

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 13**  
**JULY 12, 2012**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Ms. Marinelli, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Mazur.

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 12 from 2012. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. HARDWICK presented a resolution Honoring the Tonawanda National Little League & Proclaiming July 14th as Tonawanda National Little League Day.

Item 6 – MR. McCracken presented a resolution Congratulating Ursula Lundgard on Her Retirement as a Teacher with the Lancaster Central School District.

Item 7 – MR. RATH presented a resolution Recognizing and Honoring Annette Adamczak as Erie County Citizen of the Month for July, 2012.

Item 8 – MS. DIXON presented a resolution Congratulating Nicholas P. Danyluk for achieving the rank of Eagle Scout.

Item 9 – MR. LORIGO presented a resolution Honoring 2012 Olympian Jacob Kaminski.

Item 10 – CHAIR GRANT, MR. MAZUR, MR. MILLS, MR. HOGUES, MS. MARINELLI, MR. LOUGHRAN, MR. McCracken, MS. DIXON and MR. LORIGO presented a resolution Providing a "Heroes Welcome" to the American Veterans Traveling Vietnam Wall Coming to EC July 18-22, 2012.

Item 11 – CHAIR GRANT, MR. MAZUR, MR. MILLS, MR. HOGUES, MS. MARINELLI, MR. LOUGHRAN, MR. McCracken, MS. DIXON and MR. LORIGO presented a resolution

Recognizing the Year 2012 as the U.N.'s International Year of Cooperatives & the 40th Anniversary of the Lexington Co-op.

MR. MAZUR moved for consideration of the above seven items. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above seven items by adding Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above seven items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 12 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 14 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – MR. MAZUR moved to take Local Law No. 2 (Print #1) 2012 off the table. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 2-2012

LOCAL LAW NO. \_\_\_\_-2012

A Local Law, amending Local Law No. 1-1959, as amended by Local Law No. 3-2006, known as the Erie County Charter, amending Article 26 Section 2604(b), Section 2605 and Section 2618 in relation to the designation of the finance and management committee chair as a member of the capital projects committee, the fund balance definitions and reservation and the composition and duties of the citizens' budget review commission respectively. This local law shall be known as the Budget Modernization Act of 2012.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1: LEGISLATIVE INTENT

The purpose of the amendment to Article 26 of the Erie County Charter, Section 2604(b) is to designate the "chair of the finance and management committee" of the county Legislature in place of the "chairman of the capital improvements committee" on the county's capital projects committee. The amendment also designates the commissioner of the department of environment and planning as a representative on the committee instead of the former language denoting "the planning director," a position which has not existed for many years. The amendment also replaces the term "chairman" with "chair" where the term "chairman" was previously used.

The changes substitute "chair of the finance and management committee" in place of the "chairman of the capital improvements committee," "commissioner of the department of environment and planning" in place of "planning director" and "chair" in place of "chairman."

Currently, the Legislature's finance and management committee considers and oversees matters relating to capital improvements and the standing capital improvements committee has not been duplicating that oversight work. As a result, the chair of the Legislature's finance and management committee has been serving on the county's capital projects committee in the position currently designated for the chair of the Legislature's capital improvements committee. The Legislature intends to eliminate the separate capital improvements committee as a standing committee after this local law is adopted as no longer being necessary to carry out the Legislature's oversight duties.

The amendment to Article 26 of the Erie County Charter, Section 2605 is necessary for two reasons: (1) to comport with Government Accounting Standards Board fund balance definitions; and (2) to address an accounting prescription by the New York State Comptroller requiring that the county budget and recognize sales tax revenues that are shared with other local governments and school districts in the General Fund and record any expenditure of the sales tax revenue shared in the General Fund. Such sales tax distributions are pass-through expenditures and should not be included in the calculation of the unassigned fund balance reservation required by the Charter. Accordingly, this restatement is also necessary to identify the proper reservation of fund balance to exclude those funds in the General Fund which are non-spendable, restricted, committed or assigned.

The purpose of the amendment to Article 26 of the Erie County Charter, Section 2618 is to change the composition and duties of the citizens' budget review Commission such that the Commission becomes a viable working group which can provide meaningful budget oversight.

Section 2: AMENDMENT TO THE ERIE COUNTY CHARTER

Section 2604(b) of Article 26 of the Erie County Charter is hereby amended to read as follows:

b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, ~~[the planning director]~~ the commissioner of the department of environment and planning, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county Legislature; the chair~~[man]~~, the chair~~[man]~~ of the ~~[capital improvements committee]~~ finance and management committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county Legislature and no members of the latter body shall be obligated to support any project by reason of membership on the capital projects committee. The county executive shall be the chair~~[man]~~ and the budget director shall be the vice chair~~[man]~~ of this committee.

Section 3: AMENDMENT TO THE ERIE COUNTY CHARTER

Section 2605 of Article 26 of the Erie County Charter is hereby amended to read as follows:

Section 2605. Fund Balance

- a. In presenting the tentative budget, the county executive shall report on the amount of the balance contained in ~~[all funds in the budget]~~ the General Fund including ~~[unrestricted, restricted or designated]~~ non-spendable, restricted, committed, assigned or unrestricted funds. Such report for each fund shall be current as of ~~[September 1]~~ the county's last audited financial statements.
- b. The county ~~[executive]~~ shall maintain ~~[a]~~ an unassigned balance in ~~[all funds established in the budget]~~ the General Fund fund balance equal to or greater than five percent of the amount contained in the adopted budget of ~~[each fund in the immediately preceding fiscal year]~~ the General Fund of the county's last audited financial statements. For the purposes of this section, the total General Fund calculation shall not include sales and compensating use tax revenues shared with local governments and school districts. Fund balance may be included as ~~[a]~~ revenue in an approved budget of ~~[a fund]~~ the General Fund provided that there shall remain an ~~[unrestricted]~~ unassigned balance of at least five percent as provided in the first sentence of this paragraph.
- c. ~~[A fund balance in any fund contained in the county budget and included as revenue shall only be reduced to an amount less than that permitted in the second paragraph of this subsection upon a resolution separately presented and approved by the county Legislature at the time of the approval of the annual budget.]~~ If the proposed county budget appropriates unassigned fund balance in the General Fund reducing the unassigned General Fund fund balance below five percent as described in subsection (b), the county executive shall present a separate resolution to the county Legislature parallel with the proposed county budget requesting approval of the appropriation. The county may only appropriate unassigned General Fund fund balance below the five percent level upon a majority vote of the county Legislature. A budget that is approved without a vote of the county Legislature shall not appropriate any fund balance revenue in the General Fund in excess of the amount provided in this subsection. The county executive's tentative budget shall indicate equivalent deletions

in the tentative budget that shall be executed if the use of fund balance permitted by this paragraph is not approved by the county Legislature.

- d. Following approval of the annual budget, no additional unassigned General Fund fund balance shall be appropriated as [a] revenue [~~of the county~~] during the fiscal year without the affirmative vote of at least two-thirds of the total membership of the county Legislature.

Section 4: AMENDMENT TO THE ERIE COUNTY CHARTER

Section 2618 of Article 26 of the Erie County Charter is hereby amended to read as follows:

Section 2618 (a). The Citizens' Budget Review Commission.

The [C]itizens' [B]udget [R]eview Commission shall be established to assist and advise the [E]rie [C]ounty Legislature in the oversight of the [C]ounty's [B]udget and to monitor [C]ounty finances, ensure the long-term fiscal stability of [E]rie [C]ounty, prevent the concealment of [C]ounty deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems.

Section 2618 (b). Commission Purview and Reporting.

The [C]itizens' [B]udget [R]eview Commission shall study the fiscal operations of the [C]ounty of [E]rie in their full scope. The Commission shall provide regular reports to the Legislature and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the [C]ounty Legislature. The Commission shall file its annual report with the [E]rie [C]ounty Legislature annually on or before October 15.

Section 2618 (c). Membership; Terms; Vacancies.

The [C]itizens' [B]udget [R]eview Commission shall be composed of eleven (11) voting members, who shall be residents of [E]rie [C]ounty. [~~Such members shall be appointed by the Erie County Legislature upon recommendation from the following entities:~~] Except for the Commission member appointed by the county executive, the Legislature shall appoint, or confirm the recommendation for appointment, of the various Commission members as listed below:

- A. One (1) member shall be appointed by the [E]rie [C]ounty Executive.
- B. One (1) member shall be recommended annually by the [C]hair of the [E]rie [C]ounty Legislature and confirmed by the Legislature.
- C. One (1) member shall be recommended annually by the [M]ajority [L]eader on behalf of the majority members of the [E]rie [C]ounty Legislature and confirmed by the Legislature.
- D. One (1) member shall be recommended annually by the [M]inority [L]eader on behalf of the minority members of the [E]rie [C]ounty Legislature and confirmed by the Legislature.
- E. One (1) member shall be appointed who has professional experience as a certified public accountant. [~~After receiving a list of at least three qualified candidates who have been recommended by the Western New York chapter of the New York State Association of Certified Public Accountants, the Legislature shall then appoint one individual from this list to the Commission.~~]

- F. One (1) member shall be appointed who has professional experience in the banking and finance industry. [~~After receiving a list of at least three qualified candidates who have been recommended by banking institutions and credit unions located within Erie County, the Legislature shall then appoint one individual from this list to the Commission.~~]
- G. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance. [~~After receiving a list of at least three qualified candidates who have been recommended by the Bar Association of Erie County, the Legislature shall then appoint one individual from this list to the Commission.~~]
- H. One (1) member shall be appointed who has professional experience with organized labor. [~~After receiving a list of at least three qualified candidates who have been recommended by Buffalo AFL-CIO Central Labor Council, the Legislature shall then appoint one individual from this list to the Commission.~~]
- I. One (1) member shall be appointed from the Erie County business community. [~~After receiving a list of at least three qualified candidates who have been recommended by the Buffalo Niagara Partnership, the Legislature shall then appoint one individual from this list to the Commission.~~]
- J. Two (2) members shall be appointed by the [E]erie [C]ounty Legislature based upon recommendations from the public and shall be construed to represent a cross-section of the [C]ounty's diverse population and have a depth of appropriate experience and expertise.
- K. The [C]omptroller of the [C]ounty of [E]erie or his or her representative shall be an ex-officio, non-voting member of the Commission. [~~Only the Comptroller, not a designee, shall be seated on the Commission.~~]
- L. The [D]irector of [B]udget and [M]anagement or his or her representative shall be an ex-officio, non-voting member of the Commission. [~~Only the Director of Budget and Management, not a designee, shall be seated on the Commission.~~]
- M. The [E]erie [C]ounty [A]ttorney or his or her representative shall be an ex-officio, non-voting member of the Commission. [~~Only the Erie County Attorney, not a designee, shall be seated on the Commission.~~]

With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the [C]ounty, nor be a member of another [C]ounty [B]oard or [C]ommission during the term of his/her appointment to the [C]itizens' [B]udget [R]eview Commission of [E]erie [C]ounty.

The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.

Members shall serve without compensation. Staff support shall be provided by the staff of the [E]erie [C]ounty Legislature under the direction of the [C]lerk of the [E]erie [C]ounty Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.

Section 2618 (d). Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chair[person] for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice-chair[person], who shall serve as chair[person] in the chair[person]'s absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.

Section 2618 (e). Meetings.

The Commission shall hold [~~monthly~~] quarterly public meetings to review the [C]county's finances and the [C]county [B]budget. In addition to these [~~monthly~~] quarterly public meetings, the [C]citizens' [B]budget [R]review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the [E]erie [C]county Legislature. All meetings of the Commission shall be subject to the [O]open [M]meetings [L]law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked-in to the [E]erie [C]county Legislature and are to be made available to the public for inspection during regular business hours.

Section 2618 (f). Powers of the Commission and Information Available to Commission.

The Commission shall have the power to make such studies and investigations into the [C]county's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical information, including monthly budget reports, relating to the [C]county's budget and finances from the [C]comptroller of the [C]county, the [C]county [E]executive, and his or her appointed [D]director of [B]budget and [M]management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the [C]county's finances.

In addition to any other information requested by the Commission, the [D]director of [B]budget and [M]management shall submit to the Commission monthly budget monitoring reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.

Section 2618 (g). Failure to Provide Timely Information.

Should the [C]county [E]executive, his or her appointed [D]director of [B]budget and [M]management, or anyone fail to provide information including but not limited to the budget reports requested in sub-section (f) above, the [C]chair of the Commission shall notify the [C]clerk of the [E]erie [C]county Legislature and the [C]chair of the [E]erie [C]county Legislature, in writing, and the [C]chair of the Legislature shall compel that such information be provided to the Commission by exercising the powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No. 1-1959, as amended, constituting the Erie County Charter.

Section 5: REFERENDUM

The local law does not change the powers of any elected officer or elective office and no referendum is required.

Section 6: EFFECTIVE DATE

This local law shall take effect immediately.

Section 5: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this [L]local [L]law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this [L]local [L]law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

Betty Jean Grant

Thomas J. Mazur

Lynn M. Marinelli

Thomas A. Loughran

Terrence D. McCracken

Timothy R. Hogues

MR. MAZUR moved to approve Local Law No. 2 (Print #1) 2012. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

**COMMITTEE REPORTS**

Item 16 – MR. MAZUR presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

June 26, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
---------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HOGUES.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 12M-5 (2012)

PRESIDENT, EC BOARD OF HEALTH: "Notice of Meeting to be Held 7/10/2012 with Attached Minutes from Meeting Held 3/27/2012"  
(5-0)

2. INTRO 12-2 (2012)

DIXON, RATH, MAZUR, MILLS & MARINELLI AS AMENDED

WHEREAS, according to the American Cancer Society, more than 3.5 million cases of skin cancer are diagnosed in the United States each year; and

WHEREAS, skin cancer accounts for more diagnoses than all other cancers combined; and

WHEREAS, along with wearing a shirt, hat and sunglasses, the American Cancer Society recommends frequent and sufficient application of sunscreen to protect from harmful UV rays; and

WHEREAS, the New York State Department of Education's "Administration of Medication in the School Setting – Guidelines" states that "All medications, including nonprescription drugs, given in school shall be prescribed by a licensed prescriber on an individual basis as determined by the student's health status;" and

WHEREAS, further "[m]edication orders must be renewed annually or when there is a change in medication or dosage;" and

WHEREAS, additionally, written parent consent is required for the administration of medication; and

WHEREAS, according to the United States Food & Drug Administration, sunscreen is considered an over-the-counter medication; and

WHEREAS, sunscreen may subjects users to certain risks, including allergic reactions; and

WHEREAS, it has been suggested that certain ingredients in certain sunscreens might possibly be linked to certain deleterious medical conditions; and

WHEREAS, despite the potential risks, most experts continue to promote the use of sunscreen to prevent sunburn and skin cancer; and

WHEREAS, physicians justifiably bill for their time and expertise; and

WHEREAS, as such, providing written prescriptions from physicians costs individuals and insurance rate payers, as well as imposing opportunity costs, such as time lost, to parents for having to secure a physician prescription to apply sunscreen; and

WHEREAS, further, there are costs to school districts and, therefore, school tax payers, for having to maintain and update physician prescriptions for the application of sunscreen; and

WHEREAS, rather than instituting bureaucratic red tape that tends to make the application of sunscreen burdensome, the public health would be better served by encouraging the use of sunscreen, especially among our youth, who can develop the use of sunscreen as a lifelong good practice for promoting skin health; and

WHEREAS, one possible revision to current guidelines might be to eliminate a physician prescription for sunscreen, while maintaining parental permission to apply sunscreen, including the parent signing a statement that they understand the possible risks of applying sunscreen and consent to the use of sunscreen despite those possible risks, as well as the parent stating that he or she has tested the sunscreen on his or her child to determine if the child had an allergic reaction to the sunscreen; and

WHEREAS, regardless, eliminating the requirement of a physician prescription for the application of sunscreen on a child in school would promote the use of sunscreen, while at the same time reducing costs to parents, insurance rate payers and taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Department of Education revise its guidelines to promote the use of sunscreen in children, while at the same time reducing costs to parents, insurance rate payers and taxpayers; and be it further

RESOLVED, that copies of this resolution be forwarded to the New York State Commissioner of Education John B. King, Jr., Governor Andrew Cuomo and the local delegation of the New York State Legislature.

(5-0)

3. COMM. 12E-9 (2012)  
COUNTY EXECUTIVE

WHEREAS, the County's Medicaid program which costs taxpayers over \$1 billion annually, with a County share of \$211.7 million in 2012; and

WHEREAS, in June 2009, the Office of Erie County Comptroller Mark C. Poloncarz issued a report examining Erie County's Medicaid anti-fraud initiatives and that report found that despite various mechanisms available for the County via the State to participate in provider-level Medicaid anti-fraud endeavors, the County was not doing so; and

WHEREAS, following discussions within his Medicaid Anti-Fraud Task Force and including meetings with the New York State Office of Medicaid Inspector General (OMIG) and others, the County Executive has determined that the County should work with OMIG and other parties (such as the New York State Attorney General's Medicaid Fraud Control Unit and anti-fraud vendors) to audit and investigate potential provider waste, fraud and abuse in the Medicaid program; and

WHEREAS, OMIG will fund the salaries and benefits of three new employees to conduct a project; and

WHEREAS, the County desires to create three new positions in a new Medicaid fraud investigatory and auditing unit: Confidential Investigator, job group 17, Senior Special Investigator,

job group 10, and Confidential Aide, job group 6 to conduct Medicaid provider auditing and investigations; and

WHEREAS, recently, there was a significant revenue accrual error committed by the Department of Social Services' fiscal unit in 2011 which was subsequently corrected, which combined with other personnel issues has led the County to determine that special senior oversight of all financial matters in the Department of Social Services is necessary, given that over \$564 million annually in direct spending occurs and is monitored by this unit, and the County desires to strengthen the operation of the Department of Social Services' fiscal unit; and

WHEREAS, to address these issues, authorization to delete a vacant title of Assistant Deputy Commissioner-Soc Svc RPT in the Department of Social Services to help create a new job group 18 position of Senior Executive Assistant-CE is requested.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the County Executive to enter into contract and accept funding from the New York State Office of Medicaid Inspector General to audit and investigate potential provider fraud and abuse in the Medicaid program; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Confidential Investigator, job group 17, step 5 (annual salary expense of \$91,466), Senior Special Investigator, job group 10 annual salary expense of \$37,886), and Confidential Aide, job group 6; annual salary expense of \$30,318) (B-100 #6916); and be it further

RESOLVED, that funding for these positions shall be established for the remainder of the year in the 2012 budget of the Department of Law under the following budgetary actions:

Fund Center 12070 - Fund 110 – Department of Social Services		
Revenue		Increase
405595	State Aid Medicaid Anti-Fraud	117,173
Expense		
916000	ID County Attorney Services	117,173
Net Revenue Less Expense		0

Fund Center 16010 - Fund 110 – Department of Law		
Expense		Increase/(Decrease)
500000	Full Time Salary	73,694
502000	Fringe Benefits	43,479
916000	ID County Attorney Services	(117,173)
Total Expense		0

and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to delete the vacant title of Assistant Deputy Commissioner-Social Svc. RPT in the Department of Social Services and to add the position of Senior Executive Assistant-CE, job group 18, step 5 (B-100 #6915), annual salary expense of \$99,850; and be it further

RESOLVED, that funding for this position shall be established for the remainder of the year in the 2012 budget of the Division of Budget and Management as follows:

Fund Center 10210 - Fund 110 - Division of Budget and Management		
Expense		Increase/(Decrease)
500000	Full Time Salary	46,085
502000	Fringe Benefits	27,190
910200	ID Billing – Budget	(73,275)
	Total Expense	0

Fund Center 120 - Fund 110 - Department of Social Services		
Expense		
500000	Full Time Salary - Vacancy Savings	(63,359)
500020	Regular Part Time	(9,916)
910200	ID Billing – Budget	<u>73,275</u>
	Total Expense	0

and be it further

RESOLVED, that the Division of Budget and Management and Comptroller's Office are authorized to make any technical entries for the expense and revenue associated with these positions; 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, the Department of Law and the Department of Social Services.  
(5-0)

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

MR. MAZUR moved to approve item Number 3. MS. MARINELLI seconded.

MR. HARDWICK moved to amend item Number 3. MR. LORIGO seconded.

CHAIR GRANT directed that a roll-call vote be taken, on the motion to amend item Number 3.

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

FAILED.

MR. LORIGO requested that the 4th and 5th Resolve Clauses be separated from item Number 3.

GRANTED.

CHAIR GRANT moved the previous question and directed that a roll-call vote be taken.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the 4th and 5th Resolve Clauses. MR. MAZUR seconded.

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

AYES: MR. HARDWICK, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: MS. DIXON, MR. LORIGO, MR. MILLS, and MR. RATH. (AYES: 7; NOES: 4)

CARRIED.

Item 17 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

June 26, 2012	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 8
---------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 12M-2 (2012)  
VISIT BUFFALO NIAGARA: “Copy of Letter to U.S. Senator Schumer Concerning Restrictions on Government Employees Attending Meetings & Conferences”  
(6-0)
  - b. COMM. 12M-3 (2012)

BUFFALO & EC PUBLIC LIBRARY: "Copy of Proposed Agenda for Meeting Held 6/14/2012"  
(6-0)

**LYNN M. MARINELLI  
CHAIR**

Item 18 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

June 26, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 9
---------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR McCracken.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-17 (2012)  
COUNTY CLERK

WHEREAS, the New York State Thruway Authority has extended an offer to allow the Erie County Clerk's Office to act as its agent in the sale of E-Z Pass on The Go Tags to the public; and

WHEREAS, the proposed retail sales agreement provides that the Erie County Clerk purchase E-Z Pass On The Tags at a unit price of \$21.00 and authorizes their sale to the public at \$25.00, with the County retaining \$4.00 per tag sold; and

WHEREAS, the agreement is in the best interests of residents of the County as it affords them a convenient location to purchase E-Z Pass On The Go Tags; and

WHEREAS, in order to segregate these funds from NYS Department of Motor Vehicles receipts it is necessary to establish a change making fund within the Auto Bureaus to record and account for E-Z Pass sales separate from DMV transactions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Clerk's Office to execute a retail sales agreement with the New York State Thruway Authority to conduct retail sales of E-Z Pass on the Go Tags at its Registrar Division and Auto Bureau locations; and be it further

RESOLVED, that the following budgetary adjustments are made to the 2012 Budget for the purchase and sale of E-Z Pass Tags:

Fund Center 11310

Revenue	
415185 E-Z Pass Tag Sales	\$2,100
Expense	
505700 E-Z Pass Supplies	\$2,100

and be it further

RESOLVED, that the County Clerk is authorized to establish a separate change making fund in the Auto Bureaus to allow for the segregation of funds between E-Z Pass sales and NYS DMV transactions; and be it further

RESOLVED, that in accordance with Section 2.06 of the Erie County Administrative Code the Change-Making Fund (Reserve balance) in the County Clerk's Office (Auto Bureau) is increased by \$800; and be it further

RESOLVED, that these funds will be allocated among the auto bureaus as follows:

BA 113 – Erie County Clerk - 117100 Petty Cash

Auto Bureau-Buffalo EZ Pass Change Fund	\$100
Auto Bureau-Cheektowaga EZ Pass Change Fund	\$100
Auto Bureau-Northtown EZ Pass Change Fund	\$100
Auto Bureau-ECC South EZ Pass Change Fund	\$100
Auto Bureau-Evans EZ Pass Change Fund	\$100
Auto Bureau-Eastern Hills EZ Pass Change Fund	\$100
Auto Bureau-Mobile EZ Pass Change Fund	<u>\$200</u>
	\$800

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.  
(5-0)

2. COMM. 12E-18 (2012)  
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with the operation of local Auto Bureaus; and

WHEREAS, the Erie County Auto Bureau has operated a satellite branch at the Evans Town Hall, 8787Erie Road, Evans, New York, for several years; and

WHEREAS, the current Memorandum of Understanding (MOU) was agreed to and signed by parties no longer in office; and

WHEREAS, the County Clerk's Office has negotiated with the Town of Evans a certain MOU for use of space in Evans Town Hall that confirms and memorializes the existing agreement and allows the County Clerk's Auto Bureau to continue operation at this location; and

WHEREAS, the terms of this arrangement are favorable to the County and adequate funding for all associated costs for 2012 is available in the 2012 Erie County Clerk Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to sign a Memorandum of Understanding between the County of Erie and the Town of Evans for the County Clerk's use of approximately 400 square feet of space at the Evans Town Hall in Evans, New York, for the operation of a satellite auto bureau; and be it further

RESOLVED, that the County Auto Bureau's tenancy of the premises provided in this MOU shall be at the rate not to exceed \$5,000 per year payable in one annual installment, and that this MOU shall be reviewed annually and renewed automatically unless one or both parties agree to terminate the arrangement upon reasonable notice to the other; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.

(5-0)

3. COMM. 12E-19 (2012)  
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with the operation of six local Auto Bureaus and the Registrars Division; and

WHEREAS, the general public frequently avails itself of the services offered at both of these locations; and

WHEREAS, in an effort to better educate the public on services offered by the County Clerk's Office, while at the same time improving the customer experience while in the Clerk's Office, proposals were sought to provide audio-visual public service information and/or pre-approved advertising within these locations; and

WHEREAS, the selection process has determined that Multimedia Entertainment Inc., doing business as WGRZ, is the most appropriate firm to reach the general public with the airing of public service announcements detailing County Clerk services, and that the airing of television programming during business hours will substantially improve the customer experience within the Clerk's Office; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County

Administrative Code was complied with and a summary of the process is included as Attachment A to this resolution; and

WHEREAS, the terms of this agreement are favorable to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an agreement between the County of Erie and Multimedia Entertainment Inc., doing business as WGRZ, to air regularly scheduled programming of WGRZ TV during regular business hours at the Auto Bureaus and Land Records Division of the Clerk's Office; and be it further

RESOLVED, that the terms of this agreement shall include the production and airing of public service announcements related to the Clerk's Office at no cost to the County; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.

(5-0)

**THOMAS J. MAZUR  
CHAIR**

Item 19 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

June 26, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
---------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-2 (2012)  
SCHUYLER COUNTY LEGISLATURE: "Copy of Resolution to Governor Cuomo & the NYS Legislature to Advance Funding & Expedite Completion of I-86 in Broome, Delaware, Sullivan & Orange Counties & Place Signage Recognizing the Designation of Daniel Patrick Moynihan Interstate Highway 86"  
(5-0) Legislator Lorigo not present for vote.
  - b. COMM. 6M-11 (2012)

SPORTS DIRECTOR, 1080AM WUFO RADIO: "Letter to Legislature Concerning Buffalo Bills Lease to Play in Ralph Wilson Stadium"  
(5-0) Legislator Lorigo not present for vote.

- c. COMM. 8M-2 (2012)  
NFTA: "Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2013-2017 & the Annual Operating Budget for Fiscal Year End 2013"  
(6-0)
- d. COMM. 9M-12 (2012)  
ECIDA: "Copy of 2011 Annual Audited Financial Statements"  
(5-0) Legislator Lorigo not present for vote.
- e. COMM. 9M-13 (2012)  
ECIDA: "Copy of 2011 Audited Financial Statements & 2011 Public Authorities Report"  
(5-0) Legislator Lorigo not present for vote.

2. COMM. 12E-5 (2012)  
COUNTY EXECUTIVE

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County, Department of Public Works, received bids for the Ralph Wilson Stadium – 2012 Field House fire alarm & emergency lighting upgrades on June 7, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of contract to the lowest responsible bidder, along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest-responsible bidder for the Ralph Wilson Stadium – 2011 – Field House fire alarm & emergency lighting upgrades, Frey Electric Construction Company with a base bid of \$137,000; and be it further

RESOLVED, that the sum of \$20,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders 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 A.11002, 2011 Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$157,000; 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.  
(5-0) Legislator Lorigo not present for vote.

3. COMM. 12E-8 (2012)  
COUNTY EXECUTIVE

WHEREAS, The Public Safety Campus Building HVAC system for the E911 communication system and computer equipment room can no longer properly handle the current heat loads. The communication and computer equipment generates a large amount of heat which requires cooling to prevent devices from overheating; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with IBC Engineering P.C. 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 IBC Engineering P.C for providing design and construction document services for the Public Safety Campus located at 45 Elm Street.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to IBC Engineering P.C. for providing professional design and construction document services for the Public Safety Campus, Redundant Air Conditioning system project, 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.12006 – 2012 – Public Safety Redundant Air Conditioning system for an amount not to exceed \$26,000.00; 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.  
(5-0) Legislator Lorigo not present for vote.

4. COMM. 12E-14 (2012)  
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Akron Falls Park Bridge Replacement Project No. BR-PK-2-12 (the "Project"), in the Town of Newstead/Village of Akron, on May 24, 2012, and the low bidder was Accadia Site Contracting, Inc. of Depew, New York in the amount of \$653,370.89; and

WHEREAS, a contract has been negotiated with TY-Lin International of Buffalo for construction inspection and services during construction; and

WHEREAS, this Honorable Body has previously approved the sale of bonds for this project in the 2012 Consolidated Bond Resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the authorized budget for the 2012 Akron Falls Bridge Construction Project SAP Account B.12014 in the amount of \$750,000.00 be made available for the Project; and be it further

RESOLVED, that the County Executive is authorized and is hereby directed to execute a contract for Erie County Project No. BR-PK-2-12 between the County of Erie and the lowest responsible bidder, Accadia Site Contracting, Inc. of Depew, New York at a low bid amount of \$653,370.89 from 2012 Akron Falls Bridge Construction Project SAP Account B.12014; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for services during construction and construction inspection with TY-Lin International of Buffalo in the amount of \$70,000.00 from 2012 Akron Falls Bridge Construction Project SAP Account B.12014; and be it further

RESOLVED, that the County Executive be authorized to establish a project contingency and execute change orders in an amount not to exceed \$25,909.51 from 2012 Akron Falls Bridge Construction Project SAP Account B.12014; 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 Office of Budget and Management, and the Office of the Comptroller.

(5-0) Legislator Lorigo not present for vote.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

June 28, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 8
---------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 2E-9 (2012)

COUNTY EXECUTIVE: "OPEN ITEM/PLACEHOLDER - Re-Occurring Bond Authorization"  
(5-0)

- b. COMM. 12M-1 (2012)  
NYSDEC: "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"  
(5-0)
- c. COMM. 12M-7 (2012)  
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter Concerning Agricultural Districts No. 2 & No. 4"  
(5-0)

2. COMM. 12E-7 (2012)  
COUNTY EXECUTIVE

WHEREAS the County of Erie on behalf of Erie County Sewer District No. 2 entered into an agreement with URS Corporation on August 29, 2002 to provide design and Engineering Services associated with the upgrade and improvement of five (5) sewerage pumping stations in Erie County Sewer District No. 2; and

WHEREAS, URS Corporation as part of the agreement is providing General Services during construction and Resident Inspection for the final phase of the agreement, the Lake Street and Point Breeze Pumping Station Modification Project Contract 79A, B, and D; and

WHEREAS, there have been numerous delays in the contracts with acceptance of certain installations, equipment and material deliveries, coordination with utilities, and coordination of schedules with multiple prime contractors that have extended the contract completion time and depleted the budget allocated for general services and resident engineering for the contracts; and

WHEREAS, URS has provided the continuous resident inspection and general engineering services necessary for the successful completion of the contracts, and Change Order No. 9 identifies the additional cost associated with providing the Resident Inspection and General Engineering Services; and

WHEREAS, Erie County Sewer District No. 2 has adequate cash in its capital reserve account C.00008 to fund this Change Order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 9 to the County of Erie/URS Corporation Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 9 to the County of Erie/URS Corporation Agreement dated June 11, 2012 be approved in the amount of \$96,771.73; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 2 project C.00004 by \$100,000.00; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$100,000.00 from Erie County Sewer District No. 2 Capital Reserve Account C.00008 to Sewer District No. 2 Capital Project C.00004 and to establish all budgeting accounts necessary to facilitate the transfer of \$100,000.00; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate \$96,771.73 from Sewer District No. 2 Account C.00004 for payment of this Change Order; and be it further

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

(5-0)

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

WHEREAS, the Western New York Stormwater Coalition (WNYSC) has decided to lead by example by constructing five (5) stormwater cisterns to capture rainwater for reuse and to reduce the need for potable water in municipal operations; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) coordinates the activities of the WNYSC; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Environmental Facilities Corporation in a resolution passed on November 3, 2011 (Comm. 22E-8 (2011)) to accept funding for the WNY Stormwater Coalition: Rainwater Harvesting Installation Project; and

WHEREAS, the required in-kind match for this award, in the form of engineering and construction services, will be provided by the following municipal partners: the Town of Tonawanda, the Village of Orchard Park as well as by the Erie County Department of Public Works and the Erie County Department of Environment and Planning; and

WHEREAS, it is necessary to establish the budget in accordance with the current project workplan and contractual requirements set forth by the granting agency.

NOW, THEREFORE, BE IT

RESOLVED, that the revenue from the New York State Environmental Facilities Corporation is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

WNY Stormwater Coalition: Rainwater Harvesting Installation Project  
(Grant Period: 3/28/12 – 3/28/14)  
SAP Grant Account #162WNYSRHI1214

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue – New York State Environmental Facilities Corporation	<u>(\$626,000)</u>
TOTAL REVENUE		<u>(\$626,000)</u>

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Services Contracts and Fees	<u>\$626,000</u>
TOTAL APPROPRIATIONS		<u>\$626,000</u>

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the GIGP Project Coordinator (address: Katie M. Syron, Project Coordinator, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997), and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

4. COMM. 12E-12 (2012)  
COUNTY EXECUTIVE

WHEREAS, Wendel Energy Services (Wendel) completed an audit titled "Energy Efficiency Study for Big Sister Creek Wastewater Treatment Plant (WWTP)" (December 2009) that identified several viable facility improvement measures to decrease the electrical usage, decrease operational costs, and modernize the WWTP; and

WHEREAS, the Big Sister Creek WWTP Energy Efficiency Improvement Project (herein after referred to as “the Project”) was developed to begin the engineering necessary to implement said facility improvement measures; and

WHEREAS, Wendel has identified \$130,000 in combined annual operating and energy savings from said facility improvement measures; and

WHEREAS, per New York State Energy Law Article 9, said savings are guaranteed; and

WHEREAS, the Project has been awarded or anticipates to receive the following grants and incentives: \$363,000 from the Clean Water State Revolving Fund (Green Innovation Grant Program (GIGP)) and \$112,000 from National Grid energy efficiency incentives; and

WHEREAS, Erie County Sewer District No. 2 has adequate cash in its capital reserve account C.00008 to fund the local share of this project; and

WHEREAS, it is necessary to execute an agreement with Wendel to complete the Project.

NOW, THEREFORE, BE IT

RESOLVED, that Wendel Energy Services be retained to complete the Big Sister Creek WWTP Energy Efficiency Improvement Project; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Wendel Energy Services, LLC, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228 to complete the Big Sister Creek WWTP Energy Efficiency Improvement Project, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney’s office; and be it further

RESOLVED, that the Commissioner of Environment and Planning is authorized to execute all other documents and instruments outside of the Grant Agreement with EFC to implement the project that is necessary to bring about the Project and to fulfill the County’s obligation under the GIGP Agreement; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to establish a Capital Project in Erie County Sewer District No. 2 (C.12201) with budgeted Appropriations and estimated Revenues as follows:

Appropriations	\$1,100,000
Transfer in Capital Reserve	\$625,000
Grants (GIGP)	\$363,000
National Grid	\$112,000

and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$625,000 from Erie County Sewer District No. 2 capital reserve account C.00008 to Erie County Sewer District No. 2 Capital Project C.12201 and to establish all budgetary accounts as necessary to facilitate the transfer of \$625,000; and be it further

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

**TERRENCE D. McCRACKEN  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

June 28, 2012	PUBLIC SAFETY COMMITTEE REPORT NO. 9
---------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-10 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works' Division of Buildings and Grounds provides security services for buildings in Erie County government; and

WHEREAS, in 2010, the prior administration deleted 9 out of 10 Building Guard titles and 1 out of 6 watch attendants, leaving the County with only 5 Watch Attendants, 1 Building Guard and 2 Shift Supervisors to provide security services for all County buildings; and

WHEREAS, by virtue of their title and qualifications, Watch Attendants cannot perform all of the same security functions as Building Guards; and

WHEREAS, one Watch Attendant retired in March 2012, leaving a gap in coverage and new overtime expense, and the former employee's cash-out of accumulated leave time ends on June 20th; and

WHEREAS, by deleting the vacant Watch Attendant title and adding a Building Guard title, the Department of Public Works will immediately have more flexibility for scheduling and deployment of resources to provide security while simultaneously working to reduce overtime expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of the vacant position of Watch Attendant, job group 3 (position number 10434) in the Department of Public Works and the addition of one Building Guard, job group 4 (B-100 #6914); and be it further

RESOLVED, that said personnel transaction does not require 2012 budget adjustment, for the budgeted salary of the deleted position offsets the cost of the position added; and be it further

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

(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

June 28, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
---------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 11-3 (2012)  
LORIGO, MILLS, RATH, DIXON & HARDWICK: “Determining Which Party Conducts Borrowing Pursuant to the 2012 Consolidated Bond Resolution”  
(6-0)
  - b. COMM. 11E-1 (2012)  
COMPTROLLER: “Letter Concerning 2012 Capital Borrowing”  
(6-0)
  - c. COMM. 11E-4 (2012)  
HARDWICK: “Letter to County Executive Concerning Capital Borrowing”  
(6-0)
  - d. COMM. 11M-3 (2012)  
ECFSA: “Copy of Resolution Approving the 2011 ECFSA Annual Financial Audit Passed Unanimously by the ECFSA at Its Meeting on 4/16/2012”  
(6-0)

- e. COMM. 12E-2 (2012)  
MILLS, HARDWICK, RATH, DIXON & LORIGO: “Letter to Comptroller Concerning 2012 Capital Borrowing”  
(6-0)
- f. COMM. 12E-3 (2012)  
LORIGO: “Letter to Comptroller, RE: Document Regarding Bond Rating”  
(6-0)
- g. COMM. 12E-4 (2012)  
MILLS, HARDWICK, RATH, DIXON & LORIGO: “Letter Concerning Standard & Poor's and Moody's Pronouncements Regarding Bond Ratings”  
(6-0)
- h. COMM. 12M-9 (2012)  
LYNDA STEPHENS: “Letter to County Executive Concerning Capital Borrowing”  
(6-0)

**TIMOTHY R. HOGUES  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 23 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: Foreclosure Sale of 1815 Eggert Rd.  
(INTRO 13-1)

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

WHEREAS, the premises at 1815 Eggert Road in the Town of Amherst was previously used as a dry cleaning business and a gasoline station; and

WHEREAS, because of the materials used in these businesses, there is evidence that the site is a Brownfield Site needing remediation; and

WHEREAS, the parcel has been abandoned for several years and property taxes have not been paid on the property since 2005; and

WHEREAS, the property could best serve the community by being put to productive use and returning to the tax rolls; and

WHEREAS, there may be some trepidation by Erie County to offer the parcel for sale at foreclosure, because it does not want to become liable for the cost of cleanup of the site or other possible legal liabilities; and

WHEREAS, New York State Environmental Conservation Law §56-0508 allows counties to petition the court for an order granting a taxing district temporary incidents of ownership for a parcel for the sole purposes of conducting an environmental restoration investigation project and securing funding to restore the property; and

WHEREAS, the law also protects the county from liability for damages, past, present and future, from any release of any hazardous material, substance or contaminant into the air, ground or water.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that representatives from the County Attorney's office and the Director of Real Property Tax Services attend an upcoming Finance & Management Committee meeting to discuss the necessary steps to foreclose upon 1815 Eggert Road, recover unpaid taxes and return the property to productive use; and be it further

RESOLVED, that copies of this resolution be forwarded to County Attorney Michael Siragusa and Director of Real Property Tax Services Joseph Maciejewski.

Item 24 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

RE: Standard Work Day for Elected Officials  
for Retirement Reporting Purposes  
(INTRO 13-2)

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

CARRIED UNANIMOUSLY.

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

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and

Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer's Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
--------------	-------------	------------------------------	-------------------------	---	--

ELECTED OFFICIALS:

County Executive	Mark C. Poloncarz	7	01/01/2012 – 12/31/2015	N	26.68
Legislator	Timothy R. Hogues	6	01/01/2012 – 12/31/2013	N	22.33
Legislator	Betty Jean Grant	6	01/01/2012 – 12/31/2013	N	31.39
Legislator	Lynn M. Marinelli	6	01/01/2012 – 12/31/2013	N	21.86
Legislator	Kevin R. Hardwick	6	01/01/2012 – 12/31/2013	N	17.22
Legislator	Thomas A. Loughran	6	01/01/2012 – 12/31/2013	N	22.56
Legislator	Edward A. Rath III	6	01/01/2012 – 12/31/2013	N	17.61
Legislator	Lynne M. Dixon	6	01/01/2012 – 12/31/2013	N	25.03
Legislator	Joseph C. Lorigo	6	01/01/2012 – 12/31/2013	N	24.14
Legislator	John J. Mills	6	01/01/2012 – 12/31/2013	N	18.53

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

RE: Surplus Authorization, SPCA Serving  
EC  
(INTRO 13-3)

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

WHEREAS, the Erie County Department of Purchase has worked with the SPCA Serving Erie County on the transfer of County surplus items to SPCA use, providing the shelter with a cost-effective way to acquire such items, especially in lean economic times; and

WHEREAS, it is also cost-effective for County taxpayers, in that the Department of Purchase has found a suitable use for items such as expired rubber gloves that would have required proper disposal, at a cost to taxpayers, due to regulations governing the disposal of such medical supplies, but which the SPCA can use on animals on an everyday basis; and

WHEREAS, authorization of the Erie County Legislature is necessary in order to effectuate the transfer of Erie County surplus property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds it both appropriate and cost-effective that the Erie County Department of Purchase and the SPCA Serving Erie County have worked together concerning the transfer of Erie County surplus property to the SPCA, especially at a time of lean budget appropriations and reuse strategies to save money; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to transfer the following surplus items to the SPCA Serving Erie County:

<u>Quantity:</u>	<u>Item:</u>	<u>Source:</u>
Nine (9)	Office Chairs, pink, no arms	Internal Revenue Service
Twelve (12)	Plastic Chairs, yellow, no arms	Buffalo & Erie County Public Library
Six (6)	Lateral File Cabinets, white	Internal Revenue Service
Two (2)	Pallets, Rubber Gloves, expired	EMS/Medical Examiner's Office
Five (5)	Boxes, Manila Folders, 100Ct/Box	Purchasing Department Office Swap
Eight (8)	Staplers	Purchasing Department Office Swap
One (1)	Box, Bankers' Boxes, 5Ct	Purchasing Department Office Swap
One (1)	Label Maker, Casio KL-7200	Surplus
One (1)	Dry Erase Board	Surplus
One (1)	Fan, white	Surplus
Eleven (11)	Clip Boards	Purchasing Department Office Swap

and be it further

RESOLVED, that the Clerk of the Erie County Legislature be and hereby is directed to forward certified copies of this resolution to the County Executive and the Department of Purchase.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Reappointment to ECMCC Board of  
Directors  
(INTRO 13-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT & MAZUR**

WHEREAS, in 2003, the New York State Legislature passed a Home Rule Message of the Erie County Legislature to create the Erie County Medical Center Corporation, and part of that legislation permits the Erie County Legislature to recommend individuals to the Governor for appointment to the Board of Directors of the Erie County Medical Center Corporation; and

WHEREAS, on June 19, 2003, the Erie County Legislature passed, and on July 1, 2003, the Erie County Executive signed, Local Law Number 5 (2003) which granted the Chair of the Legislature one (1) recommendation to the Governor; and

WHEREAS, Thomas P. Malecki currently serves on the ECMCC Board of Directors, has distinguished himself on the board due to his wealth of knowledge and experience in the fields of accounting and finance, invaluable assets for the board and the hospital; and

WHEREAS, Mr. Malecki has expressed an interest in being reappointed to the board, and currently is serving as a holdover member.

NOW, THEREFORE, BE IT

RESOLVED, that the recommendation of the Chair of the Erie County Legislature to the Governor of New York State, the Honorable Andrew M. Cuomo, for reappointment to the Board of Directors of the Erie County Medical Center Corporation is as follows:

Chair's Recommendation for Reappointment:

Thomas P. Malecki, CPA  
190 South Woodside Dr.  
Alden, NY 14004

Term Expires:

February 29, 2015

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Cuomo; the Majority Leader of the New York State Senate, the Honorable Dean G. Skelos; the Speaker of the New York State Assembly, the Honorable Sheldon Silver; the Erie County Executive, the Honorable Mark C. Poloncarz; and to Ms. Patty Chase, Erie County Medical Center Corporation Board of Directors' Office.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

RE: Appointment of Legislative  
Representative to the EC Jury Board  
(INTRO 13-5)

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

WHEREAS, pursuant to New York State Judiciary Law, Section 503, each County in the State shall establish a County Jury Board comprised of one member of the County Legislature, designated by the Legislature providing that the appointee does not engage in the practice of law; one Justice of the State Supreme Court, designated by the appropriate Appellate Division; and one County Court Judge, or if there is more than one, then the Senior County Court Judge; and

WHEREAS, currently the Legislature appointment to this important board is vacant, and 3<sup>rd</sup> District Legislator, Lynn M. Marinelli, has requested consideration to be appointed, having served on the Jury Board for several years in the past decade; and

WHEREAS, at the annual meeting of the County Jury Board, business conducted includes review and oversight of the enforcement of the laws and rules relating to the drawing, selection, summoning and impaneling of jurors within Erie County, with other meetings called as may be necessary; and

WHEREAS, said designation of this Legislature is necessary, in accordance with Judiciary Law, Article 503; and it is reasonable and appropriate for Legislator Marinelli to again serve as the Legislature's representative on the Erie County Jury Board, noting her leadership within the Legislature, her desire to serve on the Jury Board, as well as her experience and knowledge of the board's work as a past Jury Board member.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby designate Legislator Lynn M. Marinelli as this Honorable Body's appointment to the Erie County Jury Board (pursuant to New York State Judiciary Law, Section 503), effective immediately.

Item 28 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded. MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH voted in the negative.

CARRIED. (6-5)

RESOLUTION NO. 173

RE: Legislature Personnel Adjustment  
(INTRO 13-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT & MAZUR**

WHEREAS, it has been determined by the Majority Caucus that a staffing adjustment to the Majority personnel budget be made to better reflect work assignment and consistent salary policy; and

WHEREAS, said adjustment shall be implemented while keeping within the Legislature's departmental adopted appropriation for 2012.

NOW, THEREFORE, BE IT

RESOLVED, authorization is granted for the following Legislature budget adjustments, Fund Center 100, Cost Center 1003030 – Majority, effective July 1, 2012:

DELETE One (1) Senior Admin Clerk (Legislature) RPT (Position No. 51010572)

REPLACE with One (1) Executive Assistant (Legislature) RPT, at Job Group 12

and be it further

RESOLVED, authorization is granted for the following budget adjustment, Fund Center 100:

\$ 3,000.00 be transferred from account 530000 to account 500020

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Comptroller, and the Personnel and Budget departments.

Item 29 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

RE: Facilitating Higher Utilization of Earned  
Federal Benefits by All Veterans  
(INTRO 13-7)

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

WHEREAS, the Erie County Office of Veteran's Affairs is mandated by New York State Executive Law, Section 357, to counsel and assist veterans and their dependents to ensure that they receive all the benefits available to them under federal, state and local laws; and

WHEREAS, this office in Erie County government serves as an advocate for veterans and their families, seeking to empower all veterans to take full advantage of the government benefits and programs established on their behalf; and

WHEREAS, these benefits and programs include, but are not limited to, the GI Bill that fully funds a college education for veterans who qualify, VA compensation and pension benefits, small business development assistance for entrepreneurs who are veterans, job training and placement and access to medical care provided by the Veterans Administration Medical Center; and

WHEREAS, federal agencies report that only 30% of veterans actually utilize their federal and state educational benefits; and

WHEREAS, high-quality medical care is another benefit earned by veterans through their service and sacrifice, and is not limited to physical health care, but also mental health care; and

WHEREAS, the month of June is known as Post Traumatic Stress Disorder Month and recognizing this medical diagnosis raises the awareness of our entire community, state and nation of the acute mental health, suicide prevention and substance abuse treatment and counseling needs of returning combat veterans; and

WHEREAS, according to data from official sources, 1.5 million veterans access treatment provided by the VA health care system by 21,000 mental health professionals, which averages out to about 72 veterans per mental health professional; and

WHEREAS, anecdotally, local human service agencies, academic institutions and other organizations that play a veterans' advocacy role have been advised by their clients that the actual caseloads may be as high as 100 per mental health professional – a full 25% above official reports; and

WHEREAS, it is fitting and proper for this legislative body, as the locally elected representatives of every veteran in our community, to ascertain the availability of mental health services from the VA system, to advocate for increased services and to provide a safety net among mental health providers in the general community for veterans who may not be able to access services from the VA in a time frame that meets their urgent needs; and

WHEREAS, in order to clarify Erie County's supporting role in the provision of mental health treatment services for returning veterans, an on-going conversation should be established among federal, state and county stakeholders and the veterans they serve; and

WHEREAS, the Erie County Legislature is in the position to bring together veterans advocates, the Erie County departments and offices that serve veterans including and beyond the Office of Veteran's Affairs, New York State veterans' service officers and representatives from the VA to embark on this important dialogue; and

WHEREAS, forward progress in this community education and advocacy endeavor on behalf of our veterans can best be achieved by an ad hoc committee to air concerns and to work in a coordinated, collaborative manner to achieve the goal of empowering all of Erie County's veterans as they transition from their service to our nation to their integration into our community as a whole; and

WHEREAS, this inter-governmental and inter-agency cooperation, informed by the experiences of veterans, will facilitate optimal utilization of federal benefits by veterans and will enable service providers outside of the federal system to be better prepared while the federal system is expanding capacity to serve the growing population of returning veterans.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Honorable Body convey its full support for an open dialogue among the government, academic and human service agencies that serve Erie County's veterans and their families; and be it further

RESOLVED, that this dialogue should take place regularly at the Erie County Legislature and be facilitated by the formation of an ad hoc committee on veterans empowerment comprised of both legislators, representatives of veterans service agencies and community volunteers; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Erie County Executive, the Director of the Erie County Office of Veteran's Affairs, the VA [Brian Stiller, Medical Center Director, VAMC – Buffalo, 3495 Bailey Avenue, Buffalo, NY 14215], the Director of the Buffalo Office of the NYS Division of Veterans Services, and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Encouraging the Buffalo Bills to Adopt  
the New NFL Rule Limiting Television  
Blackouts of Games  
(INTRO 13-8)

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

WHEREAS, for four decades, the National Football League (NFL) implemented a policy to black out local broadcasts of games not sold out 72 hours prior to game time; and

WHEREAS, this policy has had a negative impact on Buffalo Bills fans in Western New York as Ralph Wilson Stadium is among the largest stadiums in the league, yet is not situated in a major metropolitan market such as New York, Miami, Dallas or New England; and

WHEREAS, this Honorable Body unanimously approved a resolution in January 2012 asking the NFL to relax its rules with regard to blackouts of games to local television viewing audiences; and

WHEREAS, under the revised rule, which was previously approved by team owners, each team has the option of implementing the new, relaxed regulations; and

WHEREAS, these regulations would allow blackouts to be lifted if 85 percent of a stadium's non-premium seats are sold; and

WHEREAS, the fans of The Buffalo Bills fully support the relaxed rules, which "evens the viewing field" for our community, given the large number of seats in our stadium compared to football stadiums across the nation that are home to an NFL team.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of the new, relaxed NFL blackout rules; and be it further

RESOLVED, that this Honorable Body encourage the management of The Buffalo Bills to adopt this policy in recognition of the decades of support – from fans and taxpayers alike – this Buffalo area franchise has received; and be it further

RESOLVED, that copies of this resolution be conveyed to the management of The Buffalo Bills, the Erie County Executive and to all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 31 – MR. MAZUR moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 12E-20 (2012). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: ECC Building Study  
(COMM. 12E-20, 2012)

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

CARRIED UNANIMOUSLY.

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

WHEREAS, ECC and the County have been in discussions concerning a \$30 million Building Project for the construction of a new academic building, with the County and ECC each contributing \$7.5 million and the State University of New York contributing \$15 million; and

WHEREAS, on May 10, 2012, this Honorable Body approved Comm. 8E-21, assigning \$7.5 million of fund balance for the ECC Building Project; and

WHEREAS, in order to determine the needs for a new academic building, a study needs to be performed to examine the space and infrastructure utilization needs, as well as academic and program needs associated with the new \$30 million academic center; and

WHEREAS, the Department of Environment and Planning is requesting authorization to appropriate \$100,000 of assigned fund balance for a space utilization and program needs study for the ECC Building Project; and

WHEREAS, ECC will contribute \$100,000 of its own funds for its share of the study; and

WHEREAS, ECC and the County have issued a request for proposals (“RFP”) to retain a consultant to do an expedited study of the ECC Building Project; and

WHEREAS, in order not to delay the project, it is recommended the County Executive be authorized to appropriate the \$100,000 County share from the \$7.5 million of assigned fund balance so that a consultant may be retained and the work commenced.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to appropriate \$100,000 from the \$7.5 million of assigned fund balance in order to conduct the ECC Building Project study, said funds to be appropriated in the 2012 operating budget as follows:

2012 Budget	
Fund 110 - Department of Environment and Planning	
Revenue	Increase
402190 Appropriated fund Balance	\$100,000
Expense	
570050 Interfund Capital	\$100,000
Net - Revenue less Expense	0

and be it further

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$100,000 from Erie Community College and to establish a capital budget for the County and College share as follows:

2012 Budget - Fund 480 - ECC Capital Projects  
ECC – Building Project Study

Revenue	Increase
486040 ECC Interfund Subsidy	\$100,000
486000 Erie County Interfund	<u>100,000</u>
Total Revenue	\$200,000
Expense	
Capital Projects	\$200,000
Net - Revenue less Expense	0

and be it further

RESOLVED, that the Department of Environment and Planning notes that it will return to the Legislature for approval of a contract with the winning respondent to the RFP to conduct the study; and be it further

RESOLVED, that the Department of Environment and Planning will notify the Legislature of the progress on the building project study as it progresses; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Environment and Planning; Office of the County Executive; the Division of Budget and Management; the Office of the Comptroller; ECC President Jack Quinn; and William Reuter, Chief Fiscal and Administrative Officer of ECC.

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

CARRIED UNANIMOUSLY.

Item 32 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 12E-15 (2012). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act (COMM. 12E-15, 2012)

WHEREAS, the Real Property Tax Services Director has transmitted to the Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, and has furnished the Legislature with the necessary abstracts from the Finance Department records of such delinquencies; and

WHEREAS, the County held an In Rem Foreclosure sale on March 5, 2012 which resulted in the sale of 90 properties with \$3.03 million in delinquent property taxes recouped; and

WHEREAS, redemptions prior to the sale totaled \$2.1 million, for a total of \$5.13 million in revenue for the County; and

WHEREAS, the County has identified 280-300 parcels for inclusion in the next In Rem foreclosure sale to be held in March of 2013; and

WHEREAS, final delinquent tax notices went out in May 2012 and has already generated \$1.06 million in delinquent tax payments.

NOW, THEREFORE, BE IT

RESOLVED, that the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Real Property Tax Services Director from the transcripts of properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years; and be it further

RESOLVED, that the County Attorney or his designee conduct and consummate such foreclosure proceedings as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

RESOLVED, that authorization is hereby provided to increase the funds available in the Department of Law to be committed to the next In Rem proceeding, budget entries to be made as follows:

Fund 110 - Fund Center 14010		
Countywide Accounts Budget		
Revenue		<u>Increase</u>
400040 Other Pay/Lieu-Tax		\$175,000
Fund 110 - Fund Center 16010 - Law Division		
Expense		
516042 Foreclosure Action		\$175,000
Net - Revenue less Expense		0

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Office of the County Executive, the Division of Budget and Management, the County Attorney, the Office of the Comptroller and the Department of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 33 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-47 from the COUNTY EXECUTIVE Re: HAVA Funds for Sprague Brook Parking Lot

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 13E-48 from the COUNTY EXECUTIVE Re: Chestnut Ridge Park Culvert Design Engineering Services Award of Consult Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 13E-49 from the COUNTY EXECUTIVE Re: Hyland Software Maintenance Contract

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 36 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-50 from LEGISLATOR LORIGO Re: Copy of Letter from ECFSA Chair Concerning RAN Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 37 – (COMM. 13E-1) Standard & Poor's - Global Credit Portal - EC, New York; General Obligation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR LORIGO**

Item 38 – (COMM. 13E-2) Letter to County Executive Concerning Borrowing for 2012 Capital Projects

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 39 – (COMM. 13E-3) Copy of Apportionment & Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months of March, April & May 2012

Item 40 – (COMM. 13E-4) Copy of EC Federal Financial Assistance Audit Report for the Year Ended 12/31/2011

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

**FROM CHAIR GRANT**

Item 41 – (COMM. 13E-5) 2012 Schedule of Legislative Sessions - Updated 7/9/2012

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Betty Jean Grant, Chair

Subject: 2012 SCHEDULE OF LEGISLATIVE SESSIONS – Updated 7/9/12

---

JANUARY

5  
26

JULY

12  
19

FEBRUARY

16  
23

AUGUST

Recess

MARCH

15  
29

SEPTEMBER

20  
27

APRIL

5  
19

OCTOBER

11  
25

MAY  
10  
24

NOVEMBER  
8  
29

JUNE  
7  
21

DECEMBER  
4 *Budget*  
6  
11 *Budget Override*  
20

All Regular Sessions: Pre-Session Work Sessions begin at 9:30 A.M.,  
in the Legislative Caucus Room.

All Regular Sessions: Begin at 2:00 P.M., in the Legislature Chambers.

Item 42 – (COMM. 13E-6) 2012 Schedule of Legislative Sessions Invocation & Pledge  
Schedule - Updated 7/9/2012

Received, Filed & Printed.

To: Robert M. Graber, Clerk  
From: Betty Jean Grant, Chair  
Subject: 2012 SCHEDULE OF LEGISLATIVE SESSIONS  
INVOCATION & PLEDGE SCHEDULE

---

JANUARY  
5 – Grant and Mills  
26 – Hogues and Rath

JULY  
12 – Marinelli and Mazur  
19 – Hardwick and McCracken

FEBRUARY  
16 – Marinelli and Mazur  
23 – Hardwick and McCracken

AUGUST  
Recess

MARCH  
15 – Loughran and Dixon  
29 – Rath and Lorigo

SEPTEMBER  
20 – Loughran and Dixon  
27 – Rath and Lorigo

APRIL  
5 – Mazur and Mills  
19 – McCracken and Hogues

OCTOBER  
11 – Mazur and Mills  
25 – McCracken and Hogues

MAY  
10 – Dixon and Marinelli

NOVEMBER  
8 – Dixon and Marinelli

24 – Lorigo and Hardwick

29 – Lorigo and Hardwick

JUNE

7 – Mills and Loughran

21 – Hogues and Rath

DECEMBER

4 – Mills and Loughran

6 – *Annual Budget Meeting*

11 – Hogues and Rath

20 – *Budget Override Meeting*

**FROM THE COUNTY CLERK**

Item 43 – (COMM. 13E-7) Letter to Chair of Legislature Concerning 2012 Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 44 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Extension of Training Services Contract  
(COMM. 13E-8)

WHEREAS, Erie County is required to provide certain legally mandated training to county employees; and

WHEREAS, this training includes employee workplace violence training, harassment training and safety training; and

WHEREAS, the selection process has determined that SkillSoft is the most appropriate firm to provide content for on-line training; and

WHEREAS, SkillSoft has provided this service and content over the past year and it is the County's wish to continue this service.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract extension with SkillSoft for the provision of on-line content for employee training in an amount not to exceed \$16,000; and be it further

RESOLVED, that funds necessary for the execution of the contract be made available from Fund Center 16110 Personnel, Account 516020 Professional Services Contracts & Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, the County Comptroller, the County Attorney, the Director of Budget & Management and the County Executive's Office.

Item 45 – (COMM. 13E-9) Department of Probation - Personal Services Probation Officers

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Cancellation of Tax Certificates & Liens  
Pursuant to Section 12-1.0 of the EC  
Tax Act - 5 East Main St., Springville,  
NY  
(COMM. 13E-10)

WHEREAS, pursuant to Section 12-1.0 of the Erie County Tax Act, The Erie County Legislature has the authority to cancel unpaid county tax and tax certificates; and

WHEREAS, the Village of Springville by resolution has requested that the unpaid taxes and tax certificates be cancelled; and

WHEREAS, the property at 5 East Main Street has fallen into major disrepair; and

WHEREAS, the redevelopment of this property is a key component to the redevelopment of the Village of Springville's central business district; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to cancel such unpaid tax and tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article XII, Section 12-1.0 of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to cancel all unpaid tax, and all Tax Certificates upon real estate owned by the Village of Springville, NY known as 5 East Main in Erie County for which real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Joseph L. Maciejewski, Director of Real Property Tax Services, Robert Keating, Director of Budget and Management, the County Comptroller and Gregory Kammer of the County Attorney's Office.

Item 47 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Levy of the 2012-2013 School Tax  
Budgets  
(COMM. 13E-11)

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Services Department of Erie County; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

Item 48 – (COMM. 13E-12) Youth Services Planning Coordinator

Item 49 – (COMM. 13E-13) Amend Community Services for the Elderly (CSE) Grant

Item 50 – (COMM. 13E-14) Approval for Retired Senior Volunteer Program (RSVP) Grant Additional Award

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

Item 51 – (COMM. 13E-15) Acceptance of Signs from the Erie-Niagara Tobacco-Free Coalition

Item 52 – (COMM. 13E-16) Erie County/Niagara County Intermunicipal Agreement for Shared Geographic Information System Services: 2013 - 2017

Item 53 – (COMM. 13E-17) ECSD No. 2 - Proposed Modification of Plans - EC Sewer Agency Report

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

Item 54 – (COMM. 13E-18) Construction Contract Increase for Maple Rd. Intersection Improvements Project - Town of Amherst

Item 55 – (COMM. 13E-19) Burdick Rd. Bridge Replacement - Town of Newstead

Item 56 – (COMM. 13E-20) DPW - Award of Construction Contract & Contract for Engineering & Construction Inspection Services - Rehabilitation of Miscellaneous Bridges & Culverts

Item 57 – (COMM. 13E-21) 2012 EC Dam Safety, Inspection & Design Engineering Services - Award of Consulting Agreement

Item 58 – (COMM. 13E-22) Space Assessment Planning - Various County-Owned Buildings

Item 59 – (COMM. 13E-23) Mechanical Upgrades - Various County Facilities

Item 60 – (COMM. 13E-24) County-Wide Asbestos Abatement Monitoring & Testing

Item 61 – (COMM. 13E-25) EC Parks & Recreation Pre-Demolition - Hazardous Materials Survey

Item 62 – (COMM. 13E-26) EC Correctional Facility, EC Holding Center & Chestnut Ridge Sheriff's Bunker - 2012 Security & Video Upgrade Project

Item 63 – (COMM. 13E-27) Old County Hall & EC Court Building Exterior Waterproofing & Improvements

Item 64 – (COMM. 13E-28) Buffalo & EC Central Library - 2012 Renovations - Second Floor West Renovations

Item 65 – (COMM. 13E-29) Buffalo Niagara Convention Center Meeting Rooms Asbestos Abatement

Item 66 – (COMM. 13E-30) Buffalo Niagara Convention Center - Electric Vault Repairs

Item 67 – (COMM. 13E-31) Ralph Wilson Stadium - Sound System Improvements Phases 2 & 3

Item 68 – (COMM. 13E-32) Ralph Wilson Stadium - Underground Utility Locating Services & Hazardous Materials Testing

Item 69 – (COMM. 13E-33) Ralph Wilson Stadium - 2012 Parking Lot Improvements, Miscellaneous Roof Repairs & Old Administration Building HVAC Upgrades

Item 70 – (COMM. 13E-34) ECC North - Electrical Service Upgrade

Item 71 – (COMM. 13E-35) ECC North & City Campuses - 2012 Campus Security & Safety Upgrades

Item 72 – (COMM. 13E-36) ECC City Campus - Exterior Restoration Project - Increase in Scope of Work

Item 73 – (COMM. 13E-37) ECC - 45 Oak Stret - 2012 Roof Replacement

Item 74 – (COMM. 13E-38) ECC North Campus - Energy Performance Contract

Item 75 – (COMM. 13E-39) ECC North & South Campus - Utility Easements

Item 76 – (COMM. 13E-40) Amendment to Lease of Space on Cell Tower at ECC South

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

FROM THE COMPTROLLER

Item 77 – (COMM. 13E-41) Resolution for 2012 Revenue Anticipation Notes

CHAIR GRANT directed that the item be tabled.

GRANTED.

FROM THE DISTRICT ATTORNEY

Item 78 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Operation IMPACT IX Grant –  
Personnel Change  
(COMM. 13E-42)

WHEREAS, the District Attorney through the Operation IMPACT Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Operation IMPACT Grant Budget in Book B for 2012; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes positions and funding levels different from the adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to delete position #455, Assistant District Attorney III (B-100 #6910) from the Operation IMPACT grant of the District Attorney's Office; and be it further

RESOLVED, that effective July 1, 2012, authorization is hereby provided to create one position of Assistant District Attorney V in the District Attorney's Operation IMPACT Grant (B-100 #6910); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Operation IMPACT Grant to match authorized state funding levels, to be adjusted as follows:

OPERATION IMPACT GRANT 114IMPACT1213 July 1, 2012 – June 30, 2013			
	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
409000 State Revenue	\$ 529,600	\$ 28,800	\$ 558,400
479000 County Share Contribution	<u>208,161</u>	<u>- 0 -</u>	<u>208,161</u>
Total Revenue	<u>\$ 737,761</u>	<u>\$ 28,800</u>	<u>\$766,561</u>
	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 458,649	\$ 12,811	\$ 471,460
502000 Fringe Benefits	262,612	14,989	277,601
510100 Out of Area Travel	1,500	1,000	2,500
911400 ID DA Services	<u>15,000</u>	<u>- 0 -</u>	<u>15,000</u>
Total Appropriations	<u>\$ 737,761</u>	<u>\$ 28,800</u>	<u>\$ 766,561</u>

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments; and be it further

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

FROM THE COUNTY EXECUTIVE

Item 79 – (COMM. 13E-43) Transfer of State Aid for NYS Snowmobile Trails Grant-In-Aid Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIR GRANT

Item 80 – (COMM. 13E-44) Announcing the Creation of an Ad Hoc Committee Titled "VALER4Valor"

Received, Filed & Printed.

July 10, 2012

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St. – 4<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Mr. Graber:

As Chair of the Erie County Legislature, I am hereby announcing the creation of an ad hoc committee titled "VALER 4 Valor." VALER is an acronym for Veterans' Advocacy, Linkage & -Empowerment Resource. The number "4" represents the four pillars of empowerment outlined in the narrative of the Erie County Office of Veteran's Affairs (see Erie County 2012 Budget Book A, pp. 241-244). Valor connotes "personal bravery" – a quality associated with those individuals who volunteer to serve our nation in the military.

VALER 4 Valor will be composed of representatives from the veterans' community in Erie County, under the leadership of the following veterans: the Honorable Thomas J. Mazur, Majority Leader of the Erie County Legislature; the Honorable John J. Mills, Minority Leader of the Erie County Legislature and former Erie County Legislator Daniel M. Kozub. Carlos Benitez, Director of the Erie County Office of Veteran's Affairs, Patrick Welch, Ph.D., Director of The Center for Veterans and Veteran Family Services at Daemen College and Sandi Williams, life member of Disabled American Veterans, will play key advisory roles in focusing the priorities of this ad hoc committee.

The names of a diverse representation of veterans and veteran advocates will fill out the remaining membership of the ad hoc committee. In addition to the aforementioned veterans, appointees include, but will not be limited to, the following citizen-veterans who are active in the Erie County veterans' community:

Paulette Woods  
139 Oxford Avenue  
Buffalo, NY 14209

Janet Smith  
206 Ivyhurst Road  
Amherst, NY 14226

Doris Cummings-Ford  
507 Highgate Avenue  
Buffalo, NY 14215

Deberra Ransom  
34 Richlawn Avenue  
Buffalo, NY 14214

Ron Bassham  
6312 S. Whitham Drive  
Niagara Falls, NY 14304

Thank you in advance for your cooperation in designating legislative staff support for this veterans initiative. The first meeting will take place at 2:30 p.m. on Wednesday, July 25, 2012 at Old County Hall – 4<sup>th</sup> Floor, 92 Franklin Street, Buffalo, NY 14202.

Sincerely,

Betty Jean Grant, Chair  
Erie County Legislature

**FROM THE COUNTY EXECUTIVE**

Item 81 – (COMM. 13E-45) Authorization to Increase Pay of Fee-for-Service Dentists

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 82 – (COMM. 13E-46) Texas Engineering Extension (TEEX) Service Contract - Homeland Security Training & Exercise

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY CLERK'S OFFICE**

Item 83 – (COMM. 13D-1) County Clerk's Recording Page Receipt Per INTRO 21-1 (2011)

Received and Filed.

**FROM THE EC HEALTH COMMISSIONER  
& EC PARKS COMMISSIONER**

Item 84 – (COMM. 13D-2) Letter of Response to INTRO 9-9 (2012)

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 85 – (COMM. 13D-3) Transmittal of New Claims Against EC

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 86 – (COMM. 13D-4) Budget Monitoring Report for Period Ending May 2012

Received and referred to the the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 87 – (COMM. 13M-1) Copy of Audited Financial Statement for Fiscal Year Ended 3/31/2012

Item 88 – (COMM. 13M-2) Copy of Annual PARIS Report

Item 89 – (COMM. 13M-3) Minutes of Meeting Held 5/21/2012

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

**FROM THE NYSDEC**

Item 90 – (COMM. 13M-4) Fact Sheet: National Fuel Gas - Buffalo Service Center Update: Focused Excavation in Former Wilkenson Slip June - September, 2012

Item 91 – (COMM. 13M-5) Fact Sheet: 132 Dingens St. Site Update: Draft Investigation/Interim Remedial Measures Work Plan for Brownfield Site & Public Comment Period 7/10/2012 - 8/10/2012

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

**FROM THE NYSDOT**

Item 92 – (COMM. 13M-6) Letter to Legislature Concerning Surplus Real Property for Sale by Public Sealed Bid Auction

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE AMHERST TOWN BOARD

Item 93 – (COMM. 13M-7) Copy of Resolution Concerning 1815 Eggert Rd.

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 94 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 95 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Kenneth Alden Hawes, Monsignor Rupert A. Wright, and Sandra Jackson.

Item 96 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Robert J. Williams, Charles E. Young, and John J. Wahl.

Item 97 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of John J. Wahl, Patrick Butterson, and Rita Crangle.

Item 98 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Gerald E. ‘Jerry’ Bielawski.

Item 99 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Peter L. Durfee.

ADJOURNMENT

Item 100 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, July 19, 2012 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, July 19, 2012 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**

**CLERK OF THE LEGISLATURE**