

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 7**  
**APRIL 11, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Hogues at the request of Mr. Mazur. Mr. Hogues offered a prayer.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 6 from 2013. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. LORIGO presented a resolution Recognizing UNYTS as a Leader in Organ, Tissue, Eye & Blood Donation Services to the WNY Community During National Donate Life Month.

Item 6 – MR. MAZUR & MS. MARINELLI presented a memorial resolution Honoring the Leadership, Integrity & Service of Former Long-Time Lancaster Town Supervisor Stanley Jay Keysa.

Item 7 – MR. MAZUR presented a memorial resolution Honoring the Life of Mildred Keith Harder.

Item 8 – CHAIR GRANT & MR. HOGUES presented a resolution Honoring John Johnson, William (Bill) House, Carl Johnson, Ron Peoples & the Late General Bass for Their Dedication & Commitment to the Neighborhood House.

Item 9 – CHAIR GRANT presented a resolution Congratulating "It Takes a Village Committee" on the Success of Their Awards Banquet.

Item 10 – CHAIR GRANT presented a resolution Extolling Much Praise & Commendation Upon Nia Badger - Guest Singer at Praise Party 2013.

Item 11 – CHAIR GRANT presented a memorial resolution In Memory of Gerald Balone.

Item 12 – CHAIR GRANT presented a resolution Congratulating Patricia Edwards on Her CD Release & on Her Performance at Praise Party 2013.

Item 13 – MR. HARDWICK presented a resolution Honoring Teresa Hooper as the Erie County Legislature’s Citizen of the Month for April, 2013.

Item 14 – MR. LOUGHRAN presented a resolution Congratulating Tyler Joseph Schmitt on Achieving the Rank of Eagle Scout.

Item 15 – MR. LOUGHRAN presented a resolution Congratulating Francisco Vida Quebral on Achieving the Rank of Eagle Scout.

Item 16 – MR. LOUGHRAN presented a resolution Congratulating Brandon Nicholas Blatz on Achieving the Rank of Eagle Scout.

Item 17 – MR. LOUGHRAN presented a resolution Congratulating Robert Paul Quebral on Achieving the Rank of Eagle Scout.

Item 18 – MS. MARINELLI presented a resolution Congratulating Housing Opportunities Made Equal (HOME) on Its 50th Anniversary.

Item 19 – MS. DIXON presented a resolution Congratulating McKay’s Clothing for Celebrating 40 years in Business.

Item 20 – MR. LORIGO presented a resolution Honoring The Marilla Free Library on Its 100th Year of Service.

Item 21 – MS. DIXON presented a resolution Congratulating Samuel Koch on Receiving the SUNY Chancellor’s Award for Student Excellence.

Item 22 – CHAIR GRANT & MR. HOGUES presented a memorial resolution in Memory of Paul William Jeter, Sr.

Item 23 – CHAIR GRANT & MR. HOGUES presented a memorial resolution in Memory of Major Henry S. Williams, Jr.

Item 24 – CHAIR GRANT presented a memorial resolution In Memory of Benjamin Townsend.

Item 25 – CHAIR GRANT presented a resolution Honoring Melanie Marshall from FELA.

MR. MAZUR moved for consideration of the above twentieth-one items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above twentieth-one items by adding one for MS. DIXON and also by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above twentieth-two items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 26 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 28 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 29 – CHAIR GRANT directed that Local Law No. 2 (Print #1) 2013 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

|                |   |
|----------------|---|
| March 26, 2013 | ENERGY & ENVIRONMENT<br>COMMITTEE<br>REPORT NO. 5 |
|----------------|---|

ALL MEMBERS PRESENT.

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

a. COMM. 6E-22 (2013)

COUNTY EXECUTIVE: "ECSD No. 2 - Change Order No. 2"  
(5-0)

b. COMM. 6M-10 (2013)

JOAN BOZER: "Letter to Legislator McCracken Concerning 21st Century Park on the Outer Harbor"  
(5-0)

2. COMM. 6E-17 (2013)

COUNTY EXECUTIVE

WHEREAS, the County owns eight (8) regulated dams, and in accordance with regulations of the New York State Department of Environmental Conservation, two (2) are considered to be high hazard dams, and the six (6) remaining ones are low hazard dams; and

WHEREAS, there is a need for Dam Safety, Inspection and Design Engineering Services performed by a firm specializing in the provision of such services; and

WHEREAS, the Department of Public Works selected Bergmann Associates, an approved provider of engineering services via Comm. 14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Bergmann Associates to provide Dam Safety, Inspection and Design Engineering Services County-wide; and be it further

RESOLVED, that the negotiated contract fee will be appropriated from 2012 Dam Safety and Preservation Design (Business Area 123, Fund 420, SAP Project B.12009, 2012 Dam Safety and Preservation Reconstruction-Design), in an amount which will not exceed \$240,000.00; and be it further

RESOLVED, that three (3) 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 Management and the Office of the Comptroller.  
(5-0)

3. COMM. 6E-21 (2013)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 10E-10 (2011) Contract No.44SA was awarded to CMH Company, Inc. for sanitary sewer replacement and lining of existing sewers in the Bethlehem Park Subdivision area in Erie County Sewer District No. 6; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 44SA, in the final contract amount of \$649,288.51 which includes Change Order No. 2 (final), an increase of \$23,157.01, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 44SA between the County of Erie and CMH Company, Inc. (12701 North Rd. Alden, New York 14004) is accepted in the final contract amount of \$649,288.51 which includes Change Order No. 2 (final), an increase of \$23,157.01, and is allocated in Erie County Sewer District No. 6 Bond Account C.00001; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 44SA to CMH Company, Inc., for a total contract amount of \$649,288.01; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(5-0)

4. COMM. 6E-23 (2013)  
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 10E-6 (2010) Contract EC-7D, Electrical was awarded to Weydman Electrical, Inc. for electrical work for the Vanderbilt Pumping Station, Depew Pumping Station and Overflow Retention Facility Improvements; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. EC-7D, Electrical, in the final contract amount of \$336,576.32 which includes Change Order No. 3 (final), a decrease of \$2,160.68, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. EC-7D, Electrical between the County of Erie and Weydman Electric, Inc. (747 Young St. Tonawanda, New York 14150) is accepted in the final contract amount of \$336,576.32 which includes Change Order No. 3 (final), a decrease of \$2,160.68, and is allocated in Erie County Sewer District No. 4 Bond Account C.00063; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract EC-7D, Electrical, to Weydman Electric, Inc., for a total contract amount of \$336,576.32; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning  
(5-0)

**TERRENCE D. McCRACKEN**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

|                |   |
|----------------|---|
| March 26, 2013 | COMMUNITY ENRICHMENT<br>COMMITTEE<br>REPORT NO. 6 |
|----------------|---|

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5M-4 (2013)  
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda from Meeting Held 2/21/2013”  
(6-0)
  - b. COMM. 6M-8 (2013)  
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting to be Held 3/21/2013”  
(6-0)
2. COMM. 6E-6 (2013)  
COUNTY EXECUTIVE  
RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individuals to the Buffalo & EC Public Library Board of Trustees:

| <u>Name &amp; Address</u>   | <u>Term Expires</u> |
|---|---------------------|
| Ms. Teresa Glanowski<br>145 Culver Road<br>Buffalo, NY 14220            | December 31, 2017   |
| Mr. Michael Amodeo, Esq.<br>2155 Hobblebush Lane<br>Lake View, NY 14085 | December 31, 2017   |

Ms. Kathleen Berens-Bucki, MLS                      December 31, 2016  
104 Sunburst Circle  
East Amherst, NY 14051

Ms. Kathleen Burd    December 31, 2016  
292 Knowlton Avenue  
Kenmore, NY 14217

Ms. Rhonda Ricks    December 31, 2013  
107 Johnson Street  
Buffalo, NY 14212

(6-0)

**LYNN M. MARINELLI**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

|                |  |
|----------------|--|
| March 26, 2013 | HEALTH & HUMAN SERVICES<br>COMMITTEE<br>REPORT NO. 5 |
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ALL MEMBERS PRESENT.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 26M-4 (2012)  
CHAIR, ECMCC BOARD OF DIRECTORS: “Copy of Letter to County Executive Concerning ECMCC Board of Directors' Appointment”  
(6-0)
  - b. COMM. 3M-9 (2013)  
LESLIE BRILL: “Letter to Legislator Mazur Concerning the Death of Amanda Wienckowski”  
(6-0)
  - c. COMM. 4D-5 (2013)  
COMMISSIONER OF SOCIAL SERVICES: “Response Letter Concerning Attendance at Health & Human Services Committee Meeting”  
(6-0)

d. COMM. 5M-3 (2013)  
CARL PALADINO: "Copy of Letter Concerning Autopsy from the Death of Amanda Wienckowski"  
(6-0)

2. INTRO 6-7 (2013)  
GRANT, MAZUR, HOGUES,  
MARINELLI, LOUGHRAN,  
DIXON & LORIGO AS AMENDED  
WHEREAS, on March 13, 2013, the Senate Armed Services Subcommittee on Personnel, chaired by Senator Kirsten Gillibrand, held a hearing on sexual violence in the military; and

WHEREAS, the Department of Defense has estimated that approximately 19,000 military sexual assaults occurred in 2011, yet only 2,439 unrestricted reports were filed, with only 240 proceeding to trial; and

WHEREAS, contrary to popular belief, the actual incidence of sexual violence in numbers is higher among men in the military than women, though a higher percentage of women in the military have reported that they have been traumatized, with sexual violence considered to be the leading cause of PTSD (post-traumatic stress disorder) among women veterans; and

WHEREAS, given the fact that sexual violence within our Armed Forces results in prosecution only 10% of the time, the psychological, physical and emotional toll it takes on the victims can be viewed as a destabilizing force among our military, potentially affecting the morale of fighting units where victims fear retaliation, punishment and additional harm from individuals who wear the same uniform as they do; and

WHEREAS, the low rate of prosecution no doubt has led to the statistic whereby 47% of service members are too afraid to report their assaults; and

WHEREAS, the United States Senate's movement toward an emphasis on institutional accountability and the prosecution of cases among the Armed Forces is a value shared by Democratic and Republican Senators alike.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record to support the bipartisan efforts underway in the United States Senate to achieve a zero tolerance reality with regard to military sexual violence and trauma; and be it further

RESOLVED, that the matter of Military Sexual Violence and Trauma be discussed at an upcoming meeting of the Erie County Legislature's VALER4Valor ad hoc committee; and be it further

RESOLVED, that certified copies of this resolution be conveyed to President Barack Obama, Senator Kirsten Gillibrand, the Government Affairs Committee and the VALER4Valor ad hoc committee of the Erie County Legislature, and all others deemed necessary and proper.  
(6-0)



3. COMM. 6E-11 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides forensic medical services through the Office of the Medical Examiner; and

WHEREAS, the need for expert pathological skills is critical for the function of the medical examiner's office; and

WHEREAS, the Erie County Medical Examiner's office provides crucial support and determinations to the law enforcement community; and

WHEREAS, as such, the Department of Health is requesting authorization to fill the vacant title of Associate Chief Medical Examiner at a variable minimum; and

WHEREAS, funding for these changes is already available in the 2013 enacted budget with a net savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the hiring of one Associate Chief Medical Examiner, Job Group 22, at a variable minimum hiring level of Step 4 (annual salary \$129,453); 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 to Commissioner Gale R. Burstein in the Erie County Department of Health.  
(6-0)

**THOMAS J. MAZUR**  
**CHAIR**

Item 33 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

|                |   |
|----------------|---|
| March 26, 2013 | ECONOMIC DEVELOPMENT<br>COMMITTEE<br>REPORT NO. 6 |
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ALL MEMBERS PRESENT.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 6E-3 (2013)  
RATH: “Letter & Attached Spreadsheet to Chair of Economic Development Committee Concerning Buffalo Bills Lease”  
(5-0) Legislator Rath not present for vote.
  
- b. COMM. 6M-1 (2013)  
NFTA: “Minutes from Meeting Held 1/24/2013”  
(6-0)
  
- c. COMM. 6M-2 (2013)  
BUFFALO COMMON COUNCIL: “Resolution Titled "Give Buffalo & WNY a Level Playing Field with NY Television & Film Production Tax Credit"”  
(6-0)

2. COMM. 6E-12 (2013)  
COUNTY EXECUTIVE  
WHEREAS, the County desires to reconstruct portions of Hopkins Road located between Smith Road (CR 297) and Tonawanda Creek Road (CR 2) in the Town of Amherst; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the Project as follows:

| <u>PORTION OF TAX MAP SBL NUMBER</u> | <u>TOWNSHIP</u> |
|--------------------------------------|-----------------|
| SBL 16.00-1-2.1                      | Amherst         |
| SBL 16.00-1-2.2                      | Amherst         |
| SBL 16.03-1-3                        | Amherst         |
| SBL 16.03-1-5                        | Amherst         |
| SBL 16.03-1-7                        | Amherst         |
| SBL 16.03-1-8                        | Amherst         |
| SBL 16.03-1-9                        | Amherst         |
| SBL 16.03-1-10                       | Amherst         |
| SBL 16.03-1-11                       | Amherst         |
| SBL 16.03-1-12                       | Amherst         |
| SBL 16.03-1-13                       | Amherst         |
| SBL 16.03-1-14                       | Amherst         |
| SBL 16.03-1-21                       | Amherst         |

such property to be acquired by the County is herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the ROW for the Projects, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject sections of Hopkins Road (CR 87); and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the sum of no more than \$100,000.00 from SAP B.21032, 2010 Hopkins Road Right of Way shall be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned sections of Hopkins Road; and be it further

RESOLVED, that the County of Erie is authorized to enter into a contract with D&S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for the Hopkins Road Reconstruction Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; 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 copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 6E-16 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant (CDBG) and HOME Investment Partnership Programs on behalf of certain municipalities located in Erie County; and

WHEREAS, said Programs include the disbursement of federal monies to eligible not-for-profit, for-profit, and Community Housing Development Organizations for the purpose of undertaking affordable housing projects within the Erie County HOME Consortium area; and

WHEREAS, the federal Consolidated and Further Continuing Appropriations Act of 2012 requires detailed project underwriting, developer capacity reviews, market analysis, and other evaluations prior to the award of funds for any affordable housing project; and

WHEREAS, the Erie County Department of Environment and Planning lacks the skill sets to perform the aforementioned analyses.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an Agreement with H. Sicherman & Co., Inc. for the purpose of completing project assessment reports associated with federally funded affordable housing; and be it further

RESOLVED, that the agreement shall terminate on March 31, 2015 and include an authorized contract amount not to exceed \$9,000 total across all years; and be it further

RESOLVED, that the source of funds shall be monies available within the Erie County Community Development Block Grant Budget, in Project J.00412, WBS element J.00412.2.1; and be it further

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

(6-0)

4. COMM. 6E-19 (2013)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Erie County Toxicology Day Care Center – Mechanical Upgrades – Phase I project; and

WHEREAS, The Erie County Department of Public Works, along with the Engineer, is recommending award of the contract to the lowest bidder; and

WHEREAS, the lowest responsible bidder is D.V. Brown & Associates for the mechanical upgrades; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Trautman Associates for providing professional design and construction document services for Phase I; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement amendment to the firm of Trautman Associates for providing design services for Phase I Mechanical Upgrades to the Toxicology Laboratory.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Toxicology Laboratory, Mechanical Upgrades, Phase I as follows:

MECHANICAL CONSTRUCTION WORK

D.V. Brown & Associates, Inc. Base Bid: \$320,000.00

and be it further

RESOLVED, that the sum of \$30,000.00 be allocated to the Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates for providing professional design services for Toxicology Laboratory Mechanical Upgrades, Phase I, for an amount not to exceed \$10,000.00 including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Accounts:

|  |                     |
|--|---------------------|
| A.12011 – 2012- Erie County Morgue & Toxicology Improvements     | \$215,134.00        |
| A.12005 - 2012– Countywide Mechanical, Plumbing & Electrical Imp | <u>\$144,866.00</u> |

Total payments not to exceed \$360,000.00

and be it further

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

(6-0)

5. COMM. 6E-20 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Erie County Day Care Center – Plumbing Upgrades project; and

WHEREAS, The Erie County Department of Public Works, along with the Engineer, is recommending award of the contract to the lowest bidder; and

WHEREAS, the lowest responsible bidder is MKS Plumbing Corporation for the plumbing upgrades.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Day Care Center - Plumbing Upgrades project, MKS Plumbing Corporation with a base bid of \$68,500; and be it further

RESOLVED, that the sum of \$10,000.00 be allocated to the Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Account: A.12005-2012-Countywide Mechanical, Plumbing & Electrical Improvements, for an amount not to exceed \$78,500.00; and be it further

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

(6-0)

**THOMAS A. LOUGHRAN**  
**CHAIR**

Item 34 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

|                |   |
|----------------|---|
| March 26, 2013 | MINORITY & WOMEN BUSINESS<br>ENTERPRISE COMMITTEE<br>REPORT NO. 3 |
|----------------|---|

ALL MEMBERS PRESENT.

1. RESOLVED, all items are hereby tabled.

**BETTY JEAN GRANT  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

|                |   |
|----------------|---|
| March 26, 2013 | PUBLIC SAFETY COMMITTEE<br>REPORT NO. 5 |
|----------------|---|

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 6E-13 (2013)  
COUNTY EXECUTIVE

WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$830,405 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$830,405 in state resources to provide funding to purchase the necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$830,405 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Emergency Services  
Round 2 Statewide Interoperable Communications Grant

|                                     |                  |
|-------------------------------------|------------------|
| Revenue                             | Increase         |
| Account 409000 State Aid            | \$830,405        |
| Appropriations                      | Increase         |
| Account 561410 Lab & Tech Equipment | <u>\$830,405</u> |
| Total Appropriations                | \$830,405        |

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 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.  
(6-0)

**TIMOTHY R. HOGUES**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

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

GRANTED.

INTRO 7-1 from RATH. Demanding an End to Federal Government Sugar Subsidies

Item 37 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

RE: Supporting Increased Maintenance of



Properties in Foreclosure  
(INTRO 7-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS DIXON, MILLS, RATH, HARDWICK, LORIGO,  
GRANT, MAZUR, HOGUES, MARINELLI & LOUGHRAN**

WHEREAS, on February 7, 2013, this body unanimously offered its support of New York State Assembly Bill 824-A; and

WHEREAS, it was believed that this bill created a duty of mortgage foreclosure plaintiffs to provide contact information through written notice to the municipality in which the property is located; and

WHEREAS, in fact, the bill that creates this requirement is A. 88; and

WHEREAS, A. 824-A expands the duty to maintain properties in foreclosure to include a lender, an assignee or a mortgage loan servicer seeking a judgment of foreclosure; and

WHEREAS, in tandem, these bills strengthen requirements to maintain properties facing foreclosure, resulting in safer and more appealing neighborhoods; and

WHEREAS, the companion bill to New York State Assembly Bill 88 is New York State Senate Bill 3655; and

WHEREAS, the companion bill to New York State Assembly Bill 824-A is New York State Senate Bill 4277; and

WHEREAS, sponsors of these bills have requested clarification of our support to protect our neighborhoods through passage of these bills.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports passage and enactment of New York State Assembly Bills 88 and 824-A and New York State Senate Bills 3655 and 4277; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.

MR. MAZUR moved to amend the resolution by including MR. McCracken as Co-Sponsor. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 38 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 7-3 from MAZUR, GRANT, HOGUES & MARINELLI. Calling on NYS to Reinvest Savings from Medicaid Redesign into the Community Mental Health System.

Item 39 – CHAIR GRANT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-4 from HARDWICK, GRANT & HOGUES. Calling on the NFTA to Grant the Greater Buffalo Sports & Entertainment Complex, LLC a Nine to Twelve Month Land Option on the Buffalo Outer Harbor for Exploration & Development of Proposed Downtown Stadium.

Item 40 – CHAIR GRANT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-5 from GRANT. Conveying the EC Legislature's Support for Keeping the Buffalo Bills in EC.

Item 41 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

RE: Supporting State Investment in Niagara Falls Reservation State Park to Enable the Maid of the Mist to Continue Operating from the U.S. Side of the Falls (INTRO 7-6)

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

WHEREAS, *Travel and Leisure Magazine* has named Niagara Falls the No. 5 Top World Destination; and

WHEREAS, recognizing that Niagara Falls is the No. 1 one tourist destination in our region, the former Buffalo Convention & Visitors Bureau was renamed the Buffalo Niagara Convention & Visitors Bureau some years ago and is now called Visit Buffalo Niagara to tie Buffalo's highly

acclaimed architectural, cultural and heritage attractions to the No. 1 draw for tourism in Western New York; and

WHEREAS, Visit Buffalo Niagara is funded by bed tax revenues that are part of the Erie County Budget, and tourists to our region often stay in hotels located in Erie County as the “hub” and “spoke” their visits to Niagara Falls and other attractions in Niagara County, as well as visiting Erie County’s arts, heritage and cultural sites; and

WHEREAS, the Maid of the Mist sightseeing boat ride is a major attraction for visitors to Niagara Falls, and has been in continuous operation since the mid-1800s; and

WHEREAS, no other attraction provides the unique vantage point for the American, Bridal Veil and Horseshoe Falls that is offered by the Maid of the Mist sightseeing boats, to wit, a view of the Falls and the feel of the mist from below the cataract; and

WHEREAS, the Maid of the Mist has maintained a price point that is affordable for the vast majority of visitors to Niagara Falls, enabling families to purchase tickets to not only a sightseeing cruise but to other amenities the Buffalo Niagara region has to offer, including the Buffalo Zoo – home to Luna, our famous polar bear cub; and

WHEREAS, the company that won the right to operate luxury cruises on the Canadian side of the Falls – where boat storage facilities for the Maid of the Mist have been located – will not allow the Maid of the Mist to store its boats there any longer; and

WHEREAS, this development prompted New York State to initiate \$32 million in capital improvements to the American side of the Falls and its attractions, with a driving reason being the need for a winter storage facility for the Maid of the Mist boats; and

WHEREAS, the capital project is projected to create 100 temporary construction jobs and support 150 full-time and seasonal jobs associated with the Maid of the Mist, so important to our economy and tax base in Western New York; and

WHEREAS, the capital improvements to Niagara Falls Reservation State Park will go well beyond enabling the Maid of the Mist to continue its reasonably priced, family-friendly sightseeing boat rides, but will go further to improving the overall visitor experience in that section of the Park; and

WHEREAS, it has come to the attention of this Legislative Body that the Niagara Preservation Group that is opposing the capital improvements is a brand new organization formed with the assistance of the company that will be in competition with the Maid of the Mist, and that a New York City PR firm has been engaged; and

WHEREAS, it is in the best interests of the Buffalo Niagara region that the iconic Maid of the Mist sightseeing boat rides, the oldest scenic boat ride in the United States and recognized the world over for the quality of the visitor experience, be allowed to continue its operations from the U.S. side of Niagara Falls; and

WHEREAS, the Erie County Legislature believes that a tourism attraction that draws 20 million people to the Canadian and American sides of Niagara Falls can accommodate two distinct boat cruises – the Canadian luxury option and the American family-friendly option that is affordable for most visitors to the Falls.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its full support for New York State’s investment in capital improvements to Niagara Falls Reservation State Park to enable the Maid of the Mist sightseeing boat rides to continue operating from the American side of Niagara Falls; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, the Western New York Delegation to the New York State Legislature and all others deemed necessary and proper.

MR. MAZUR moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS MARINELLI, GRANT, MAZUR, MILLS, HOGUES,  
HARDWICK, LOUGHRAN, RATH, McCRACKEN, DIXON & LORIGO**

WHEREAS, *Travel and Leisure Magazine* has named Niagara Falls the No. 5 Top World Destination; and

WHEREAS, recognizing that Niagara Falls is the No. 1 tourist destination in our region, the former Buffalo Convention & Visitors Bureau was renamed the Buffalo Niagara Convention & Visitors Bureau some years ago and is now called Visit Buffalo Niagara to tie Buffalo’s highly acclaimed architectural, cultural and heritage attractions to the No. 1 draw for tourism in Western New York; and

WHEREAS, Visit Buffalo Niagara is funded by bed tax revenues that are part of the Erie County Budget, and tourists to our region often stay in hotels located in Erie County as the “hub” and “spoke” their visits to Niagara Falls and other attractions in Niagara County, as well as visiting Erie County’s arts, heritage and cultural sites; and

WHEREAS, the Maid of the Mist sightseeing boat ride is a major attraction for visitors to Niagara Falls, and has been in continuous operation since the mid-1800s; and

WHEREAS, no other attraction provides the unique vantage point for the American, Bridal Veil and Horseshoe Falls that is offered by the Maid of the Mist sightseeing boats, to wit, a view of the Falls and the feel of the mist from below the cataract; and

WHEREAS, the Maid of the Mist has maintained a price point that is affordable for the vast majority of visitors to Niagara Falls, enabling families to purchase tickets to not only a sightseeing cruise but to other amenities the Buffalo Niagara region has to offer, including the Buffalo Zoo – home to Luna, our famous polar bear cub; and

WHEREAS, in September 2012, Governor Cuomo announced the second round of a multi-year \$25 million commitment to restoring Niagara Falls State Park, the nation's oldest state park, with funds coming primarily from the Niagara River Greenway Fund; and

WHEREAS, the improvements include landscape improvement to viewing points, walking trails and other areas heavily used by visitors; and

WHEREAS, the company that won the right to operate luxury cruises on the Canadian side of the Falls – where boat storage facilities for the Maid of the Mist have been located – will not allow the Maid of the Mist to store its boats there any longer; and

WHEREAS, the aforementioned capital improvements to Niagara Falls Reservation State Park will go hand-in-hand with the Maid of the Mist's planned upgrades to continue its reasonably priced, family-friendly sightseeing boat rides and will go far in improving the overall visitor experience on the American side of Niagara Falls; and

WHEREAS, it has come to the attention of this Legislative Body that the Niagara Preservation Group that is opposing the capital improvements is a brand new organization formed with the assistance of the company that will be in competition with the Maid of the Mist, and that a New York City PR firm has been engaged; and

WHEREAS, it is in the best interests of the Buffalo Niagara region that the iconic Maid of the Mist sightseeing boat rides, the oldest scenic boat ride in the United States and recognized the world over for the quality of the visitor experience, be allowed to continue its operations from the U.S. side of Niagara Falls; and

WHEREAS, the Maid of the Mist supports 150 full-time and seasonal employees, and its investment will temporarily create another 250 jobs in design, engineering and construction, jobs that are very much needed in our region; and

WHEREAS, the Erie County Legislature believes that a tourism attraction that draws 20 million people to the Canadian and American sides of Niagara Falls can accommodate two distinct boat cruises – the Canadian luxury option and the American family-friendly option that is affordable for most visitors to the Falls.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature convey its full support for New York State's ongoing capital investments through the Niagara River Greenway Fund and privately funded capital improvements to Niagara Falls Reservation State Park to enable the Maid of the Mist sightseeing boat rides to continue operating from the American side of Niagara Falls; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, the Western New York Delegation to the New York State Legislature and all others deemed necessary and proper.

MR. MAZUR moved to approve the resolution as amended. MS. MARINELLI seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 42 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 6E-14 (2013). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

RE: State Authorization for the Private Sale  
of Bonds by Negotiated Agreement  
(COMM. 6E-14, 2013)

**HOME RULE REQUEST-ASSEMBLY**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2013; and

WHEREAS, Assembly Bill A.\_\_\_\_ and Senate Bill S.\_\_\_\_, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2014;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATION AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.\_\_\_\_, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies of the New York State Assembly and two copies to the New York State Senate.

#### HOME RULE REQUEST-SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2013; and

WHEREAS, Senate Bill S.\_\_\_\_ and Assembly Bill A.\_\_\_\_, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2014;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATION AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.\_\_\_\_, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies of the New York State Senate and two copies to the New York State Assembly.

MR. MAZUR moved to amend the item. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

#### HOME RULE REQUEST-ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2013; and

WHEREAS, Assembly Bill A.6354 and Senate Bill S.4364, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2014;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATION AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.6354 entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies of the New York State Assembly and two copies to the New York State Senate.

#### HOME RULE REQUEST-SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2013; and

WHEREAS, Senate Bill S.4364 and Assembly Bill A.6354, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2014;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATION AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.4364, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."



It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies of the New York State Senate and two copies to the New York State Assembly.

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

CARRIED UNANIMOUSLY.

Item 43 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 6E-15 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

RE: Central Police Services Forensic  
Laboratory - Byrne/JAG 2013 Firearms  
Grant  
(COMM. 6E-15, 2013)

WHEREAS, the New York State Division of Criminal Justice Services has been awarded funding under the Justice Assistance Grant Program through the U. S. Department of Justice; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze backlogged firearms cases.

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 \$83,932; and be it further

RESOLVED, that the authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund – SAP # 165FRMSBACKLOG1314  
Central Police Services  
04/01/13 – 03/31/14

Revenue  
409000 State Aid

Increase  
\$83,932

| <u>Appropriation</u>                          | <u>Increase</u> |
|---|-----------------|
| Account 500010 Salaries Part-time             | \$13,032        |
| Account 501000 Overtime                       | \$21,000        |
| Account 502000 Fringe Benefits                | \$4,300         |
| Account 516020 Professional Services Contract | <u>\$45,600</u> |
| Total Appropriation                           | \$83,932        |

RESOLVED, that authorization is hereby provided to contract with Michael Dujanovich, 3630 Woodhaven Drive, Hamburg, NY 14075, a qualified Firearms Examiner, in the amount of \$30,780 (\$28.50 per hour) and Mark Shaw, 5519 Hallmark Lane, Lockport, NY 14094, a qualified Firearms Examiner, in the amount of \$14,820 (\$28.50 per hour) to provide forensic laboratory testing services in firearms related cases; and be it further

RESOLVED, that this funding will be used to create the position of one (1) part-time Firearms Technician (Grade 8) in the Department of Central Police Services, (B-100 # 7198); 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, the Commissioner of Personnel, and the Department of Central Police Services, attention: Carmen Walling.

MR. MAZUR moved to approve the item. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 7E-26 from LEGISLATOR MAZUR. Re: Lease for Legislative Office Space

MS. MARINELLI moved for immediate consideration and approval. MR. HOGUES seconded. MR. MAZUR abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 94

RESOLVED, the Erie County Executive is hereby authorized to sign a Nine (9) Month Lease Agreement with Dawn Lauer for Legislative office space for Thomas J. Mazur, located at 1214 Walden Ave., Cheektowaga, New York for a monthly rate of \$625.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIR GRANT**

Item 45 – (COMM. 7E-1) Appropriation Breakdown of Sheriff's Jail Management Division Telephone Revenue Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMPTROLLER**

Item 46 – (COMM. 7E-2) Apportionment & Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months of December 2012, January & February 2013

Item 47 – (COMM. 7E-3) EC's 1% Sales & Compensating Use Tax (Sales Tax) Revenue Sharing with Local Governments

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

**FROM LEGISLATORS DIXON, RATH & LORIGO**

Item 48 – (COMM. 7E-4) Letter to Chair of Government Affairs Committee Concerning Lawsuit Against the Federal National Mortgage Association & the Federal Home Loan Mortgage Corporation

Received and Filed.

**FROM THE COUNTY EXECUTIVE**

Item 49 – (COMM. 7E-5) Response Letter to Assemblywoman Corwin Concerning Retention of Buffalo Bills in EC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 50 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

RE: Home Rule Request - Extension of  
Additional 1% & .75% Sales Tax  
(COMM. 7E-6)

EXTENSION OF ADDITIONAL 1% AND .75% SALES AND COMPENSATING USE  
TAX

ASSEMBLY

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2013 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$265 million in the Erie County budget, and

WHEREAS, Assembly Bill No. A.6533 and Senate Bill No. S.4458, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2013 to November 30, 2015;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.6533 entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$265 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

EXTENSION OF ADDITIONAL 1% AND .75% SALES AND COMPENSATING USE TAX

SENATE

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2013 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$265 million in the Erie County budget, and

WHEREAS, Senate Bill No. S.4458 and Assembly Bill No. A.6533, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2013 to November 30, 2015;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.4458, entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$265 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

Item 51 – (COMM. 7E-7) 1815 Eggert Road, Amherst, NY - Temporary Incidence of Ownership

Item 52 – (COMM. 7E-8) Acceptance of FY 2012 Hazmat Grant

Item 53 – (COMM. 7E-9) Proposed Agreement with Citymade, Inc.

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

Item 54 – (COMM. 7E-10) Reappointment to the Buffalo & EC Public Library Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 55 – (COMM. 7E-11) ECC, City Campus - 2013 - 45 Oak Street Roof Replacement

Item 56 – (COMM. 7E-12) EC Utilities Aggregation - Management Contract - Fluent Energy

Item 57 – (COMM. 7E-13) Construction Contract Award & Engineering & Construction Inspection Services Contract - Reconstruction of Zoar Valley Road - Town of Concord

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

Item 58 – (COMM. 7E-14) Authorization to Contract with Health Research Incorporated

Item 59 – (COMM. 7E-15) Authorization to Enter into Agreement with the NYS Department of Health for Early Intervention Program

Item 60 – (COMM. 7E-16) Modification of Fee-for-Service Rate for Pharmacy Consultant

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

Item 61 – (COMM. 7E-17) ECSD No. 3 - Change Order No. 1 - Dewatered Sludge Pump Replacement

Item 62 – (COMM. 7E-18) ECSD No. 3 - Contract Close Out - Weydman Electric, Inc.

Item 63 – (COMM. 7E-19) ECSD No. 3 - Contract Close Out - STC Construction, Inc.

Item 64 – (COMM. 7E-20) ECSD Nos. 3 & 8 - Engineer Term Contract Agreement - DiDonato Associates

Item 65 – (COMM. 7E-21) ECSD No. 4 - General Contract Close Out - Nichols, Long & Moore Construction Corp.

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

Item 66 – (COMM. 7E-22) Personal Services Adjustment - Forensic Chemist II

Item 67 – (COMM. 7E-23) Personal Services Adjustment - Forensic Biologist II

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

**FROM THE SHERIFF**

Item 68 – (COMM. 7E-24) Worker's Compensation Clerk – PT

Item 69 – (COMM. 7E-25) Aviation Reserve Fund Transfer

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMPTROLLER'S OFFICE**

Item 70 – (COMM. 7D-1) Letter to Commissioner of Public Works Concerning Audit of Fleet Services

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

Item 71 – (COMM. 7D-2) Letter to Commissioner of Central Police Services Concerning Audit of DNA Backlog Reduction Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING**

Item 72 – (COMM. 7D-3) Letter to Chair of Legislature Concerning Transfer of Parkland to the Town of Newstead - Skyline Drive, Town of Newstead & Village of Akron

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE DIRECTOR OF EC PROBATION DEPARTMENT**

Item 73 – (COMM. 7D-4) Letter to Chair of EC Community Corrections Advisory Board Concerning EC Conditional Release Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CLERK, MBE/WBE COMMITTEE

Item 74 – (COMM. 7D-5) Various Executive Orders from Certain State Governors & a City Mayor Concerning Minority & Women Business Enterprise Utilization

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 75 – (COMM. 7D-6) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 76 – (COMM. 7D-7) Letter to Commissioner of Social Services Concerning Performance Audit of the Eligibility & Recertification Process Within the Public Assistance Unit of DSS

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 77 – (COMM. 7D-8) Letter to Legislature & Comptroller Concerning U.S. Department of Homeland Security, Office of Inspector General - Revised October 2006 Storm Audit

Item 78 – (COMM. 7D-9) Letter to Legislature Concerning Budget Status Update for January & February 2013

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

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE NY FARM BUREAU

Item 79 – (COMM. 7M-1) Letter to Legislature Concerning Animal Abuse Registry in EC

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.



**FROM YOUNG CITIZENS FOR ECC**

Item 80 – (COMM. 7M-2) E-Mail Transmission to Chair of Legislature Concerning the Future of Compass East

Received and referred to the the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM ECMCC**

Item 81 – (COMM. 7M-3) 2012 Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE NYSDEC**

Item 82 – (COMM. 7M-4) Fact Sheet: Tecumseh Update - Remedy Proposed for Site Contamination; Public Comment Period Announced

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM ASSEMBLY MEMBER CORWIN**

Item 83 – (COMM. 7M-5) Copy of Letter to County Executive Concerning Buffalo Bills Lease Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NFTA**

Item 84 – (COMM. 7M-6) Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2014-2018 & Annual Operating Budget for Fiscal Year Ending 2014

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 85 – (COMM. 7M-7) Public Notice: Inactive Hazardous Waste Disposal Site - Delist Notice for Site Known as Ramco Steel

Item 86 – (COMM. 7M-8) Fact Sheet: 154 S. Ogden Update - Interim Remedial Measure Proposed; Public Comment Period Announced

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

**ANNOUNCEMENTS**

Item 87 – CHAIR GRANT announced that the schedule of upcoming Legislative committee meetings has been distributed.

Item 88 – MS. DIXON announced that the 4<sup>th</sup> Annual Prom Dress giveaway will be held this coming weekend.

Item 89 – CHAIR GRANT announced that a home rehabilitation workshop will be held on Wednesday, April 17, 2013, from 5:30 to 7:45 P.M., at the Frank E. Merriweather Library (1324 Jefferson Ave., Buffalo).

### **MEMORIAL RESOLUTIONS**

Item 90 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Alice E. (Holland) Comerford.

Item 91 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Lena Cunningham and Dianne Zylka.

Item 92 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Stanley Jay Kesya.

Item 93 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Anthony F. Caruana Jr.

Item 94 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of retired Army Reserve Major Henry S. Williams Jr., and Deacon Levi Clayton.

Item 95 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Marc J. Zellner.

Item 96 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Benjamin Thompson.

### **ADJOURNMENT**

Item 97 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. HOGUES moved that the Legislature adjourn until Thursday, April 25, 2013 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, April 25, 2013 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**