

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 19, 2012**

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. McCracken.

Item 1 – CHAIR GRANT directed that COMM. 13E-41 remain on the table.

GRANTED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 13 from 2012. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a resolution Honoring John “Jay” Hall Upon His Retirement as Coach of the Tonawanda High School Varsity Softball Team.

Item 6 – MR. HARDWICK presented a resolution Honoring Jacqueline Sosnowski on Receiving the Girl Scout Gold Award.

Item 7 – MS. DIXON presented a resolution Congratulating the Hamburg High School Women’s Softball Team for Reaching the Class A New York State Semi-Finals.

Item 8 – MR. RATH and MS. DIXON presented a resolution Recognizing & Acknowledging Ann Swan for Her Exemplary Public Service.

Item 9 – MS. DIXON presented a resolution Congratulating the Hamburg High School Women’s Lacrosse Team for Winning the Section VI Class B Championship.

Item 10 – MS. DIXON presented a resolution Congratulating the Hamburg High School Men’s Lacrosse Team for Winning the Section VI Class B Championship.

Item 11 – MR. MILLS presented a resolution Congratulating the Town of Concord on Its Bicentennial.

Item 12 – MR. MILLS presented a resolution Congratulating Orchard Park Resident Mabel LaPlaca on Celebrating Her 100th Birthday.

Item 13 – CHAIR GRANT presented a resolution Recognizing the Six Employees of the EC Legislature Who Completed Heart-Saver/CPR Training at the EC Fire Training Academy on February 9, 2012.

Item 14 – CHAIR GRANT & MR. MAZUR presented a resolution Recognizing the Outstanding Work of Keaton Marek, a Summer Semester Intern from George Washington University.

Item 15 – CHAIR GRANT & MR. MAZUR presented a resolution Recognizing the Outstanding Work of Eliza Fields, a Summer Semester Intern from Canisius College.

Item 16 – CHAIR GRANT & MR. MAZUR presented a resolution Recognizing the Outstanding Work of Georgette Boakye, a Summer Semester Intern from the University at Buffalo.

Item 17 – CHAIR GRANT presented a resolution Honoring Pamela Westbrook.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above thirteen items by adding one for MR. LORIGO, and by including Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

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

GRANTED.

COMMITTEE REPORTS

Item 21 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

July 16, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. COMM. 13E-12 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services requests authority to add the position of Youth Services Planning Coordinator to the 2012 Adopted Budget; and

WHEREAS, responsibilities for the position include monitoring, oversight, and data collection for 179 programs serving over 25,000 youth annually in the County; and

WHEREAS, program funding administered through this office will exceed \$775,000 in 2012; and

WHEREAS, the position will be funded from a State share allocation for Supervised Treatment Services for Juveniles Program, and there is no County share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the following position is added to the Division of Youth Services as a variable minimum:

Youth Services Planning Coordinator JG 8 step 5 (B-100 # 6896 attached)

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2012 Adopted Budget for salary and fringe for the balance of the current budget year:

Division of Youth Services, Department 125, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
500000	Personal Services	\$21,410
502000	Fringe	12,459
517879	Supervision and Treatment Services for Juveniles Program	(33,869)
	Total Expenditure	-0-

and be it further

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

(4-0) Legislator Marinelli not present for vote.

2. COMM. 13E-13 (2012)
COUNTY EXECUTIVE

WHEREAS, the 2012 Erie County Budget includes appropriated funds for the 2012-13 Community Services for the Elderly (CSE) grant; and

WHEREAS, Massachusetts Community Center and Development Corporation, Inc. d/b/a West Side Community Services and Northwest Buffalo Community Center, Inc. currently provide transportation services under CSE funding; and

WHEREAS, Hispanics United of Buffalo, Inc. no longer provides transportation services under CSE; and

WHEREAS, the Department of Senior Services therefore has CSE funds available to increase Massachusetts Community Center and Development Corporation, Inc. d/b/a West Side Community Services and Northwest Buffalo Community Center, Inc. contracts to enable them to provide additional hours of transportation services for the period of July 1, 2012 to March 31, 2013; and

WHEREAS, the CSE grant budget is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for Community Services for the Elderly grant, 163CSE1213, and the current contracts for Massachusetts Community Center and Development Corporation, Inc. d/b/a West Side Community Services and Northwest Buffalo Community Center, Inc., be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS			

Account	Description			
517641	Hispanics United of Buffalo, Inc.	\$19,000	-\$16,650	\$2,350
517853	West Side Community Services	19,000	6,650	25,650
517737	Northwest Buffalo Comm. Center	50,540	10,000	60,540
	TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

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

(5-0)

3. COMM. 13E-14 (2012)
 COUNTY EXECUTIVE

WHEREAS, the 2012 Erie County Budget includes funds appropriated for the 163RSVP1213 grant, for the period April 1, 2012 to March 31,2013; and

WHEREAS, the Department’s RSVP unit was awarded \$15,000 in funding from the National Association of Area Agencies on Aging to promote replication of RSVP’s effective practices; and

WHEREAS, RSVP will prepare a webinar and guide for the National Association of Area Agencies on Aging to promote replication of RSVP’s effective practices nationwide; and

WHEREAS, the 163RSVP1213 grant budget is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the \$15,000 award to fund RSVP’s “What’s Working – Effective Practices” initiative; and be it further

RESOLVED, that the budget for the 163RSVP1213 grant, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
417060	Other Income	\$2,200	+\$15,000	\$17,200

APPROPRIATIONS

Account Description

516020	Pro Ser Cent & Fees	\$1,500	+6,000	7,500
916390	ID Senior Services Grants	\$-27,591	<u>+9,000</u>	-18,591
TOTAL APPROPRIATIONS CHANGE			\$15,000	

and be it further

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

(5-0)

4. COMM. 13E-45 (2012)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Health's Division Health currently contracts for dental services; and

WHEREAS, Erie County requires the services of highly competent dentists to provide mandatory dental services in the Holding Center and Correctional Facility; and

WHEREAS, community dental rates are often in excess of \$60 and Erie County currently pays \$55; and

WHEREAS, there is great competition for the services of fee for service dentists.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to modify the fee schedule for 'Dentist' found in Budget Resolution Number 23 on page R-7 of Book B in the 2012 Budget to increase payments to fee for service dentists under the following rates:

Dentist 1 - \$65/hour

Dentist 2 - \$70/hour

Dentist 3 - \$75/hour

and be it further

RESOLVED, that this rate increase shall commence on August 1, 2012 with funds available in Account 516020, Professional Services in the Department of Health's 2012 Budget; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.

(5-0)

5. COMM. 13E-49 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is required to maintain records related to the administration of Medicaid, Food Stamps and Temporary Assistance programs consisting of eligibility documents and benefit disbursement detail; and

WHEREAS, these records are maintained in the OnBase optical imaging system designed and developed by Hyland Software; and

WHEREAS, OnBase software is critical to the Department's day to day operations; and

WHEREAS, OnBase is a proprietary optical imaging system of Hyland Software; and

WHEREAS, funds intended for this purpose in account 516030 in the 2012 Adopted Budget have been earmarked to Hyland Software, there is no addition fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are hereby authorized to execute the necessary renewal of a contract with Hyland Software for the one year period beginning 12/10/2011 in the amount of \$7,000; and be it further

RESOLVED, that as Hyland Software is the sole source, the Section 19.08 County Charter requirement of Request for Proposals is hereby waived; and be it further

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

(5-0)

THOMAS J. MAZUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

July 16, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

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

- a. COMM. 11E-14 (2012)
LORIGO: "Letter Concerning Western Regional OTB"
(4-0)
- b. COMM. 12M-4 (2012)
WESTERN REGIONAL OTB: "Copy of Proposal to Have Live Table Games at Batavia Downs Casino"
(4-0)
- c. COMM. 13E-27 (2012)
COUNTY EXECUTIVE: "Old County Hall & EC Court Building Exterior Waterproofing & Improvements"
(4-0)
- d. COMM. 13M-1 (2012)
NFTA: "Copy of Audited Financial Statement for Fiscal Year Ended 3/31/2012"
(4-0)
- e. COMM. 13M-2 (2012)
NFTA: "Copy of Annual PARIS Report"
(4-0)
- f. COMM. 13M-3 (2012)
NFTA: "Minutes of Meeting Held 5/21/2012"
(4-0)
- g. COMM. 13M-6 (2012)
NYSDOT: "Letter to Legislature Concerning Surplus Real Property for Sale by Public Sealed Bid Auction"
(4-0)

2. COMM. 13E-18 (2012)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the locally administered federal aid Maple Road Intersection Improvements Project, in the Town of Amherst, on September 22, 2011. The low responsible bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, at a low bid amount of \$3,148,433.46; and

WHEREAS, the project was allowed to be awarded to the lowest responsible bidder via Legislative approval at the 11th Session, dated May 26, 2011, Communication 10E-14 (2011); and

WHEREAS, the adjacent bridge at the intersection of Maple Road and North Forest Road, going west from North Forest is in dire need of road surface repairs and is not eligible for federal reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to approve

an increase, to the Scope of Work and item quantities, and execute a Change Order to the Maple Road Intersection Improvement Project No. FA-192-11, in an amount not to exceed \$125,000.00 for the bridge and surface repairs on BR 192-1 Maple Road Bridge over Ellicott Creek; and be it further

RESOLVED, that the amount of \$125,000.00 be utilized from B.20902, 2009 Maple Road-Construction Program for a Scope of Work increase to the Construction Contract with CATCO for an amount not to exceed \$125,000.00 at 100% local share; and be it further

RESOLVED, that three 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.

(4-0)

3. COMM. 13E-19 (2012)
COUNTY EXECUTIVE

WHEREAS, the County of Erie, Department of Public Works, Division of Highways recommends closing Contract BR 258-1-10 with Concrete Applied Technologies Company (dba CATCO); and

WHEREAS, the Erie County Legislature previously authorized this Capital project for the replacement of Burdick Road Bridge in the Town of Newstead and awarded the construction of the project to Concrete Applied Technologies Company dba CATCO via Comm. 12E-11 (2010) of June 24, 2010; and

WHEREAS, in order to close out the contract a Change Order to CATCO in the amount of \$48,811.83 is due for additional work and quantities associated with utility interference with installation of structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a Change Order with Concrete Applied Technologies Company dba CATCO in the amount of \$48,811.83 from 2010 Preservation of Bridges & Culverts, B.21027; and be it further

RESOLVED, that the County of Erie Department of Public Works is directed to close the contract in the total amount of \$374,727.19 upon execution of the final Change Order; and be it further

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

(4-0)

4. COMM. 13E-20 (2012)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Capital Project for the Rehabilitation of Miscellaneous Bridges and Culverts in various Towns, on June 21, 2012, and the low bidder was Nichols, Long and Moore Construction Company at a low bid amount of \$293,683.00; and

WHEREAS, a Contract for construction inspection services for the above noted project to the engineering firm of Clough Harbour Associates LLP, is required at a cost not to exceed \$55,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR MISC5-12 for the Rehabilitation of Miscellaneous Bridges and Culverts, between the County of Erie and the low bidder, Nichols Long and Moore Construction Company, of Lancaster, New York at a low bid amount of \$293,683.00; and be it further

RESOLVED, that an amount of \$293,683.00, be allocated from 2012 Preservation of Bridges and Culverts Program (SAP Account B.12008), and an additional amount of \$30,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$30,000.00, also to be allocated from 2012 Preservation of Bridges and Culverts Program (SAP Account B.12008); and be it further

RESOLVED, that an amount of \$55,000.00 be allocated from 2012 Preservation of Bridges and Culverts (SAP Account B.12008) for a contract for services during construction, construction reimbursables, and construction inspection with Clough Harbour Associates LLP; and be it further

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

(4-0)

5. COMM. 13E-21 (2012)
COUNTY EXECUTIVE

WHEREAS, the County owns nine (9) dams, and in accordance to the New York State Department of Environment and Conservation, two (2) are high hazard dams, one is a medium hazard and the six (6) remaining ones are low hazard dams; and

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that the negotiated contract fee will be appropriated from 2012 Dam Safety and Preservation Design (SAP Project Account B.12009), in an amount which will not exceed \$360,000.00; and be it further

RESOLVED, that three (3) copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(4-0)

6. COMM. 13E-22 (2012)
COUNTY EXECUTIVE

WHEREAS, a critical assessment and identification of space alternatives for various departments within several County buildings is required to maximize use of County owned buildings, including the potential for utilizing County space and reducing leased space; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Hamilton, Houston, Lownie Architects (HHL) for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Hamilton, Houston, Lownie Architects (HHL) for providing design and construction document services for the space assessment planning.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Hamilton, Houston Lownie Architects(HHL) for providing professional design and services for space assessment planning for an amount not to exceed \$150,000.00 including reimburseables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00307 – 2007 – Space Consolidation & Relocation for an amount not to exceed \$150,000.00; 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.
(4-0)

7. COMM. 13E-23 (2012)
COUNTY EXECUTIVE

WHEREAS, during heavy rainfall the Erie County Day Care Center's sanitary sewer back-up in the basement causing flooding problems; and

WHEREAS, the Rath Building's 15th Floor Data/Computer Room that was constructed in the early to mid-1980's is no longer functional and the 25 years plus cooling units are not able to provide sufficient cooling for the room; and

WHEREAS, the Erie County Toxicology Lab was constructed in the late 1960's and has not been updated to current heating, cooling and ventilation standards and needs; and

WHEREAS, your Honorable Body has previously authorized Architectural/Engineering Term Agreement with the firm of Trautman Associates for providing professional design services on County projects; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Trautman Associates Architects/Engineers to provide Professional A/E Design Services for the following:

- Health & Safety issues regarding sanitary sewer back-up at the Erie County Day Care Center;
- Renovations to the Rath Building 15th floor Data/Computer Room; and
- HVAC upgrades and the Erie County Toxicology Lab.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates Architects/Engineers for providing professional Architectural/Engineering Services for correcting health and safety issues at the Erie County Day Care Center; renovations to the Rath Building Data/Computer Room; and HVAC upgrades to the Toxicology Lab for an amount not exceed \$107,000.00 including reimbursables; and be it further

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

A.12003 – 2012 Countywide Code & Environmental Compliance	\$17,000.00
A.20920 – 2009 Countywide & Communication Room Fire Suppression System	\$40,000.00
A.12011 – 2012 Erie County Morgue & Toxicology Improvements	<u>\$50,000.00</u>
Total Payment Not To Exceed	\$107,000.00

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.

(4-0)

8. COMM. 13E-24 (2012)
COUNTY EXECUTIVE

WHEREAS, Commissioner of Public Works desires to engage the services of Environmental Service Consultants in order to implement asbestos abatement monitoring and testing on various County projects; and

WHEREAS, the Department of Public Works advertised for environmental consulting firms; and

WHEREAS, after careful review of each firm's capabilities, several firms were selected having the necessary expertise, experience, and manpower to provide the required services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with each of the following firms to provide Environmental Consulting Services on various County projects:

Watt's Architectural/Engineering – 95 Perry Street, Buffalo NY 14203
Empire GEO – 5167 South Park Avenue, Hamburg NY 14075
Core Environmental – 2312 Wehrle Drive, Buffalo NY 14221
Stohl Environmental – 4169 Allendale Parkway, Blasdell NY 14219

and be it further

RESOLVED, that the sum of \$200,000.00 be allocated for said environmental consulting service fees to be paid to the selected consultants; with a maximum contract value of \$50,000.00 each, on a project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.12003 – 2012 – Countywide Code and Environmental Compliance; for a total amount not to exceed \$200,000.00; 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.

(4-0)

9. COMM. 13E-25 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks & Recreation have several buildings at various locations that require demolition; and

WHEREAS, several of these buildings are in very deteriorated condition and cause a health and safety concern; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue an Agreement Amendment to Paradigm Environmental Services Inc. for a pre-demolition hazardous materials survey.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Paradigm Environmental Services, Inc. for providing pre-demolition hazardous materials survey at various park locations for an amount not to exceed \$35,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account A.12007 – 2012- County Wide Parks Improvements & Equipment; 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, the Department of Parks & Recreation, and the office of the Comptroller.

(4-0)

10. COMM. 13E-26 (2012)
COUNTY EXECUTIVE

WHEREAS, installation of new video and security devices are required to maintain required levels of security and safety at the ECCF, ECHC and Chestnut Ridge Sheriff's Bunker; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with M/E Engineering, Inc. 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 M/E Engineering, Inc. for providing design and construction document services for the ECCF, ECHC and Chestnut Ridge Sheriff's Bunker –Security and Video Upgrade Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to M/E Engineering, Inc. for providing professional design and construction document services for the ECCF, ECHC and Chestnut Ridge Sheriff's Bunker - Security and Video Upgrade 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.11007 - 2011 Video and Door Control Upgrades- ECCF & ECHC for an amount not to exceed \$125,000.00; 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.

(4-0)

11. COMM. 13E-28 (2012)
COUNTY EXECUTIVE

WHEREAS, the Library Board of Trustees has authorized the Library Director, in cooperation with the Erie County Department of Public Works to proceed with the redesign of the second floor west area work; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Watt's Architecture & Engineering, P.C. for professional Architectural/Engineering services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue an Agreement Amendment to Watt's Architecture & Engineering, P.C. for providing design and construction documents services for the second floor west renovations project at the Erie County Central Library.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Watt's Architecture & Engineering, P.C. for providing professional design and construction document services for the second floor west renovations project at the Buffalo & Erie County Central Library for an amount not to exceed \$80,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project F.11001 – 2011- Central Library Space Renovations for an amount not to exceed \$80,000.00; 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, the Buffalo & Erie County Central Library c/o Kenneth Stone, and the Office of the Comptroller.

(4-0)

12. COMM. 13E-29 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids on July 10, 2012 for the Buffalo Niagara Convention Center - Meeting Rooms Asbestos Abatement project; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$220,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.11003 – 2011 – Countywide Code Compliance and Environmental Compliance for a total amount not to exceed \$220,000.00; 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.

(4-0)

13. COMM. 13E-30 (2012)
COUNTY EXECUTIVE

WHEREAS, the County has been notified by National Fuel that major structural deficiencies exist in the sidewalk electrical vault and the walls are crumbling. If not immediately corrected, National Grid has informed the Buffalo Niagara Convention Center personnel and the County, that power to the facility could be turned off; and

WHEREAS, the Erie County Department of Public Works, received bids for the Buffalo Niagara Convention Center - 2012 – Electrical Vault Repairs on June 21, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of a 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, Paul J. Gallo Contracting, Inc. for the Buffalo Niagara Convention Center – 2012 – Electrical Vault Repairs for an amount not to exceed \$202,000.00; and be it further

RESOLVED, that the sum of \$21,968.79 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds being 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 accounts as follows:

A.00306 – 2007 Convention Center Renovations	\$ 51,484.57
A.00320 – 2008 Convention Center Renovations	\$ 16,086.78
A.20916 – 2009 Convention Center Renovations	\$10,070.10
A.21004 – 2010 Convention Center Renovations	\$23,732.34
A.12003 – 2012 County Wide & Environmental Code Compliance	<u>\$122,595.00</u>
Total Payment Not To Exceed:	\$223,968.79

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.

(4-0)

14. COMM. 13E-31 (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 – Stadium Sound System Upgrades, Phases 2 and 3 on June 28, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of a 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 – 2012 – Stadium Sound System Upgrades, Phases 2 and 3 as follows:

ELECTRICAL WORK

Frey Electric Construction Company	Base Bid	\$510,000.00
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and be it further

RESOLVED, that the sum of \$50,000.00 be allocated to a construction contingency fund with authorization for the County Executive and/or Commissioner of Public Works 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 A.12001 2012 – Rehabilitation of Ralph Wilson Stadium, for an amount not to exceed \$560,000.00; 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.

(4-0)

15. COMM. 13E-32 (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, your Honorable Body has previously approved a general Engineering agreement with the firms of Nussbaumer & Clark, Inc. & Stohl Environmental LLC for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment with Nussbaumer & Clarke, Inc. and Stohl Environmental LLC.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue into an Agreement Amendment with Nussbaumer & Clark, Inc. for Underground Utility Locating Services in an amount not to exceed \$80,000 including reimbursables & Stohl Environmental LLC in an amount not to exceed \$40,000.00 including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account A.12002-2012 - Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$120,000; 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.

(4-0)

16. COMM. 13E-33 (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 Parking Lot Improvements, Miscellaneous Roof Repairs & Old Administrative HVAC Upgrades on June 21, 2012; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of contracts to the lowest responsible bidders, along with the engineer; and

WHEREAS, your Honorable Body has previously approved a general Architectural/Engineering agreement with the engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing professional design services for the 2012 projects; and

WHEREAS, funds for the project are available from the 2011 bond sale and capital account for Ralph Wilson Stadium.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for the Ralph Wilson Stadium – 2012 Parking Lot Improvements, Miscellaneous Roof Repairs & Old Administration Building HVAC Upgrades as follows:

MECHANICAL WORK

John W. Danforth Co.	Base Bid	\$172,200.00
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PLUMBING WORK

Numarco, Inc	Base Bid	\$116,800.00
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SITE WORK

Del Prince & Sons, Inc.	Base Bid	\$629,480.00
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TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED		\$918,480.00
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and be it further

RESOLVED, that the sum of \$81,520.00 be allocated to a construction contingency fund with authorization for the County Executive and/or Commissioner of Public Works 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 County Executive be authorized to issue an Agreement Amendment to DiDonato Associates to provide this years' design work for an amount not to exceed \$160,000; and be it further

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

A.11002	2011 – Rehabilitation of Ralph Wilson Stadium	<u>\$1,160,000.00</u>
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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.
(4-0)

17. COMM. 13E-35 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids after the last legislative meeting before summer recess for the Erie Community College – North and City Campuses – 2012 - Campus Security and Safety Upgrades; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of a construction contract after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with Wendel Companies for providing professional Architectural and Engineering design and construction administration services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder, during the Legislative summer recess, so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$1,300,000.00; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with Wendel Companies for providing professional architectural and engineering design and construction administrative services for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account E.00072 - 2008 ECC-Campus Security, for a total amount not to exceed \$1,325,000.00; 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, Erie Community College, Chief Financial Officer and the Office of the Comptroller.
(4-0)

18. COMM. 13E-36 (2012)
COUNTY EXECUTIVE

WHEREAS, previously contracts were awarded to Picone Construction and Flynn Battaglia Architects to implement the project; and

WHEREAS, during the exterior restoration, unforeseen conditions have been uncovered requiring repair to steel supports and cornice at the port cochere, and the deteriorated foundation at the main entrance steps; and

WHEREAS, additional repairs are needed to preserve the building and historic structure.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current Contingency Fund by \$250,000.00 from \$400,000.00 to \$650,000.00 to cover the additional consultant fees and construction work; and be it further

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

RESOLVED, that the project will receive 50% reimbursement from New York State; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments for all of the above from SAP Project E.11004 – 2011- ECC Masonry Restoration Project for an amount not to exceed \$250,000; 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, Erie Community College-Chief Financial Officer, and the Office of the Comptroller.

(4-0)

19. COMM. 13E-37 (2012)
COUNTY EXECUTIVE

WHEREAS, Department of Public Works will be receiving bids for the ECC – 45 Oak Street – Roof Replacement project in the near future; and

WHEREAS, the Erie County Legislature will be in summer recess at the time when bids will be received; and

WHEREAS, it is desirable to proceed with this work since the roof is in a state of deterioration necessitating replacement prior to the coming winter season; and

WHEREAS, in order to progress this work and take advantage of the best weather conditions during the summer months.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the roof replacement at Erie Community College – 45 Oak Street – Roof Replacement, with the lowest responsible bidder, for an amount not to exceed \$1,750,000.00 including construction contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account E.11003–2011 Erie Community College – Roofs County Wide for an amount not to exceed \$1,750,000.00; 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, Erie Community College, Chief Financial Officer and the Office of the Comptroller.

(4-0)

20. COMM. 13E-38 (2012)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Buffalo Engineering, PC for providing professional design services on Erie County projects and ECC-Energy Performance Projects; and

WHEREAS, Buffalo Engineering, PC has the necessary expertise and manpower to perform the design services for the Erie Community College – North Campus - Energy Performance Contract project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Buffalo Engineering, PC for providing additional professional Architectural/Engineering Services for upgrading the HVAC equipment and controls at Erie Community College – North Campus – Energy Performance Contract for an amount not to exceed \$10,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project E.00067 – 2007 –Erie Community College- North Campus- Energy Performance Contract for an amount not to exceed \$10,000.00; and be it further

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

(4-0)

21. COMM. 13E-39 (2012)
COUNTY EXECUTIVE

WHEREAS, Time Warner Cable has requested an easement from the County to extend their TV Cable service from Building No. 4 to Building No. 7 for the ECC-South Campus, DMV Office; National Grid has requested an easement for providing a primary electrical service at ECC-North

Campus and AT&T has requested a five (5) year term renewal lease for communication antenna space on the communication cell tower located at ECC-South Campus; and

WHEREAS, AT&T's current lease for communication antenna space on the cell tower at ECC-South Campus will expire mid-July, 2012; and

WHEREAS, ECC is recommending to the County that the utility services are required to their buildings and that extending AT&T's lease for another five (5) year term will continue to generate revenue for the college.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to grant an easement for utility services at ECC-South to Time Warner Cable and for new primary electrical service at ECC-North Campus to National Grid; and be it further

RESOLVED, that the County Executive is authorized to renew the cell tower lease for another five (5) year term with AT&T; 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, ECC, County Attorney and the Office of the Comptroller.
(4-0)

22. COMM. 13E-40 (2012)
COUNTY EXECUTIVE

WHEREAS, Cingular previously constructed a cell tower at Erie Community College's South Campus, for mutual usage without cost to Erie County or Erie Community College; and

WHEREAS, Cingular entered into various lease agreements with Erie County, the current lease requiring rent of \$122,400 over a five year period, paid to the College; and

WHEREAS, Cingular, now wishes to enter into a five year lease extension, with an option to extend an additional five years, subject to the County's approval, paying the college approximately \$146,880 in total during the initial five year extension commencing September 1, 2015 and escalating 20% during the second five year extension paying the college approximately \$176,256 in total during the five year renewal term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing cell tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by the Erie Community College Board of Trustees and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease amendment with New Cingular Wireless, PCS, LLC to rent space on the existing cell tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the amended lease for Cingular shall be for an initial term of five years commencing at \$29,376 per year escalating 20% for the second five year term subject to County approval; and be it further

RESOLVED, that the funds received from this lease are to be budgeted for, and accounted for, as operating revenues of Erie Community College or to be designated for the purpose of future capital construction as determined by the ECC Board of Trustees, and with the College informing the County's Division of Budget and Management of how it utilizes the revenue; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Erie Community College, Erie County Comptroller, County Attorney, County Division of Budget and Management and the County Department of Public Works.

(4-0)

23. COMM. 13E-43 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry currently receives approximately \$5,000.00 from a New York State Grant for developing and maintaining approved snowmobile trails located within the Erie County Park System; and

WHEREAS, the Department of Parks, Recreation & Forestry is finding it increasingly difficult to maintain snowmobile trails due to the lack of staffing and necessary equipment; and

WHEREAS, Snowmobile Clubs in Erie County are willing to enter into agreements with the County to take over the maintenance aspect and receive the NYS funding for these County trails.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with individual Snowmobile clubs of Erie County for the purpose of transferring the maintenance and NYS funding of the NYS Snowmobile Grant-In-Aid Program approved snowmobile trails located within the Erie County Park System; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and Assistant County Attorney, Kristen Walder, of the Law Department.
(4-0)

24. COMM. 13E-47 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry spent \$60,000.00 from two capital projects to repair the parking lot at the Sprague Brook Casino; and

WHEREAS, the Sprague Brook Casino is an official Erie County voting site; and

WHEREAS, this repair to provide handicap accessibility qualifies for New York State HAVA funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept \$60,000.00 in HAVA funding from New York; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the following capital projects in order to utilize the HAVA reimbursement, in the amounts indicated, for the Department of Parks, Recreation and Forestry:

Fund 410

Project A.21012 – Roads, Pathways and Parking Lot Repairs	\$36,785.76
Project A.21010 – Countywide Parks Improvements	\$23,214.24

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and the Office of the Erie County Comptroller.

(4-0)

25. COMM. 13E-48 (2012)
COUNTY EXECUTIVE

WHEREAS, there are two (2) culverts identified in Chestnut Ridge Park that are deteriorated and could become potentially hazardous to the public; and

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

WHEREAS, Ty-Lin International, an approved provider of engineering services via Comm. 14E-19 of July 17, 2008, is recommended by the Departments of Public Works and Parks as best suited for this task.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Ty-Lin International to provide Culvert Replacement Design Engineering Services; and be it further

RESOLVED, that the negotiated contract fee will be appropriated from a Countywide Parks Improvement fund in an amount which will not exceed \$140,000.00 from the following SAP capital accounts:

- Fund 410 A.21010 \$83,000.00 2010 Countywide Park Improvements
- Fund 410 A.12007 \$57,000.00; 2012 Countywide Park Improvements

and be it further

RESOLVED, that three (3) copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy each to the Office of the County Executive, the Division of Budget Management, the Office of the Comptroller and the Commissioner of Parks, Recreation & Forestry.

(4-0)

**THOMAS A. LOUGHRAN
CHAIR**

Item 23 – MR. McCracken presented the following report and moved for immediate consideration and approval. MR. Mazur seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

July 16, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12M-6 (2012)
PRESIDENT, EC FARM BUREAU INC.: “Letter Concerning Proposed County Local Law 1-2012”
(5-0)
 - b. COMM. 13E-17 (2012)
COUNTY EXECUTIVE: “ECSD No. 2 - Proposed Modification of Plans - EC Sewer Agency Report”
(5-0)
 - c. COMM. 13D-2 (2012)
EC HEALTH COMMISSIONER & EC PARKS COMMISSIONER: “Letter of Response to INTRO 9-9 (2012)”
(5-0)
 - d. COMM. 13M-4 (2012)
NYSDEC: “Fact Sheet: National Fuel Gas - Buffalo Service Center Update: Focused Excavation in Former Wilkenson Slip June - September, 2012”
(5-0)
 - e. COMM. 13M-5 (2012)
NYSDEC: “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”

(5-0)

2. COMM. 9E-26 (2012)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Charlotte, Sherburn, McKinley Pumping Station Elimination and Brookwood Pumping Station Demolition Project, Contract No. 40 at 2:00 P.M. on June 27, 2012.

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 40	Milherst Construction Inc. 10025 County Road Clarence Center, New York 14032-0430	\$958,598.60

and

WHEREAS, in accordance with a merger agreement with the Village of Hamburg, the Village will reimburse Erie County Sewer District No. 3 the full amount of this contract; and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends award of the contract to the aforementioned lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Charlotte, Sherburn, McKinley pumping station elimination and Brookwood pumping station demolition Project, Contract No. 40 be awarded as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 40	Milherst Construction Inc. 10025 County Road Clarence Center, New York 14032-0430	\$958,598.60

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget is directed to increase estimated revenue (417030 other local match) and appropriations (516020 Professional Services) \$958,598.60 in Erie County Sewer District No. 3 capital project C.00062; and be it further

RESOLVED, that the Erie County Comptroller is authorized and directed to allocate \$958,598.60 from Sewer Capital, Erie County Sewer District No. 3, Account C.00062 for Contract No. 40; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, Director of Budget, Comptroller's Office, 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)

3. COMM. 11E-13 (2012)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 8, Geneva Road Pumping Station and Sanitary Sewer Extension Project, Contract No. 11A General / Mechanical and 11D Electrical, at 11:00 A.M. on June 25, 2012.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 11A General / Mechanical	J.D. Northrup Construction Inc. P.O. Box 669 Ellicottville, NY 14731	\$488,566.45
Contract No. 11D Electrical	Weydman Electric Inc. 747 Youngs Street Tonawanda, NY 14150	\$43,700.00
	For a Total Project Cost of	\$532,266.45

and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends award of the contracts to the aforementioned lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the Geneva Road Pumping Station and Sanitary Sewer Extension Project, Contract No.11 A and 11D be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 11A General / Mechanical	J.D. Northrup Construction Inc. P.O. Box 669 Ellicottville, NY 14731	\$488,566.45

Contract No. 11D Electrical	Weydman Electric Inc. 747 Youngs Street Tonawanda, NY 14150	\$ 43,700.00
	For a Total Project Cost of	\$532,266.45

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget is directed to allocate \$532,266.45 from Sewer Capital, Erie County Sewer District No. 8, Account C.00071 for Contract 11A and Contract 11D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, Director of Budget, Comptroller's Office, 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)

4. COMM. 13E-15 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry recently announced it was implementing a "smoke-free parks" policy; and

WHEREAS, the Erie-Niagara Tobacco-Free Coalition has offered to donate up to 150 anti-smoking signs to be installed at County parks, beaches and forestry, and the Department of Parks wishes to accept; and

WHEREAS, the cost per sign is approximately \$20 and would carry the message "Breathe Easy" or "Young Lungs at Play;" and

WHEREAS, pursuant to County Law, donations must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the acceptance, from the Erie-Niagara Tobacco-Free Coalition, of up to 150 anti-smoking signs to be installed at County parks, beaches and forestry; and be it further

RESOLVED, that certified copies of this resolution be sent to the office of the Erie County Executive Mark Poloncarz, Commissioner of the Department of Parks Recreation & Forestry Troy Schinzel, Erie-Niagara Tobacco-Free Coalition, and the Erie County Attorney.

(5-0)

5. COMM. 13E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, the Buffalo Niagara Partnership “Who Does What” Commission’s Niagara County Study conducted in 2003 recommended that Niagara County implement a county-wide GIS system and in addition recommended that Niagara County would be best served by entering into an Intermunicipal Agreement with Erie County for GIS services; and

WHEREAS, Erie County has an existing enterprise-level GIS system, consisting of significant investments in computer hardware, software, communications, staff, and applications (such as an Internet Mapping System); and

WHEREAS, Erie and Niagara Counties entered into a five-year Intermunicipal Agreement for Shared GIS Services in 2008, which will expire at the end of 2012; and

WHEREAS, Erie and Niagara Counties desire to continue the mutually beneficial IMA for Shared GIS Services for another five-year term covering the period 2013 - 2017; and

WHEREAS, Niagara County has agreed to compensate Erie County for GIS services rendered in support of the proposed Intermunicipal Agreement; and

WHEREAS, sharing of GIS services between Erie and Niagara Counties will avoid duplication of GIS services in the future between the two counties and will promote cost savings in the provision of these services.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Executive is authorized to enter an Intermunicipal Agreement for Shared GIS Services between Erie and Niagara for a five-year term covering the period 2013 - 2017; and be it further

RESOLVED, that Erie County will receive annual payments from Niagara County for GIS services for the five-year term in the amounts of: Year 1 - \$25,620, Year 2 - \$26,902, Year 3 - \$28,247, Year 4 - \$29,659, Year 5 - \$31,142. These revenues, totaling \$141,570, shall be recorded in commitment item 420270 (GIS Services-Other Governments); and be it further

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

(5-0)

**TERRENCE D. McCracken
CHAIR**

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: Assessing the Need for a Regional Approach to Increase Access to Locally Grown, Processed & Produced "Farm to Table" Food in EC (INTRO 14-1)

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

WHEREAS, public discussion regarding issues including, but not limited to, farmland protection, "freedom to farm", land use, expanding farmers' access to new and growing markets, particularly in urban areas, continue to be matters of public interest; and

WHEREAS, the designation by the United Nations of the Year 2012 as the International Year of the Cooperatives makes this an ideal time to address the growing, positive impact cooperatives have had on our community and what role they could play in increasing the community's access to "farm to table" food, particularly in urban areas; and

WHEREAS, among the economic benefits of a well-functioning regional plan is the facilitation of direct marketing partnerships between food producers and consumers; and

WHEREAS, increasing access to locally-produced, fresh farm products can bridge the perceived gap between urban and rural concerns and can help small and medium-sized farms stay in business.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the Commissioner of the Department of Environment & Planning attend a future informational meeting under the auspices of both the Health & Human Services Committee and the Energy & Environment Committee to discuss the "farm to table" movement and the actions being taken to increase the access of Erie County's farmers to untapped markets in Erie County; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Erie County Executive, the Commissioner of Environment & Planning 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. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: CHAIR GRANT and MR. HOGUES. (AYES: 9; NOES: 2)

CARRIED.

RESOLUTION NO. 186

RE: Supporting Batavia Downs & Hamburg
Casino Being Authorized by NYS for
Full Casino Gaming
(INTRO 14-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, McCRACKEN & DIXON**

WHEREAS, in September 1973, 11 Western New York counties and two cities established the Western Regional Off-Track Betting Corporation (Cattaraugus, Chautauqua, Erie, the City of Buffalo, Genesee, Livingston, Monroe, the City of Rochester, Niagara, Orleans, Seneca, Steuben, and Wayne), as enabled by state law; and

WHEREAS, these municipal “stockholders” chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those 11 counties voted to form Western Regional Off-Track Betting Corporation (WROTBC), an additional four Western New York counties have joined them in the local control of such gaming activities that has, since 1973, generated over \$209 million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, WROTBC has returned \$56 million to Erie County since its inception, including \$700,000 returned to Erie County in 2011 and \$168,198 in the first quarter of 2012; and

WHEREAS, the participating municipalities of WROTBC as its shareholders have a pro-rata financial interest in the \$39 million of net equity reinvested in its 30-plus corporately-owned branch facilities, including the track and casino at Batavia Downs; and

WHEREAS, WROTBC projects increased revenue if authorized for full casino gaming at Batavia Downs by New York State, including over \$86 million in capital construction spending, which will result in 552 direct construction jobs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the Governor and members of the Western New York delegation of the New York State Legislature to support Batavia Downs Casino and Hamburg Casino, presently licensed for video gaming, to be authorized for full casino gaming by New York State; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Western Regional Off-Track Betting Corporation, the Erie County Executive, members of the Western New York Delegation of the New York State Legislature and to all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

RE: Requesting that the County Executive Consider Funding a Monument Honoring Western New Yorkers Who Have Served in Iraq & Afghanistan (INTRO 14-3)

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

WHEREAS, servicemen and women from Western New York served in military actions in Iraq in 1991 and from 2003 through 2011 and in Afghanistan since 2001; and

WHEREAS, many of these Western New Yorkers gave their lives in service to our country; and

WHEREAS, the group is currently seeking to erect a monument to honor these Western New Yorkers for their service and sacrifice, with particular reverence to those who died in service; and

WHEREAS, Ralph Sirianni has designed a monument with two brown granite memorials which will be inscribed with the names of those that we have lost; and

WHEREAS, the Buffalo and Erie County Naval and Military Park has agreed to host the monument; and

WHEREAS, the monument would be an appropriate way to honor Western New Yorkers serving overseas, as well as serve as a downtown waterfront attraction; and

WHEREAS, because the group has not been a 501(c)(3) organization since 2009, it was proscribed from applying for cultural funding via the Cultural Advisory Board. However, [the group] has an arrangement with non-profit to allow it to accept donations earmarked for the monument as part of that group's not-for-profit mission; and

WHEREAS, a grant of \$50,000 would allow the group to begin construction of the monument.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive consider funding the Iraq and Afghanistan Servicemen and Women's Monument in the amount of \$50,000 as part of the 2013 cultural budget; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Executive and the Commissioner of Environment & Planning.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 27 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-9 (2012). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

RE: Department of Probation - Personal
Services Probation Officers
(COMM. 13E-9, 2012)

WHEREAS, the Erie County Total System of Care employs a team approach concept to address the needs of our youth and families at the Intake and Diversion stage, utilizing two multi-departmental teams consisting of staff members from the Probation Department, the Department of Social Services (DSS) and the Department of Mental Health; and

WHEREAS, prior year staffing cuts and a higher number of juvenile offenders have significantly increased juvenile caseloads per officer, especially Intensive Supervision caseloads designed to supervise the high risk youth who are most likely to re-offend and enter placement; and

WHEREAS, the creation of three additional Juvenile Intensive Supervision Probation Officers will free up the time of more experienced officers who will be able to reduce per officer caseloads, provide much closer supervision of high risk youth, and work more effectively in implementing the balanced approach which has proven to reduce criminal activities, probation violations, out-of-home placements, and minimize recidivism; and

WHEREAS, the average number of annual JD placements for the years between 2011 and 2012 is projected to increase by 63.4% and this increase in placements projects an approximate annual increase in residential bed days of 9,800 costing up to an additional \$1.67 Million in county expense; and

WHEREAS, these positions are funded for the balance of 2012 through an interdepartmental billing relationship with the Department of Social Services' Youth Services Division and the Department of Mental Health.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget adjustment is hereby authorized in order to establish three (3) positions of Probation Officer (JG 11 trainee salary level) in the Department of Probation:

2012 Budget - Fund 110	
Probation - Fund Center 12610	
Expense	Increase/(Decrease)
500000 - Full Time Salary	48,087
501000 - Overtime	8,100
502000 - Fringe Benefits	31,524
912600 - ID Probation Services	<u>(87,711)</u>
Total Expense	0

DSS- Youth Services Division - Fund Center 12530	
Revenue	Increase
408065 - State STSJP Aid Youth Services	41,918
Expense	
912600 - ID Payment Probation Services	41,918
Net - Revenue - Expense	0

Mental Health Program Administration - Fund Center 12410

Expense	Increase/(Decrease)
516010 - Contract Payment Non-Profit Purchase Services	(45,793)
912600 - ID Payment Probation Services	<u>45,793</u>
Total Expense	0

and be it further

RESOLVED, that three (3) Probation Officer, (JG 11 trainee) positions are created within the Department of Probation, (B-100 control number 6912) effective July 28, 2012 pay period 17; and be it further

RESOLVED, that the Probation Department will sign Interdepartmental Memorandums of Understanding with the Department of Mental Health, and the Division of Youth Services to establish program goals and objectives; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, the Department of Social Services' Youth Services Division, the Department of Mental Health, the Personnel Department and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza.

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

CARRIED UNANIMOUSLY.

Item 28 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-46 (2012). MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

RE: Texas Engineering Extension (TEEX)
Service Contract - Homeland Security
Training & Exercise
(COMM. 13E-46, 2012)

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

WHEREAS, in furtherance of those homeland security training goals, the County Executive has requested authorization to enter into a contract for \$133,333 with Texas Engineering Extension (TEEX), a sole source provider, to conduct a weeklong training and an exercise for members of the Western New York Incident Management Team; and

WHEREAS, there is funding available in FY 10 Urban Area Security Initiative Grant Program to cover the costs incurred for this training; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Texas Engineering Extension (TEEX), a sole source provider, to conduct a weeklong training and an exercise for members of the Western New York Incident Management Team in the amount of \$133,333.00, said funds to be obtained from currently budgeted available balances in account 516020 grant HS167UASI1013 in the Department of Emergency Services; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

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

CARRIED UNANIMOUSLY.

Item 29 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 13E-34 (2012). MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: ECC North - Electrical Service Upgrade
(COMM. 13E-34, 2012)

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

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, the County of Erie received bids for the Erie Community College North Electrical Service Upgrade on July 12, 2012; and

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

WHEREAS, the lowest responsible bidder is Frey Electrical Construction Co. Inc.; and

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

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of DiDonato Associates for providing design and construction document services for the transformer building design.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie Community College – North – Electrical Service Upgrade as follows:

Electrical Construction Work

Frey Electrical Construction Co. Inc. Base Bid: \$1,043,000.00

and be it further

RESOLVED, that the sum of \$100,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of DiDonato Associates for providing professional design and services for transformer building design for an amount not to exceed \$15,000.00 including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account E.20903 – 2009 – ECC Electrical Upgrades for an amount of \$994,600.00 and E.21003 – 2010 – ECC Electrical Upgrades for an amount of \$163,400.00 for a total amount not to exceed \$1,158,000.00; 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, ECC Chief Financial Officer and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 30 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-7 from the COUNTY EXECUTIVE Re: Correctional Health – Transfer of Funds

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

WHEREAS, a lack of competitive salaries for critical personnel in the Department of Health, Health Division has led to an increased utilization of contract nursing agencies; and

WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$1,000,000; and

WHEREAS, the Adopted 2012 Health Department Budget provides funding to provide medical services at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, a transfer of funds must be made in order to fulfill our commitments to the Erie County Sheriff's Department – Jail Medical Division; and

WHEREAS, sufficient funds are available in Account 500000 Full Time Staff and Account 502000 Fringe Benefits to accommodate this transfer of funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Health Department BD 12700

INCREASE

Account 516020 Professional Services Contracts and Fees \$1,000,000

DECREASE

Account 500000 Full Time Staff \$ 695,000
Account 502000 Fringe Benefits \$ 305,000

and be it further

RESOLVED, that sufficient funds are available through a transfer within the accounts of the Adopted Budget by increasing Account 516020 Professional Services Contracts and Fees and decreasing Account 500000 Full Time Staff and Account 502000 Fringe Benefits; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Sheriff's Department, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 31 – (COMM. 14E-1) Copy of EC 2011 Comprehensive Annual Financial Report

Item 32 – (COMM. 14E-2) Copy of EC Supplement to the Comprehensive Annual Financial Report for the Year Ended 12/31/2011

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

CHAIR GRANT directed that the agenda be taken out of order and that the next item to be considered would be COMM. 14E-5.

GRANTED.

FROM THE COUNTY EXECUTIVE

Item 33 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

RE: Ontario Street Boat Launch/Black Rock Canal Park - NYS Power Authority Funding (Greenway) (COMM. 14E-5)

WHEREAS, a project for Ontario Street Boat Launch/Black Rock Canal Park improvements was awarded \$325,000 in New York State Power Authority (Greenway) monies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept \$325,000 in New York State Power Authority funding (Greenway) for improvements to the Ontario Street Boat Launch/Black Rock Canal Park; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.21016 within the Erie County Budget

- Increase Revenue: Appropriations totaling \$325,000 as follows:

Revenue

Commitment Item #409010 (Other Local Source Revenue) (\$325,000)

Appropriation

Commitment Item #516020 (Professional Services – Contractual Fees) \$325,000

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 Federal, State, and New York State Power Authority funding requirements; and be it further

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

RESOLVED, that this resolution shall take effect immediately.

CHAIR GRANT directed that the agenda return to COMM. 14E-3.

GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

RE: Award of Construction Contract - Black
Rock Canal Park Improvements Project
– City of Buffalo
(COMM. 14E-3)

WHEREAS, bids were taken for the Black Rock Canal Park Improvements – Phase 1 in the City of Buffalo on July 12, 2012, and the low bidder for general construction was Scott Lawn Yard, Inc. of 5552 Townline Road, Sanborn, New York at a low responsible bid of \$797,000.00 and the low bidder for electrical work was CIR Electrical of 400 Ingham Avenue, Lackawanna, New York at a low responsible bid of \$227,700.00; and

WHEREAS, the County is embarking on a \$1.8 million multi-phased improvement project to Black Rock Canal Park; and

WHEREAS, the County would like to start construction as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. A.21016 and No. A.00347 for the Black Rock Canal Park Improvements Project, between the County of Erie and the low bidder, Scott Lawn Yard, Inc. for general construction work in the amount of \$797,000.00 and the County of Erie and the low bidder, CIR Electric for electrical work in the amount of \$227,700.00; and be it further

RESOLVED, that a total amount of \$1,024,700.00 be allocated from SAP Account No. A.21016 and No. A.00347, Black Rock Canal Park, and an additional amount of \$102,470.00 to be allocated for a Department of Environment and Planning construction contingency fund with authorization for the County Executive to approve change orders in an amount of \$102,470.00, also to be allocated from SAP Account No. A.21016 and No. A.00347; and be it further

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

Item 35 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

RE: Dr. Matt Gajewski Health Services
Center - Renovations
(COMM. 14E-4)

WHEREAS, early this year, knowing that the County Executive was interested in bringing primary care back to the East-Side, Catholic Health Services approached Erie County with a proposal to renovate 1500 Broadway and lease the space back to Catholic Health Systems; and

WHEREAS, Department of Public Works is requesting proposals for Architectural/Engineering design services for renovations and to determine the lease costs; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of a contract; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment for providing professional Architectural/Engineering design services for this project during the Legislative summer recess.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract during the Legislative summer recess with an Architectural/Engineering firm, who has a term agreement with the County for providing professional Architectural/Engineering design services on Erie County projects, so the work can proceed during the summer months for a total contract amount not to exceed \$175,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account A.11003 – 2011- County-wide Code & Environmental Compliance for \$85,000.00 and A.11006 – 2011- County-wide Mechanical, Plumbing & Electrical Improvements for \$90,000.00, for a total amount not to exceed \$175,000.00; 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, Department of Health and the Office of the Comptroller.

FROM THE SHERIFF

Item 36 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: COC Staffing Plan
(COMM. 14E-6)

WHEREAS, the New York State Commission of Correction issued a staffing plan for the Erie County Holding Center and Erie County Correctional Facility on April 17, 2012 directing the County to create 72 new sworn positions in the Sheriff's Division of Jail Management; and

WHEREAS, after consulting with the County administration the Sheriff responded on May 17, 2012 with a proposed phased-in schedule to create 72 new sworn positions starting in September 2012 and ending in March 2015; and

WHEREAS, the Commission of Correction replied on June 20, 2012 accepting the Sheriff's proposed plan but directing the County to complete the creation and staffing by the end of 2014, with the first 15 positions created and filled in September 2012; and

WHEREAS, the Commission's plan directed the County to create new sworn positions as follows: 9 deputies, 5 sergeants and 1 lieutenant; and

WHEREAS, the Sheriff has consulted with the County administration and is recommending the creation of the first 15 positions to comply with the Commission's directive; and

WHEREAS, in order to comply with the Commission's directive and to canvass potential officers for the Sheriff's fall 2012 correction academy, it is necessary for immediate Legislature approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff hereby takes steps to comply with the New York State Commission of Correction's April 17, 2012 staffing plan for sworn personnel, as codified in the Commission's June 20, 2012 letter; and be it further

RESOLVED, that authorization is hereby provided to create nine (9) new positions of Deputy Sheriff-Officer, JG 8, five (5) new positions of Correction Sergeant, JG 10, and one (1) new position of Lieutenant-Officer, JG 10 in the Jail Management Division of the Sheriff's Office, (B-100's 6934, 6935, 6936); and be it further

RESOLVED, that authorization is hereby provided to adjust the 2012 Budget of the Jail Management Division in order to fund the new positions, as follows:

Fund 110 - 2012 Budget
Division of Real Property Tax Services - Fund Center 110

Revenue	Increase
466090 Misc. Trust Fund Rev (from In Rem Foreclosures)	274,342
Sheriff - Division of Jail Management - Fund Center 116	
Expense	Increase
500000 Full Time – Salaries	171,012
500320 Uniform Allowance	7,500
500340 Line-up Pay	6,840
502000 Fringe Benefits	<u>88,990</u>
Total Expense	274,342
Net - Revenue less Expense	- 0 -

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Sheriff, County Executive, Division of Budget and Management, Department of Personnel, and Office of Comptroller.

COMMUNICATIONS FROM THE DEPARTMENTS

None.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 37 – (COMM. 14M-1) Proposed Agenda for Meeting to be Held 7/19/2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 38 – (COMM. 14M-2) Fact Sheet: Environmental Cleanup Plan for Interim Remedial Measures Tecumseh Phase III Business Park - Sub-Parcels III-7 & III-8 - Lackawanna, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMCC

Item 39 – (COMM. 14M-3) Packet of Materials Distributed at the 6/26/2012 Regular Meeting of the Board of Directors of ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM DIANE B. HELD

Item 40 – (COMM. 14M-4) Letter to Chair of Legislature Concerning Reappointment to the EC Agricultural & Farmland Protection Board

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 41 – CHAIR GRANT announced that the first meeting of VALER 4 Valor, a Legislature ad-hoc committee established to provide advocacy, linkage, and referral services to organizations that assist veterans and military families, will hold its first meeting on Wednesday, July 25, 2012 at 2:30 P.M., in the Legislature conference room.

MEMORIAL RESOLUTIONS

Item 42 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Donald G. Darrow.

Item 43 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Pastor Monica Yvette Blackford.

Item 44 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Mary Condello and James J. Marino.

Item 45 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Darren Brown.

Item 46 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Dr. Thomas J. Bardos.

ADJOURNMENT

Item 47 – 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, September 20, 2012 at 2:00 p.m. Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, September 20, 2012 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE