

ERIE COUNTY LEGISLATURE
MEETING NO. 11
MAY 26, 2011

The Legislature was called to order by Chair Miller-Williams.

All members present.

An Invocation was held, led by Mr. Fudoli, who offered a short prayer, and requested a moment of silence.

The Pledge of Allegiance was led by Mr. Walter.

Item 1 – No tabled items.

Item 2 – CHAIR MILLER-WILLIAMS introduced Erie County Clerk Kathleen Courtney Hochul, newly-elected United States Congresswoman, who gave a short speech to the Legislature.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meeting Number 10 from 2011. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. WALTER presented a resolution Honoring Ryan Wheatley for Obtaining the Rank of Eagle Scout.

Item 7 – MR. WALTER presented a resolution Honoring Jonathan Jager for Obtaining the Rank of Eagle Scout.

Item 8 – MR. RATH presented a resolution Congratulating Charles Nicholas Herr on Becoming an Eagle Scout.

Item 9 – MR. RATH presented a resolution Congratulating Jonathan Richard Kapus on Becoming an Eagle Scout.

Item 10 – MR. MILLS presented a resolution Congratulating Sister Diane Swanson, Principal at St. Bernadette's School, on Her Forthcoming Retirement After 25 Years as Principal and Total of 44 Years in Education.

Item 11 – MR. MILLS presented a resolution Congratulating Sara Kemmerer, Springville Griffith Institute High School Teacher, as the National Honor Society's 2011 Teacher of the Year.

Item 12 – MS. MARINELLI presented a resolution Congratulating Debra Hogan of the EC Clerk's Office, Upon 30 Years of Services to the Residents of EC.

Item 13 – MS. MARINELLI presented a resolution Congratulating Ann Marie Hawes of the EC Clerk's Office, Upon 30 Years of Service to the Residents of EC.

Item 14 – MR. MILLS, MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON and MR. RATH presented a resolution Congratulating Marlene Roll, Director of the EC Veterans Services, for Receiving the Susan B. Anthony Award from the Interclub Council of WNY.

Item 15 – MS. MARINELLI presented a resolution Recognizing Nathan Mang of Boy Scout Troop No. 37, Upon Achieving the Rank of Eagle Scout, and for Helping Our Environment Along the Way.

Item 16 – MS. DIXON presented a resolution Honoring Mitchy & Moraya Kiener & Claudine Morett for Being Alert & Concerned Citizens.

Item 17 – MR. FUDOLI presented a resolution Honoring Councilwoman Arlene Cooke for Receiving the Alden Chamber of Commerce 2011 Distinguished Citizen Award.

Item 18 – MR. RATH presented a resolution Congratulations to Milos Restaurant on Its Grand Opening in the Village of Williamsville.

MS. WHYTE moved for consideration of the above thirteen items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above thirteen items by adding one sponsored by MS. WHYTE and MS. GRANT, and also by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above fourteen items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

May 17, 2011	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. 10E-1 (2011)
COMPTROLLER: “Copy of EC Interim Financial Report for the Three-Month Period Ended 3/31/2011”
(6-0)
 - b. COMM. 10D-4 (2011)

DIRECTOR OF BUDGET & MANAGEMENT: “Copy of Budget Monitoring Report for the Period Ending 3/31/2011”
(6-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 26 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

May 17, 2011	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 7-4 (2010)
WALTER, MILLS, RATH, DIXON & FUDOLI: “Opposing the Imposition of a Community Agreement on the Canal Side Project”
(4-2) Legislators Walter & Rath voted in the negative.
 - b. COMM. 8M-7 (2011)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU: “Letter of Response to Comptroller's Audit of Buffalo Niagara Convention & Visitors Bureau”
(6-0)
 - c. COMM. 8M-18 (2011)
NFTA: “Copy of Revised Five Year Capital Plan & Annual Operating Budget for Fiscal Year Ending 2012”
(6-0)
 - d. COMM. 9M-3 (2011)
BUFFALO URBAN DEVELOPMENT CORPORATION: “Notice of Public Meeting to be Held 4/27/2011”
(6-0)
 - e. COMM. 10M-4 (2011)
NFTA: “Minutes of Meeting Held 3/28/2011”
(6-0)
 - f. COMM. 10M-6 (2011)

NFTA: "Copy of NFTA Notice of Proposed Rulemaking - Text of Proposed Revisions"
(6-0)

- g. COMM. 10M-13 (2011)
ECIDA: "Copy of 2010 Annual Audited Financial Statement Including Supplemental Schedules Listing Indebtedness, Lease Transactions & Notes"
(6-0)

2. RESOLVED, THE FOLLOWING ITEM IS HEREBY RECEIVED, FILED AND REFERRED TO THE COMMUNITY ENRICHMENT COMMITTEE:

- a. COMM. 7E-1 (2011)
WHYTE: "Copy of Three Local Laws, Previously Passed by the EC Legislature Concerning the Utilization of Minority & Women Owned Businesses in County Contracting & Purchasing"
(6-0)

3. COMM. 9E-8 (2011)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body, previously authorized the County Executive to enter into a General Architectural/Engineering Term Agreement with Cannon Design; and

WHEREAS, additional civil engineering services are needed to assess and correct the parking lot field conditions at the entranceways to improve system operation and site security at the Erie County Public Safety Campus; and

WHEREAS, Cannon Design has the necessary experience to design and oversee the installation of the aforementioned parking area work at the Erie County Public Safety Campus.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Cannon Design for providing Professional Architectural/Engineering Services for the Additional Professional Design Services for Parking Lot Modifications for Erie County Public Safety Campus for an amount not to exceed \$29,726.72; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00061.7 – 2002 Central Police Services Facilities for an amount not to exceed \$29,726.72; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, 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)

4. COMM. 9E-12 (2011)
COUNTY EXECUTIVE

WHEREAS, in 2006 the Erie County Legislature passed a resolution to provide \$5 million of phased improvements to the Fire Training Facilities located in Erie County; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids on March 22, 2011 for construction of a new storage building to be located at the Fire Training Facilities in Cheektowaga and is recommending award, along with the Engineer, to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Fire Training Facilities – 2011 – New Storage Building with the following:

GENERAL CONSTRUCTION WORK

Transit Construction Services Corporation	Base Bid	\$673,000.00
Add Alternate No. 1		<u>\$ 71,000.00</u>
TOTAL AWARD OF GENERAL CONSTRUCTION CONTRACT		\$744,000.00

ELECTRICAL WORK

Goodwin Electric Corporation	Base Bid	\$104,825.00
Add Alternate No. 1		<u>\$ 8,075.00</u>
TOTAL AWARD OF ELECTRICAL CONTRACT		\$112,900.00

PLUMBING CONSTRUCTION WORK

MKS Plumbing Corporation	Base Bid	<u>\$108,000.00</u>
TOTAL AWARD OF PLUMBING CONTRACT		\$108,000.00

MECHANICAL CONSTRUCTION WORK

Lakeside Mechanical Services	Base Bid	<u>\$ 33,400.00</u>
TOTAL AWARD OF MECHANICAL CONTRACT		<u>\$ 33,400.00</u>

TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED		\$998,300.00
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and be it further

RESOLVED, that the sum of \$80,136.94 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

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

A.00311.6	2007 – Renovations to Training Center Complex	\$ 34,682.94
A.00321.11	2008 – Renovations to Training Center Complex	\$ 28,873.00
A.20908.8	2009 – Renovations to Training Center Complex	<u>\$1,014,881.00</u>
TOTAL PAYMENTS NOT TO EXCEED		\$1,078,436.94

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Division of Emergency Services, and the Office of the Comptroller.

(6-0)

5. COMM. 10E-11 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways have a number of completed Capital Projects to close; and

WHEREAS, the recommended Capital Projects for closure have available cash balances after payoff of debt service; and

WHEREAS, the Department of Public Works desires to have any and all cash remaining in the closed projects transferred to an existing capital project, 2011 Preservation of Roads; and

WHEREAS, bids were taken for the reconstruction of the Federal Aid project for Como Park Boulevard (CR523), PIN 5755.83, in the Town of Cheektowaga, on March 27, 2008 and awarded to the low bidder, Concrete Applied Technologies Corporation (CATCO) of Alden, New York via Comm. 8E-18 adopted on May 8, 2008. It has been determined that the contract must be increased due to unanticipated, on-site work scope and quantity changes.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to close the following capital projects:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
B.00006	1998 Bridge Reconstruction	\$ 84,923.38
B.00047	2006 Ransom Road Bridge Construction	\$ 28,330.62
B.00089	1996 Various Federal Aid Projects	\$316,785.11
B.00103	2000 CHIPS	\$ 1.00
B.00104	1998 Highway Garage Repairs	\$ 671.74
B.00135	2001 Glen Ave Bridge Reconstruction	<u>\$ 45,348.73</u>

TOTAL

\$476,060.58

and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the Comptroller to transfer the outstanding balances in the noted SAP project accounts to an existing capital project for Fund 420 Business Area 123; and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the Director of Budget and Management to close the aforementioned capital projects and make the necessary budget adjustments for the transfer of available cash after payoff of existing debt service obligations to an existing capital project; and be it further

RESOLVED, that the old capital projects be decreased by the remaining cash balances and Project Fund SAP B.21001.1.8, 2011 Preservation of Roads be increased by the transferred revenue in the amount of \$476,060.58; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated change order in an amount not to exceed \$200,000.00, appropriated from capital account B.21001.1.8.1, between the County of Erie and project contractor CATCO of Alden, New York for unanticipated, on-site work scope and quantity changes for the Como Park Boulevard Reconstruction project; and be it further

RESOLVED, that two 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, and the Office of the Comptroller.

(6-0)

6. COMM. 10E-12 (2011)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Trautman Associates for providing professional design services on Erie County projects; and

WHEREAS, an existing highway maintenance building at the Erie County Cemetery Road Highway Facility will be demolished as part of a current bridge and road construction project. To maintain current facility operations and recover lost space, a new building addition will be constructed; and

WHEREAS, Trautman Associates has the necessary expertise and manpower to provide professional design services for the utilities relocation and design of the building addition; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Trautman Associates to provide Professional Architectural/Engineering Services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates for providing Professional Architectural/Engineering Services for relocating the site utilities and design of the building addition at the Erie County Cemetery Road Highway Facility for an amount not to exceed \$22,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00071 - 2003 Electrical System Improvements Phase 1 in the amount of \$11,822.48, A.00072 - 2003 Mechanical System Improvements Phase 1 in the amount of \$5,300.98 and A.00309 - 2007 Code Compliance & Reconstruction in the amount of \$4,876.54 for an amount not to exceed \$22,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, 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)

7. COMM. 10E-13 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Seneca Street Bridge Reconstruction Project PIN 5755.25 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of the Seneca Street Bridge Reconstruction PIN 5755.25 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00177 - 2007 Seneca Street Bridge Reconstruction in the amount of \$3,199,433.00 and B.20931 - 2009 Seneca Street Reconstruction in the amount of \$1,720,000.00; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the Seneca Street Bridge Reconstruction Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Abate Engineers for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Seneca Street Reconstruction Project PIN 5755.25 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and Abate Engineers in an amount not to exceed \$4,919,433.00; and be it further

RESOLVED, that the funds for the Seneca Street Reconstruction Project be allocated from fund B.00177.1 in an amount not to exceed \$3,199,433.00 and fund B.20931.1 in an amount not to exceed \$1,720,000.00; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Seneca Street Bridge Reconstruction Project PIN 5755.25; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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, and the Office of the Comptroller.

(6-0)

8. COMM. 10E-14 (2011)
COUNTY EXECUTIVE

WHEREAS, the Maple Road Intersections Reconstruction Project PIN 5755.33 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of the Maple Road intersections PIN 5755.33 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00174 - 2007 Maple Road Intersection in the amount of \$3,199,433.00 and B.00184 – 2008 Maple Road Intersection in the amount of \$1,000,567.00; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the Maple Road Intersections Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Hatch Mott McDonald for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Maple Road Intersections Reconstruction Project PIN 5755.33 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Hatch Mott McDonald in an amount not to exceed \$4,200,000.00; and be it further

RESOLVED, that the funds for the Maple Road Intersections Reconstruction Project be allocated from fund B.00174.1 in an amount not to exceed \$3,199,433 and fund B.00184.1 in an amount not to exceed \$1,000,567.00; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Maple Road Intersections Reconstruction Project PIN 5755.33; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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, and the Office of the Comptroller.

(6-0)

9. COMM. 10E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, the Greiner at Shimerville Intersection Improvement Project PIN 5756.85 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the improvement of the intersection at Greiner and Shimerville PIN 5756.85 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00125.1.3 – 2004 Signal and Intersection Improvements, Greiner at Shimerville in the amount of \$1,090,000.00; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the Greiner at Shimerville Intersection Improvement Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Nussbaumer & Clarke for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Greiner at Shimerville Intersection Improvement Project PIN 5756.85 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Nussbaumer & Clarke in an amount not to exceed \$1,090,000.00; and be it further

RESOLVED, that the funds for the Greiner at Shimerville Intersection Improvement Project be allocated from fund B.00125.1.3 in an amount not to exceed \$1,090,000.00; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Greiner at Shimerville Intersection Improvement Project PIN 5756.85; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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, and the Office of the Comptroller.

(6-0)

10. COMM. 10E-16 (2011)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Seneca Street Bridge (CR215) in the Town of West Seneca, Erie County, PIN 5755.25 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5755.25 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$4,919,433.00 (\$245,972.00 required local share).

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$4,919,433.00 is hereby appropriated from B.00177 - 2007 Seneca Street Bridge Reconstruction in the amount of \$3,199,433.00 and B.20931 - 2009 Seneca Street Reconstruction in the amount of \$1,720,000.00 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Project Fund B.00177 - 2007 Seneca Street Bridge Reconstruction in the amount of \$3,199,433.00 has been adjusted to include all anticipated revenue and Project Fund B. 20931, 2009 Seneca Street Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State Marchiselli revenue in the amount of \$1,634,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
410170	Federal Aid - Road	\$ 0	\$1,376,000	\$1,376,000
405160	NYS Marchiselli			
	Aid	\$ 0	\$ 258,000	\$ 258,000
475000	Gen Oblig Bond			
	Proc	<u>\$ 86,000</u>	<u>\$ 0</u>	<u>\$ 86,000</u>
TOTAL REVENUES		<u>\$ 86,000</u>	<u>\$1,634,000</u>	<u>\$1,720,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project			
	Exp	<u>\$ 86,000</u>	<u>\$1,634,000</u>	<u>\$1,720,000</u>
TOTAL APPROPRIATIONS		<u>\$ 86,000</u>	<u>\$1,634,000</u>	<u>\$1,720,000</u>

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phases exceeds the amount appropriated, \$4,919,433.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$4,919,433.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

11. COMM. 10E-17 (2011)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Maple Road (CR192) in the Town of Amherst, Erie County, PIN 5755.33 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5755.33 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$4,200,000.00 (\$210,000.00 required local share).

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$4,200,000.00 is hereby appropriated from B.00174 - 2007 Maple Road Intersection in the amount of \$3,199,433.00 and B.00184 - 2008 Maple Road Intersection in the amount of \$1,000,567.00 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Project Fund B.00174 - 2007 Maple Road Intersection in the amount of \$3,199,433.00 has been adjusted to include all anticipated revenue and Project Fund B.00184, 2008 Maple Road Intersection, fund center 123, fund 420, be increased by the anticipated Federal and State Marchiselli revenue in the amount of \$950,539.00 as follows:

		CURRENT	INCREASE/	REVISED
REVENUES		BUDGET	DECREASE	BUDGET
Account	Description			
410170	Federal Aid - Road	\$ 0	\$800,454	\$ 800,454
405160	NYS Marchiselli			
	Aid	\$ 0	\$150,085	\$ 150,085
475000	Gen Oblig Bond			
	Proc	<u>\$181,150</u>	<u>\$ 0</u>	<u>\$ 181,150</u>

TOTAL REVENUES		<u>\$181,150</u>	<u>\$950,539</u>	<u>\$1,131,689</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$181,150</u>	<u>\$950,539</u>	<u>\$1,131,689</u>
TOTAL APPROPRIATIONS		<u>\$181,150</u>	<u>\$950,539</u>	<u>\$1,131,689</u>

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phases exceeds the amount appropriated, \$4,200,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$4,200,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

12. COMM. 10E-18 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Real Estate received bids for the Erie Community College City Campus – HVAC Equipment, Controls, Lighting and Plumbing Renovations project on April 4, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidders, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Buffalo Engineering for providing professional services on County projects; and

WHEREAS, The County Executive is seeking authorization from your honorable body to enter into construction contracts with Mollenberg Betz, Inc. and D Jones Electrical, Inc. for the Erie Community College City Campus – HVAC Equipment, Controls, Lighting and Plumbing Renovations project; and

WHEREAS, New York State has approved all of the above projects and will reimburse the County for 50% of the total costs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie Community College City Campus – HVAC Equipment, Controls, Lighting and Plumbing Renovations project as follows:

Mechanical Construction Work

Mollenberg Betz, Inc. for a base bid and total contract in the amount of \$3,157,000.00

Plumbing Construction Work

Mollenberg Betz, Inc. for a base bid and total contract in the amount of \$48,815.00

Electrical Construction Work

D Jones Electric, Inc. for a base bid and total contract in the amount of \$468,000.00

and be it further

RESOLVED, that the sum of \$350,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account E.20904.3 - 2009 ECC Energy Performance Contract/City Campus in the amount of \$4,023,815.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

(6-0)

13. COMM. 10E-19 (2011)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NYSDOT) is currently performing annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, as a result of these inspections Erie County was cited with numerous yellow and red flags which restricts access to the traveling public and requires the County to respond to NYSDOT with a plan of action as soon as practicable; and

WHEREAS, the Department of Public Works – Division of Highways determined that Clough, Harbour & Associates, a legislatively approved Term Agreement consultant via Comm. 14E-19 adopted July 17, 2008, has the appropriate experience in construction management, technical services, and construction inspection of bridges and culverts; and

WHEREAS, in order for the Department of Public Works – Division of Highways to urgently respond to these cited County bridge and culvert deficiencies with repairs and construction during the 2011 construction season, it requires authorization to award construction contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be allowed to execute a contract to Clough, Harbour & Associates for an amount not to exceed \$29,853.79, from B.00059 – 2003 Culvert Design in the amount of \$9,769.70 and B.00040 – 2002 Culvert Inspection, Load Rating and Design in the amount of \$20,084.09; and be it further

RESOLVED, that the Commissioner of the Department of Public Works – Division of Highways is authorized to requisition for purchase orders for bridge and culvert repair and construction through the Department of Purchase approved Highways Material Bid or through an open competitive bidding process; and be it further

RESOLVED, that the Erie County Legislature be provided with an informational item upon return from recess that includes a report of progress, vendors awarded, and contract amounts from the Department of Public Works – Division of Highways; 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 New York State Department of Transportation, the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Purchase.

(6-0)

TIMOTHY J. WHALEN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

Following recess, reconvened on May 23, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-7 (2010)
MILLS, RATH, WALTER, DIXON & FUDOLI: "Convening the Citizens Budget Review Commission and Lowering the Salary of EC Legislators"
(6-0)
 - b. COMM. 15D-18 (2010)
COMPTROLLER'S OFFICE: "Review of the EC Board of Ethics for the Period 1/1/2007 - 12/31/2009"
(6-0)
 - c. COMM. 6M-15 (2011)
CHRIS G. TRAPP: "Copy of the Rules & Regulations of the EC Board of Ethics"
(6-0)
 - d. COMM. 8M-13 (2011)
DEPUTY NYS COMPTROLLER: "Letter to Majority Leader Whyte Concerning Report Entitled "Federal Stimulus Program - Claims Processing Procedures in the Western Region of NYS""
(6-0)
 - e. COMM. 10D-2 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(6-0)
 - f. COMM. 10D-3 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(6-0)
 - g. COMM. 10D-6 (2011)
COUNTY ATTORNEY: "Notice of Public Hearing - Local Law Intro. No. 2-2011"
(6-0)
 - h. COMM. 10D-8 (2011)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
 - i. COMM. 10M-7 (2011)
COLDEN TOWN BOARD: "Copy of Resolution Concerning Spay/Neuter Surcharges for Altered Dogs"

(6-0)

**CHRISTINA W. BOVE
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

May 19, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-22 (2011)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded additional federal funds for the Senior Employment program for the period July 1, 2010 to June 30, 2011; and

WHEREAS, the Department currently contracts with Supportive Services Corp., Inc. to provide Title V employment services to seniors 55 years of age and older, and desires to amend the contract with Supportive Services Corp., Inc. to reflect the additional funds to expand the employment placements; and

WHEREAS, the Senior Employment grant budget needs to be revised; and

WHEREAS, Supportive Services Corp., Inc. will provide the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Senior Employment funds; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with Supportive Services Corp. Inc.; and be it further

RESOLVED, that the budget for the Senior Employment grant, 163SREMP1011, be revised as follows:

REVENUES	CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description		

414000	Federal Aid	\$350,092	\$100,000	\$450,092
466320	Subcontractor Match	20,900	<u>11,111</u>	32,011
	TOTAL CHANGE		<u><u>\$111,111</u></u>	

APPROPRIATIONS

Account	Description			
517825	Supportive Services Corp., Inc.	\$388,992	<u>\$111,111</u>	\$500,103
	TOTAL CHANGE		<u><u>\$111,111</u></u>	

and be it further

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

(5-0)

THOMAS J. MAZUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

May 19, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-9 (2011)
FUDOLI: "Letter to Legislator Mazur Concerning EC Agricultural & Farmland Protection Board Appearance at Energy & Environment Committee"
(6-0)
 - b. COMM. 6M-10 (2011)
CLARENCE TOWN CLERK: "Copy of Resolution Concerning Contract with EC Water Authority"
(6-0)
 - c. COMM. 6M-21 (2011)

- NEWSTEAD TOWN CLERK: "Copy of Resolution Concerning Appointment Qualifications for Erie County Water Authority Commissioners"
(6-0)
- d. COMM. 8M-3 (2011)
AMHERST TOWN BOARD: "Copy of Resolution Concerning Appointments of Commissioners of the EC Water Authority"
(6-0)
- e. COMM. 9E-9 (2011)
COUNTY EXECUTIVE: "ECSD Nos. 2,3,6 & 8 - Engineer Term Agreement - DiDonato Associates"
(6-0)
- f. COMM. 9E-14 (2011)
COUNTY EXECUTIVE: "ECSD No. 3 - Contract 36 - Change Order No. 2"
(6-0)
- g. COMM. 9E-15 (2011)
MILLER-WILLIAMS: "Letter to Legislator Mazur Concerning Appointment to Commissioner of EC Water Authority"
(6-0)
- h. COMM. 9D-5 (2011)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Lake Erie Beach Neighborhood Revitalization - Town of Evans - SEQR Notification"
(6-0)
- i. COMM. 9M-9 (2011)
NYSDEC: "Notice of Meeting to be Held 5/9/2011 & Availability of an Ecological Restoration Master Plan for the Buffalo River"
(6-0)
- j. COMM. 9M-10 (2011)
NYSDEC: "Copy of Submitted Application to Brownfield Cleanup Program from Delta Sonic Car Wash Systems, Inc., Concerning Cleanup at the Langner Road Site - Town of West Seneca"
(6-0)
- k. COMM. 10M-8 (2011)
NYSDEC: "Fact Sheet - Brownfield Cleanup Program - Cleanup Activities Completed at 111 Hydraulic Street Site"
(6-0)
- l. COMM. 10M-9 (2011)
JEFFREY S. EBERHARD, PH.D.: "Letter of Interest in Serving as a Commissioner for the EC Water Authority"
(6-0)

- m. COMM. 10M-11 (2011)
KURT FELGEMACHER: "Letter of Interest in Serving as a Commissioner for the EC Water Authority"
(6-0)
- n. COMM. 10M-14 (2011)
DAVID L. TRUMPFHELLER: "Letter of Interest in Serving as a Commissioner for the EC Water Authority"
(6-0)
- o. COMM. 10M-15 (2011)
CHRISTOPHER T. WEINERT: "Letter of Interest in Serving as a Commissioner for the EC Water Authority"
(6-0)
- p. COMM. 10M-16 (2011)
LAURA V. LEWIS: "Letter of Interest in Serving as a Commissioner for the EC Water Authority"
(6-0)

2. COMM. 10E-4 (2011)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the Board of Managers for Erie County Sewer District No. 1 for a term expiring on December 31, 2011:

Mr. Daniel Higgins
70 North Covington Drive
West Seneca, NY 14220

(6-0)

3. COMM. 10E-7 (2011)
COUNTY EXECUTIVE
WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and County Attorney.

(6-0)

4. COMM. 10E-21 (2011)
COUNTY EXECUTIVE

WHEREAS, Erie County is desirous of engaging engineering and construction management services for Phase 1 improvements for the Erie County Black Rock Canal Park (aka Ontario Street Boat Launch) in the City of Buffalo; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #106186BC.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Construction Management Services for Phase 1 Improvements to Black Rock Canal Park (aka Ontario Street Boat Launch) in an amount not to exceed \$107,621 with Nussbaumer and Clark, Inc; and be it further

RESOLVED, that an amount of \$107,621 be allocated from SAP Account A.21016 for Engineering and Construction Management Services (GL Account 516020 Professional Services, Contracts and Fees) and an additional amount of \$10,762 be allocated for a Department of Environment and Planning design contingency fund with authorization for the County Executive to approve contract amendments with Nussbaumer and Clark, Inc., not to exceed \$10,762, also to be allocated from SAP Account A.21016; 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)

THOMAS J. MAZUR
CHAIR

LEGISLATOR RESOLUTIONS

Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

RE: War of 1812 Bicentennial
Commemoration
(INTRO 11-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, WALTER, RATH,
DIXON, HARDWICK & FUDOLI**

WHEREAS, the War of 1812 represents a seminal period in the process of nation building in both the United States and Canada; and

WHEREAS, the cross-border Niagara region was at the frontline of the War of 1812, with decisive battles both on land and lakes reporting the greatest number of casualties and the longest continual period of conflict; and

WHEREAS, the War of 1812 significantly affected civilian populations on both sides of the Niagara River, especially when the flames of war burned British-Canadian, American and Tuscarora settlements along the Niagara River in December of 1813; and

WHEREAS, this conflict involved and impacted the Native Americans/First Nations in both countries and throughout the Niagara region; and

WHEREAS, many citizens and soldiers acted with great gallantry and personal sacrifice to protect their homes and countries; and

WHEREAS, the Niagara region maintains many cemeteries that are the final resting place for combatants and veterans of the War of 1812; and

WHEREAS, the Niagara region retains three forts and numerous historic and battle sites from the War of 1812; and

WHEREAS, from the death and destruction of the War of 1812 was born a spirit of cooperation and a vision of peace between the United States and Canada; and

WHEREAS, the unparalleled cooperation, prosperity and friendship that developed between the United States and Canada since the War of 1812 find their deepest roots and daily expressions in the cross-border Niagara region; and

WHEREAS, the history of Niagara is rich in stories of peace and freedom, bi-national exchange, cooperative endeavor and neighborly goodwill; and

WHEREAS, the bi-national coordination for this commemoration is being led by the Niagara 1812 Bicentennial Legacy Council; and

WHEREAS, the Bicentennial of the War of 1812 offers an exceptional opportunity to acknowledge and celebrate the true and lasting legacy of 200 years of peace along the Niagara and between the United States and Canada.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County joins with the other Niagara 10 members to officially designate the cross-border Niagara region as an International Corridor of Peace and Cooperation; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Niagara 10 Members, and the Commissioner of Environment and Planning.

MS. WHYTE moved to amend the resolution by including Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 31 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

RE: 14th District Legislative Staffing
Adjustments
(INTRO 11-2)

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

WHEREAS, in order to better serve the residents of the 14th District of the Erie County Legislature, a reorganization is necessary of the Legislature's district office personal services budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget adjustments to the Legislature's 2011 adopted departmental budget, all of which can be effectuated while keeping within the Legislature's adopted appropriation for 2011:

DELETE one (1) Administrative Clerk Legislature (PT), JG 7 Step 4, Position Number 51004145, Fund Center 100, Cost Center 1005017 District Office Staff, effective May 16, 2011; and

DELETE one (1) Administrative Clerk Legislature (RPT), JG 7 Step 4, Position Number 51004147, Fund Center 100, Cost Center 1005017 District Office Staff, effective May 16, 2011; and

REPLACE with one (1) Administrative Clerk Legislature (Full-Time), JG 7 Step 4; to Fund Center 100, Cost Center 1005017 District Office Staff, also effective May 16, 2011; and be it further

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

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

RE: Completing the Membership of the EC
Community Corrections Advisory Board
(INTRO 11-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BOVE, WHALEN & MILLS**

WHEREAS, the Erie County Community Correctional Advisory Board was established by the Erie County Legislature Intro 16-4 (2010) for the express purpose of discussing correctional facilities programs and services to offer suggestions and advice for the improvement of such programs at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, the Erie County Legislature approved Intro 4-4 (2011) which provided for the addition of two more members to the Erie County Community Corrections Advisory Board thereby increasing the total membership of the Advisory Board to fifteen; and

WHEREAS, the representative from the Assigned Counsel Program submitted his resignation from the Erie County Community Corrections Advisory Board in an effort to avoid any potential conflicts of interest; and

WHEREAS, the Erie County Legislature caused to be announced the availability of three vacancies on the Erie County Community Corrections Advisory Board and received letters of interest from a cross-section of Erie County residents interested in serving and subsequently conducted public interviews of the interested persons during the course of two regularly scheduled meetings of the Public Safety Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the following three persons be appointed to the Erie County Community Corrections Advisory Board by the Erie County Legislature: Mr. Barry Nelson Covert, Esquire 42 Delaware Avenue, Suite 120, Buffalo, New York 14202; Mr. Johnny Cabrera, 55 Primrose Lane,

Buffalo, New York 14202 and Lavonne E. Ansari, Ph.D. 815 Ashburn Avenue, Buffalo, New York 14222; and be it further

RESOLVED, that copies of this resolution be sent to the Erie County Community Corrections Advisory Board, Mr. Barry Nelson Covert, Mr. Johnny Cabrera and Lavonne E. Ansari, Ph.D.

MS. WHYTE moved to amend the resolution by removing the appointment of Mr. Cabrera from the resolution. MS. GRANT seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE and MR. WHALEN.
(AYES: 7; NOES: 8)

FAILED.

MS. BOVE moved to approve the resolution. MR. WALTER seconded. MS. GRANT, MR. KOZUB, MR. LOUGHRAN and MS. WHYTE voted in the negative.

CARRIED. (11-4)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 11E-1) Appointment to the Buffalo & EC Public Library Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATORS WHYTE, KOZUB, WHALEN,
GRANT, MAZUR, MARINELLI & LOUGHRAN**

Item 34 – (COMM. 11E-2) Letter to Chair of Legislature Requesting Public Hearing Concerning LL INT. 4-1 (2011)

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 11E-3) Appointments to the EC Mental Hygiene Community Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 36 – (COMM. 11E-4) Household Hazardous Waste Collections

Item 37 – (COMM. 11E-5) EC Energy Efficiency Web Site

Item 38 – (COMM. 11E-6) NYS Office of Parks, Recreation & Historic Preservation Stream Sanitary Surveys Project

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

Item 39 – (COMM. 11E-7) 2010 Year-End Budget Balancing Amendments & Designations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 40 – (COMM. 11E-8) Acceptance of GTSC Ignition Interlock Device Monitoring Program from NYS DCJS

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – (COMM. 11E-9) Hopkins Road Stabilization, Town of Amherst

Item 42 – (COMM. 11E-10) Burdick Road Stabilization, Town of Newstead

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

Item 43 – (COMM. 11E-11) ECSD No. 2 - Change Order No. 1

Item 44 – (COMM. 11E-12) Community Development Block Grant - Lead-Based Paint Hazard Inspection Services: Agreement with Stohl Environmental, LLC - 2011

Item 45 – (COMM. 11E-13) Ontario Street Boat Launch/Black Rock Canal Park - NYS Power Authority Funding (Greenway)

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

Item 46 – (COMM. 11E-14) Amend NY Connects Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 47 – (COMM. 11D-1) Transmittal of New Claim Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 48 – (COMM. 11D-2) A Review of "Qualifications for New Health Sciences Building, Architectural/Engineering Services for ECC, the County of Erie"

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF'S DEPARTMENT

Item 49 – (COMM. 11D-3) Letter of Response to Comptroller's Office Regarding the Electronic Communications Being Made Available to Inmates & Their Families at the EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 50 – (COMM. 11D-4) Transmittal of New Claim Against EC

Item 51 – (COMM. 11D-5) Transmittal of New Claim Against EC

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

Item 52 – (COMM. 11D-6) Notice of Filing of Local Law No. 1-2011

Received and Filed.

FROM THE EC DIVISION OF SEWERAGE MANAGEMENT

Item 53 – (COMM. 11D-7) Letter from Assistant Deputy Commissioner to Legislature Concerning Appointment as Village Trustee, Village of Angola

Received and Filed.

FROM THE DIRECTOR OF SIX SIGMA

Item 54 – (COMM. 11D-8) Six Sigma Quarterly Status Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ECMCC

Item 55 – (COMM. 11M-1) Materials Distributed at Regular Meeting of the Board Held 5/3/2011

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 56 – (COMM. 11M-2) Cash Flow Statements for the Period 4/1/10 - 3/31/11 & Projected Cash Flow Statements for the Period 4/1/11 - 3/31/12

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM MUSIC IS ART

Item 57 – (COMM. 11M-3) Letter to Legislature Concerning 2010 Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 58 – (COMM. 11M-4) Fact Sheet: Remedial Soil Excavation Activities to Begin at Greif Site in Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 59 – (COMM. 11M-5) Agenda for Meeting Held 5/19/11

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CITY OF TONAWANDA COMMON COUNCIL

Item 60 – (COMM. 11M-6) Copy of Resolution Concerning the Reapportionment of Legislative Districts in EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 61 – (COMM. 11M-7) 2010 EC State of the Environment Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE LANCASTER TOWN BOARD

Item 62 – (COMM. 11M-8) Copy of Resolution Concerning the Reapportionment of Legislative Districts in EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JACOB M. JORDAN

Item 63 – (COMM. 11M-9) Submission of Plan for Legislative Redistricting

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE HOLLAND TOWN BOARD

Item 64 – (COMM. 11M-10) Copy of Resolution Supporting Increased Oversight on Natural Gas Drilling

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COLDEN TOWN BOARD

Item 65 – (COMM. 11M-11) Copy of Resolution Concerning Opposition to Spay/Neuter Surcharges for Altered Dogs

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE FULTON COUNTY BOARD OF SUPERVISORS

Item 66 – (COMM. 11M-12) Copy of Local Law Establishing Truth in Taxation in Fulton County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 67 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed.

Item 68 – MR. KOZUB announced that with the Memorial Day weekend here, people should remember the ‘supreme sacrifice’ of those who died for our country.

Item 69 – MR. WALTER announced Happy Birthday wishes to Legislator Dixon.

MEMORIAL RESOLUTIONS

Item 70 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Robert D. Flickinger and Charles M. Fogel.

Item 71 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Paul J. Hooper.

Item 72 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Eleanor Zernickel, Edward G. Weiser, Katherine Feyerabend, Joan R. Esposito, Stephen A. Capuson and Mary Lyons.

Item 73 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of the victims of recent earthquakes and bizarre weather.

Item 74 – Legislator Fudoli requested that when the Legislature adjourns, it do so in memory of Arlene A. Cooke.

ADJOURNMENT

Item 75 – At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, June 16, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, June 16, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE