

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 28, 2016

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Dixon, who introduced Fr. Joseph Bayne, who lead a prayer.

The Pledge of Allegiance was led by Mr. Morton.

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 7 from 2016. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a resolution Congratulating Magdalene Miller Kennedy on Receiving the Grand Island Chamber of Commerce's 2015 Educator of the Year Award.

Item 6 – MR. HARDWICK presented a resolution Congratulating Joanne Kud on Receiving the Grand Island Chamber of Commerce's 2015 Lifetime Service Award.

Item 7 – MR. HARDWICK presented a resolution Congratulating Corey McGowan on Receiving the Grand Island Chamber of Commerce's 2015 Business Development Award.

Item 8 – MR. HARDWICK presented a resolution Congratulating Fahim Mojawalla on Receiving the Grand Island Chamber of Commerce's 2015 Citizen of the Year Award for Community Leadership.

Item 9 – MR. HARDWICK presented a resolution Honoring Raymond W. Pauley as the Erie County Legislature's Citizen of the Month for April 2016, and for his Service to the Grand Island Fire Department.

Item 10 – MR. HARDWICK presented a resolution Congratulating L.D.C. Construction Inc. on Receiving the Grand Island Chamber of Commerce's 2015 Environmental Steward Award.

Item 11 – MR. HARDWICK presented a resolution Congratulating Mallwitz Island Lanes on Receiving the Grand Island Chamber of Commerce's 2015 Business of the Year Award.

Item 12 – MR. HARDWICK presented a resolution Congratulating The Islettes' Elite Majorettes on Receiving the Grand Island Chamber of Commerce's 2015 Organization of the Year Award.

Item 13 – MR. LOUGHRAN presented a resolution Honoring Roseanne Butler-Smith.

Item 14 – MR. LOUGHRAN presented a resolution Honoring Deputy Village of Williamsville Clerk Deborah A. Habes.

Item 15 – MS. MILLER-WILLIAMS presented a resolution Honoring the Kiwanis Club of Buffalo's Centennial Anniversary.

Item 16 – MR. MILLS presented a resolution Honoring Mary Truby for Her Dedicated Service to the Angola Public Library Upon Her Retirement After 44 Years of Service

Item 17 – MR. RATH, MR. MILLS, MR. LORIGO, MS. DIXON, MR. HARDWICK & MR. MORTON presented a resolution Honoring Deputy Commissioner James McCullough Upon His Retirement and After 17 Years as Fire Coordinator for Erie County

MR. LORIGO moved that the legislature recess for ten minutes. MR. RATH seconded.

CARRIED UNANIMOUSLY.

The legislature entered recess at 2:13 PM.

CHAIR MILLS reconvened the legislature at 2:23 PM.

All members present.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above thirteen items by adding one miscellaneous resolution for MR. MILLS, MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MORTON & MR. RATH, one miscellaneous resolution for MR. MORTON, and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 18 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 2 (Print #3) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 4 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

April 21, 2016	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-6 (2016)
BOARD OF HEALTH: "Agenda for Apr. 19, 2016 Meeting and Minutes from Previous Meeting"
(4-0)
 - b. COMM. 7M-7 (2016)
ECMC CORPORATION: "2015 Annual Report"
(4-0)

2. COMM. 7E-25 (2016)
COUNTY EXECUTIVE
WHEREAS, in lieu of accepting an Honorarium from Baystate Children's Hospital in Springfield Massachusetts, Commissioner Gale Burstein has directed that funds be donated to the Erie County Department of Health; and

WHEREAS, in order to accept the funds for the Erie County Department of Health, legislative authorization is required.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Department of Health authorized to receive \$1,000 from Baystate Children's Hospital, and is authorized to receive any future donated funds from other entities, organizations or individuals, for the purpose of providing services to the Erie County Department of Health; and be it further

RESOLVED, that the following budgetary adjustments to the 2016 Budget are hereby authorized:

Fund 110 – 2016 Budget		
12700 – Health Division		
<u>REVENUE</u>		<u>Increase</u>
467000	Miscellaneous	
	Departmental Income	\$1,000.00
<u>APPROPRIATIONS</u>		<u>Increase</u>

510100

Out of Area Travel

\$1,000.00

and be it further

RESOLVED, that the Division of Budget and Management, Office of Comptroller and Department of Health are authorized to make any necessary budgetary adjustments for these and future donated funds; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Division of Budget and Management, Department of Health, and the County Comptroller.
(4-0)

3. COMM. 7E-27 (2016)

COUNTY EXECUTIVE

WHEREAS, the Division of Youth Services has a vacant Delivery Service Chauffer and another frequently used job title, Youth Detention Worker, is able to be assigned duties that a Delivery Service Chauffeur is able to perform; and

WHEREAS, the Division of Youth Services requests legislative authorization to deletes one Delivery Service Chauffeur and one Youth Detention Worker PT and creates one Youth Detention Worker; and

WHEREAS, this change will result in more efficient staffing for Youth Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Youth Services is hereby authorized to delete one Delivery Service Chauffeur and one Youth Detention Worker PT, and to create a full time Youth Detention Worker position as noted in B-100 #2275; and be it further

RESOLVED, that the Commissioner of the Department of Social Services, Commissioner of Personnel, and Division of Budget and Management are hereby authorized to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the office of the Commissioner of Personnel; the Director of the Division of Budget and Management; and the Commissioner of the Department of Social Services.

LYNNE M. DIXON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

April 21, 2016	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-17 (2016)
MILLER-WILLIAMS: “Correspondence Regarding Maintenance of Sherman L. Walker Community Center, Buffalo”
(5-0)
 - b. COMM. 5M-6 (2016)
RETAIL COUNCIL OF NYS & FOOD INDUSTRY ALLIANCE OF NYS INC: “Letter Regarding Reverse Preemption of Local Law No. 3 (2015)”
(5-0)
 - c. COMM. 7D-5 (2016)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(5-0)

2. COMM. 7E-23 (2016)
COUNTY EXECUTIVE

WHEREAS, various Erie County polling sites are not in compliance with the Americans with Disabilities Act (“ADA”), due to deficient and limited requiring upgrades to parking lot and entrance access, lighting, parking lot signage, parking lot striping, ramp access, door/hardware replacement and/or addition of push button operation, among other possible improvements; and

WHEREAS, the Board of Elections is also desirous of securing their vehicles in a secure garage that will also allow for maintenance and storage; and

WHEREAS, the project will be reimbursed by Help America Vote Act (“HAVA”) funding available from the United States Federal Government; and

WHEREAS, the legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with the architectural firm of BHNT Architects, PC for design related services; and

WHEREAS, the design costs for the project are not to exceed \$100,000; and

WHEREAS, County will be reimbursed for 100% of the design costs, in an amount not to exceed \$100,000, with Federal funds available to the BOE in BA 150, Fund 281, Grant 150HAVASHOEBOX0214; and

WHEREAS, a new capital project will be created in SAP in BA 150, Fund 410, in the amount of \$100,000, the amount of funds to be transferred from BA 150, Fund 281, Grant 150HAVASHOEBOX0214; and

WHEREAS, the County Executive is requesting authorization from the Legislature to issue an Agreement Amendment to BHNT Architects, PC to provide services for the Erie County Polling Sites Improvements and ADA Upgrades project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to BHNT Architects, PC to provide services for the Erie County Polling Sites Improvements and ADA Upgrades for an amount not to exceed \$100,000.00, including a design contingency; and be it further

RESOLVED, that such costs shall be recorded in BA 150, Fund 410, new SAP Project Account A.XXXXX; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from BA 150, Fund 410, new SAP project account A.XXXXX, in the amount not to exceed \$100,000; and be it further

RESOLVED, that the BOE be authorized to Fund BA 150, Fund 410, new SAP Project Account A.XXXXX, in the amount of \$100,000 from BA 150, Fund 281, Cost Center 1500020, Account 575000, Interfund Expense Non-Subsidy; and be it further

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

BA 150, Fund 410, Cost Center 1500020, New Project A.XXXXX
Erie County Polling Sites Improvements and ADA Upgrades

<u>Revenue Account</u>	<u>Description</u>	<u>Budget</u>
450000	Interfund Rev Non-Subsidy	\$100,000

<u>Expense Account</u>	<u>Description</u>	<u>Budget</u>
CAPITALPROJECT	Capital Projects Expense	\$100,000

Net Change Fund 410 \$0

; and be it further

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

(5-0)

KEVIN R. HARDWICK

CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

April 21, 2016	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-18 (2016)
COMPTROLLER: “Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Dec. 2015, Jan. and Feb. 2016”
(5-0)
 - b. COMM. 7E-21 (2016)
LORIGO: “Letter to County Executive Regarding Purchase of Reusable Bags”
(5-0)
 - c. COMM. 7E-22 (2016)
COMPTROLLER: “Letter Regarding Purchase of Reusable Bags”
(5-0)
 - d. COMM. 7D-4 (2016)
DEPARTMENT OF BUDGET & MANAGEMENT: “Vacancy Report for First Quarter 2016”
(5-0)
 - e. COMM. 7D-6 (2016)
OFFICE OF THE COUNTY EXECUTIVE: “Letter to Legislator Lorigo Regarding Purchase of Reusable Bags”
(5-0)
 - f. COMM. 7M-5 (2016)
GREATER EAST AURORA CHAMBER OF COMMERCE: “Position Statement Regarding Minimum Wage Increase”
(5-0)
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 216077 through 216092, 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.	216,077.00
	ASSESSOR	Cancel	\$35,866.10
S-B-L	80.09-1138	4067 Harlem	142289 AMHERST
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$35,866.10 Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$35,866.10

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR	2014	Petition No.	216,078.00
	ASSESSOR	Refund	\$557.81
S-B-L	114.06-2-30.1	32 Rowley Holw	143089 CHEEKTOWAGA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$557.81 Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$557.81
	Relevy School		\$557.81 143001 CHEEKTO.

CENTRAL

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Susan Gworek.

FISCAL YEAR	2014	Petition No.	216,079.00
	ASSESSOR	Refund	\$862.00
S-B-L	91.05-1-30	100 Mafalda Dr	143089 CHEEKTOWAGA
	Acct. No. 112		\$0.00 County

<u>Charge To :</u>	Acct. No. 132	\$862.00	Town/SpecialDist/School
	143089 CHEEKTOWAGA	\$862.00	
	Relevy School	\$862.00	143003 CHEEK. UNION #3

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Frank Guglielmo

FISCAL YEAR 2015 Petition No. 216,080.00

 ASSESSOR Cancel \$8,558.00
S-B-L 92.04-1-18.2 255 Sonwil Dr 143089 CHEEKTOWAGA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$8,558.00	Town/SpecialDist/School
	143089 CHEEKTOWAGA	\$8,558.00	

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 216,081.00

 ASSESSOR Cancel \$7,015.63
S-B-L 92.04-1-18.2 255 Sonwil Dr 143089 CHEEKTOWAGA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$7,015.63	Town/SpecialDist/School
	143089 CHEEKTOWAGA	\$7,015.63	

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,082.00

 ASSESSOR Cancel \$685.00
S-B-L 207.00-1-1.11 2103 Shadagee Rd 144000 EDEN

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$685.00	Town/SpecialDist/School
	40046 WATER DISTRICT 5 A	\$685.00	
	144000 EDEN		\$0.00

RPTL 550(2): Incorrect special district charge.

New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,083.00

 ASSESSOR Cancel \$300.00
S-B-L 129.00-11-20 S601 Two Rod Rd 145400 MARILLA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$300.00 Town/SpecialDist/School
Charge To : 145400 MARILLA \$300.00

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,084.00

 ASSESSOR Cancel \$794.85
S-B-L 53.14-3-1.1 3939 Delaware Ave 146489 TONAWANDA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$794.85 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$794.85

RPTL 550(2): Error in special district charge
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,085.00

 ASSESSOR Refund \$237.60
S-B-L 143.08-6-24 51 Willowdale Dr 146800 WEST SENECA

 Acct. No. 112 \$96.08 County
 Acct. No. 132 \$141.52 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$141.52

RPTL 550(2): Failed to apply veterans exemption
Refund to be issued to Frank & Lora Grzechowiak

FISCAL YEAR 2014 Petition No. 216,087.00

 ASSESSOR Refund \$526.00

S-B-L 92.18-9-7 67 Lydia Ln 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$526.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$526.00	
	Relevy School	\$526.00	143002 CHEEK. UNION #2

RPTL550(2): Failed to apply basic STAR exemption
Refund to be issued to David Hashimi

FISCAL YEAR 2015 Petition No. 216,088.00

ASSESSOR Refund \$533.12
S-B-L 92.18-9-7 67 Lydia Ln 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$533.12	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$533.12	
	Relevy School	\$533.12	143002 CHEEK. UNION #2

RPTL550(2): Failed to apply basic STAR exemption
Refund to be issued to David Hashimi

FISCAL YEAR 2015 Petition No. 216,089.00

ASSESSOR Refund \$533.12
S-B-L 92.17-12-28 79 Santin Dr 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$533.12	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$533.12	
	Relevy School	\$533.12	143002 CHEEK. UNION #2

RPTL550(2): Failed to apply Basic STAR exemption
Refund to be issued to Raymond Espinosa

FISCAL YEAR 2015 Petition No. 216,090.00

ASSESSOR Refund \$506.93
S-B-L 101.36-3-14 70 Avery Pl 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$506.93	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$506.93	

Relevy School \$506.93 143001 CHEEKTO.
CENTRAL

RPTL 550(2): Failed to apply Basic STAR exemption
Issue refund to Jephthema.

FISCAL YEAR 2014 Petition No. 216,091.00

ASSESSOR Refund \$505.19
S-B-L 101.36-3-14 70 Avery Pl 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$505.19 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$505.19
Relevy School \$505.19 143001 CHEEKTO.

CENTRAL

RPTL 550(2): Failed to apply Basic STAR exemption
Refund to be issued to Jephthema Land

FISCAL YEAR 2016 Petition No. 216,092.00

ASSESSOR Cancel \$422.76
S-B-L 196.10-5-10.11 79 Newton 144803 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$422.76 Town/SpecialDist/School
Charge To : 144803 HAMBURG \$422.76

Relevy Village \$422.76 Village of HAMBURG
RPTL 550(2): Failed to apply veterans exemption
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.
(5-0)

3. COMM. 7E-15 (2016)

WHEREAS, Niagara Mohawk Power Corporation is requesting the County of Erie grant a perpetual easement and right-of-way on the above County owned parcel of land located in the City of Tonawanda for the purpose of installing a pole and anchors; and

WHEREAS, the County Lands Advisory Review Committee has recommended that the easement and right-of-way be granted; and

WHEREAS, the Director of Real Property Tax Services has determined that this easement can be granted; and

WHEREAS, the parties of the first part, in consideration of other goods and valuable consideration of One and 00/100 Dollars (\$1.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right of way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities on the subject property; and

WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property; and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld; and

WHEREAS, the party of the first part hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the permanent easement conveyed herein; and

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities; and

WHEREAS, the party of the second part agrees to maintain the property as deemed appropriate and indemnify and hold harmless the County of Erie from any litigation that may arise and name the County of Erie as an additional insured and provide the County Attorney with proof of such insurance certificate; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to Niagara Mohawk Power Corporation in consideration of the sum of One and 00/100 Dollar (\$1.00) a perpetual easement and right-of-way on the following:

All that tract or parcel of land situate in the City of Tonawanda, County of Erie, and State of New York, being described in a certain Deed recorded in the County Clerk's Office in Liber 7651 of Deeds at Page 668 and consists of land described as being part of Tax Parcel No. 52.06-2-1 commonly known as 201 Two Mile Creek Road:

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 and the Department of Real Property Tax Services.
(5-0)

JOSEPH C. LORIGO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

April 21, 2016	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. COMM. 3E-12 (2016)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the East Aurora Wastewater Treatment Plant Control Building Project, Erie County Sewer District No.8, Contract No. 15 at 10:00 a.m. on April 12, 2016:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 15	Miller Enterprises, Inc. 12 Newfield Street Buffalo, NY 14207	\$711,000.00

; and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there are adequate cash reserves in Erie County Sewer District No. 8 Capital Reserve Account C.11801.

NOW, THEREFORE, BE IT,

RESOLVED, that the East Aurora Wastewater Treatment Plant Control Building Project, Erie County Sewer District No. 8, Contract No. 15 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 15	Miller Enterprises, Inc. 12 Newfield Street Buffalo, NY 14207	\$711,000.00

; and be it further

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

RESOLVED, that the County Comptroller is authorized and directed to allocate \$711,000.00 from Sewer Capital, Erie County Sewer District No. 8, Account C.00071 for Contract No. 15; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer \$750,000.00 from Erie County Sewer District No. 8 Capital Reserve Account C.11801 to Sewer District No.8 Capital Account C.00071 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 8 Capital Account C.00071 by \$750,000.00 for this project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

2. COMM. 7E-13 (2016)

COUNTY EXECUTIVE

WHEREAS, household hazardous waste is being generated by residents in Erie County; and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County; and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community; and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 55,000 residents within Erie County; and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Erie County HHW Program is dependent upon State Aid assistance for partial funding; and

WHEREAS, Erie County deems it to be in the public interest and benefit to file an application for State Aid; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application for State assistance for the Household Hazardous Waste Program in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is directed and authorized to enter into an agreement and sign the resulting contract for partial reimbursement for expenses incurred conducting the County HHW Program if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees that it will fund the cost of said HHW Program and will be reimbursed by the State for the State share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application; 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 Office of the Comptroller; Thomas J. Dearing, Commissioner of Environment and Planning; Thomas Hersey, Deputy Commissioner of Environment and Planning; Paul Kranz, P.E., Associate Engineer; the County Comptroller; and the County Attorney.

(5-0)

TED B. MORTON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

April 21, 2016	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

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

- a. COMM. 7M-3 (2016)
BUFFALO & EC NAVAL & MILITARY PARK: “Mar. 24, 2016 Board of Directors Agenda”
(5-0)
- b. COMM. 7M-4 (2016)
NFTA: “Feb. 25, 2016 Board Minutes”
(5-0)

2. COMM. 7E-9 (2016)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, as a result of these inspections and taxpayer notifications, Erie County desires to respond to conditions which may restrict access to the traveling public with a plan of action as soon as practicable; and

WHEREAS, engineering and design services are necessary for the annual Bridge Inspection and Maintenance Program; and

WHEREAS, this extension and increased funding is a necessary measure being put in place until an RFQ/RFP can be issued at a later date this year for this type of service; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into a Term Agreement for providing professional engineering services via Comm. 10E-18 adopted May 28, 2015; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in emergency bridge design, technical/engineering services, construction management and inspection, and Bridge Maintenance design; and

WHEREAS, in order for the Department of Public Works, Division of Highways, to respond to these cited County bridge deficiencies with appropriate action, Legislature approval is required to authorize the County Executive to extend the existing contract with CHA Consultants, Inc. to perform this work through a Change Order.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Change Order to extend the existing contract with CHA Consultants, Inc. for one year for the required services and increase the funding in the amount of \$207,244 from Fund 420, BA 123, SAP Account B.13016, 2013 Capital Overlay Program (PAYGO), and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Division of Purchase. (5-0)

3. COMM. 7E-10 (2016)

COUNTY EXECUTIVE

WHEREAS, the County Executive declared a State of Emergency in the County of Erie on November 18, 2014 and the Federal Emergency Management Association (FEMA) granted the Declaration, due to the unprecedented snow storm that occurred between November 17 and November 26, 2014; and

WHEREAS, the County submitted various claims to FEMA for damage caused to County owned facilities by the November 2014 Knife Snow Storm; and

WHEREAS, the County hired various contractors to perform repair work to the damaged County facilities; and

WHEREAS, do to unknown or unforeseen conditions, changes in the contractors scope of work were encountered as the work progressed, resulting in Contract Amendments or increases to Purchase Orders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Director of Purchasing be authorized to enter into Contract Amendments or increases to Purchase Orders with the contractors as follows:

FERGUSON ELECTRIC

Contract Amendment E-1 \$13,750.00

TRASON DEVELOPMENT

Contract Amendment G-1 \$53,157.83

Contract Amendment G-2 \$ 1,849.53

LOUIS DEL PRINCE & SONS

Contract Amendment SC-01 \$116,051.00

Contract Amendment SC-06 \$ 5,850.00

Total Contract Amendment/PO Increases \$190,658.36

; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above Contract Amendments or increases to Purchase Orders for an amount not to exceed \$190,658.36 from the Operating Budget, BA122, Fund 251, Cost Center 12220, G/L Account 516020; and be it further

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

(5-0)

4. COMM. 7E-11 (2016)
COUNTY EXECUTIVE

WHEREAS, the design phase of the Bullis Road Bridge over Buffalo Creek, PIN 5760.54, (the “Project”) was approved via Communication 10E-18 of May 28, 2015; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project; and

WHEREAS, bids were taken for the Rehabilitation of Bullis Road Bridge over Buffalo Creek, PIN 5760.54 in the Town of Elma, on October 22, 2015, and the lowest responsible bidder was Oakgrove Construction, in the amount of \$1,258,017; and

WHEREAS, the Department of Public Works was notified of the lack of Federal and New York State revenue through the Locally Administered Federal Aid Program for the Project and has identified available funds to carry out the Project; and

WHEREAS, the Department of Public Works recommends the Project progress through the Construction phase to prevent further deterioration of the bridge; and

WHEREAS, the Department of Public Works seeks authorization for the County Executive to enter into agreements with low bidder Oakgrove Construction, in the amount of \$1,258,017, design phase engineers CHA Consulting, Inc. for construction phase engineering and inspection services in the amount of \$88,000., and establish a Construction Contingency in an amount not to exceed \$190,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project phase; and be it further

RESOLVED, that the County Executive be authorized to award and execute contracts between the County of Erie and Oakgrove Construction, CHA Consulting, Inc., establish a Construction Contingency, execute Change Orders for the Rehabilitation of Bullis Road over Buffalo Creek, PIN 5760.54 in the Town of Elma for a total project amount of \$1,536,017; and be it further

RESOLVED, that the Project Fund B.13002, 2013 Bridge Enhancement Programs, Fund Center 123, Fund 420, be adjusted for the lack of available program Federal and State funds through the Locally Administered Federal Aid Program in the amount of \$641,250 as follows:

REVENUES		CURRENT	INCREASE/	REVISED
Account	Description	BUDGET	DECREASE	BUDGET

405160	NYS Marchiselli	\$ 354,000	(\$ 101,250)	\$ 252,750
414000	Federal Aid	\$ 2,480,000	(\$ 540,000)	\$1,940,000
445070	Prem on Obligation	\$ 54,162.12	\$ 0	\$ 54,162.12
475000	Gen Oblig Bond Proc	<u>\$345,837.88</u>	<u>\$ 0</u>	<u>\$ 345,837.88</u>
<u>TOTAL REVENUES</u>		<u>\$3,234,000</u>	<u>(\$ 641,250)</u>	<u>\$2,592,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$3,234,000</u>	<u>(\$ 641,250)</u>	<u>\$2,592,750</u>
<u>TOTAL APPROPRIATIONS</u>		<u>\$3,234,000</u>	<u>(\$ 641,250)</u>	<u>\$2,592,750</u>

; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,536,017, is hereby appropriated from:

B.13002 - 2013 Bridge Enhancement Programs	\$167,750.00
B.14024 - 2014 Capital Road Overlay Project (PAYGO)	\$604,539.00
B.15019 - 2015 Capital Road Overlay Project (PAYGO)	\$500,000.00
B.15011 - 2015 Preservation of Bridges, Construction	\$263,728.00

; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, Oakgrove Construction, and enter into a construction phase engineering service agreement with project designers CHA Consulting, Inc., and establish a Construction Contingency in an amount not to exceed \$1,536,017.; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(5-0)

5. COMM. 7E-12 (2016)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound, productive reuse of urban brownfields, be it industrial, commercial or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment, Inc.; and

WHEREAS, the relocation of existing rail lines are required to install new roads and infrastructure which are necessary to service new and future companies on the site; and

WHEREAS, Welded Tube USA Realty, LLC (Welded Tube) previously acquired property from Tecumseh Redevelopment, Inc. and in order for Welded Tube's steel pipe manufacturing facility to become operational, the Parties to this Agreement, together with the Erie County Water Authority and Welded Tube entered into a Site Infrastructure Agreement dated as of April 5, 2013; and

WHEREAS, the Site Infrastructure Agreement contemplated three phases of work to be performed on the real property owned by Tecumseh Redevelopment, Inc.; and

WHEREAS, the three phases of work included a Water Line Phase, a Railroad Phase and a Road Phase; and

WHEREAS, the Water Line Phase has been completed to the satisfaction of all Parties; and

WHEREAS, the Parties now desire to move forward with the Railroad and Road Phases of the Project; and

WHEREAS, construction of the Road Phase cannot be completed until the Lower E Yard has been relocated in a manner acceptable to Tecumseh Redevelopment, Inc. and the Railroad (the Railroad Phase).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Three Party Agreement and sign easements for the infrastructure project with Tecumseh Redevelopment, Inc. and the South Buffalo Railway Company to allow design and construction of the Railroad and Road Phases of the Bethlehem Redevelopment for the Welded Tube Project; and be it further

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

(5-0)

EDWARD A. RATH, III
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

April 21, 2016	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.

1. 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, as the opioid use continues to rise and addiction increases in the community, many inmates devise schemes to smuggle opioid based drugs and other contraband into the county's holding center and correctional facility; and

WHEREAS, the use of U.S. Mail letters and packages to smuggle contraband into the facility; and

WHEREAS, if the contraband escapes detection by human methods, the contraband can be used as by inmates creating overdose and medical issues; and

WHEREAS, contraband can also be used to intimate or harm other inmates; and

WHEREAS, the Erie County Sheriff's Office Jail Management Division has established an anti-contraband unit to detect, confiscate, and limit opioid smuggling attempts; and

WHEREAS, equipment has been developed to aid detention facility staff to discover opioids based drugs and other contraband hidden in parcels; and

WHEREAS, Telephone Revenue funds will be used to purchase mail screening detection equipment, furniture for the unit's office, and equipment service agreement; and

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

NOW, THEREFORE, BE IT

RESOLVED, that \$ 99,115.26 in available Telephone Revenue Funds is hereby transferred to the appropriate Erie County Sheriff's Office accounts; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Jail Management		
<u>REVENUE</u>		<u>DECREASE</u>
415622	Jail Telephone Revenue funds	\$ 99,115.26
<u>SHERIFF APPROPRIATION</u>		
516020	Professional Services & Fees	\$ 95,000.00
561420	Furniture	\$ 4,110.26
	Total Appropriations	<u>\$ 99,115.26</u>

; and be it further

RESOLVED, the legislature does hereby authorize the County Executive to enter into a two year contract, with an option for an additional three years, with ChemImage Sensor Systems, LLC for purchase of the mail screener detection equipment as well as for software and service agreements; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to Telephone Revenue account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff Office for implementation.
(4-0)

2. COMM. 7E-28 (2016)

COUNTY EXECUTIVE

WHEREAS, it is the desire of Emergency Services to retain a software consultant to provide integration of existing software systems with a new paging software program and new mapping software; and

WHEREAS, the firm Globalquest Staffing Solutions Inc., has been identified as the company who can do the integration; and

WHEREAS, the Department of Central Police Services issued a request for Proposal (RFP) on October 21, 2014 to integrate its dispatch software; and

WHEREAS, two (2) proposals were submitted by various software consulting firms on October 31, 2014; and

WHEREAS, the firm of Globalquest Solutions, Inc. was deemed to have submitted the best overall proposal by the selection committee; and

WHEREAS, the firm of Globalquest Staffing Solutions, Inc. is a New York State Certified Women-Owned Business (WBE) as designated by the NYS Department of Economic Development, Division of Minority and Women's Business Development.

NOW, THEREFORE, BE IT

RESOLVED, that Globalquest Staffing Solutions, Inc., 435 Lawrence Bell Drive, Suite 7, Williamsville, New York 14221 is hereby authorized is to provide software consulting services at specific hourly rates as detailed in their RFP response; and be it further

RESOLVED, that the funding, not to exceed \$50,000 for this contract, is hereby authorized in grants HS167SHSP1518 and HS167PSAP1315, account 516020; 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 Department of Central Police Services c/o Marlaine Hoffman, the County Comptroller, and the County Attorney.

(4-0)

3. COMM. 7E-29 (2016)

COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the New York State Department of Homeland Security and Emergency Services has agreed to provide funding in federal assistance to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to enter into a contract for \$5,400 with Evans Emergency Equipment, Inc. to conduct swift water training; and

WHEREAS, there is funding available in FY 15 Technical Rescue & Urban Search and Rescue Grant Program to cover the costs incurred for this training; 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 contract with Evans Emergency Equipment, Inc. to conduct swift water training in the amount of \$5,400 from available funds and budget modifications from account 516020 in grant HS167TECHRESCUE1518; 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.

(4-0)

4. COMM. 7E-30 (2016)

COUNTY EXECUTIVE

WHEREAS, the Department of Central Police Services has been awarded funding under the Laboratory Enhancement Program Request through the New York State Division of Criminal Justice Services (DCJS); and

WHEREAS, said funds will enhance the efficiency, effectiveness, reliability, and accuracy of laboratory services provided by forensic laboratories in the state.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive to enter into contract and accept grant funding from the New York State Division of Criminal Justice Services in the amount of \$42,649; 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 16500 as follows:

Central Police Services
SAP #165LABENHANCE1617
4/01/16 – 3/31/17

<u>Revenue</u>	<u>Increase</u>
409000 State Aid	\$42,649
<u>Appropriation</u>	<u>Increase</u>
501000 Overtime	\$10,353
502000 Fringe Benefits	\$1,101
505800 Med & Health Supplies	\$7,695
516020 Professional Service Contact & Fees	<u>\$23,500</u>
Total Appropriation	\$42,649

and be it further

RESOLVED, that the authorization is hereby provided to contract with Porter Lee Corp, a sole source vendor, in the amount of \$3,000 from account 516020, to provide LIMS reprogramming and creation of Workload Survey; and be it further

RESOLVED, that authorization is hereby provided to waive the County bidding process, due to sole source vendor and enter into contract with Niche Vision, in the amount of \$20,500 from account 516020, to provide a 2 day in house training STRmix Workshop; 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 approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Central Police Services, attention: Brian Speers.
(4-0)

5. COMM. 7E-31 (2016)

COUNTY EXECUTIVE

WHEREAS, the Youth Services Division wishes to enhance the Detention Facility's existing security management system; and

WHEREAS, the improved ability to control and restrict access in the facility and the installation of duress buttons at strategic areas would provide greater security and a safer work environment for staff and residents; and

WHEREAS, the Youth Services Division has previously contracted with U&S Services for digital video surveillance system upgrades; and

WHEREAS, Youth Services Division is seeking the consistency and compatibility the use of this vendor will provide and will use New York State contract pricing; and

WHEREAS, the Youth Services Division has available balances within their current budget to contract with U&S Services for access control security enhancements.

NOW, THEREFORE, BE IT

RESOLVED, that the following 2015 Budget adjustments are hereby authorized for the Division of Youth Services:

2015 Budget - Fund 110		
Youth Services Division - Fund Center 12520		
Expense		Increase/(Decrease)
516020	Professional Services	(50,000)
570050	Interfund Transfer Capital	<u>50,000</u>
	Total	0

2015 Budget - Fund 410 – Project A.14018		
Youth Services Division - Fund Center 12520		
Revenue		Increase
	Interfund Revenue	
486000	Subsidy	50,000
Expense		
	Capital Projects	<u>50,000</u>
	Total	0

and be it further

RESOLVED, that the Director of Budget and Management is authorized to carry forward capital funding for the Division of Youth Series into 2016 for implementation of this proposal, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with U&S Services using New York State contract pricing and sole source authority to provide access control security enhancements at the Youth Detention Facility in the amount of \$50,000, 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.

(4-0)

6. COMM. 7E-32 (2016)
SHERIFF

WHEREAS, the State of New York Division of Criminal Justice Services has awarded \$9,000.00 to the Erie County Sheriff's Office for new Livescan equipment; and

WHEREAS, Erie County Sheriff's Office Detective Bureau lacks the latest fingerprint scanning equipment to efficiently process suspects at the bureau's downtown office; and

WHEREAS, the lack of this equipment forces Deputies to transport a subject to a substation or the holding center for Livescan fingerprints; and

WHEREAS, the awarded funds, combined with funds in the Erie County Sheriff's Office 2016 lab and tech budget account, will be utilized to purchase Livescan equipment for the Detective Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Criminal Justices Services to accept \$9,000.00; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
Livescan Equipment Grant

REVENUE	Increase
Account 409000 - State Aid	\$9,000.00
TOTAL REVENUE	\$9,000.00
APPROPRIATIONS	Decrease
Account 561410- Lab & Technical Equipment	\$9,000.00
TOTAL APPROPRIATIONS	\$9,000.00

; and be it further

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

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

(4-0)

7. COMM. 7E-33 (2016)
SHERIFF

WHEREAS, procedures have been established by resolution and legislative direction for allocation of the Seized Asset Forfeiture funds; and

WHEREAS, the Erie County is in the middle of a drug epidemic involving heroin, fentanyl, and heroin mixed with fentanyl; and

WHEREAS, The U.S. Drug Enforcement Agency is sponsoring a seminar for law enforcement professionals to identify and discuss strategies to combat the sale and use of heroin and fentanyl along with enhancing shareable resources and capabilities among law enforcement agencies, and facilitate agency networking to strengthen joint operational activities and efforts; and

WHEREAS, there will be no impact on county tax dollars with the appropriation of the Seized Asset Funds.

NOW, THEREFORE, BE IT

RESOLVED, that up to \$ 3,410.00 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff- SAFS Funded Program		
REVENUE		DECREASE
421550	Forfeiture Crime Proceeds	\$3,410.00
APPROPRIATION		INCREASE
510100	Out of Area Travel	\$3,410.00
	Total Revenue	\$3,410.00

; and be it further

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

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to the Asset Forfeiture Trust account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

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

(4-0)

8. COMM. 7E-35 (2016)
SHERIFF

WHEREAS, the New York State Canal Corporation has selected the Erie County Sheriff's Office Marine Unit to received up to \$ 40,000.00 in funding; and

WHEREAS, this grant is a matching grant and will require review and approval by the Canal Corporation, the Office of the Attorney General, and the Office of the State Comptroller for all submitted requisitions; and

WHEREAS, the Erie County Sheriff's Marine Unit is responsible for patrolling parts of Lake Erie, Niagara River, the Erie Barge Canal and other waterways along the over 90 miles of Erie County shoreline; and

WHEREAS, the marine unit is instrumental in maintaining safe waterways by enforcing navigation laws and educating the boating public; and

WHEREAS, this grant will provide the Erie County Sheriff's Office with additional resources to increase patrols along the Erie Barge Canal.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Canal Corporation to accept funding up to \$ 40,000.00 for increased marine patrols on and around the waterways of the Erie Barge Canal; and be it further

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

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

(4-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Support of NYS Legislation Providing a More Equitable Share of County DMV

Revenue
(INTRO. 8-1)

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

WHEREAS, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, local DMV offices provide customer service and process many no-fee transactions on behalf of New York State; and

WHEREAS, under current law New York State's share of all fees collected from the work performed by the county-operated DMVs is 87.3%; and

WHEREAS, the remaining 12.7% county-share has not been increase since 1999, yet the amount of work required by the local DMV Offices has increased in that same time period; and

WHEREAS, the New York State Governor and Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county-share of the DMV revenue sharing rate with New York State will not result in any increased cost or fees to local residents or taxpayers, and will provide counties with the needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all services, including overhead and staffing to fulfill these DMV needs for state residents, yet the State is paid 87.3% of the revenue generated from providing said services; and

WHEREAS, the New York State Association of County Clerks (NYSACC) strongly supports S4964B (Ritchie)/A8201 (Brindisi) which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and help offset county property taxes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Senate Bill S4964B and New York State Assembly Bill A8201, which would increase the counties' share of Department of Motor Vehicle (DMV) Revenue to provide a more equitable share for counties; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, New York State Senator Patty Ritchie, New York State Assemblyman Anthony Brindisi, members of the Western New York Senate and Assembly delegation and the New York State Association of County Clerks.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: Calling on NYS to Fully Reimburse
Counties for the District Attorney Salary
Increases
(INTRO. 8-2)

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

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law, and

WHEREAS, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000.00 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary, and

WHEREAS, on April 1st the state approved the Commission's recommendation, and

WHEREAS, State Judicial Law 183-a links judicial salaries with county district attorneys' (DA's) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full time or part time status, and

WHEREAS, for over 50 years, the state has funded all salary increases that they imposed on the counties, and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law, and

WHEREAS, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the reimbursement costs for the increase in DA salaries, and

WHEREAS, for Erie County this salary increase represents a significant portion of the allowable tax rate growth going forward and is unsustainable for our residents.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass another unfunded mandate on to local taxpayers; and, be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo's Office, the Western New York Delegation to the New York State Senate and Assembly, and any party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: Declaring May as Bike Month in Erie
County
(INTRO. 8-3)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOUGHRAN, GRANT & BURKE

WHEREAS, Western New York annually endures harsh and long winters that leave residents often unable to exercise outside and enjoy the outstanding scenery that Erie County offers; and

WHEREAS, with Spring comes the chance to get outside and enjoy the weather with friends and family, and one of the best ways to do so is by bike; and

WHEREAS, our community is lucky to have local community-based organizations dedicated to increasing the bike culture in Western New York like Go Bike Buffalo, whom on May 21 will be holding the third annual Skyride; an event that takes bikers on a route over Buffalo's Skyway; and

WHEREAS, National Bike to Work Week 2016 will be held May 16-20 with National Bike to Work Day being recognized as May 20th; and

WHEREAS, bicycling has a direct effect on local economic growth as bikers make more frequent stops at coffee houses, small businesses and farmers' markets - all while the cost of creating bike-friendly traffic routes come at a fraction of the cost of roadwork.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pause in its deliberations to recognize May as National Bike Month and declare the same in Erie County; and be it further

RESOLVED, that this Honorable Body encourage residents who are able to ride their bike both recreationally and as a means of transportation; and be it further

RESOLVED, that this Legislature support the increased awareness and advocacy for bike-friendly routes and encourage the Department of Public Works to keep bicyclists in mind during road construction.

Item 35 – CHAIR MILLS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 8-4 from LEGISLATOR LOUGHRAN. Support for Eliminating the Limited Liability Company Loophole for Campaign Contributions.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 6E-8. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

RE: Expanded Lead Poisoning
Prevention Services
(COMM. 6E-8, 2016)

WHEREAS, lead paint was used predominantly throughout the 20th Century until its ban in 1978; and

WHEREAS, the City of Buffalo and its surrounding metro area have the 3rd oldest housing stock in the United States leading to a wide proliferation of lead paint and lead paint dust; and

WHEREAS, the dangers of lead poisoning are well documented and researched; and

WHEREAS, lead poisoning in children may lead to developmental delay, learning difficulties, and a permanent reduction in IQ; and

WHEREAS, 9 zip codes in Erie County have been identified by the New York State Department of Health and the U.S. Department of Housing and Urban Development as having elevated risks for lead exposure including 14201, 14207, 14208, 14209, 14210, 14211, 14212, 14213, and 14215; and

WHEREAS, the Erie County Department of Health operates three grant-funded programs to find sources of lead poisoning, case-manage children with elevated blood-lead levels, and remediate lead paint from homes occupied by children; and

WHEREAS, additional county resources will allow the Erie County Department of Health to provide additional lead services in areas outside of designated target ZIP codes and to children with elevated blood lead levels of less than 10 mcg/dl.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Senior Investigating Public Health Sanitarian JG 10, Step 0 (\$40,402 annual salary) in the CSEA bargaining unit (B-100 #8653) and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of five full time positions of Investigating Public Health Sanitarian JG 8 Step 0 (\$35,025 annual salary) in the CSEA bargaining unit (B-100 #8654); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Principal Clerk JG 7, Step 0, (\$32,616 annual salary) in the CSEA bargaining unit (B-100 #8655); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Registered Nurse JG 8, Step 0 (\$49,541 annual salary) in the NYSNA bargaining unit (B-100 #8656); and be it further

RESOLVED, that authorization is hereby provided to transfer in 2015 an amount totaling \$750,000 to expense designated for the Health Department and then to reappropriate such funding into the 2016 Budget as follows:

Fund 110 - 2016 Budget
12730 – Public Health Lab Division

<u>Expense Accounts</u>	<u>Increase</u>
500000 Full Time Salaries	\$ 223,263
502000 Fringe Benefits	133,958
501000 Overtime	20,000
50500 Office Supplies	2,000
505800 Medical and Health Supplies	27,000
980000 ID DISS Services	3,000
510000 Local Mileage Reimbursement	12,000
561420 Office Equipment	15,000
516020 Professional Svcs Contracts & Fees	313,779
Total	\$750,000

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to establish designations in 2015 for the amounts indicated above and to reappropriate said funds into 2016, and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and Department of Personnel to make the necessary budgetary and personnel adjustments to effectuate this resolution; 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 amend the item. MR. RATH seconded.

MR. SAVAGE moved to amend the amendment. MR. LOUGHRAN seconded.

CHAIR MILLS directed that a roll call vote be taken.

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

FAILED.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MS. DIXON, MR.
HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR.
LOUGHRAN and MR. SAVAGE. (AYES: 9; NOES: 2)

CARRIED.

Delete all of the resolved clauses in their entirety and replace with the following:

RESOLVED, that this Legislative body hereby goes on record memorializing our firm
commitment to fund an Expanded Lead Poisoning Prevention Services program at a commitment
level of \$750,000; and be it further

RESOLVED, that the County of Erie is applying for a Federal Lead Remediation grant, and
this Legislative body memorializes its firm support of the County's application and will act upon this
commitment after receipt of said HUD funding; and be it further

RESOLVED, that the County Executive has previously forwarded a plan to create additional
jobs to combat the ever-present lead poisoning problem in Erie County, and this Legislature intends
to work on the creation of that initiative provided the federal grant funding is awarded.

MR. LORIGO moved to approve the item as amended. MR. BURKE 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.

Item 37 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT
COMMITTEE of further consideration of COMM. 7E-14. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: Receipt of Grant Funding from US Fish
& Wildlife Service and Purchase of Real
Property Adjacent to EC Seneca Bluffs
Natural Habitat Park
(COMM. 7E-14, 2016)

WHEREAS, the County currently owns approximately 15 acres of the Seneca Bluffs Natural Habitat Park located in the City of Buffalo, State of New York; and

WHEREAS, the County has been given the opportunity to purchase adjacent parcels comprising 8.01 acres of land to be added as green space to Seneca Bluffs Natural Habitat Park; and

WHEREAS, the subject parcels are currently vacant and the acquisition of same will allow the County to further develop the Natural Habitat Park which will enable more recreating and habitat benefit to area residents; and

WHEREAS, Nexgen Development II LLC is the current owner of the parcels located adjacent to Seneca Bluffs Natural Habitat Park in the City of Buffalo, State of New York, and more fully described on Attachment A to this Resolution; and

WHEREAS, Nexgen Development II LLC has offered to sell the subject parcels to the County for a purchase price of Three Hundred Twenty Five Thousand Dollars (\$325,000.00); and

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

WHEREAS, the Department of Environment and Planning has completed a review pursuant to New York State Environmental Quality Review Act (SEQR) and a Negative Declaration was issued on February 22, 2016; thus determining that the proposed action will not have an adverse environmental impact; and

WHEREAS, at its meeting on February 25, 2016, the Erie County Advisory Review Committee (ARC) approved the purchase of said real property by the County; and

WHEREAS, on March 17, 2016, the Department of Environment and Planning received a notification from US Fish and Wildlife Service that a grant is being awarded in the amount of \$325,000.00 for the purposes of acquiring the parcels adjacent to Seneca Bluffs Natural Habitat Park, City of Buffalo, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute any and all agreements relating to the receipt of \$325,000.00 in grant funding from the US Fish & Wildlife Service and any and all agreements relating to the purchase of nine (9) parcels totaling 8.01 acres of real property adjacent to Seneca Bluffs Natural Habitat Park, Buffalo, New York, as more fully described on Attachment A, for consideration in the amount of Three Hundred Twenty Five Thousand Dollars (\$325,000.00) plus any ancillary costs not to exceed Thirty Six Thousand Dollars (\$36,000.00), the ancillary costs of which will be funded via budget carry-forward from 2015 and designation into 2016, to be paid by the County of Erie to facilitate this purchase of real property from Nexgen Development II LLC; and be it further

RESOLVED, that the source of funds for said purchase is \$325,000 from account 561100, Land Acquisition, in Cost Center 16200, Department of Environment and Planning; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the 2016 Budget, Fund Center 16200, Department of Environment and Planning:

Expense Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
561100	Land Acquisition	\$0	\$325,000	\$325,000
TOTAL EXPENSES			<u>\$325,000</u>	<u>\$325,000</u>
Revenue Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$0	\$325,000	\$325,000
TOTAL REVENUE		<u>\$0</u>	<u>\$325,000</u>	<u>\$325,000</u>

; and be it further

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

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

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 7E-34. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: 2016 Consolidated Bond Resolution
(COMM. 7E-34, 2016)

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

CARRIED UNANIMOUSLY.

Insert the following:

RESOLUTION NO. 77-2016
BOND RESOLUTION DATED APRIL 28, 2016

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2016 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$43,683,224, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$8,108,500 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND \$50,000 OF LOCAL SOURCE REVENUES, AND AUTHORIZING THE ISSUANCE OF \$35,524,724 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK AND FROM LOCAL SOURCE REVENUES TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) APRIL 14, 2016

(Adopted) APRIL 28, 2016

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

The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2016 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2016 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2016 Capital Budget for the County. The plan of financing includes the expenditure of \$8,108,500 in State and Federal aid and \$50,000 local source revenue expected to be received, the issuance of \$35,524,724 aggregate principal amount of bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriations, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York and local source revenues are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$35,524,724 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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

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

Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 40 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-19 from the SHERIFF. Re: Gowanda CSD Resource Officer

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-20 from the SHERIFF. Re: Authorization to Enter Into a Contract with TheSheriffApp.com - Mobile Device Application

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 8E-21 from the COUNTY EXECUTIVE. Re: Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 43 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-22 from the COUNTY EXECUTIVE. Re: ECC - Authorization to Enter Into a Contract to Continue College-wide Rollout of the Early Warning Software System, Starfish by Hobsons

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-23 from the COUNTY EXECUTIVE. Re: ECC - Authorization to Enter into a Contract with Toshiba for Managed Print Services

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 45 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8D-3 from the DEPARTMENT OF ENVIRONMENT & PLANNING. Re: Follow-up Information Regarding Receipt of US Fish and Wildlife Grant Funding for Seneca Bluffs

Received and filed.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 8E-1) EC Sewer District No. 6 - Sewer Agency Report - Increase & Improvement of Facilities

Item 47 – (COMM. 8E-2) EC Sewer District No. 8 - Engineer Term Contract Agreement - Work Order W-3

The above two items were received and filed.

Item 48 – (COMM. 8E-3) EC Water Authority Agreement - Acceptance of Funds and Project Increase - Evans St, Wehrle Dr, Village of Williamsville & Seneca St, Town of West Seneca

Item 49 – (COMM. 8E-4) Winter Pavement Work, Seneca St, Town of West Seneca

Item 50 – (COMM. 8E-5) Federal-Aid Highway Local Project Agreement with NYSDOT, Transportation Alternatives Program - Safety Improvements at Intersection of Sibley Rd and Genesee Rd and NY 240, Town of Concord

Item 51 – (COMM. 8E-6) Federal-Aid Highway Local Project Agreement with NYSDOT, Transportation Alternatives Program - Safety Improvements at Colvin Blvd and Brighton Intersection, Town of Tonawanda

Item 52 – (COMM. 8E-7) Fee and Temporary Easement to NYSDOT for Hoover Rd at Lakeshore Rd Intersection, Town of Hamburg

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

Item 53 – (COMM. 8E-8) Erie County Home - Perimeter Fencing

Item 54 – (COMM. 8E-9) Utility Work Agreements - Evans Lakeshore Trail - Revised Funding Source

Item 55 – (COMM. 8E-10) EC Sewer Districts - WNY Council on Occupational Safety & Health - Proposed Agreement

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Traffic Safety Engineer Position –
Variable Minimum
(COMM. 8E-11)

WHEREAS, the Division of Highways has a vacant Traffic Safety Engineering position, and

WHEREAS, such a vacancy results in fewer highway projects being completed in a timely manner, and

WHEREAS, the availability of qualified traffic safety engineers locally is very competitive and as a result, a competitive salary commensurate with the responsibilities of the position and in line with community norms is necessary to recruit and hire, and

WHEREAS, this position was vacated one month ago and the separated employee desires to return to the County in this position in the same longevity step/salary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum, Job Group 14, Step 3 hiring level for the position of Traffic Safety Engineer for the Department of Public Works, Division of Highways; and be it further

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

FROM LEGISLATORS MILLS, LORIGO, DIXON, HARDWICK, MORTON & RATH

Item 57 – (COMM. 8E-12) Letter to County Executive Regarding Lead Poisoning Prevention Services Initiative

Item 58 – (COMM. 8E-13) Letter to Buffalo Common Council Regarding Invitation to Attend Committee Meeting Regarding Lead Poisoning Prevention Initiative

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

FROM THE COMPTROLLER

Item 59 – (COMM. 8E-14) EC Charter Revision Proposals

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 8E-15) Department of Senior Services - Group Respite Program Contracts

Item 61 – (COMM. 8E-16) Department of Senior Services - Establish MIPPA/ADRC 2015-2016 Grant

Item 62 – (COMM. 8E-17) Department of Senior Services - Establish AMP 2016-2017 Grant

Item 63 – (COMM. 8E-18) Department of Senior Services - Consultant Contract Extension for Senior Services Communication Plan

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 64 – (COMM. 8D-1) SEQR Notice Regarding Tonawanda Rails to Trails Extension, City of Tonawanda

Received and filed.

FROM THE COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES

Item 65 – (COMM. 8D-2) Comm. 12E-34 Compliance Report - March - CPS Caseloads

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS

Item 66 – (COMM. 8M-1) Revised Certification of Inclusion of Predominantly Viable Agricultural Land

Received and filed.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 67 – (COMM. 8M-2) SEQR Solicitation for Lead Agency Status - Solar Panel Farm, Town of Evans

Received and filed.

FROM THE NYS DEPARTMENT OF PUBLIC SERVICE

Item 68 – (COMM. 8M-3) Notice of Informational Meetings and Public Comment Period Regarding Clean Energy Standard Program

Received and filed.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 69 – (COMM. 8M-4) Apr. 21, 2016 Board of Trustees Agenda

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC INDUSTRIAL DEVELOPMENT AGENCY

Item 70 – (COMM. 8M-5) 2015 Annual Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & EC NAVAL & MILITARY PARK

Item 71 – (COMM. 8M-6) Mar. 24, 2016 Board of Directors Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 72 – (COMM. 8M-7) Response Letter Regarding Invitation to Attend Committee Meeting Regarding Lead Poisoning Issue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ASSOCIATED BUILDERS AND CONTRACTORS INC.

Item 73 – (COMM. 8M-8) Letter Regarding Apprenticeship Programs

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM VERIZON COMMUNICATIONS

Item 74 – (COMM. 8M-9) Follow-Up Information Regarding E-911 Outage

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS COMPTROLLER

Item 75 – (COMM. 8M-10) NYS Audit of Ignition Interlock Program Monitoring

Item 76 – (COMM. 8M-11) Letter Regarding NYS Audit of Ignition Interlock Program Monitoring & EC Response

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

ANNOUNCEMENTS

Item 77 – CHAIR MILLS announced the Erie County Charter Revision Commissions' Executive and Department Committee is meeting on April 28, 2016 at 6:00 p.m. at the Legislature, the Budget, Operations & Miscellaneous Committee is meeting May 2, 2016 at 12:00 p.m. at the Legislature, the Special Committee on Consolidation and Comformity is meeting May 3, 2016 at 6:00 p.m. at the Legislature, the Executive & Departments Committee is meeting May 5, 2016 at 5:00 p.m. at the Legislature, the full Erie County Charter Revision Commission is meeting May 5, 2016 at 6:00 at the Legislature, and the full schedule of meetings is available on the Legislature website.

Item 78 – MR. SAVAGE announced a town hall meeting, "You Are Not Alone: Addiction in Our Zip Code," regarding opiate and heroin addiction on May 4, 2016 at 7:00 p.m. at the auditorium at Kenmore West High School, Town of Tonawanda.

Item 79 – MS. DIXON announced a town hall meeting regarding opiate and heroin addiction on April 28, 2016 at 6:30 p.m. at the Hamburg High School, Town of Hamburg.

MEMORIAL RESOLUTIONS

Item 80 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Patrick J. Guerin Jr, Retired Justice John J. Honan, Steven J. Malcolm Jr, Sharon A. Potter and Gerald A. Welsted.

Item 81 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Thomas Jon Krickovich.

Item 82 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Eugene “Geno” Graves.

ADJOURNMENT

Item 83 - 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, May 12, 2016 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, May 12, 2016 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE