXECUTIVE

WHEREAS, group respite programs provide a safe, supervised, entertaining environment for memory impaired adults, thereby allowing their family caregivers temporary relief; and

WHEREAS, the Department of Senior services is working to cost efficiently expand services for frail older adults in Erie County by partnering with faith-based institutions to provide group respite programs; and

WHEREAS, partner institutions need assistance in setting up these programs; and

WHEREAS, the Department of Senior Services desires to extend the contract with consultant, Ms. Lisa Rood, for the period April 1, 2015 through March 31, 2016 to assist with the creation of additional group respite programs, previously approved in 12/18/14 COMM. 25E-18; and

WHEREAS, the Department of Senior Services has identified three additional area churches to begin this initiative, including Clarence United Methodist Church, Akron United Methodist Church, aka The Wright Center and Baker United Methodist Church; and

WHEREAS, the Department of Senior Services plans on providing each of the identified churches with a one time payment of \$1,000 to cover program start up expenses; and

WHEREAS, budgetary appropriations are available in the 163CSE1516 grant's Professional Services Contracts and Fees account to fund the contracts with the consultant and churches.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to extend the previously approved consultant contract with Lisa Rood, for the period April 1, 2015 through March 31, 2016, to assist with the creation of the group respite program,; and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts, not to exceed \$1,000 each, with Clarence United Methodist Church, Akron United Methodist Church, aka The Wright Center and Baker United Methodist Church, to begin group respite programs; and be it further

RESOLVED, that budgetary appropriations in the 163CSE1516 grant's Professional Services Contracts and Fees account be utilized to fund the contracts with the consultant and churches; 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 of Senior Services.

(6-0)

3. COMM. 12E-14 (2015)

COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging (NYSOFA) has recently awarded the Department of Senior Services \$33,376 of Medicare Improvements for Patients and Provider Act (MIPPA) grant funds for the period September 30, 2014 through September 29, 2015; and

WHEREAS, the funds are to be utilized for the purpose of enhancing the Department's outreach efforts to beneficiaries on Medicare Part D, particularly those on limited incomes or living in rural areas of the county, as well as informing all Medicare beneficiaries about Medicare prevention and wellness benefits; and

WHEREAS, the grant is 100% federally funded and does not require a local share; and

WHEREAS, the Department of Senior Services desires to amend the existing cluster agency contract with Schiller Park Community Services, Inc. to provide the agency with up to an additional \$30,000 to perform targeted MIPPA outreach services towards seniors.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract with NYSOFA to accept the MIPPA funding for the period September 30, 2014 to September 29, 2015; and be it further

RESOLVED, the County Executive be and is hereby authorized to amend the Department of Senior Services, Schiller Park Community Services, Inc. cluster agency contract and provide the agency with up to \$30,000 of additional funding to perform targeted MIPPA outreach services towards seniors; and be it further

RESOLVED, the County Executive be and is hereby authorized to enter into contracts and amendments with NYSOFA and Schiller Park Community Services, Inc. to effectuate adjusted funding levels; and be it further

RESOLVED, that the budget for the 163MIPPA/ADRC1415 grant, be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	<u>\$33,376</u>
	TOTAL	<u>\$33,376</u>

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
517785	Schiller Park Community	\$30,000
516020	Professional Services & Fees	<u>\$3,376</u>
	TOTAL	<u>\$33,376</u>

and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the NYSOFA approved funding levels; and be it further.

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

(6-0)

4. COMM. 12E-15 (2015)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services currently contracts with Charles Battaglia through the Ready or Not grant, which is 100% funded by the Health Foundation for Western & Central New York and the funding has been made available through December 31, 2016; and

WHEREAS, there is additional funding remaining in the grant to allow the Department of Senior Services to continue contracting with Charles Battaglia; and

WHEREAS, the additional time being added to the contract will allow the consultant to complete the work prescribed in the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to extend the \$6,000 consultant contract with Charles Battaglia through December 31, 2016 for the Department of Senior Services Ready or Not grant; 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 of Senior Services.

(6-0)

LYNNE M. DIXON
CHAIR

Item 20 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

June 18, 2015	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 7
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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. 10M-2 (2015)
ERIE COMMUNITY COLLEGE: "2015-2016 Budget"
(6-0)

KEVIN R. HARDWICK
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

June 18, 2015	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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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. 12E-6 (2015)
COUNTY EXECUTIVE: "EC Sewer District No. 1 - Engineer Term Agreements - Change Order No. 1"
(6-0)
 - b. COMM. 12D-4 (2015)
CLERK OF THE LEGISLATURE: "NYS DEC Documents Received"
(6-0)
 - c. COMM. 12M-3 (2015)
NYS AGRICULTURE AND MARKETS: "Letter Regarding Review of EC Agricultural District No. 8"
(6-0)
 - d. COMM. 12M-4 (2015)
TOWN OF AMHERST: "Town Resolution Regarding Electronic Equipment Recycling and Refuse Act"
(6-0)
2. COMM. 12E-7 (2015)
COUNTY EXECUTIVE
WHEREAS, Bonnie J. Cloutier (hereinafter "Cloutier"), is the current owner of 63 Vanderbilt Avenue, Depew, New York 14043, also known as SBL 103.12-12-3; and

WHEREAS, the County of Erie (hereinafter "County"), currently owns the entire parcel located behind 63 & 67 Vanderbilt Avenue, Depew New York 14043 (SBL No. 103.12-6-22.41); and

WHEREAS, Cloutier desires to use and maintain part of the County's premise (SBL No. 103.12-6-22.41, filed in the Erie County Clerk's Office under Liber 11263 Page 6008) that is behind 63 Vanderbilt Avenue and outside of the fence line for the County's Pumping Station.

NOW, THEREFORE BE IT

RESOLVED, that a Revocable Permit for use of an approximately seventeen feet by forty feet area of Parcel SBL No. 103-12-6-22.41 be granted to Bonnie J. Cloutier; and be it further

RESOLVED, that the County Executive be authorized to sign said Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that (1) certified copy each of this resolution to the County Executive and Kristin 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)

3. COMM. 12E-8 (2015)

COUNTY EXECUTIVE

WHEREAS, Brandon Kowal (hereinafter "Kowal"), is the current owner of 94 Chateau Court, Depew, New York 14043, also known as SBL 103.16-2-11; and

WHEREAS, the County of Erie (hereinafter "County"), currently owns the entire parcel located behind 94 Chateau Court, Depew, New York 14043 (SBL No. 103.16-2-48.2); and

WHEREAS, Kowal desires to use and maintain the County's premise (SBL No. 103.16-2-48.2, filed in the Erie County Clerk's Office under Liber 9136 Page 217) that is behind 94 Chateau Court.

NOW, THEREFORE BE IT

RESOLVED, that a Revocable Permit for use of a twenty feet by sixty feet area known as Parcel SBL No. 103.16-2-48.2 be granted to Brandon Kowal; and be it further

RESOLVED, that the County Executive be authorized to sign said Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that (1) certified copy each of this resolution to the County Executive and Gregory Kammer, 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. 12E-9 (2015)

COUNTY EXECUTIVE

WHEREAS, \$1,250 in local source revenue is available from unclaimed bid deposit funds received from contractors during the re-bidding of Phase II Black Rock Canal Park Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to accept \$1,250 in contractor bid deposits for improvements to Black Rock Canal Park; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.21016 within the Erie County Budget

– Increase Revenue and Appropriations totaling \$1,250 as follows:

Revenue

Commitment Item #409010 (Other Local Source Revenue) (\$1,250)

Appropriations

Commitment Item #516020 (Professional Services – Contractual Fees) \$1,250

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with Federal, State, and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and be it further

RESOLVED, that this Resolution shall take effect immediately.

(6-0)

TED B. MORTON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

June 18, 2015	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
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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. 9D-4 (2015)
COUNTY EXECUTIVE'S OFFICE: "Documents Related to Proposed State Transfer of Former US Route 219 Bridge Over Cattaraugus Creek to Erie and Cattaraugus Counties"
(6-0)
 - b. COMM. 9M-1 (2015)
VILLAGE OF SPRINGVILLE: "Letter to Regarding Proposed State Transfer of Former US Route 219 Bridge"
(6-0)
 - c. COMM. 11M-4 (2015)
VISIT BUFFALO NIAGARA: "2015 First Quarter Report"
(6-0)
 - d. COMM. 12M-2 (2015)

NFTA: "April 23, 2015 Board Minutes"
(6-0)

2. INTRO. 12-4 (2015)

BURKE **AS AMENDED**

WHEREAS, a fiber optic broadband network does not exist throughout the County of Erie in the State of New York; and

WHEREAS, not having a fiber optic broadband network limits the region's economic development opportunities in the growing technology market; and

WHEREAS, studies have shown that communities with 1 gigabit fiber optic broadband access have on average 1 percent increase in GDP growth compared to regions without this access ; and

WHEREAS, a fiber network could prove to be a regional asset that improves the quality of education, public safety, and economic development; and

WHEREAS, as a regional asset, a fiber broadband network could be used to attract businesses and talented people to our region, especially, those from the burgeoning technology market of Toronto; and

WHEREAS, the Erie County Legislature unanimously supported the exploration of a fiber optic broadband network in Erie County which resulted in the formation of the Erie County Municipal Broadband Committee; and

WHEREAS, the Committee produced a document highlighting the benefits of a municipal network as well as the challenges associated with such a network; and

WHEREAS, after consulting with telecommunications professionals it is the Committee's opinion that a feasibility study is the next step toward making a fiber optic network a reality as well as the needed creation of an asset map of the fiber cables that already exist in our region.

WHEREAS, the State of New York has made 500 million dollars available to public and private entities for the purpose of making broadband internet accessible to all New Yorkers; and

WHEREAS, the County Executive in his Initiatives for Stronger Communities has publicly committed to the goal of increasing broadband access; and

WHEREAS, any delay in this feasibility study could impair the County's competitiveness for State Broadband funds

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature encourages the County Executive to move forward with a feasibility study for a fiber optic broadband network as soon as possible; and be it further

RESOLVED, that copies of this resolution be distributed to the County Executive, Department of Law, Department of Environment and Planning, Division of Information and Support Services, and the Division of Budget and Management.
(6-0)

EDWARD A. RATH, III
CHAIR

Item 23 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

June 18, 2015	PUBLIC SAFETY COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GRANT & MORTON.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-7 (2015)
EC FIRE ADVISORY BOARD: “Letter Regarding EC Fire Training Facilities Repair”
(3-0)
 - b. COMM. 12M-5 (2015)
TOWN OF ORCHARD PARK: “Town Resolution Regarding Wireless 911 Cell Phone Surcharge”
(3-0)
2. COMM. 11E-30 (2015)
SHERIFF AS AMENDED
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 Sheriff’s Office remains committed to training its Deputies and Corrections Officers on the latest techniques, innovations and best practices of law enforcement and jail management; and

WHEREAS, these funds will be utilized for travel and training of Deputies and Correctional Officers assigned to the Erie County Holding Center and the Erie County Correctional Facility, and

WHEREAS, carpeting throughout the holding center is worn and unsanitary, creating unsafe and unhealthy conditions and funds will be utilized to purchase carpeting in Holding Center housing pods, and

561440 – SAC Trailer	\$ 4,200.00
561420 – Office Equipment	\$ 28,000.00
A.14076 – Firing Range Capital Improvement	<u>\$ 111,600.00</u>
Total Appropriations	<u>\$ 201,100.00</u>

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.

(3-0)

3. COMM. 12E-17 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security, through the NYS Department of Homeland Security and Emergency Services, has agreed to provide funding in the amount of \$1,407,651 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$1,407,651 in federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$1,407,651 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions within existing Department of Emergency Services Homeland Security grants to SHSP FY 2015, as required, to maintain public safety services to Erie County residents; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives and the funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in grant fund 281, funds center 1670030 as follows:

Erie County Department of Emergency Services
FY 2015 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$1,407,651
Appropriations	Increase

Account 500000 Full Time Salaries	\$340,967
Account 500010 Part Time Salaries	\$30,000
Account 502000 Fringe Benefits	\$167,504
Account 505200 Clothing Supplies	\$2,000
Account 505800 Medical & Health Supplies	\$10,000
Account 510100 Out of Area Travel	\$10,000
Account 515000 Utility Charges	\$100,000
Account 516020 Professional Contracts & Fees	\$46,500
Account 516030 Maintenance Contracts	\$541,680
Account 561410 Lab & Technical Equipment	\$94,000
Account 912400 ID Mental Health Service	<u>\$65,000</u>
Total Appropriations	1,407,651

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 where existing personnel are funded out of homeland security grants, as additional homeland security funding becomes available those existing positions can carry over to future homeland security grant years; 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 Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Mental Health c/o Dave Spadone, the County Comptroller, and the County Attorney.

(3-0)

4. COMM. 12E-18 (2015)

COUNTY EXECUTIVE

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been written for Erie County and its 44 municipalities; and

WHEREAS, this plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Erie County is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the action in the Plan; and

WHEREAS, the Erie County Multi-Jurisdictional Hazard Mitigation Plan needs adoption and acceptance by your Honorable Body in order to submit it to the Federal Emergency Management Agency (FEMA), along with the other 44 municipal resolutions; and

WHEREAS, this plan will allow Erie County and its 44 municipalities to receive funding after a disaster or for mitigation purposes; and

WHEREAS, Erie County has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services – Disaster Preparedness Division, is authorized to receive this revision of Comm. 3E-19 dated February 1, 2007 from this Honorable Body, which hereby indicates the adoption and acceptance of the Erie County All-Hazard Mitigation Plan, and to forward this resolution, along with the other 44 municipality's resolutions to the Federal Emergency Management Agency (FEMA) so the plan can be completely approved; and be it further

RESOLVED, that the Erie County Multi-Jurisdictional Hazard Mitigation Plan will be reviewed and amended, as needed, within a period of every five (5) years; and be it further

RESOLVED, that the Multi-Jurisdictional Hazard Mitigation Plan will allow Erie County and its 44 municipalities to receive funding from FEMA, as a result of a federally declared disaster, and/or for mitigation aid; 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.
(3-0)

5. **COMM. 12E-19 (2015)**
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security, through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the SHSP grants to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into an agreement for five years with Saia Communications Inc. for space on their Colden and Perrysburg towers in the amount of \$14,400 annually, per tower; and

WHEREAS, this contract will auto renew every five years for a total of up to 20 years or may be terminated sooner by either party as per the conditions of the lease agreement; and

WHEREAS, the contract will be managed by the Erie County Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an agreement beginning July 1, 2015 with Saia Communications, Inc. for the purposes of providing tower space for 400 MHz Interoperable Communications System in the amount of \$14,400 annually, per tower; and be it further

RESOLVED, that the funds to cover this agreement are already approved by the state to be utilized for this project in the 100% reimbursable State Homeland Security Program (SHSP) grant, account 516030, fund 281, and funds center 1670030; 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 Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(3-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 24 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Leasing of County Fleet Vehicles
(INTRO. 13-1)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MORTON & LORIGO

WHEREAS, the county currently owns and maintains a fleet of vehicles for law enforcement, transportation, and maintenance needs; and

WHEREAS, it is in the best interests of the county to keep its costs as low as possible while delivering the best service to taxpayers; and

WHEREAS, fleet costs are heavily influenced by vehicle upkeep and purchase especially on higher mileage cars like those used in law enforcement; and

WHEREAS, Enterprise car rentals proposed a plan to Cattaraugus County to let the county lease its fleet instead of buying them, which could have saved the county almost \$700,000 for its fleet 70 vehicles; and

WHEREAS, if a similar proposal can be arranged in Erie County the county could recognize significant savings especially on older high-mileage vehicles if the county chooses to lease their vehicles as opposed to buying new ones.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby requests that the County Executive and Comptroller work with the Sheriff, the Department of Public Works, and the Department of Park and Recreation to examine the feasibility of potential cost savings due to leasing fleet vehicles as

opposed to buying them whenever possible and report the findings to the Government Affairs Committee; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, Comptroller, Sheriff, Commissioner of Public Works, Commissioner of Parks and Recreation, and all parties deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

RE: Standard Work Day for Elected Officials
for Retirement Reporting Purposes
(INTRO. 13-2)

A RESOLUTION TO BE SUBMITTED
BY CHAIRMAN 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 elected 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>
County Clerk Erie County Legislature	Jacobs, Christopher	7	1/1/2015 – 12/31/2018	N	23.90
Legislator	Savage, Peter J. III	6	1/1/2015 – 12/31/2015	N	29.82

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

RE: Standard Work Day for Appointed
Officials for Retirement Reporting
Purposes
(INTRO. 13-3)

**A RESOLUTION TO BE SUBMITTED
BY CHAIRMAN 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 (Hrs/Day)</u>	<u>Term Begins/Ends</u>	<u>Participates in Employers' Time Keeping System</u>	<u>Days/Months (Based on Record of Activities)</u>
<i>Appointed Officials</i>					
<i>Erie County Clerk</i>					
First Deputy County Clerk	LaGree, Peggy A.	7	1/1/2015 – 12/31/2018	Yes	N/A
Deputy County Clerk-Auto	Rittling, Charles	7	1/1/2015 – 12/31/2018	Yes	N/A
Deputy County Clerk-Legal	Fulwiler, Patricia	7	1/1/2015 – 12/31/2018	Yes	N/A
<i>Erie County Legislature</i>					
Clerk of the Legislature	McCarthy, Karen M.	7	1/1/2015 – 12/31/2015	Yes	N/A
Chief of Staff-Majority	Whipple, Steven	7	1/1/2015 – 12/31/2015	Yes	N/A
Chief of Staff-Minority	Graber, Robert M.	7	1/1/2015 – 12/31/2015	Yes	N/A
Counsel-Minority	Murak, Paul	6	1/1/2014 – 12/31/2015	Yes	N/A
<i>Erie County District Attorney</i>					
First District Attorney	Flaherty, Michael J. Jr	7	1/1/2012 – 12/31/2016	Yes	N/A
Deputy for Administration	Hughes, Amy C.	7	1/1/2012 – 12/31/2016	Yes	N/A
<i>County Executive</i>					
Deputy County Executive	Whyte, Maria	7	1/20/2015 – 12/31/2015	Yes	N/A
Commissioner of Social Svcs	Dirschberger, Albert	7	3/16/2015 – 3/16/2020	Yes	N/A
First Deputy Social Svcs	Cannon, Marie	7	1/1/2008 – 12/31/2015	Yes	N/A
Assistant Deputy Social Svcs	Hall, Jacqueline	7	9/2/2014 – 12/31/2015	Yes	N/A
Commissioner of Personnel	Palmer, David A.	7	1/1/2014 – 12/31/2020	Yes	N/A

Director of Real Property Tax Services	Maciejewski, Joseph	7	1/10/2013 – 12/31/2015	Yes	N/A
Deputy Commissioner, Fire Safety-Emg Svcs	McCullough, James	7	6/28/2014 – 12/31/2015	Yes	N/A
Commissioner of Mental Health	Ranney, Michael R.	7	3/3/2015 – 12/31/2015	Yes	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 27 – MS. GRANT presented the following item and moved to send the item to committee for further consideration. 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 and MR. HARDWICK. NOES: MS. DIXON, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 6; NOES: 5)

CARRIED.

(INTRO. 13-4) Amendment to the 2015 Rules of Order Regarding Decorum in Legislative Chambers

CHAIR MILLS directed that the item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 28 – MR. LORIGO presented the following item and moved to send the item to committee for further consideration. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. LORIGO, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK and CHAIR MILLS. (AYES: 3; NOES: 8)

FAILED.

MS. MILLER-WILLIAMS moved to approve the item. MS. GRANT 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, CHAIR MILLS, MR. MORTON and MR. RATH.
NOES: MR. LORIGO. (AYES: 10; NOES: 1)

CARRIED.

RESOLUTION NO. 162

RE: Supporting NYS Legislation to
Authorize a Pilot Residential Parking
Permit System in the City of Buffalo for
the Fruit Belt Community
(INTRO. 13-5)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR MILLER-WILLIAMS

WHEREAS, development in and around the Buffalo Niagara Medical Campus in downtown Buffalo continues to have a positive economic impact on the region, residents of the neighboring Fruit Belt community have been negatively impacted by the patients, employees and visitors conducting business at the medical campus who utilize their streets to park their cars; and

WHEREAS, residents and community groups have worked with City and State Elected Officials to address their growing concerns, the New York State Legislature has proposed a pilot residential parking system that will help residents maintain access to their homes without the undue burden of traveling three to five blocks; and

WHEREAS, the Legislation authorizing the development of a pilot residential parking system is currently before the New York State Legislature, a coalition of neighbors, community groups and labor allies of the Fruit Belt community are seeking support for the passage of this legislation that will have a positive impact on quality of life issues created by the current parking system that have been affecting the residents of this community for a number of years.

NOW, BE IT THEREFORE,

RESOLVED, that the Erie County Legislature declares its support for legislation currently before the New York State Legislature that aims to address quality of life issues facing residents of the Fruit Belt community; and be it further

RESOLVED, that this Honorable Body goes on record in support of New York State Assembly Bill A.7574-A, and New York State Senate Bill S.5306-A that authorizes a pilot residential parking system for the City of Buffalo; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Governor of the State of New York, the Honorable Andrew M. Cuomo; the Majority Leader of the New York State Senate, the Honorable Dean G. Skelos; the Speaker of the New York State Assembly, the Honorable Carl E. Heastie; and to the WNY Delegation to the New York State Legislature.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 29 – MR. LORIGO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 12E-5. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

RE: Erie Community College 2015-2016
Budget
(COMM. 12E-5, 2015)

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

CARRIED UNANIMOUSLY.

Insert the following:

RESOLVED, that the Erie County Legislature does hereby approve the 2015-2016 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 5, 2015, and submitted to this Honorable Body by the County Executive on May 29, 2015, with the following change:

Delete the Third Resolve Clause in its entirety on page 3 (ECC 2015-2016 Budget Resolution) relative to collective bargaining agreements.

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

MR. SAVAGE moved for a five minute recess. MS. GRANT seconded.

CHAIR MILLS directed that the legislature enter into recess at 2:28 p.m.

CHAIR MILLS reconvened the legislature at 2:39 p.m.

All members present.

CHAIR MILLS moved the question to further amend the item, and directed that a roll call vote be taken.

AYES: MR. LORIGO, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK and CHAIR MILLS. (AYES: 3; NOES: 8)

FAILED.

MR. LORIGO moved for approval of the item as amended. MS. GRANT 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 and CHAIR MILLS. NOES: MR. LORIGO, MR. MORTON and MR. RATH. (AYES: 8; NOES: 3)

CARRIED.

Item 30 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 12E-16. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Medical Examiner's Office and Public Health Lab - Revised Fee Schedule, Personnel Adjustments and Equipment Replacement (COMM. 12E-16, 2015)

WHEREAS, New York State Public Health Law, Article 6, requires that in order for a county to receive state aid it must charge for services at a rate comparable to the cost of providing these services; and

WHEREAS, the Erie County Health Department currently charges fees for Environmental Health, Medical Examiner, Public Health Laboratory and Clinical services under a fee schedule; and

WHEREAS, the Medical Examiner's Office has reviewed its fees and found that since their last change in 2008, the fees are out of balance and the office has developed a new proposed fee schedule; and

WHEREAS, the proposed amended fee schedule will generate revenues which will be directly applied to offset the cost of providing these programs and additional staffing; and

WHEREAS, it is estimated that this action will result in an annual revenue increase of approximately \$65,000 above the existing fee schedule; and

WHEREAS, the Erie County Public Health Laboratory is responsible for a wide array of public health tests in Erie County including beach water testing; and

WHEREAS, two key pieces of equipment (autoclaves) are non-functioning and well beyond the end of their expected lifespan and must be replaced; and

WHEREAS, at a recent meeting of the Capital Projects Committee, members suggested that the Public Health Laboratory not delay in replacing the autoclave and instead seek funding now.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the proposed fee schedule revisions effective June 1, 2015 as follows:

Medical Examiner Fees and Charges

	<u>2014 FEE</u>	<u>2015 FEE</u>
REPORTS (subject to legal restrictions)		
Examination Report	\$38.50	\$40
Certification Fee (includes notarization; does not include report fee)	NA	\$5
Investigation Report	NA	\$35
IMAGING/HISTOLOGY (subject to legal restrictions)		
Photo or X-ray Digital CD	\$22	\$25
Micro Slides - recuts	\$17	Per invoice
Micro Slides - special stains	\$55	Per invoice
AUTOPSY/EXAMINATIONS (Non-Contract Counties)		
Internal Examination with Toxicology [includes five hours pathologist review time (PRT)]	\$1,500	\$2,800
Partial Internal Examination with Toxicology	\$1,000	\$2,275
External Examination with Toxicology (includes three hours PRT)	\$550	\$1,800
External Examination (includes three hours PRT)	\$220	\$975
Pathologist Review Time Over Included Amount (per hour)	NA	\$200
Prisoner/Inmate Examination	\$1,650	\$2,800
Skeletal Evaluation	NA	\$2,050
Skeletal Evaluation - Non human remains	\$110	\$275
STATSCAN Full Body X-ray	NA	\$250
Dental Examination for Identification	\$100	\$170
Non-ECMEO Lab Testing Services	NA	Per invoice
Newborn Screening	NA	Per invoice
MISC FEES/SERVICES (billing in 1/2 hour increments for hourly services)		
Holding Fee (per 24 hours or part thereof)	\$27.50	\$27.50
Shipping Fee	NA	Per invoice
Forensic Investigator Response (responding in absence of a coroner)	NA	\$150

Body Transportation	\$220		\$220
Research Fee (statistical/data reporting requests (per hour))	NA		\$70
Paternity Testing Processing Fee	\$25		\$25

CRIMINAL COURT TESTIMONY/COURT ISSUES			
- Non-Contract Counties (billing in 1/2 hour increments for hourly services)			
Forensic Pathologist Criminal Court Testimony/Deposition - Out of County - hourly	\$165		\$475
Attorney Meeting with Forensic Pathologist - hourly	NA		\$150
Clerical Staff - Civil Case Requests - hourly	\$33		\$40
Non-ECMEO Consultants	NA		Invoice directly
CIVIL COURT TESTIMONY/COURT ISSUES			
(billing in 1/2 hour increments for hourly services)			
Forensic Pathologist Civil Court Testimony/Deposition - hourly	\$165		\$475
Civil Case Review/Consultation - hourly	NA		\$400
Clerical Staff - Civil Case Requests - hourly	\$33		\$40
TOXICOLOGY (Non-Contract Counties)			
Complete Post-Mortem Toxicology Testing	\$550		\$375
Drug Facilitated Sexual Assault (DFSA) kit	\$385		\$425
Driving Under Influence - Drugs	NA		\$390
Driving Under Influence - Alcohol	NA		\$85
Driving Under Influence - Drugs/Alcohol	NA		\$475
Discovery/Rosario Package Preparation (per page)	\$66 per hour		\$3 per page
TRAVEL EXPENSES			
Mileage - current IRS rate per mile for all out of county travel	NA		.575
Travel Expenses - hourly plus actual expenses	\$165		\$180

RESOLVED, that the Erie County Legislature hereby authorizes the creation of two full time positions of Autopsy Technician JG 8, Step 0 (\$34,170 annual salary) in the CSEA bargaining unit (B100# 8299) effective June 1, 2015; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the State University of New York at Buffalo to receive revenue for the pathology resident program at the Medical Examiner's Office; and be it further

RESOLVED, that the following budgetary adjustments to the 2015 Budget are hereby authorized:

Fund 110 - 2015 Budget
12740 – Medical Examiner's Division

<u>Expense Accounts</u>	<u>Increase/ (Decrease)</u>
500000 Full Time Salaries	\$ 34,170
502000 Fringe Benefits	21,185
Total	\$55,355
415000 Medical Examiner's Fees	\$65,640
Total	\$65,640

Fund 110 - 2015 Budget
12730 – Public Health Lab Division

<u>Expense Accounts</u>	<u>Increase/ (Decrease)</u>
561410 Lab & Technical Equipment	\$ 95,000.00
Total	\$95,000.00

Fund 110 - 2015 Budget
120- Social Services

<u>Expense Account</u>	<u>Increase/ (Decrease)</u>
525000 MMIS Medicaid Local Share	(\$95,000.00)
Total	(\$95,000.00)

and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the necessary budgetary transfers to provide funding for these two positions, record revenue, and the purchase of this equipment; 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 Commissioner Gale R. Burstein in the Erie County Department of Health.

MR. LORIGO moved to approve the item. MS. GRANT 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, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 31 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 13-6 from LEGISLATOR LORIGO. Re: Support for the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR LORIGO

WHEREAS, in 2009 Amanda Hansen, a West Seneca teenager, lost her life to carbon monoxide poisoning during a sleepover at a friend's house; and

WHEREAS, that year New York State passed Amanda's Law requiring all homes to have a working carbon monoxide detector installed; and

WHEREAS, the threat of carbon monoxide poisoning still remains a threat nationwide leading to over 400 deaths and 20,000 emergency room visits each year; and

WHEREAS, further education on the associated dangers and ways to protect our residents could help save lives, not only here in Erie County but across the nation; and

WHEREAS, the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act would allow the Consumer Product Safety Commission (CPSC) to provide support for public safety education and encourage installation of safe and reliable carbon monoxide detectors, and

WHEREAS, the CPSC would also be required to provide a grant program to provide assistance to local governments implementing the necessary changes to make our community safer.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports and endorses the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act, bill number S. 1250 in the United States Senate; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York representatives to Congress and all parties deemed necessary and proper.

Item 32 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-20 from CHAIR MILLS. Re: Letter to Clerk of the Legislature Regarding Change of Date of Regular Session

Received, filed and printed.

June 24, 2015

Dear Clerk McCarthy,

There is a need to change the date of the Regular Session of the Erie County Legislature scheduled for Thursday, July 9, 2015.

The Regular Session scheduled for Thursday, July 9, 2015 is to be changed to Thursday, July 16, 2015 at 2:00 p.m.

Please notify Members of the Legislature and all relevant parties.

Thank you for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills, Chair
Erie County Legislature

Item 33 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-21 from CHAIR MILLS. Re: Updated 2015 Schedule of Legislative Sessions

Received, filed and printed.

To: Karen M. McCarthy, Clerk
From: John J. Mills, Chair
Subject: 2015 Legislative Schedule

2015 SCHEDULE OF LEGISLATIVE SESSIONS
* UPDATED JUNE 24, 2015

JANUARY

8
29

JULY

*16
30

FEBRUARY

12
26

AUGUST

Recess

MARCH

12
26

SEPTEMBER

3
17

APRIL

16
30

OCTOBER

1
22

MAY

14
28

NOVEMBER

5
19

JUNE

11
25

DECEMBER

1 - Annual Budget Vote
3
8 - Budget Override Meeting
17

All Regular Sessions: Pre-Meeting Work Sessions begin at 9:30 AM, in the Legislative Caucus Room and are open to the public.

All Sessions Listed: Begin at 2:00 PM, in the Legislature Chambers.

Item 34 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-22 from CHAIR MILLS. Re: Updated 2015 Legislature Invocation and Pledge of Allegiance Schedule

Received, filed and printed.

To: Karen M. McCarthy, Clerk
From: John J. Mills, Chairman
Subject: 2015 LEGISLATURE INVOCATION AND PLEDGE OF ALLEGIANCE SCHEDULE

ORDER OF NAMES – INVOCATION – PLEDGE
*** UPDATED – JUNE 24, 2015**

JANUARY

8 Mills and Grant
29 Dixon and Hardwick

JULY

*16 Morton and Burke
30 Grant and Loughran

FEBRUARY

12 Lorigo and Miller-Williams
26 Savage and Loughran

AUGUST

Recess

MARCH

12 Rath and Morton
26 Burke and Dixon

SEPTEMBER

3 Lorigo and Miller-Williams
17 Dixon and Hardwick

APRIL

16 Morton and Burke
30 Loughran and Rath

OCTOBER

1 Loughran and Rath
22 Hardwick and Lorigo

MAY

14 Miller-Williams and Grant
28 Mills and Savage

NOVEMBER

5 Burke and Rath
19 Dixon and Morton

JUNE

11 Hardwick and Lorigo
25 Mills and Savage

DECEMBER

1 *Budget*
3 Savage and Mills
8 *Budget Override*
17 Miller-Williams and Grant

Item 35 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-23 from the COUNTY EXECUTIVE. Re: Department of Senior Services - Consultant Contract for EC Senior Services Matter of Balance Classes

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 36 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13D-7 from the CLERK OF THE LEGISLATURE. Re: Notice of Change of Date of Regular Session

Received, filed and printed.

To: Members of the Erie County Legislature, Erie County Officials and Department Heads, Media and Interested Parties
From: Karen M. McCarthy, Clerk
Date: June 24, 2015
Subject: LEGISLATURE SESSION DATE CHANGE

Please be advised that Legislature Chair John J. Mills has changed the date of the Session of the Erie County Legislature scheduled for Thursday, July 9, 2015.

The Regular Session scheduled for Thursday, July 9, 2015 at 2:00 p.m. is changed to Thursday, July 16, 2015 at 2:00 p.m. §2.01 of the 2015 Rules of Order for the Erie County Legislature, the Chair is authorized to establish the schedule for regular sessions of the Legislature.

An updated 2015 Schedule of Legislature Sessions and the Invocation and Pledge Schedule is attached for your information.

Thank you.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

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

CARRIED 8-3. MS. DIXON, MR. MORTON & MR. RATH voted in the negative.

RESOLUTION NO. 166

RE: Department of Parks - 2015 Additional
Funding
(COMM. 13E-1)

WHEREAS, the Department of Parks, Recreation & Forestry was authorized for addition funding in the amount of \$200,000.00 as a result of the 2014 Budget Balancing Resolution Comm. 10E-31; and

WHEREAS, the Department of Parks received authorization for a total of nine positions, including three new ranger positions in Comm. 7E-14 (2015) As Amended; and

WHEREAS, the Department of Parks is in need of, but not limited to, vehicles, grounds equipment, communication and computer supplies and various supplies for these new positions.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to increase the Parks Departments operation budget, Fund 110, Funds Center 16410 as follows:

505000	Office Supplies	\$1,000
505200	Clothing Supplies	\$2,500
505600	Auto/Truck & Heavy Equip. Supplies	\$4,500
505800	Medical & Health Supplies	\$2,000
506200	Maintenance & Repair	\$12,000
510200	Training and Education	\$1,500
561410	Lab and Technical Equipment	\$9,500
561420	Office Furniture	\$5,000
561430	Buildings, Grounds & Heavy Equip.	\$2,000
561440	Vehicles	\$160,000
Total Appropriations		\$200,000

and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any necessary transfers between these accounts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

RE: Supreme Court Law Library
Renovations
(COMM. 13E-2)

WHEREAS, the Unified Court System Eight Judicial District (“UCS”) has requested that the Erie County Department of Public Works renovate the second floor of the Supreme Court Law Library located at 77 West Eagle St. Buffalo N.Y; and

WHEREAS, this project will create space for the UCS informational technology unit to relocate from leased space to the Supreme Court Law Library and the cost of construction is 100% reimbursable to the County; and

WHEREAS, it is critical that the Department of Public Works complete this project and make all project payments by March 31, 2016 in order to ensure availability of reimbursement funding from the UCS; and

WHEREAS, the current estimate for the project is in the amount, not to exceed \$350,000; and

WHEREAS, a new SAP capital project will be created in BA122, Fund 410, in the amount of \$350,000 the amount of the anticipated reimbursement from the UCS; and

WHEREAS, the project will be reimbursed by the UCS as a tenant request line item in the Chapter 686 cleaning and minor maintenance contract with the County, for the New York State fiscal year beginning April 1, 2015; and

WHEREAS, reimbursement claims for project expenses paid after March 31, 2016 will be disallowed by UCS; and

WHEREAS, in order to expedite this work, pre-approval from the Erie County Legislature is needed to award design and construction contracts.

NOW, THEREFORE, BE IT

RESOLVED, that in order to comply with the Unified Court System Eighth Judicial District's request to create space for their information technology unit at the Supreme Court Law Library, the award of construction, design and testing contracts, as designated by the Commissioner of Public Works for this project, is hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of the construction contracts pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidder and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall include up to a 20% contingency amounts or as designated by the Commissioner of Public Works, and shall not exceed an aggregate total of 350,000; and be it further

RESOLVED, that such costs shall be recorded in a newly-created SAP project in BA122, Fund 410; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the following budgetary changes in SAP:

BA122, Fund 110, Fund Center 12220

Revenue		Current	Increase	Revised
Account	Description	Budget	(Decrease)	Budget

405170	State Aid Court Facility	\$1,768,470	\$350,000	\$2,118,470
Expense				
575000	Interfund Exp Non-Subsidy	\$ 0	\$ 350,000	\$ 350,000
	Net Change Fund 110		\$ 0	

BA122, Fund 410, New Project

		Current Budget	Increase (Decrease)	Revised Budget
Revenue				
Account	Description			
450000	Interfund Rev Non-Subsidy	\$ 0	\$350,000	\$ 350,000
Expense				
CAPITALPRO	Capital Projects Exp	\$ 0	\$350,000	\$ 350,000
	Net Change Fund 410		\$ 0	

; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for this project based on requests from the Department of Public Works from the above-noted funding sources; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Unified Court System Eighth Judicial District c/o Andrew Isenberg.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: Personnel Changes
(COMM. 13E-3)

WHEREAS, in order for the Erie County District Attorney to retain and recruit the most experienced and high performing personnel to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, Section 2507b of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget; and

WHEREAS, salaries for these changes were determined based on the County's respective Managerial Confidential and CSEA pay scales and have been prorated for the remaining thirteen pay periods to reflect changes taking place as of June 29, 2015; and

WHEREAS, the funds necessary to effectuate the above changes are available within the District Attorney's adopted appropriations for 2015.

NOW, THEREFORE, BE IT

RESOLVED, that one position of Confidential Criminal Investigator – Part Time, position # 51004079, is deleted from fund center 11400 (B100 #8338); and be it further

RESOLVED, that one position of Assistant District Attorney V be changed from a JG16 to that of a Assistant District Attorney VI, JG17 in fund center 11400 (B100 #8339), and be it further

RESOLVED, that one position of Assistant District Attorney IV be changed from a JG15 to that of an Assistant District Attorney V, JG16 in fund center 11400 (B100 #8340); and be it further

RESOLVED, that two positions of Confidential Criminal Investigator be changed from a JG10 to that of a JG12 in fund center 11400 (B100 #8361); and be it further

RESOLVED, that authorization is hereby provided to reallocate funds within the 2015 District Attorney's General Fund, Fund Center 11400 as follows:

	Increase/ <u>(Decrease)</u>
500000 Full Time - Salaries	\$23,592
500010 Part Time – Salaries	(23,592)

and be it further,

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective June 29, 2015; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 13E-4) BENLIC Preemptive Bid Powers and Subsequent Repayment Agreement with EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 41 – (COMM. 13E-5) Intermunicipal Agreement with the City of Buffalo Federal-Aid Highway Local Project Kenmore Avenue Reconstruction, Tonawanda & Buffalo

Item 42 – (COMM. 13E-6) Various County Park Buildings - 2014 Demolition Phase II - Bid Award

Item 43 – (COMM. 13E-7) Bethlehem Steel Shoreline Trail - Preliminary Design Agreement - Greenman-Pedersen, Inc.

Item 44 – (COMM. 13E-8) Funding for Broadband Internet Feasibility Study

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

Item 45 – (COMM. 13E-9) EC Sewer Districts - WNY Council On Occupational Safety & Health Proposed Agreement

Item 46 – (COMM. 13E-10) EC Sewer District No. 4 - Stony Road Sanitary Sewer Repair - Opening Bid

Item 47 – (COMM. 13E-11) EC Sewer District No. 6 - Modification of Plans (2015)

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

FROM LEGISLATOR LORIGO

Item 48 – (COMM. 13E-12) Letter to Director of Weights & Measures Regarding Enforcement of Proposed Local Law Regarding Microbeads

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 13E-13) Appointments/Re-Appointments of Members to the EC Commission on the Status of Women

Item 50 – (COMM. 13E-14) Appointments/Re-Appointments of Members to the Office for the Disabled Advisory Council

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

Item 51 – (COMM. 13E-15) Department of Social Services - Process Mapping for Child Welfare Programs Community Connections of NY

Item 52 – (COMM. 13E-16) Department of Senior Services - Acceptance of Direct Care Worker Program Funding

Item 53 – (COMM. 13E-17) EC Medical Examiner's Office Instrument Laboratory Renovations

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

FROM LEGISLATOR MILLER-WILLIAMS

Item 54 – (COMM. 13E-18) Petitions Regarding EC Social Services Daycare Unit

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 13E-19) EC Correctional Facility - 2013 Twin Chiller Replacement - Construction Contingency Increase

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONERS, BOARD OF ELECTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

RE: HAVA Storage and Training Facility
(COMM. 13D-1)

WHEREAS, the Federal legislation Help America Vote Act of 2002 (HAVA) requires the replacement of lever voting machines with electronic voting systems; and

WHEREAS, such systems require specialized storage and training; and

WHEREAS, the Erie County Board of Elections desires to purchase equipment and services for this purpose; and

WHEREAS, the purchase of such equipment and services are eligible for 100% reimbursement from the Federal government through the State of New York; and

WHEREAS, the Commissioners of the ECBOE desire to enter into an agreement with the Tri-Main Development LLC for the purpose of making improvements to the space occupied by the ECBOE service center; and

WHEREAS, the Tri-Main Development LLC will comply with all applicable local, state and federal laws, rules and regulations governing public works projects; and

WHEREAS, such improvements are eligible for 100% reimbursement from the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Board of Elections to enter into an agreement with the Tri-Main Development LLC in the amount of not to exceed \$139,200.00; and be it further

RESOLVED, that the Board of Elections will submit necessary paperwork for state and federal reimbursement for 100% of the purchase price of eligible equipment and services; and be it further

RESOLVED, that authorization is hereby granted to the Division of Budget to use funds from grant 150HAVAshoebox0214 - Help America Vote Act, fund 281, funds center 1500020, GL account 516020 - professional service contracts and fees for this project; and be it further

RESOLVED, that two (2) certified copies of this resolution be forwarded to the Board of Elections, one (1) certified copy be forwarded to the Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office and the Division of Purchase.

FROM THE CLERK OF THE LEGISLATURE

Item 57 – (COMM. 13D-2) EC Sewer District No. 3 - Increase & Improvement of Facilities (2014) Public Hearing Minutes

Received and filed.

FROM THE COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES

Item 58 – (COMM. 13D-3) Comm. 12E-34 Compliance Report - May - CPS Caseloads

Received and filed.

FROM THE COMMISSIONER, DEPARTMENT OF PUBLIC WORKS

Item 59 – (COMM. 13D-4) Letter in Response to Legislator Rath Regarding Condition of Maple Road, Town of Amherst

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 60 – (COMM. 13D-5) NYS DEC Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 61 – (COMM. 13D-6) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM BUFFALO & EC PUBLIC LIBRARY

Item 62 – (COMM. 13M-1) June 18, 2015 Board of Trustees Agenda

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 63 – CHAIR MILLS announced the committee schedule for July 9, 2015 has been distributed.

Item 64 – CHAIR MILLS announced the next Session will be held July 16, 2015.

Item 65 – CHAIR MILLS announced a revised Session and Invocation and Pledge of Alligiance schedule has been distributed.

Item 66 – MR. LOUGHRAN announced the 21st Annual Alumni Cup 5K Run will be held July 1, 2015 at 7 p.m., at Loughran's Bar and Restaurant, proceeds benefit the Women & Children's Hospital Lung Unit.

MEMORIAL RESOLUTIONS

Item 67 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Kim L. Wright and Rita C. Sroda.

Item 68 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Robert W. Clein, Mary M. Koessler, and Mary J. Steinert.

Item 69 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Rev. Clementa Pinckney and the eight other victims involved in a shooting at Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Item 70 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Alvah T. Connolly and Edward Drabczyk.

Item 71 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Phillip A. Thielman and Heino Wolter.

ADJOURNMENT

Item 72 - 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, July 16, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, July 16, 2015 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE