

**ERIE COUNTY LEGISLATURE
MEETING NO. 12
JUNE 21, 2012**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Hogues, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Rath.

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 11 from 2012. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a resolution Congratulating Thomas Slaiman on His Retirement as Principal of Theodore Roosevelt School in Cheektowaga.

Item 6 – MR. LOUGHRAN presented a resolution Recognizing the Organizers of the Moonlight Run in Williamsville as the Citizens of the Month for June 2012.

Item 7 – MR. McCRACKEN presented a resolution Congratulating Tom and Sue Straus on Receiving the Robert J. Uplinger Award from the Lions Club of Lancaster, Celebrating Its 60th Anniversary on June 19th.

Item 8 – MR. HARDWICK presented a resolution Honoring John's Pizza & Subs Upon Its 30th Anniversary.

Item 9 – MR. HARDWICK presented a resolution Honoring Kenneth Feltges Upon His Retirement from Mount St. Mary Academy.

Item 10 – MS. DIXON presented a resolution Honoring Christopher J. Wittmeyer on Achieving the Rank of Eagle Scout.

Item 11 – MS. DIXON presented a resolution Recognizing Rev. Lawrence E. Burns on the 50th Anniversary of His Ordination.

Item 12 – MS. DIXON presented a resolution Honoring Bill Nye for 30 Years of Service as Supervisor of Recreation and Parks for the Village of Hamburg.

Item 13 – MS. DIXON presented a resolution Honoring Frontier Central Student Frances Guzzo on Receiving the Anthony M. Castiglia Memorial Award.

Item 14 – MS. DIXON presented a resolution Honoring Hamburg Central Student Amanda Murray on Receiving the Anthony M. Castiglia Memorial Award.

Item 15 – MS. DIXON presented a resolution Honoring Immaculata Academy Student Amanda Vetter on Receiving the Anthony M. Castiglia Memorial Award.

Item 16 – MS. DIXON presented a resolution Honoring Immaculata Academy Student Katherine Vetter on Receiving the Anthony M. Castiglia Memorial Award.

Item 17 – MS. DIXON presented a resolution Honoring St. Francis High School Student Paul Wujek on Receiving the Anthony M. Castiglia Memorial Award.

MR. MAZUR moved for consideration of the above thirteen items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above thirteen items by adding Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above thirteen items as amended. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 18 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR GRANT directed that Local Law No. 2 (Print #1) 2012 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

June 12, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-7 (2012)
MARINELLI: “Letter Concerning Need for a Rational System of Dispensing Controlled Substances in NYS”
(5-0)
 - b. COMM. 9E-11 (2012)
MARINELLI: “Constituent Letter to Legislator Marinelli Concerning Medicine Abuse”
(5-0)
 - c. COMM. 11M-4 (2012)
ROSWELL PARK CANCER INSTITUTE: “Letter Concerning Establishing a Smoke-Free Policy for EC-Owned Parks, Playgrounds, Beaches, Golf Courses & Recreational Areas”
(5-0)
2. COMM. 11E-9 (2012)
COUNTY EXECUTIVE
WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP), selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has the responses, evaluation and selection material available; and

WHEREAS, these contracts will enable employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting Departmental operations; and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts; and

WHEREAS, there is no fiscal impact to the 2012 Adopted Budget based on this resolution and no additional County local share funds are necessary because the existing appropriation in Account 516040, DSS Training and Education, is sufficient to cover these contract renewals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contracts to New York State mandated State University of New York (SUNY) institutions as specified below:

Educational Institution	Period	Gross Contract	Institution's Contribution	Paid by ECDSS
Empire State College (Bachelor's/ Associate's Degrees in Business/ Community and Human Services)	09/01/12 - 08/31/13	\$428,149	\$154,134	\$274,015
Empire State College (In-Service Training And Organizational Development)	09/01/12 - 08/31/13	\$862,134	\$258,640	\$603,494
University at Buffalo – School of Social Work (Master's Degree in Social Work)	09/01/12 - 08/31/13	\$332,964	\$116,537	\$216,427
Buffalo State College (CDHS) (Bachelor's in Business/Social Work; Master's in Human Services Admin.)	09/01/12 - 08/31/13	\$535,993	\$192,957	\$343,036
TOTAL				\$1,436,972

and be it further

RESOLVED, that funds to pay for these programs are available in and shall be made from Account 516040, DSS Training and Education in Fund Center 120; and be it further

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

(5-0)

3. COMM. 11E-16 (2012)
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, the position of Deputy Chief Medical Examiner is currently vacant and recruitment has been unsuccessful, leaving the Medical Examiner's Office with only 2 full time medical examiners; and

WHEREAS, as such, the Department of Health is requesting the creation of an Associate Chief Medical Examiner at a variable minimum; and

WHEREAS, funding for these changes will be made available by the deletion of the Deputy Chief Medical Examiner with a net savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Associate Chief Medical Examiner, Job Group 22, (B-100 #6903) and to hire at a variable minimum hiring level of Step 4 (annual salary \$129,453); and be it further

RESOLVED, that authorization is also provided to delete the vacant position of Deputy Chief Medical Examiner, Job Group 24, Step 5 (annual salary \$167,635) in order to fund said addition; 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.
(5-0)

**THOMAS J. MAZUR
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

June 12, 2012	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 7
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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. 19D-4 (2011)
DIRECTOR, INTERGOVERNMENTAL AFFAIRS: “Letter to Legislator Grant Concerning Cultural Capital Projects”
(6-0)
- b. COMM. 19M-4 (2011)
AFRICAN AMERICAN CULTURAL CENTER: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(6-0)
- c. COMM. 20M-2 (2011)
AFRICAN AMERICAN CULTURAL CENTER: “Copy of Letter to Legislator Grant Concerning Funding for Capital Improvements”
(6-0)
- d. INTRO 3-12 (2012)
LORIGO, MILLS, HARDWICK, RATH & DIXON: “Re-Designating & Appropriating \$7.5 Million to ECC”
(6-0)
- e. COMM. 3M-1 (2012)
ECC: “Fiscal Year 2011-12 Revenues & Expenditures - Key Item Report”
(6-0)
- f. COMM. 3M-2 (2012)
ECC: “Fiscal Year 2010-11 Revenues & Expenditures - Key Item Report”
(6-0)
- g. COMM. 3M-8 (2012)
YOUNG CITIZENS FOR ECC: “Copy of Letter to Governor Cuomo Concerning Health Science Building at ECC”
(6-0)
- h. COMM. 3M-50 (2012)
ECC: “2012 Cultural Organization Data Response Sheet”
(6-0)
- i. COMM. 5M-9 (2012)
ECC: “Fiscal Year 2011-12 Revenues & Expenditures - Key Item Report - 1/31/2012”
(6-0)
- j. COMM. 9E-8 (2012)
MARINELLI: “Copy of Letter to President of ECC Concerning Planning & Specific Actions to be Taken to Enhance Student Enrollment & Retention”
(6-0)
- k. COMM. 9E-10 (2012)
COMPTROLLER: “Copy of Audited Financial Statements & Management Letter for ECC for the Fiscal Year Ended 8/31/2011”

(6-0)

- l. COMM. 10E-5 (2012)
MARINELLI: "Copy of Buffalo Zoo Update on "The Bear Necessities Campaign""
(6-0)
- m. COMM. 10M-1 (2012)
PRESIDENT OF ECC: "Copy of Preliminary 2012 - 2013 ECC Budget"
(6-0)
- n. COMM. 10M-2 (2012)
VISIT BUFFALO NIAGARA: "Copy of 2012 1st Quarter Report"
(6-0)
- o. COMM. 10M-4 (2012)
BUFFALO & EC PUBLIC LIBRARY: "Copy of Proposed Agenda for Meeting Held 5/17/2012"
(6-0)

LYNN M. MARINELLI
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

June 12, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 11D-1 (2012)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0) Chair Grant not present for vote.

THOMAS J. MAZUR
CHAIR

Item 25 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

June 12, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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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. 9M-7 (2012)
NFTA: "Copy of Actual Cash Flow for Period 4/1/11-3/31/12 & Projected Cash Flow for Period 4/1/12-3/31/13"
(6-0)
 - b. COMM. 9M-11 (2012)
NFTA: "Notice of Proposed Rulemaking"
(6-0)
 - c. COMM. 11M-2 (2012)
NFTA: "Minutes from Meeting Held 4/23/2012"
(6-0)
 - d. COMM. 11M-5 (2012)
NYSDOT: "Petition for the At-Grade Crossing for the Sherwood Trail"
(6-0)
2. COMM. 10E-7 (2012)
COUNTY EXECUTIVE
WHEREAS, the rehabilitation of Beach Road and Eden-Evans Center Road Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder after bids are taken on 31 May 2012; and

WHEREAS, funding for this project was approved and is available as follows:

\$428,769.63 is available in B.21001 – 2010 Capital Overlay
\$20,164.56 is available in B.11001.2 – 2011 Capital Overlay
\$557,582.40 is available in B.11005 – 2011 Various County Roads
\$2,000,000.00 is available in B.12007 – 2012 Preservation of Roads – Construction and
\$353,000.00 is available in B.12015 - 2012 Capital Overlay Program; and

WHEREAS, due to the limited construction season, 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 rehabilitation of Beach Road and Eden-Evans Center Road, 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 contract must be negotiated with DiDonato Associates 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 rehabilitation of Beach Road and Eden-Evans Center Road Project Number CAP-32.221-12, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated contract between the County of Erie and project engineers DiDonato Associates, in an amount not to exceed \$3,359,516.59; and be it further

RESOLVED, that the funds for the Beach Road and Eden-Evans Center Road Project be allocated as follows: \$428,769.63 in B.21001 – 2010 Capital Overlay, \$20,164.56 in B.11001.2 – 2011 Capital Overlay, \$557,582.40 in B.11005 – 2011 Various County Roads, \$2,000,000.00 in B.12007 – 2012 Preservation of Roads – Construction, and \$353,000.00 in B.12015 - 2012 Capital Overlay Program, for a total, not to exceed \$3,359,516.59; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature as to which contractor was the successful lowest responsible bidder for the rehabilitation of Beach Road and Eden-Evans Center Road, Project Number CAP-32.221-12; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) 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)

3. COMM. 10E-8 (2012)
COUNTY EXECUTIVE

WHEREAS, most of the North Campus buildings at Erie Community College were constructed in the late 1950's and do not have air-conditioning; and

WHEREAS, Erie Community College now wishes to provide air-conditioning in the classrooms for a safe environment in educational buildings and keeping the campus competitive with other area colleges; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Engineering Services Agreement with Buffalo Engineering, P.C. Mechanical/Electrical Engineers for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement Amendment to Buffalo Engineering, P.C. Mechanical/Electrical Engineers for providing design and construction document services for air-conditioning for Buildings K and B.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Buffalo Engineering, P.C. Mechanical/Electrical Engineers for providing professional design and construction document services for the ECC North Campus air conditioning project for Buildings K and B, including reimbursables; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payment for this matter from SAP project account E.11005 – Erie Community College Cooling System for an amount not to exceed \$94,000.00; 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, Office of the Comptroller, and Erie Community College.
(6-0)

4. COMM. 11E-8 (2012)
COUNTY EXECUTIVE

WHEREAS, current New York State building codes require sprinklers in high-rise buildings. In order for the Rath Building to receive major renovations, a sprinkler system must be installed; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Trautman Associates Architects & Engineers for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement Amendment to Trautman Associates Architects & Engineers for providing design and construction document services for the fire protection/sprinkler standpipe project in the Rath County Office Building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Trautman Associates Architects & Engineers for providing professional design and construction document services for the fire protection/sprinkler standpipe project in the Rath County Office Building, including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account A.11006 – 2011 – Countywide Mechanical, Electrical & Plumbing Improvements for an amount not to exceed \$65,000.00; 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. 11E-10 (2012)
COUNTY EXECUTIVE

WHEREAS, True Bethel Townhomes, L.P. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project will be a new construction multi-family housing development located at 858 East Ferry Street in the City of Buffalo, New York, and will contain thirty (30) rehabilitated housing units, ten (10) two-bedroom units, fourteen (14) three-bedroom units and six (6) four-bedroom units. The housing units will be affordable to households with income at or below 60% of the median income for Erie County; and

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

WHEREAS, in order to make the Project economically feasible for True Bethel Townhomes, L.P. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with True Bethel Townhomes, L.P. and the City of Buffalo relating to the True Bethel Townhomes and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that at least 60% of the units remain affordable to and occupied by households earning no greater than 50% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

Schedule A

PILOT for True Bethel Townhomes – Affordable Housing Development

PILOT City County

Year 1	\$6,570.27	\$4,927.70	\$1642.56
Year 2	\$6,767.38	\$5,075.53	\$1691.84

Year 3	\$6,970.40	\$5228.00	\$1742.60
Year 4	\$7,179.51	\$5384.63	\$1794.87
Year 5	\$7,394.90	\$5546.17	\$1848.72
Year 6	\$7,616.74	\$5757.55	\$1904.18
Year 7	\$7,845.25	\$5883.93	\$1961.31
Year 8	\$8,080.60	\$6060.45	\$2020.15
Year 9	\$8,323.02	\$6242.26	\$2080.75
Year 10	\$8,572.71	\$6429.53	\$2143.17
Year 11	\$8,829.89	\$6622.41	\$2207.47
Year 12	\$9,094.79	\$6821.09	\$2273.69
Year 13	\$9,367.63	\$7025.72	\$2341.90
Year 14	\$9,648.66	\$7236.49	\$2412.16
Year 15	\$9,938.12	\$7453.59	\$2484.53

(6-0)

6. COMM. 11E-11 (2012)
COUNTY EXECUTIVE

WHEREAS, Community Housing Development Organizations (CHDO) are non-profit agencies established under federal or state law where their governance structure is inclusive of and responds to the needs of low-income households within a specific service area; and

WHEREAS, New Opportunities Community Housing Development Corporation is a qualified CHDO and executed a \$225,467 contract with Erie County on October 21, 2011 to undertake a purchase, rehab, and sale program within the Erie County HOME Consortium for low and moderate income households; and

WHEREAS, New Opportunities has requested an additional \$233,033.85 allowing the purchase of two more housing units for eventual improvement and sale as affordable housing; and

WHEREAS, The Service Collaborative of Western New York, Inc. (FKA Western New York Americorps) is a qualified CHDO and executed a \$95,000 contract with Erie County on July 27, 2008, and a \$13,950 amendment on June 17, 2010, to undertake the rehabilitation of a two-unit residential structure located at 20 School Street in the Town of West Seneca; and

WHEREAS, The Service Collaborative is seeking an additional \$21,500 to address foundation and lead paint issues within the structure; and

WHEREAS, the County of Erie has been awarded a federal HOME Investment Partnership grant of \$1,052,135 for fiscal year 2011 and \$694,898 for fiscal year 2012 by the United States Department of Housing and Urban Development; and

WHEREAS, a minimum of fifteen percent of said funds are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a First Amendatory Agreement to the October 21, 2011 contract with New Opportunities Community Housing Development Corporation for the Purchase, Rehab, and Sale Program increasing the contract amount from \$225,467 to \$458,500.85; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute a Second Amendatory Agreement to the July 27, 2008 contract with The Service Collaborative of Western New York, Inc. for the rehabilitation of 20 School Street in the Town of West Seneca, increasing the contract amount from \$108,950 to \$139,450; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements.
2. Completion of all necessary subsidy layering analyses as required by the federal Department of Housing and Urban Development.

and be it further

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

(6-0)

THOMAS A. LOUGHRAN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

June 14, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10M-5 (2011)
HOLLAND TOWN BOARD: “Copy of Resolution Concerning Natural Gas Drilling”
(4-0) Legislator Hogues not present for vote.

- b. COMM. 10D-3 (2012)
COMMISSIONER OF ENVIRONMENT & PLANNING: “Letter to Legislator McCracken Concerning EC Farmland & Agricultural Protection Plan”
(5-0)
 - c. COMM. 10M-5 (2012)
NYSDEC: “Notice of Issuance & Filing of Certificate of Completion for Site Known as 230 Maple Road, Amherst, NY”
(5-0)
 - d. COMM. 10M-6 (2012)
NYSDEC: “Fact Sheet: Draft Remedial Investigation/Interim Remedial Measures Work Plan Available for Public Comment for Site Known as 125 Main Street, Buffalo, NY”
(5-0)
 - e. COMM. 10M-7 (2012)
OSWEGO COUNTY LEGISLATURE: “Copy of Resolution Opposing the Memorandum of Understanding Between NYS & Federal Government to Speed Development of Wind Towers in Lake Ontario's Eastern Basin”
(5-0)
 - f. COMM. 10M-12 (2012)
NYSDEC: “Notice of Deletion of Site from Registry - Site Known as Wide Beach Community - Brant, NY”
(5-0)
 - g. COMM. 11M-1 (2012)
NYSDEC: “Fact Sheet: Notice of Deletion from Registry - Site Known as Lehigh Valley Railroad Site - 110 Fuhrmann Blvd., Buffalo, NY”
(5-0)
 - h. COMM. 11M-6 (2012)
NYSDEC: “Fact Sheet: Cleanup Requirments Achieved at Brownfield Site Known as 330 Maple Road, Williamsville, NY”
(5-0)
2. INTRO 10-4 (2012)
LORIGO
WHEREAS, Western New York has seen many of its sons and daughters make great sacrifice to defend the United States and its ideals in wars and as peace keepers around the world;
and

WHEREAS, these brave men and women are eligible to be buried in a National Cemetery;
and

WHEREAS, there are six National Cemeteries and one Cemetery Soldiers’ Lot in New York State; and

WHEREAS, the closest National Cemetery in New York State is the Bath National Cemetery in Bath, New York; and

WHEREAS, the Department of Veterans Affairs intends to construct a National Cemetery in Western New York; and

WHEREAS, this will allow local veterans to be interred in a National Cemetery located close to family and loved-ones; and

WHEREAS, an ideal resting place for local veterans is Knox Farm State Park, a peaceful, dignified and bucolic park located in the Village of East Aurora; and

WHEREAS, location of the National Cemetery in Knox Farm State Park would be easily accessible to major thoroughfares, as well as many places of worship, restaurants and other facilities used by mourners and visitors to the cemetery.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the dedication of a portion of Knox Farm State Park as a National Cemetery serving Western New York veterans; and be it further

RESOLVED, that copies of this resolution be forwarded to the United States Veterans Affairs Office, Senator Charles Schumer, Senator Kirsten Gillibrand, the local delegation of the New York State Legislature and New York State Parks Commissioner Rose Harvey.

(4-1) Legislator McCracken voted in the negative.

**TERRENCE D. McCRACKEN
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

June 14, 2012	PUBLIC SAFETY COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. COMM. 11E-12 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$940,095 in federal assistance through the FY 10 Interoperable Emergency Communications Grant

Program to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, a Request for Proposals for an interoperable communications consultant was issued in March 2012 and reviewed in compliance with Section 1908 of the Erie County Administrative Code which resulted in (6) six submissions which are available for public inspection during regular business hours; and

WHEREAS, a committee appointed by the Commissioner of Emergency Services reviewed said proposals and has recommended that the contract be awarded to Federal Engineering Inc.; and

WHEREAS, the contract with Federal Engineering Inc., will provide interoperable communications consulting as required by the terms of agreement and grant; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Federal Engineering Inc. for the purpose of providing interoperable communications consulting in an amount of \$148,055.00 from currently available IECGP 2010 funds, account 516020 grant HS167IECGP1013; 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.
(5-0)

**TIMOTHY R. HOGUES
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

June 14, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 11E-15 (2012)
COUNTY EXECUTIVE: "Budget Monitoring Report for Period Ending April, 2012"
(6-0)

2. COMM. 1D-7 (2012)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and/or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 212140 through 212144, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2011 Petition No. 212,140.00

ASSESSOR Refund \$474.00

S-B-L 157.00-10-1.1 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$474.00 Town/SpecialDist/School

Charge To: 145400 MARILLA \$474.00

Relevy School \$474.00 144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION

REFUND TO BE ISSUED TO: HAWK HAVEN

FISCAL YEAR 2010 Petition No. 212,141.00

ASSESSOR Refund \$122.91

S-B-L 103.12-3-8 143003 DEPEW

Acct. No. 112 \$50.15 County
Acct. No. 132 \$72.76 Town/SpecialDist/School
52002 2009 COMM COLLEGE \$0.38

Charge To: 143003 DEPEW \$72.38

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION

REFUND TO BE ISSUED TO: PETER & MARY GUIDO 1

FISCAL YEAR 2011 Petition No. 212,142.00

ASSESSOR Refund \$124.53

S-B-L 103.12-3-8 143003 DEPEW

Acct. No. 112 \$49.49 County

Acct. No. 132 \$75.04 Town/SpecialDist/School

Charge To: 143003 DEPEW \$75.04

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION

REFUND TO BE ISSUED TO: PETER P & MARY L GUIDO

FISCAL YEAR 2012 Petition No. 212,143.00

ASSESSOR Refund \$123.06

S-B-L 103.12-3-8 143003 DEPEW

Acct. No. 112 \$49.78 County

Acct. No. 132 \$73.28 Town/SpecialDist/School

Charge To: 143003 DEPEW \$73.28

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION

REFUND TO BE ISSUED TO: PETER & MARY GUIDO

FISCAL YEAR 2011 Petition No. 212,144.00

ASSESSOR Refund \$1,147.00

S-B-L 77.28-1-12 146401 KENMORE

Acct. No. 112 \$0.00 County

Acct. No. 132 \$1,147.00 Town/SpecialDist/School

Charge To: 146401 KENMORE \$1,147.00

Relevy School \$1,147.00 146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY AN ENHANCED STAR EXEMPTION

REFUND TO BE ISSUED TO: LINDA FISHER

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(5-0) Chair Grant not present for vote.

TIMOTHY R. HOGUES
CHAIR

LEGISLATOR RESOLUTIONS

Item 29 – MR. HARDWICK presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH and MR. LOUGHRAN. NOES: CHAIR GRANT, MR. HOGUES, MS. MARINELLI, MR. MAZUR and MR. McCracken. (AYES: 6; NOES: 5)

CARRIED.

RESOLUTION NO. 153

RE: Requesting that the County Executive Issue a Declaration of Need for the ECFSA to Undertake Borrowing for 2012 Capital Projects
(INTRO 12-1)

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

WHEREAS, representatives from the administration, the Comptroller's Office and the Erie County Fiscal Stability Authority appeared before the Erie County Legislature's Finance & Management Committee on June 14, 2012 to discuss the issue of borrowing for the 2012 capital projects; and

WHEREAS, the Erie County Fiscal Stability Authority ("ECFSA") stated that it could save taxpayers \$859,800 over thirteen years, which was undisputed; and

WHEREAS, although the Comptroller refers to this sum as a savings of "only about \$859,800," there are many who dispute that this is a trivial amount, as the use of the word "only" would suggest; and

WHEREAS, further, it was undisputed that the ECFSA will continue to exist at least through at least 2025, due to the fact that it has previously saved millions of dollars by borrowing on behalf of Erie County; and

WHEREAS, as such, any rhetoric that the ECFSA conducting borrowing on behalf of the county for the 2012 capital projects either extends the life span of the ECFSA or increases its general operating costs is specious; and

WHEREAS, when asked, no one at the meeting could cite a single instance of a New York State control board being terminated prior to its statutory date, which in the case of the ECFSA is 2039; and

WHEREAS, it was undisputed that the ECFSA has a superior bond rating to Erie County; and

WHEREAS, it was discussed that pronouncements by Moody's and Standard & Poor's do not include how recent or how frequent that a municipality has been in the bond market as a factor to consider in determining a bond rating for the municipality; and

WHEREAS, it was also discussed that a higher fund balance is specifically mentioned as a positive factor in bond rating, which could be increased by applying the savings from the ECFSA undertaking borrowing on behalf of the county; and

WHEREAS, the Comptroller did make a vague reference to page two of an as of yet unproduced document as support for the argument that not being active in the bond market is the factor that is keeping Erie County's bond rating from approaching the higher rating of the ECFSA; and

WHEREAS, we were reminded by a representative from the budget office of the current County Executive's consistency and steadfastness in his insistence on the county undertaking borrowing instead of the ECFSA, with citations to the current County Executive's insistence that it was the right time for the county to undertake borrowing in 2007, and in 2008, and in 2009, and even in 2010, when taxpayers saved millions of dollars by having the ECFSA conduct borrowing; and

WHEREAS, also discussed was the current County Executive's insistence last year that the county would secure a Moody's Investment Grade ("MIG") 1 rating for its Revenue Anticipation Note. Despite that confidence, the county was only rated at MIG2, and, as a result, the ECFSA conducted the borrowing; and

WHEREAS, the Comptroller cited the excellent progress Erie County has made in increasing its fund balance as the prominent factor in improving its bond rating to the point where it is at currently; and

WHEREAS, although the statement has been disputed, the current County Executive has stated that the sole reason for budget surpluses over the past three years has been the result of Federal Medical Assistance Percentages ("FMAP") funds; and

WHEREAS, it was noted during the committee meeting that FMAP funds are not anticipated in the future; and

WHEREAS, other steps being taken to improve the county's bond rating were not discussed at the committee meeting; and

WHEREAS, it was discussed that the ECFSA could save taxpayers an additional \$1.5 million by re-funding current bonds; and

WHEREAS, the ECFSA representative stated that historically low interest rates make this re-funding possible and that agencies throughout the state are seeking to re-fund bonds to save money for taxpayers; and

WHEREAS, the Comptroller stated that there is a possibility rates might go lower, saving taxpayers more money; and

WHEREAS, the Comptroller stated that if rates begin rising, the county could quickly enter the market and re-fund bonds; and

WHEREAS, the Comptroller's statement necessarily concedes that the county would then not be securing the lowest rate; and

WHEREAS, further, although not specifically discussed, given the ECFSA's superior bond rating, it would seem that the ECFSA conducting the re-funding instead of the county would save taxpayers more money than the county re-funding the bonds on its own; and

WHEREAS, it was discussed that Erie County taxpayers could clearly save in excess of \$2.3 million dollars by the County Executive issuing a Declaration of Need for the ECFSA to conduct borrowing and re-fund bonds now, and that the savings by the county borrowing on its own, if any, are speculative at best; and

WHEREAS, there seems to be a difference between those who would prefer to save \$2.3 million opposed to those who hope for an unprecedented series of events to lead to undetermined savings for taxpayers; and

WHEREAS, a representative from the Budget Office stated that the County Executive will permit the Comptroller to undertake borrowing for the 2012 capital projects and will not issue a Declaration of Need; and

WHEREAS, those legislators that seek to save a certain \$2.3 million, the majority of the members of the Erie County Legislature, request that the County Executive reconsiders his objections to the ECFSA conducting borrowing on behalf of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive issue a Declaration of Need for the Erie County Fiscal Stability Authority to conduct capital borrowing for the 2012 Consolidated Bond Resolution, as well as a re-funding of current bonds; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Executive, the County Comptroller and the ECFSA.

Item 30 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 12-2 from DIXON & RATH. Requesting that NYS Revise Guidelines Referring to the Application of Sunscreen in Schools.

Item 31 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

RE: Conveying Support for the NYS Health Department's Request for a Federal Good Cause Waiver of the Two-Year Claiming Limit Relating to Certain Nursing Home UPL Payments (INTRO 12-3)

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

WHEREAS, on July 26, 2011, the Medicaid Director/Deputy Commissioner of the Office of Health Insurance Programs in the New York State Health Department dispatched a letter to the U.S. Department of Health & Human Services' Centers for Medicare & Medicaid Services (CMS) requesting a good cause waiver; and

WHEREAS, this good cause waiver relates to certain Medicaid-related nursing home Upper Payment Limit (UPL) payments made by county governments in June 2009; and

WHEREAS, New York State further requested a federal waiver of the two-year claiming limit for all nursing home UPL payments made in previous periods to which the CMS believes a deferral or disallowance may be applicable; and

WHEREAS, statewide, the negative financial ramifications on public nursing homes would be nearly \$20 million as the result of a new payment methodology employed by CMS; and

WHEREAS, the potential impact on Erie County alone is \$5.3 million, a projection that has not yet been verified in writing by the New York State Department of Health but which, if accurate, would be an unbudgeted 2012 expense for the County; and

WHEREAS, according to the New York State Department of Health, for years CMS never questioned the date of payment methodology used by New York State and has failed to justify its new interpretation that a date of service methodology should be the payment model; and

WHEREAS, public nursing homes are truly the last option of long term care for many frail elderly in our community, particularly those with limited means, making it imperative that these nursing homes receive adequate reimbursement; and

WHEREAS, given the unclearly communicated new payment process, the potential federal bill to New York State has the characteristics of an unjustified federal recoupment that would place an undue burden on counties having public nursing homes, including Erie County; and

WHEREAS, it is fitting and proper for New York State to seek relief from this unjustified federal recoupment on behalf of public nursing homes - the safety net providers of care – as well as the counties they serve.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its full support for the good cause waiver requested by the New York State Department of Health regarding the UPL intergovernmental transfers to certain nursing facilities, including but not limited to the potential forthcoming \$5.3 million UPL repayment demanded by CMS for Erie County; and be it further

RESOLVED, that certified copies of this legislation be conveyed to Governor Cuomo; Erie County Executive Mark Poloncarz; Marilyn Tavenner, Acting Administrator of the Centers for Medicare and Medicaid Services [Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, D.C. 20201]; Jason A. Helgeson, Medicaid Director/Deputy Commissioner, Office of Health Insurance Programs, NYS Department of Health [Corning Tower, Empire State Plaza, Albany, NY 12237], Senators Charles Schumer and Kirsten Gillibrand, and the WNY Delegation to the U.S. House of Representatives.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

RE: Expressing Support for the Governor's
Proposed Justice Center for the
Protection of People with Special Needs
(Senate Bill S.7400)
(INTRO 12-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS GRANT, MAZUR, HOGUES, MARINELLI,
LOUGHRAN & McCRACKEN**

WHEREAS, last year (2011), there were 10,000 allegations of abuse or neglect committed against New Yorkers with special needs and disabilities in state operated, certified or licensed facilities and programs; and

WHEREAS, New York State has never had a consistent and comprehensive standard for tracking and investigating complaints or punishing workers guilty of the abuse or neglect; and

WHEREAS, Governor Cuomo submitted Program Bill 35 to the State Senate, which has been sponsored as Senate Bill S.7400, and would create the Justice Center for Protection of People with Special Needs; and

WHEREAS, the Justice Center would have a Special Prosecutor and Inspector General who will investigate reports of abuse and neglect and will prosecute allegations that rise to the level of criminal offenses; and

WHEREAS, the Justice Center will have a 24/7 hotline run by trained professionals, a comprehensive statewide database that will track all reports of abuse and neglect and a statewide register of workers who have committed serious acts of abuse and are prohibited from ever working again with people with disabilities or special needs; and

WHEREAS, this legislation would establish the strongest standards and practices in the nation for protecting people with special needs and disabilities; and

WHEREAS, more than one million New Yorkers and their families would benefit from the reforms that will be implemented by the proposed Justice Center; and

WHEREAS, agencies that are operated, certified or licensed by five of the state's health and human services agencies - the Department of Health (DOH), the Office of Mental Health (OMH), the Office for People with Developmental Disabilities (OPWDD), the Office of Children and Family Services (OCFS) and the Office of Alcoholism and Substance Abuse Services (OASAS) – as well as the State Education Department (SED), will be covered by the Justice Center; and

WHEREAS, the Justice Center will also absorb all of the functions and responsibilities of the Commission on Quality of Care and Advocacy for Persons with Disabilities, with the exception of the Federal Protection and Advocacy and Client Assistance Programs that will be designated to a qualified non-profit agency; and

WHEREAS, the Justice Center's law enforcement branch will have concurrent authority with district attorneys to prosecute abuse and neglect crimes committed against persons with special needs and disabilities; and

WHEREAS, the proposed legislation will also increase criminal penalties for endangering the welfare of people with disabilities and special needs and will strengthen a prosecutor's ability to prove a case of abuse or neglect; and

WHEREAS, the Justice Center will also provide for the consolidation of background check procedures that include reviewing the criminal history of any individual applying for a position –

paid or volunteer – with an agency operated, licensed or certified by the aforementioned human services state agencies; and

WHEREAS, the Justice Center will give voice to the one million New Yorkers who are not able to speak up for or protect themselves; and

WHEREAS, Senate Bill S.7400 was approved by the State Senate on May 16, 2012 and delivered to the State Assembly that day, bringing the proposed Justice Center another step closer to establishment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its full support for the establishment of the Justice Center for the Protection of People with Special Needs by encouraging passage of the Governor's Program Bill which was introduced as Senate Bill S.7400; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor, Speaker of the Assembly, Majority Leader of the State Senate and all others deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 33 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 11E-2 (2012). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: ECC 2012-2013 Budget Submission
(COMM. 11E-2, 2012)

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

CARRIED UNANIMOUSLY.

Insert the following:

RESOLVED, that the Erie County Legislature does hereby approve the 2012-2013 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 4, 2012, and submitted to this Honorable Body by the County Executive on May 25, 2012, with the following change:

- Delete the Third Resolve Clause in its entirety on page 14 (ECC 2012-2013 Budget Resolution) relative to collective bargaining agreements;

MR. LOUGHRAN moved to further amend the item. MR. LORIGO seconded. CHAIR GRANT, MR. HOGUES, MS. MARINELLI, MR. MAZUR and MR. McCracken voted in the negative.

CARRIED. (6-5)

Insert the following:

WHEREAS, the record of the public hearing on the 2012-2013 Erie Community College (ECC) budget presents a strong concern regarding the reduction of full time teaching staff (47 fewer positions over the last 5 years); and

WHEREAS, full time teaching positions maximize the effectiveness of the teacher-student relationship and are critical to the success of the Community College; and

WHEREAS, the 2012-2013 ECC Budget includes an appropriation of \$600,000 for a “swipe card” program that has not yet been fully justified or explained to the Legislature, the professional staff at ECC other concerned persons.

NOW, THEREFORE, BE IT

RESOLVED, therefore be it resolved that the “swipe card” initiative be deleted from the ECC budget and the sum of money, \$600,000, associated with this initiative be placed in a contingency account for the sole purpose of funding additional teaching positions; and be it further

RESOLVED, that the decision regarding the specific positions added to the teaching staff of ECC be the result of a collaborative effort between the administration and the faculty; and be it further

RESOLVED, that the “swipe card” initiative be brought to the Legislature and fully vetted for consideration in a future budget.

MS. MARINELLI moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 12M-9 from LYNDA STEPHENS Re: Letter to County Executive Concerning Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 12M-10 from SEAN MULLIGAN Re: Letter to Legislator Mazur Concerning Presentation before the Health & Human Services Committee

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 12E-1) Copy of Affirmative Action Plan for EEO - Effective May, 2012

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

FROM LEGISLATORS MILLS, HARDWICK, RATH, DIXON & LORIGO

Item 37 – (COMM. 12E-2) Letter to Comptroller Concerning 2012 Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 38 – (COMM. 12E-3) Letter to Comptroller, RE: Document Regarding Bond Rating

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS MILLS, HARDWICK, RATH, DIXON & LORIGO

Item 39 – (COMM. 12E-4) Letter Concerning Standard & Poor's and Moody's Pronouncements Regarding Bond Ratings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 12E-5) Ralph Wilson Stadium - Field House Fire & Emergency Lighting Upgrades

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

RE: Transfer of Property at 3445 River Road

to the ECILDC
(COMM. 12E-6)

WHEREAS, the County of Erie desires to remediate brownfield properties and clear former industrial sites for productive reuse; and

WHEREAS, the property at 3445 River Road, the former Polymer Applications site, has been a vacant brownfield since a fire over twenty years ago, has been a blighting influence on the area for twenty years and has accrued over \$2 million in back taxes, interest and penalties; and

WHEREAS, the New York State Department of Environmental Conservation declared the site a State Superfund site; and

WHEREAS, the New York State Department of Environmental Conservation has remediated this brownfield site and intends to delist the site; and

WHEREAS, vacant, abandoned former factory buildings still occupy portions of the site rendering it unusable in its current condition; and

WHEREAS, the Erie County Industrial Development Agency has expertise in the area of construction management and has agreed to manage the demolition of the remaining buildings; and

WHEREAS, the Erie County Industrial Land Development Corporation (ILDC), has as one of its goals and authorities, the ability to hold industrial property for management and improvement; and

WHEREAS, it is expected that Erie County will foreclose on the 3445 River Road property in July 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Land Development Corporation, selling the 3445 River Road property to the Erie County Industrial Land Development Corporation for the sum of one dollar (\$1.00); and be it further

RESOLVED, that the County Executive is authorized to execute any deeds necessary to transfer this parcel to the Erie County Industrial Land Development Corporation; and be it further

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

Item 42 – (COMM. 12E-7) ECSD No. 2 Engineering Agreement Dated 8/29/2002 - URS Corporation - Change Order No. 9

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – (COMM. 12E-8) Public Safety Campus - Redundant Air Conditioning System

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 44 – (COMM. 12E-9) Personal Services Adjustment - Special Medicaid Investigator & Department of Social Services' Fiscal Unit

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – (COMM. 12E-10) Personnel Adjustment - Building Guard - DPW, Division of Buildings & Grounds

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (COMM. 12E-11) WNY Stormwater Coalition: Rainwater Harvesting Installation Project Budget Establishment

Item 47 – (COMM. 12E-12) Approval for Retention of Energy Performance Contractor - Big Sister Wastewater Treatment Plant Energy Efficiency Improvement Project

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

Item 48 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

RE: STOP-DWI Designated Driver Program
(COMM. 12E-13)

WHEREAS, since 2001, drunken drivers in Erie County have claimed 648 victims; and

WHEREAS, despite tremendous progress in enforcement and prosecution, drunken drivers continue to risk the safety of the citizens of Erie County; and

WHEREAS, the STOP-DWI Office has established the Designated Driver Program, a cooperative effort with the hospitality industry and local transport service, which safely returns a patron to his residence along with his vehicle; and

WHEREAS, the project uses private donations to pay all county expenses for this service; and

WHEREAS, the Designated Driver Program is endorsed by Erie County Mothers Against Drunk Driving (MADD), and the New York State STOP-DWI Association.

NOW, THEREFORE, BE IT

RESOLVED, that funds already donated for this purpose be allocated to establish the Designated Driver Program within the 2012 budget of the STOP-DWI Office as follows:

Fund 110 - Fund Center 1650060 - STOP-DWI Program		
Revenue		Increase
Acct 466220	Designated Driver Program Revenue	\$19,000
Expense		
Acct. 510200	Training and Education	3,200
Acct. 516020	Contractual Expense	14,050
Acct. 530000	Other Expense	<u>1,750</u>
	Total Expense	\$19,000
	Net - Revenue less Expense	0

and be it further

RESOLVED, that the County Executive is authorized to accept donations to the Designated Driver Program, and to enter into contract with the Designated Drivers of Buffalo, Inc. to implement this program; and be it further

RESOLVED, that prior to beginning operations under the Designated Driver Program, the STOP-DWI Office will obtain from the Designated Drivers of Buffalo, Inc., general and specific liability insurance acceptable to the Erie County Department of Law for program operation; and be it further

RESOLVED, that the STOP-DWI Office will make an annual accounting of the donations and expenses of the Designated Driver Program; 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 STOP DWI Office and the Department of Central Police Services, attention: Carmen Walling.

Item 49 – (COMM. 12E-14) Award of Construction Contract & Contract for Engineering & Construction Inspection Services - Akron Falls Park Bridge Replacement over Murder Creek - Town of Newstead/Village of Akron

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 50 – (COMM. 12E-15) Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 51 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Investigative Task Force Grant
(COMM. 12E-16)

WHEREAS, the Division of Criminal Just Services provided the Erie County District Attorney with a two year grant award to develop an Investigative Task Force within the District Attorney's Office to work in collaboration with the Erie Crime Analysis Center in order to combat Part One crimes in Erie County; and

WHEREAS, funds which had been made available to the District Attorney's Office for the purpose of creating such task force for a two year period, have now been discontinued by DCJS as of July 1, 2012; and

WHEREAS, in order for the Erie County District Attorney to retain these experienced and high performing personnel to continue the invaluable work of the District Attorney's Investigative Task Force, it is important that the position of Senior Chief Task Force Investigator and two positions of Task Force Investigator be transferred from the grant and become part of the 110 General Budget; and

WHEREAS, salaries for these positions for the remaining six months of 2012 (twelve pay periods), to reflect changes taking place as of July 1, 2012, can be paid for by using the District Attorney's savings in his personal services line; and

WHEREAS, the Erie County District Attorney's staff reorganization and salary authorizations will require no additional cost to taxpayers and will be implemented while keeping within the District Attorney's adopted appropriations for 2012; and

WHEREAS, Section 2607 of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the 114TASKFORCE1213 grant previously authorized in Book B of the 2012 Erie County Adopted Budget be deleted in its entirety; and be it further

RESOLVED, that effective July 1, 2012, the two positions of Task Force Investigator (#51008563 and #51008564) and the position of Senior Chief Task Force investigator (#51008565) be transferred from fund 281, cost center 1140050, grant 114TASKFORCE1213, to fund 110, fund center 11400, cost center 1140030 (B100 #6907 and #6908); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the District Attorney's budget, to be adjusted as follows:

Fund 110, Center 11400

	INCREASE
500000 Full Time Salaries	\$ 92,500
502000 Fringe Benefits	26,500
Total Appropriations	\$ 119,000

and be it further

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

FROM THE COUNTY CLERK

Item 52 – (COMM. 12E-17) E-Z Pass On-the-Go Retail Sales

Item 53 – (COMM. 12E-18) MOU for Evans Satellite Auto Bureau

Item 54 – (COMM. 12E-19) Agreement with Multimedia Entertainment, Inc./WGRZ

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

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 12E-20) ECC Building Study

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR HOGUES

Item 56 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded. MR. HOGUES abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 160

RE: Lease Agreement for Legislative Office
Space
(COMM. 12E-21)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Towne Gardens, LLC for Legislative office space for Timothy R. Hogues, located at 427 William St., Buffalo, New York for a monthly rate of \$760.

FROM CHAIR GRANT

Item 57 – (COMM. 12E-22) Letter to County Executive Concerning 2012 Mid-Year Budget Hearings

Received, Filed & Printed.

June 18, 2012

Honorable Mark C. Poloncarz
Erie County Executive
95 Franklin St.
Buffalo, NY 14202

RE: Erie County Legislature 2012 Mid-Year Budget Hearings

Dear County Executive Poloncarz,

As you are aware, the 2012 Erie County Budget as adopted by the Legislature on December 6, 2011 includes Budget Resolution Number 73, which calls for the Legislature to conduct mid-year budget hearings of all County departments. Accordingly, I was hoping that you could facilitate participation of the Administration, and each of your commissioners and/or department heads, in the hearings to be held by the Legislature beginning on Monday, July 16, 2012.

Gaining insight into the fiscal status of departmental budgets, and the consideration of corrective measures advanced at the hearings, are the primary objectives of these hearings.

In order to ascertain the budgetary status of County departments and to facilitate meaningful budget hearings, I am requesting some information that the Administration can provide prior to the start of these hearings. I am formally requesting the following information:

- 1) Personnel positions authorized in each department for FY 2012, together with corresponding vacancies for each department;
- 2) Savings attributed to vacancies by department, along with a statement of vacancy savings to date;
- 3) A current SAP run reflecting the current state of each department's spending. Please highlight any account that is spent down by more than 50% and that the departmental representative provide an explanation of whether spending will exceed the budgeted amount for their 2012 appropriation;
- 4) A current SAP run reflecting each revenue account. Please highlight any account that has not achieved 33% and that the departmental representative provide an explanation of whether the projected revenues will be achieved in 2012.

If you would, please provide the above requested information at your earliest possible convenience, but no later than Monday, July 9, 2012, in order for our staff to reproduce and disseminate the information to members of the Legislature.

Prior to the start of these hearings, past practice has been for an overview and presentation by the Administration. The independently-elected officials and the commissioners and/or department heads will then make their presentations to the Legislature based upon the attached schedule.

Thank you in advance for your help, and the help of your Administration, commissioners and department heads in this year's mid-year budget hearings. Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

Betty Jean Grant, Chair
Erie County Legislature

Cc: Hon. Christopher L. Jacobs, County Clerk
Hon. David J. Shenk, County Comptroller
Hon. Frank A. Sedita, District Attorney
Hon. Timothy B. Howard, Sheriff

2012 Mid-Year Budget Hearings

The following is the schedule of Mid-Year Budget Hearings to be held in the Chambers of the Erie County Legislature, 92 Franklin St., 4th Floor

DAY	DEPARTMENT	TIME
Monday, July 16, 2012	Administration - Overview	9:30 to 10:30 AM
	County Attorney	10:30 to 11:00 AM
	Comptroller	11:00 to 11:30 AM
	County Clerk	11:30 AM to 12 NOON
	Health Department	1:30 to 2:30 PM
	Social Services	2:30 to 3:30 PM
Tuesday, July 17, 2012	District Attorney	9:00 to 9:30 AM
	Sheriff	9:30 to 10:30 AM
	Probation	10:30 to 11:00 AM
	Central Police Services	11:00 to 11:30 AM
	Board of Elections	1:00 to 1:30 PM
	Parks & Recreation	1:30 to 2:30 PM
	Senior Services	2:30 to 3:00 PM
Wednesday, July 18, 2012	Public Works	9:00 to 10:00 AM
	Emergency Services	10:00 to 10:30 AM
	Environment & Planning	10:30 to 11:00 AM

DISS	11:00 to 11:30 AM
Purchasing	11:30 to 12 NOON
Library	12 NOON to 12:30 PM

Friday,
July 20, 2012

RESERVED FOR CALLBACKS

COMMUNICATIONS FROM THE DEPARTMENTS

None.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 58 – (COMM. 12M-1) Fact Sheet: Interim Remedial Measure Proposed; Public Comment Period Announced, 6/4/2012 & 6/5/2012 for Site Known as 1218 Niagara Street, Buffalo, NY

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 59 – (COMM. 12M-2) Copy of Letter to U.S. Senator Schumer Concerning Restrictions on Government Employees Attending Meetings & Conferences

Received and referred to the the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 60 – (COMM. 12M-3) Copy of Proposed Agenda for Meeting Held 6/14/2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE WESTERN REGIONAL OTB

Item 61 – (COMM. 12M-4) Copy of Proposal to Have Live Table Games at Batavia Downs Casino

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PRESIDENT, EC BOARD OF HEALTH

Item 62 – (COMM. 12M-5) Notice of Meeting to be Held 7/10/2012 with Attached Minutes from Meeting Held 3/27/2012

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

FROM THE PRESIDENT, EC FARM BUREAU INC.

Item 63 – (COMM. 12M-6) Letter Concerning Proposed County Local Law 1-2012

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 64 – (COMM. 12M-7) Letter Concerning Agricultural Districts No. 2 & No. 4

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE FULTON COUNTY BOARD OF SUPERVISORS

Item 65 – (COMM. 12M-8) Copy of Resolution Supporting S.5509B/A.8489A to Revise the Sharing Formula for Wireless E911 Surcharge Monies

Received and referred to the the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 66 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed. Chair Grant also announced that the schedule of Mid-Year Budget Hearings has also been distributed, as well as notification concerning a Public Hearing for Local Law Intro 2-1 (2012), and a Work Seminar sponsored by the Legislature's Minority and Women Business Enterprise Committee and County Executive Poloncarz.

MEMORIAL RESOLUTIONS

Item 67 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Kenneth D. Lenz.

Item 68 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Erin Suszynski and Mark C. Pacer.

Item 69 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Mitchell Pearce and Jacqueline Wisniewski.

Item 70 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of James J. O'Brien.

Item 71 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Mary L. Brooks, mother of Legislature staff member Rebecca Maria Brooks.

ADJOURNMENT

Item 72 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. McCRACKEN moved that the Legislature adjourn until Thursday, July 12, 2012 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, July 12, 2012 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE