

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 4, 2016**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Savage, who offered a short reflection.

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 2 from 2016. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a resolution Congratulating Daniel Alexander Hudson on Attaining the Rank of Eagle Scout.

Item 6 – MR. HARDWICK presented a resolution Honoring Carlton Zeisz for Retiring After Serving 22 Years as Council President in the City of Tonawanda.

Item 7 – MR. LOUGHRAN & MR. RATH presented a resolution Congratulating Eugene Fiegl for 50 Years of Service to the Main-Transit Fire Department.

Item 8 – MR. LOUGHRAN & MR. RATH presented a resolution Congratulating Robert Kreiter for 50 Years of Service to the Main-Transit Fire Department.

Item 9 – MR. LOUGHRAN presented a resolution Congratulating Thomas P. Kenney Jr for 50 Years of Service to the Snyder Fire Department.

Item 10 – MR. LOUGHRAN presented a resolution Honoring the Snyder Fire Department on 100 Years of Service to the Snyder Community.

Item 11 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Darrell Fredrick Lan.

Item 12 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Peter Daniel Niblett.

Item 13 – MR. MILLS presented a resolution Congratulating Frederick J. Piasecki Jr for his Service as Highway Superintendent for the Town of Orchard Park.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above nine items to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – MR. LORIGO moved to take Local Law No. 1 (Print #1) 2016 off of the table.
MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 1 – 1 – 2016

LOCAL LAW – NO. _____ - 2016

A Local Law Authorizing Extended Period Leases with SolarCity through a Power Purchasing Agreement

Intent:

A local law relating to the leasing of vacant land owned by the County of Erie (the County) at/near the Big Sister Creek Wastewater Treatment Plant site and the Alden Correctional Facility for the purposes of allowing developers to construct solar arrays so the County may purchase the energy generated by these photovoltaic (PV) systems. This Local Law supersedes New York State County Law Section 215, subdivision (4).

Be it enacted by the Legislature of the County of Erie as follows:

Section 1: Findings

The County Legislature hereby finds as follows: (i) that portions of the vacant land on parcel SBL 220.00-1-16 (hereinafter referred to as the “Big Sister Creek Wastewater Treatment Plant parcel”) and parcels SBL 96.00-5-9.1 and 96.00-4-13 (hereinafter referred to as the “Alden Correctional Facility parcels”) are not needed for the County’s purposes and that such land shall be best utilized to the County’s benefit by permitting the lease of land to SolarCity Corporation and/or Greenskies Renewable Energy, LLC. The parcels and the portions that may be leased are shown in Exhibit “A” attached hereto; and (ii) Said properties would be used for the construction of solar PV systems, where SolarCity Corporation and/or Greenskies Renewable Energy, LLC would own, operate, and maintain said systems and the County would purchase the electricity generated.

Section 2: Authorization to Enter in Contract

The County, as authorized under Legislative Communication 17E-5 (2015), may enter into power purchase agreements with SolarCity Corporation and/or Greenskies Renewable Energy, LLC relating to such surplus vacant land pursuant to the conditions set forth in the resolution enacted by the County Legislature and pursuant to the conditions set forth in any Section hereafter.

Section 3: Authorization of Extended Lease Length

Notwithstanding the provisions of Section 215 of New York State County Law or any special act or local law to the contrary, the County shall (i) permit the lease, for a period greater than five (5) years, of any unused portion of the Big Sister Creek Wastewater Treatment Plant parcel and Alden Correctional Facility parcels that are necessary for the power purchase agreements authorized pursuant to Legislative Communication 17E-5 (2015); and (ii) The County Legislature shall be notified of the final extents of the areas leased for the power purchase agreements.

Section 4: Assignment of Rights

Should any portion of the Big Sister Creek Wastewater Treatment Plant parcel or Alden Correctional Facility parcels be subdivided, split, or suffixed, the rights provided for in this Local Law shall be transferred to the subdivided, split, or suffixed parcels.

Section 5: Severability

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

Section 6: Effective Date

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

Sponsored By:
Legislator Joseph C. Lorigo

MR. LORIGO moved to approve Local Law No. 1 (Print #1) 2016. MR. RATH seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

January 28, 2016	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 1
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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. 25M-8 (2015)
BUFFALO & EC PUBLIC LIBRARY: “December 17, 2015 Board of Trustees Agenda”
(6-0)
 - b. COMM. 2M-8 (2016)
NYS COMPTROLLER: “Audit of Erie Community College - Board Oversight and Management of College Resources”
(6-0)
 - c. COMM. 2M-9 (2016)
BUFFALO & EC PUBLIC LIBRARY: “Jan. 21, 2016 Board of Trustees Agenda”
(6-0)

KEVIN R. HARDWICK
CHAIR

Item 21 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

January 28, 2016	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-34 (2016)
COUNTY CLERK
WHEREAS, the County Clerk’s Office is responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles as well as managing all the local Auto Bureau’s; and

WHEREAS, managerial staff to oversee these functions is critical to the efficient operations of the office; and

WHEREAS, to reflect accurately duties of certain budgeted positions the reallocation of two titles within the 2016 approved budgetary allotment is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the following titles in the County Clerk's 2016 Budget are reallocated as follows:

Administrative Secretarial Assistant CC: from Job Group 16 to Job Group 15 (B100 #8574)

Assistant Deputy County Clerk Admin: from Job Group 11 to Job Group 14 (B100 #8575)
and be it further

RESOLVED, that authorization is granted to fill the Administrative Secretarial Assistant CC, JG 15 at a Step 1, and be it further

RESOLVED, that the County Clerk, Commissioner of Personnel, and Division of Budget and Management are hereby authorized to make the necessary adjustments to effectuate this action; and be it further

RESOLVED, that certified copies of this resolution be sent to the office of the Commissioner of Personnel; the Director of the Division of Budget and Management; and the County Clerk.
(6-0)

2. COMM. 2E-35 (2016)

COUNTY EXECUTIVE

WHEREAS, the Youth Services division has available balances within their current budget to contract with Community Connections of New York (CCNY) for full-time software support coverage of the four applications, owned by DSS, on the Salesforce platform developed and implemented by CCNY.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with CCNY to provide full-time software support coverage of the online reporting and dashboard system in the amount of \$2,989, funding currently being available in account 516010, contract payments, of the Youth Services Division; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Youth Services.
(6-0)

3. COMM. 2E-36 (2016)

COUNTY EXECUTIVE

WHEREAS, the Division of Youth Services provides secure detention services at 810 East Ferry Street; and

WHEREAS, alleged juvenile delinquents and juvenile offenders, under age 16, accused of criminal acts that would be crimes if committed at age 16 or older are held at the Erie County secure detention facility; and

WHEREAS, the Department of Social Services Youth Services Division has a gymnasium in the secure detention facility equipped with workout apparatus for resident use during scheduled recreation activity; and

WHEREAS, the IFIT fitness company would like to gift a Cybex universal workstation valued at \$13,000 for the holiday season to the Department of Social Services Youth Services Division for use at the secure detention facility gymnasium; and

WHEREAS, acceptance of this donation would allow youth at the secure detention facility greater variety of recreational activity.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive hereby authorizes Social Services Youth Division to accept this generous donation; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Youth Services.

(6-0)

KEVIN R. HARDWICK
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

January 28, 2016	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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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. 2D-5 (2016)
DEPARTMENT OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending Nov. 30, 2015”
(6-0)
2. COMM. 1D-9 (2015)
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 216001 through 216009, 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	2016	Petition No.	216,001.00
	ASSESSOR	Cancel	\$309.21
S-B-L	96.00-3-41	12080 Walden Ave 142089 ALDEN	
	Acct. No. 112	\$192.11	County
	Acct. No. 132	\$117.10	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN		\$117.10

RPTL550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR	2016	Petition No.	216,002.00
	ASSESSOR	Cancel	\$261.30
S-B-L	96.00-3-40	12100 Walden Ave 142089 ALDEN	
	Acct. No. 112	\$162.34	County
	Acct. No. 132	\$98.96	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN		\$98.96

RPTL550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR	2016	Petition No.	216,003.00
	ASSESSOR	Cancel	\$400.68
S-B-L	118.18-5-7	531 Briarwood Ct 142089 ALDEN	
	Acct. No. 112	\$248.92	County
	Acct. No. 132	\$151.76	Town/SpecialDist/School

Charge To : 142089 ALDEN \$151.76

RPTL550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR 2016 Petition No. 216,004.00

ASSESSOR Cancel \$711.59
S-B-L 128.00-4-28.11 Town Linw Rd 145289 LANCASTER

Acct. No. 112 \$288.41 County
Acct. No. 132 \$423.18 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$423.18

RPTL550(2): Duplicate parcel
Delete parcel from the tax roll

FISCAL YEAR 2016 Petition No. 216,005.00

ASSESSOR Cancel \$38.75
S-B-L 28.00-1-69 Millersport Hwy 142089 ALDEN

Acct. No. 112 \$2.65 County
Acct. No. 132 \$36.10 Town/SpecialDist/School
22028 GETZVLE FIRE PROTECTION \$0.40
Charge To : 142089 ALDEN \$35.70

RPTL550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR 2016 Petition No. 216,006.00

ASSESSOR Cancel \$605.96
S-B-L 69.17-5-3 81 Evans St 142201 WILLIAMSVILLE

Acct. No. 112 \$299.43 County
Acct. No. 132 \$306.53 Town/SpecialDist/School
Charge To : 142201 WILLIAMSVILLE \$306.53

RPTL550(2): Error calculating aged exemption
New tax bill to be issued

FISCAL YEAR 2016 Petition No. 216,007.00

 ASSESSOR Cancel \$184.89

S-B-L 68.07-1-4.1/11 85 Mapleton Dr 142289 AMHERST

 Acct. No. 112 \$95.45 County

 Acct. No. 132 \$89.44 Town/SpecialDist/School

Charge To : 142289 AMHERST \$89.44

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

FISCAL YEAR 2016 Petition No. 216,008.00

 ASSESSOR Cancel \$260.21

S-B-L 56.15-2-1./6B 1125 Youngs Rd Un 142289 AMHERST

 Acct. No. 112 \$148.72 County

 Acct. No. 132 \$111.49 Town/SpecialDist/School

Charge To : 142289 AMHERST \$111.49

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

FISCAL YEAR 2016 Petition No. 216,009.00

 ASSESSOR Cancel \$29.37

S-B-L 183.17-14-3 4175 Walker Pl 144889 HAMBURG

 Acct. No. 112 \$29.37 County

 Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 144889 HAMBURG \$0.00

RPTL550(2): Error calculating aged exemption
New tax bill to be issued

and be it further

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 215235 through 215244, inclusive be hereby denied based upon the recommendation of the Director of Real Property Tax Services.

Recommendation to ECL regarding the Level 3 RP-556 Applications

Petitioners, Level 3 Communications, LLC filed Applications for Refund and Credit of Real Property Taxes on form RP-556 (attached) relative to the various properties listed below for various years. Each Application purportedly applies to “fiber optic cables and inclosures on private rights of way”. The petitioner alleges, in addenda attached to each Application, that the assessments in issue were made upon personal property excluded from taxable real property because the fiber optic cable at issue is “not for electrical conductors and therefore they cannot be taxed under RPTL”. They base this assertion on a holding in *Matter of RCN*, a First Department case, whose holding has been rejected by a recent decision in our Judicial District, *Level 3 Communications, LLC vs. County of Erie et al* (copy attached). The addenda further allege that the taxes at issue were assessed based upon an “unlawful entry” pursuant to RPTL §550(7)(c). That section of the RPTL provides that an assessment is unlawful where it has been made by a person or body without the authority to make the assessment.

I have conducted an investigation of each Application and have determined that pursuant to *Level 3 Communications, LLC vs. County of Erie et al*, the fiber optic cable at issue is taxable as real property pursuant to RPTL 102(12)(f). Additionally, the assessor had the authority to make such an assessment and therefore, the assessments were not “unlawful entries” pursuant to RPTL §550(7)(c). Accordingly, it is my recommendation that this Honorable Body deny each of the Applications based upon the foregoing.

<u>Property</u>	<u>Tax Levying Body</u>	<u>Tax Year</u>
609.00-99-760.7/1881	City of Lackawanna	2013/14
555.00-75-1.1	Eden Central School District	2013
555.00-75-1.2	Lakeshore Central School District	2013
	North Collins Central School	
658.001-9999-710./1882	District	2013
	North Collins Central School	
658.001-9999-717./1882	District	2013
	North Collins Central School	
658.001-9999-760.7/1882	District	2013
	North Collins Central School	
658.089-9999-710./1882	District	2013
	North Collins Central School	
658.089-9999-717./1882	District	2013
658.089-9999-760.7/1882	North Collins Central School	2013

	District	
658.001-9999-710./1882	Village of North Collins	2014
658.001-9999-717./1882	Village of North Collins	2014
658.001-9999-760.7/1882	Village of North Collins	2014
666.00-65-9	Erie County Tax Collector	2015
609.00-99-760.7/1881	Erie County Tax Collector	2015
555.00-75-1.1	Erie County	2015
555.00-75-1.2	Erie County	2015
658.001-9999-710./1882	Erie County	2015
658.001-9999-717./1882	Erie County	2015
658.001-9999-760.7/1882	Erie County	2015
658.089-9999-710./1882	Erie County	2015
658.089-9999-717./1882	Erie County	2015
658.089-9999-760.7/1882	Erie County	2015

FISCAL YEAR 2013 Petition No. 215,235.00

OWNER Cancel \$802.96
S-B-L 555.00-75-1.1 Fiber optics 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$802.96 Town/SpecialDist/School
Charge To : 144000 EDEN \$802.96
Relevy School \$802.96 144001 EDEN CENTRAL

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 215,236.00

OWNER Cancel \$323.97
S-B-L 555.00-75-1.2 Finer optic 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$323.97 Town/SpecialDist/School
Charge To : 144000 EDEN \$323.97
Relevy School \$323.97144401 LAKE SHORE CENTRAL

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 215,237.00

OWNER Cancel \$1,702.93

S-B-L Multiple Multiple 145801 NORTH COLLINS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,702.93 Town/SpecialDist/School
Charge To : 145801 NORTH COLLINS \$1,702.93
Relevy School \$1,702.93145801 NORTH COLLINS CENT

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 215,238.00

OWNER Cancel \$6,519.08
S-B-L Multiple Multiple 145889 NORTH COLLINS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$6,519.08 Town/SpecialDist/School
Charge To : 145889 NORTH COLLINS \$6,519.08
Relevy School \$6,519.08145801 NORTH COLLINS CENT

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 215,239.00

OWNER Cancel \$1,074.14
S-B-L Multiple Multiple 145801 NORTH COLLINS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,074.14 Town/SpecialDist/School
Charge To : 145801 NORTH COLLINS \$1,074.14
Relevy Village \$1,074.14Village of NORTH COLLINS

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,240.00

OWNER Cancel \$6,975.61
S-B-L 666.00-65-9 Fiber optic 140200 BUFFALO
Acct. No. 112 \$6,975.61 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 140200 BUFFALO \$0.00

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR	2015	Petition No.	215,241.00
OWNER	Cancel	\$908.93	
S-B-L	609.00-99-760.70	Fiber Optic	140900 LACKAWANNA
Acct. No. 112	\$908.93	County	
Acct. No. 132	\$0.00	Town/SpecialDist/School	
<u>Charge To :</u>	140900 LACKAWANNA		\$0.00

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR	2015	Petition No.	215,242.00
OWNER	Cancel	\$624.21	
S-B-L	Multiple	Multiple	144000 EDEN
Acct. No. 112	\$328.95	County	
Acct. No. 132	\$295.26	Town/SpecialDist/School	
<u>Charge To :</u>	144000 EDEN		\$295.26

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR	2015	Petition No.	215,243.00
OWNER	Cancel	\$838.66	
S-B-L	Multiple	Multiple	145801 NORTH COLLINS
Acct. No. 112	\$448.06	County	
Acct. No. 132	\$390.60	Town/SpecialDist/School	
	58050 ERIE CO SEW DST 2	\$108.71	
<u>Charge To :</u>	145801 NORTH COLLINS		\$281.89

RPTL550(2): Fiber optic cables and inclosures are not taxable
New tax bill to be issued

FISCAL YEAR	2015	Petition No.	215,244.00
OWNER	Cancel	\$3,663.26	

S-B-L	Multiple	Multiple	145889 NORTH COLLINS
Acct. No. 112	\$1,715.21		County
Acct. No. 132	\$1,948.05	Town/SpecialDist/School	
<u>Charge To :</u>	145889 NORTH COLLINS		\$1,948.05

RPTL550(2): Fiber optic cables and inclosures are not taxable
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)

3. COMM. 1E-18 (2016)

SAVAGE

AS AMENDED

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with 1701 Hertel Ave LLC (Rosanne Frandia & Jim Van Oss) for Legislative office space for Peter J. Savage III, located at 1701 Hertel Ave, First Floor, Buffalo, New York for a monthly rate of \$675.

(5-0-1) Legislator Savage abstained.

4. COMM. 2E-33 (2016)

COUNTY EXECUTIVE

WHEREAS, the Director of Real Property Tax Services has recommended the transfer of surplus county owned landlocked parcel described as SBL # 104.70-2-7; and

WHEREAS, the landlocked parcel has been owned by the County since 1989 and measure 65.12'x 97.5 (irregular); and

WHEREAS, the parcel was reviewed and deemed surplus by the Erie County Advisory Review Committee.

NOW, THEREFORE BE IT

RESOLVED that SBL # 104.70-2-7 in the Village of Depew, Town of Lancaster, be sold to Peter and Lisa Florczak for Three Hundred Dollars (\$300.00); and be it further;

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

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

(6-0)

**JOSEPH C. LORIGO
CHAIR**

Item 23 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

January 28, 2016	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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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. 2E-25 (2016)
COUNTY EXECUTIVE: “EC Sewer District Nos. 1, 4 & 5 - Engineer Term Contract Agreement - Work Order WS-5”
(6-0)
 - b. COMM. 2E-27 (2016)
COUNTY EXECUTIVE: “EC Sewer District No. 3 - Engineer Term Contract Agreement - Work Order DI-5”
(6-0)
 - c. COMM. 2E-28 (2016)
COUNTY EXECUTIVE: “EC Sewer District No. 6 - Engineer Term Contract Agreement - Work Order CRA-7”
(6-0)
 - d. COMM. 2E-31 (2016)
BURKE: “Letter to Legislature Chair Regarding Request for a Public Hearing on Local Law Intro. 5-1 (2015)”
(Chair’s Motion)
2. COMM. 2E-26 (2016)
COUNTY EXECUTIVE
WHEREAS, the State of New York through its DEC and EFC provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000.00 to commence the ECSD No. 3 Flow Monitoring & Infiltration/Inflow (I/I) Quantification Project; and

WHEREAS, a 20% minimum local match is required for the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby determines that the proposed Flow Monitoring and I/I Quantification Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (18) and (21) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that a minimum of 20% local match as required by the Engineering Planning Grant Program for the project will be provided through ECSD No. 3 Accounts; and be it further

RESOLVED, that upon award of an Engineering Agreement for the project and a determination of final scope and budget, the grant budget shall be adjusted with the understanding that the local match share shall be at a minimum 20%; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning; and the Albany offices of the New York State DEC and EFC.

(6-0)

3. **COMM. 2E-29 (2016)**
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2016 Action Plan at their session held on January 28, 2016.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2016 Annual Action Plan for the Community Development, Emergency Solutions, and Home Investment Partnership Programs having estimated dollar amounts as indicated.

- | | |
|--|-------------|
| 1. Erie County Consortium Community Development Program: | \$2,685,297 |
| 2. Emergency Solutions Program: | \$ 215,143 |
| 3. HOME Investment Partnership Program: | \$ 591,737 |
| 4. Town of Hamburg Community Development Program: | \$ 380,000 |
- and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(6-0)

4. COMM. 2E-30 (2016)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2015-2016 snowmobile season in the amount not to exceed \$184,475; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$184,475 as pertains to snowmobile trail maintenance performed during the 2015-2016 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$184,475 for the purpose of snowmobile trail maintenance on club trails during the 2015-2016 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$20,320
Eden Trail Blazers Inc.	\$10,720
Grand Island Snowmobile Club Inc.	\$ 5,695
Hamburg Snowmobile Club Inc.	\$21,145
Holland Sno-Rascals Inc.	\$23,405
Marilla Sno-Mob Inc.	\$16,330
Northern Erie Snowseekers Inc.	\$20,435
Pioneer Sno-Surfers Inc.	\$12,610
Southern Tier Snowdrifters Inc.	\$20,795
WNY Snowmobile Club of Boston Inc.	<u>\$33,020</u>
	\$184,475

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$184,475, as well as an increase in appropriations in the amount of \$184,475, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; 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 and Assistant County Attorney, Kristen Walder, of the Law Department.

(6-0)

TED B. MORTON
CHAIR

Item 24 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 28, 2016	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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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. 21D-7 (2015)
CLERK OF THE LEGISLATURE: "Documents Received Regarding ECIDA Pay Equity Policy"
(6-0)
 - b. COMM. 2M-10 (2016)
NFTA: "Five Year Capital Plan for Fiscal Years Ending Mar. 31, 2017-2021 and Annual Operating Budget for FY End 2017"
(6-0)
 - c. COMM. 2M-11 (2016)
NFTA: "Nov. 23, 2015 Board Minutes"
(6-0)

2. COMM. 2E-32 (2016)
COUNTY EXECUTIVE
WHEREAS, Massachusetts Avenue Sustainable Neighborhoods Project consists of a 5-unit affordable housing development in the City of Buffalo at 335-339 Massachusetts, 99 Chenango and 562 W. Utica; and

WHEREAS, Massachusetts Avenue Sustainable Homes Housing Development Fund Corporation (MASHHDFC) is developing three units of affordable housing for households below 50% of the area median income and two units of affordable housing for households below 60% of the area median income; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Massachusetts Avenue Sustainable Homes Housing Development Fund Corporation (MASHHDFC) to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Massachusetts Avenue Sustainable Homes Housing Development Fund Corporation (MASHHDFC), the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

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

**SCHEDULE A
Massachusetts Avenue Sustainable Neighborhoods Project PILOT**

Year	Total	City	County
1	991.80	743.85	247.95
2	1,021.55	766.17	255.39
3	1,052.20	789.15	263.05
4	1,083.77	812.82	270.94
5	1,116.28	837.21	279.07
6	1,149.77	862.33	287.44
7	1,184.26	888.20	296.07
8	1,219.79	914.84	304.95
9	1,256.38	942.29	314.10
10	1,294.07	970.56	323.52
11	1,332.90	999.67	333.22
12	1,372.88	1,029.66	343.22
13	1,414.07	1,060.55	353.52
14	1,456.49	1,092.37	364.12
15	1,500.19	1,125.14	375.05

(6-0)

**EDWARD A. RATH, III
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

January 28, 2016	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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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. 2M-14 (2016)
NYS SHERIFFS' ASSOCIATION INC: "Letter Regarding Expedited Bail by Credit Card Program"
(6-0)

2. COMM. 2E-37 (2016)
SHERIFF
WHEREAS, the Erie County Sheriff's Office requires the services of a qualified individual to perform 207c hearings; and

WHEREAS, Ms. Cathleen O'Hara, Esq., has been selected by the Sheriff's Office to serve in this capacity.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to appoint Ms. Cathleen O'Hara, Esq.; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with Cathleen O'Hara, Esq., to conduct 207c hearings at a rate not to exceed \$800 per hearing; and be it further

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Office of the Comptroller, and the Office of the Sheriff.
(6-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

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

MR. LOUGHRAN moved to send the item to the GOVERNMENT AFFAIRS COMMITTEE for further consideration. 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 and MR. HARDWICK. NOES: MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 7; NOES: 4)

CARRIED.

INTRO. 3-1 from CHAIR MILLS. Reverse Preemption of Local Law No. 3 (2015).

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 27 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 19-3 (2015). MS. DIXON seconded. MR. LOUGHRAN abstained.

CARRIED 10-0-1.

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

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. HARDWICK, CHAIR MILLS and MR. MORTON. NOES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. LORIGO and MR. RATH. ABSTAIN: MR. LOUGHRAN (AYES: 3; NOES: 7; ABSTAIN: 1)

FAILED.

SUSPENSION OF THE RULES

Item 28 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 3-2 from LEGISLATOR LORIGO. Re: Accounting of Risk Retention Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 29 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 3-3 from LEGISLATOR MILLER-WILLIAMS. Re: Request that the NYS Legislature Amend the NYS Alcohol Beverage Control Act to Allow for Public Referendums Under Article 2, Section 17 (11) of the Act

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 30 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-17 from the COUNTY EXECUTIVE. Re: Assistant County Attorney Position Assigned to Erie Community College

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 3D-7 from the CLERK OF THE LEGISLATURE. Re: Documents Received Regarding Closing Time of Erie County Bars

Received and filed.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 3E-1) Department of Mental Health - Authorization to Accept Grant Funding and Enter into Contract - Peer to Peer Veterans Counseling Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Office of Domestic Violence –
Authorization to Accept Donation
(COMM. 3E-2)

WHEREAS, the Erie County Sheriff's Office Domestic Violence Unit is awarded a \$5000.00 donation as part of a workplace violation settlement from the Bon Ton Corporation; and

WHEREAS, The Erie County Sheriff's Office maintain specialized unit composed of Domestic Violence Deputies and civilian staff to ensure those who commit physical and emotional harm against their partners face penalties for their actions and victims are provided knowledgeable and experienced assistance throughout the process; and

WHEREAS, the Erie County Sheriff's Office Domestic Violence Unit provides valuable services to victims and information to raise public awareness of the devastating effects of domestic violence; and

WHEREAS, the Domestic Violence Unit will utilize these funds for advanced staff training, public awareness literature, enhanced public presentation equipment, and multi-media information packages for victims and families; and

WHEREAS, victim services and public awareness campaigns are the domestic violence unit's greatest resources to battle domestic violence throughout Erie County; and

WHEREAS, the Erie County Sheriff's Office and its domestic violence unit will utilize this funding to battle domestic violence within our communities and raise the public's awareness of domestic violence.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to accept a donation of \$5000.00 from the Bon Ton Corporation to enhance its domestic violence unit's training, services, and public awareness campaigns; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to increase accounts as follows:

<u>Account</u>	<u>Increase</u>
#510100 - Training	\$1000.00
#530000 - Miscellaneous Equipment	\$3500.00
#561410 - Lab and Tech	<u>\$ 500.00</u>
Total	\$5000.00

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.

FROM THE COUNTY EXECUTIVE & CHAIR MILLS

Item 34 – (COMM. 3E-3) Appointment to Erie County Industrial Development Agency (ECIDA)

Received, filed and printed.

NOTICE OF APPOINTMENT

We undersigned, being the Erie County Executive and the Chairperson of the Erie County Legislature, hereby confirm that we have jointly appointed Paul V. Vukelic as a member of the Erie County Industrial Development Agency, effective February 1, 2016. Paul V. Vukelic will take the place of Betty Jean Grant as a member of the ECIDA board.

Dated: January 27, 2016

MARK C. POLONCARZ
Mark C. Poloncarz
Erie County Executive

JOHN J. MILLS
John J. Mills, Chairperson
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 3E-4) Reappointment to the EC Board of Health

Received, filed and printed.

Erie County Legislature
92 Franklin Street
4th Floor
Buffalo, New York 14202

RE: Reappointment to the Erie County Board of Health

Dear Honorable Members:

I, Mark C. Poloncarz, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby reappoint the following to the Board of Health, for the term stated.

NAME	TERM EXPIRATION
Lynne Dixon Erie County Legislator 92 Franklin Street 4th Floor Buffalo, New York 14202	December 31, 2017

Sincerely yours,
MARK C. POLONCARZ
Mark C. Poloncarz
Erie County Executive

cc: Lynne Dixon
Commissioner Gale R. Burstein, M.D., MPH, Department of Health

Item 36 – (COMM. 3E-5) Appointments & Reappointments to the Senior Services Advisory Board

Received, filed and printed.

January 22, 2016

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

RE: Appointments and Reappointments to the Senior Services Advisory Board

Dear Honorable Members,

Please be advised that, pursuant to Article 16, Section 1603 of the County Charter, I am reappointing the following individuals to the Senior Services Advisory Board:

Virginia Krebs (Ginny)
126 West Main St
Springville, NY 14141

Louise Smith (Laurie)
40 Glenridge Rd
East Aurora, NY 14052

Gerald Gadra (Gerry)
59 Sixth Ave
Lancaster, NY 14086

Rebecca Soto (Becky)
345 Trenton Ave, #220
Buffalo, NY 14201

I am also appointing the following individuals as new members:

Mitchell Nowakowski
343 Franklin St
Buffalo, NY 14202

Ava Porter
383 Guilford St
Buffalo, NY 14211

Zaw Win
417 Massachusetts Ave
Buffalo, NY 14213

Jim Voye
4137 Chatham Dr
Hamburg, NY 14075

Sylvia Volk
276 Linwood Ave, #112
Buffalo, NY 14209

Imam Yahye Omar
135 Gelston St
Buffalo, NY 14213

Rodney Hansel
Pride Center of WNY
200 S. Elmwood Ave
Buffalo, NY 14201

Robert Stall MD
4248 Ridge Lea Rd – Suite 125
Amherst, NY 14226

Should you have any questions regarding this appointment or the appointment process, please feel free to contact Randall Hoak, Commissioner of Senior Services, at (716) 858-6922 or Randall.hoak@erie.gov.

Sincerely yours,
MARK C. POLONCARZ
Mark C. Poloncarz, Esq.
Erie County Executive

MCP/rec

cc: Randall Hoak, Commissioner, Senior Services

FROM CHAIR MILLS

Item 37 – (COMM. 3E-6) Letter to Clerk of the Legislature Calling for a Public Hearing Regarding Closing Time of Erie County Bars

Received, filed and printed.

January 22, 2016

Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I would like to call a Public Hearing to hear public comment on imposing an earlier closing time for bars in Erie County.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 5:30 p.m. on Tuesday, February 2, 2016 in the Erie County Legislature Chambers, located on the 4th floor of Old county Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

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

FROM LEGISLATOR MILLS

Item 38 – (COMM. 3E-7) Appointment to the EC Charter Revision Commission

Received, filed and printed.

January 27, 2016

Ms. Karen M. McCarthy
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Clerk McCarthy,

Pursuant to the Local Law 5 (2015) reinstating the Charter Revision Commission, I hereby submit the following as my appointment to the Charter Revision Commission of Erie County:

Tara Cadmus
461 Washington Highway
Amherst, NY 14226

Sincerely,
JOHN J. MILLS
Chairman, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 3E-8) Department of Environment & Planning - Agreement Amendment - Professional Design/Engineering Services - Buffalo River AOC Remedial Action Habitat Restoration

Item 40 – (COMM. 3E-9) Budget Amendment to Accept Funds from the County's Two Solid Waste Management Boards

Item 41 – (COMM. 3E-10) EC Sewer District No. 3 - Engineer Term Contract Agreement - Work Order: CRA-8

Item 42 – (COMM. 3E-11) EC Sewer District No. 8 - East Aurora Waste Water Treatment Plant Tank No. 1 - Air Line Replacement - Bid Opening - Contract No. 16

Item 43 – (COMM. 3E-12) EC Sewer District No. 8 - East Aurora Waste Water Treatment Plant Control Building Rehabilitation - Bid Opening - Contract No. 15

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

FROM THE COMPTROLLER

Item 44 – (COMM. 3E-13) Audit of EC Clerk's Office Registrar Division Regarding the Mortgage Recording Tax-NFTA for Period Apr-Sept 2015

Item 45 – (COMM. 3E-14) Report of Secured Funds Relating to 2015 Revenue Anticipation Note Issue

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

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 3E-15) Division of Family Independence - NYS Executive Order 151 - Homelessness During Inclement Winter Weather

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 47 – (COMM. 3E-16) Authorizing an Increase in Sheriff - Civil Enforcement Division's Petty Cash Account

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 48 – (COMM. 3D-1) Certificate of Appointments to Erie County Industrial Development Agency (ECIDA)

Received, filed and printed.

CLERK'S CERTIFICATE

I, Karen M. McCarthy, Clerk of the Erie County Legislature, Erie County, New York (the "Legislature"), HEREBY CERTIFY that the attached extract from the minutes of the meeting of the Legislature duly called and held on June 2, 1970, has been compared by me with the original minutes of said meeting as officially recorded in the Minute Book of the Legislature, and said extract is a correct transcript referred to in said extract, and the resolution contained in said extract has been duly adopted and said resolution, as amended, is in full force and effect.

I HEREBY FURTHER CERTIFY that the attached copy of the Certificate of Establishment of the Erie County Industrial Development Agency was duly filed with the Secretary of State on August 5, 1970, and pursuant to Section 856, subdivision 2 of the General Municipal Law, the undersigned hereby certifies that the following persons have been appointed or reappointed and are currently serving as members of the Erie County Industrial Development Agency and that the attached copies of the Certificate of Appointment of said members are true copies of the originals filed with the Secretary of State on the date or dates receipted thereon:

Diane Benczkowski
Bryon W. Brown
James F. Doherty

Frank B. Mesiah
John J. Mudie
Glenn R. Nellis

Dennis W. Elsenbeck	Carol Nowak
Joseph H. Emminger	Mark C. Poloncarz
Dottie Gallagher-Cohen	Darius G. Pridgen
Betty Jean Grant	Edward A. Rath, III
Chris T. Johnston	David J. State
Richard Lipsitz, Jr.	Barry A. Weinstein
Brenda W. McDuffie	

IN WITNESS WHEREOF, I have hereunto set my hand as aforesaid and affixed the seal of the Erie County Legislature as of January 22, 2016.

(seal) KAREN M. McCARTHY
Karen M. McCarthy, Clerk

CERTIFICATE
OF
APPOINTMENT AS MEMBER OF
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FOR FILING
WITH
SECRETARY OF STATE
UNDER
GENERAL MUNICIPAL LAW SECTION 856(2)

THIS is to certify that Diane Benczkowski has been appointed as a member of ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA"), which has been duly established by Chapter 293 of the Laws of 1970. Diane Benczkowski will fill the vacancy created by Mary F. Holtz.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature of the County of Erie this 14th Day of January, 2016.

THE COUNTY LEGISLATURE OF
THE COUNTY OF ERIE

(seal) By: KAREN M. McCARTHY
Karen M. McCarthy
Clerk of the Legislature

CERTIFICATE
OF
APPOINTMENT AS MEMBER OF
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FOR FILING
WITH
SECRETARY OF STATE
UNDER
GENERAL MUNICIPAL LAW SECTION 856(2)

THIS is to certify that Joseph H. Emminger has been appointed as a member of ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA"), which has been duly established by Chapter 293 of the Laws of 1970. Joseph H. Emminger will fill the vacancy created by Anthony F. Caruana.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature of the County of Erie this 14th Day of January, 2016.

THE COUNTY LEGISLATURE OF
THE COUNTY OF ERIE

(seal) By: KAREN M. McCARTHY
Karen M. McCarthy
Clerk of the Legislature

Item 49 – (COMM. 3D-2) Notice of Public Hearing Regarding Closing Time of Erie County Bars

Item 50 – (COMM. 3D-3) DWI Statistics Received from Police Agencies

Item 51 – (COMM. 3D-4) Documents Received Regarding Comm. 25E-21 (2015) - Contract Compliance Review Buffalo Urban League

Item 52 – (COMM. 3D-5) NYS DEC Documents Received

The above four items were received and filed.

FROM EC REAL PROPERTY TAX SERVICES

Item 53 – (COMM. 3D-6) NYS Department of Taxation & Finance - Statement of County Equalization

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM PATRICK J. KEEM

Item 54 – (COMM. 3M-1) Letter to Clerk of the Legislature Regarding Appointment to EC Charter Revision Commission

Received, filed and printed.

From: Town Supervisor Pat Keem
Sent: Monday, January 25, 2016 10:23 AM
To: McCarthy, Karen

Subject: RE: Erie County Charter Revision Commission

Karen:

It was exciting to be selected as a member of the Erie County Charter Review Commission and I was looking forward to serving. Unfortunately, it will no longer be possible for me to be a member of that commission. Therefore, I regret to inform you that I must resign.

Warm Regards,
DR. PATRICK J. KEEM
Dr. Patrick J. Keem
Orchard Park Town Supervisor
4295 South Buffalo Street
Orchard Park, NY 14217

FROM BARCLAY DAMON LLP

Item 55 – (COMM. 3M-2) Notice of Election of Designated Director of the Erie Tobacco Asset Securitization Corporation

Received and filed.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 56 – (COMM. 3M-3) 2016 Budget Accountability Submission

Received and filed.

FROM THE BUFFALO NIAGARA FILM COMMISSION

Item 57 – (COMM. 3M-4) 2016 Budget Accountability Submission

Received and filed.

FROM VISIT BUFFALO NIAGARA

Item 58 – (COMM. 3M-5) 2016 Budget Accountability Submission

Received and filed.

FROM THE TOWN OF ALDEN

Item 59 – (COMM. 3M-6) Town Resolution Regarding the Termination of 1977 Sales Tax Revenue Distribution Agreement

Received and filed.

FROM JAMES P. COLLINS

Item 60 – (COMM. 3M-7) Letter Regarding Potential Modifications to EC Agricultural District for Aurora Community Gardens

Received and filed.

FROM THE EC WATER AUTHORITY

Item 61 – (COMM. 3M-8) Unaudited Comparative Financial Statements for Years Ended Dec. 31, 2015 & 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE MWBE UTILIZATION ADVISORY BOARD

Item 62 – (COMM. 3M-9) Sept. 28, 2015 Meeting Minutes

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 63 – MR. SAVAGE announced an open forum and town hall meeting regarding opiate use in Erie County, including the Israel Family and their organization Save the Michaels of the World, has been scheduled for March 3, 2016, from 7:00 p.m. to 9:00 p.m., at the North Park Theater, Buffalo.

Item 64 – CHAIR MILLS announced the committee schedule for February 11, 2016 will be distributed after the legislative session.

Item 65 – CHAIR MILLS announced the next scheduled meeting of the Erie County Charter Revision Commission is February 11, 2016 at 6:00 p.m. in the legislative caucus room.

Item 66 – CHAIR MILLS announced the next regularly scheduled legislative session is February 18, 2016.

MEMORIAL RESOLUTIONS

Item 67 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Eugene T. Bogacz and Angelo C. Butera and Daniel Patrick Leslie.

Item 68 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Darrell Fredrick Lane.

Item 69 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Mildred Mendelsohn.

Item 70 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Mary H. Koszuta.

Item 71 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Michael J. Beeny and Robert A. Kirwan.

Item 72 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Geraldine L. Dunford, Nomiki “Nellie” Konst, Henry R. Gabryszak and Robert Wolf.

Item 73 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Ruth Ann Kryszak, Paul R. McCarthy Sr and Cynthia C. Rosedale.

ADJOURNMENT

Item 74 - 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, February 18, 2016 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, February 18, 2016 at 2:00 p.m. Eastern Standard Time.

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