

**ERIE COUNTY LEGISLATURE
MEETING NO. 26
DECEMBER 20, 2012**

The Legislature was called to order by Chair Grant.

All members present, except Legislator Dixon.

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

The Pledge of Allegiance was led by Mr. Rath.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Numbers 21, 22, 23, 24 and 25 from 2012. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 –MR. MAZUR presented a memorial resolution In Remembrance of Regina (Debkoski) Pristach.

Item 6 – MR. MAZUR presented a memorial resolution Honoring the Memories of Those Lost in the Sandy Hook Elementary School Tragedy in Newtown, Connecticut.

Item 7 – MR. HARDWICK presented a resolution Honoring Kelsey Ruszkowski on Being Named Grand Island Chamber of Commerce 2012 Student Ambassador.

Item 8 – MR. HARDWICK presented a resolution Honoring Ashley Colan on Being Named Grand Island Chamber of Commerce 2012 Student Ambassador.

MR. MAZUR moved for consideration of the above four items. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above four items by including Et Al Sponsorship. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above four items as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 11 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 13 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

December 13, 2012	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 10M-11 (2012)

SAMMIE DAVIS JR.: “Letter to Clerk of Minority & Women Business Enterprise Committee Concerning County Contracts for Business”
(4-0)

**BETTY JEAN GRANT
CHAIR**

Item 14 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

December 13, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT.

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

a. COMM. 18M-2 (2012)
HOMELESS ALLIANCE OF WNY: “Copy of Executive Summary”
(5-0)

2. COMM. 20E-6 (2012)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Stay Fit Dining Program, also known as the Congregate Dining Program, serves approximately 315,000 meals annually to senior citizens in Erie County by providing hot meals at lunch time at 44 senior dining sites throughout the County to approximately 1,300 seniors daily; and

WHEREAS, the current contract for food preparation and delivery expires December 31, 2012; and

WHEREAS, the Division of Purchase advertised for bids for the 2013 contract according to standard County bid procedures and received only one bid in response; and

WHEREAS, the sole bidder was determined to be nonresponsive based upon exceptions submitted with its bid and the fact that its bid price represented a 70% increase in cost over the existing contract; and

WHEREAS, the sole bidder was notified that no award was made with respect to the 2013 contract; and

WHEREAS, uninterrupted continuation of this program is necessary to promote the life, health and safety of the senior citizens of Erie County; and

WHEREAS, Meals on Wheels of Western New York, Inc. has partnered with Erie County for decades to provide meals to thousands of homebound senior citizens and has expressed a willingness to fill this crucial need; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to section 3.07(b) of the Erie County Administrative Code, the Erie County Legislature hereby makes a determination that it is impracticable to re-advertise for bids the supply of meals for the congregate dining program since these services must be provided without interruption; and be it further

RESOLVED, that authorization is provided for the County Executive to execute a contract with Meals on Wheels for Western New York, Inc. in an amount not to exceed that funding set aside for the Stay Fit (Congregate) Dining Nutrition Program in the 2013 Proposed Budget for the period of January 1, 2013 through December 31, 2013 (total appropriation for the program of \$2,777,313 of which \$1,477,266 is budgeted for meal preparation); and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Deputy County Executive, Director of Budget and Management, Office of the Comptroller, and Commissioner of Senior Services.
(5-0)

3. COMM. 23E-8 (2012)
COUNTY EXECUTIVE

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

WHEREAS, the Department of Health has determined that in that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$1,209,000; 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 to remain in compliance with the consent decree signed with the US Department of Justice; and

WHEREAS, sufficient funds are available in Account 500000, Full Time Staff and from unanticipated revenue to accommodate this request.

NOW, THEREFORE, BE IT

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

Fund 110
Health Department Medical Examiner- Fund Center 12740

<u>Revenue</u>	Increase
Account 405010 – State Reimbursement Indigent Care	\$ 409,000
Health Department Health Division - Fund Center 12700	
<u>Expense</u>	Increase/(Decrease)
Account 500000 Full Time Staff (Vacancy Savings)	\$ (800,000)
Account 516020 Professional Services Contracts and Fees	<u>1,209,000</u>
Total Expense	\$ 409,000
Net	-0-

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.
(5-0)

THOMAS J. MAZUR
CHAIR

MR. MAZUR moved to approve item Number 2. MS. MARINELLI seconded.

CHAIR GRANT directed that a roll call vote be taken.

AYES: MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken.
NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 15 – MR. McCracken presented the following report, moved to separate item Number 11, and moved to approve the balance of the report. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 274

	COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13M-7 (2012)
AMHERST TOWN BOARD: "Copy of Resolution Concerning 1815 Eggert Rd."
(5-0)
 - b. COMM. 20E-13 (2012)
COUNTY EXECUTIVE: "ECSD Nos. 1-6 & 8 - User Charge Rates"
(5-0)
 - c. COMM. 23M-5 (2012)
NYSDEC: "Public Notice: Application from 98 Ridge Rd., LLC, Lackawanna, NY"
(5-0)
2. COMM. 20E-8 (2012)
COUNTY EXECUTIVE

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

_____, 2012

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on _____, 2012, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:
RESOLUTION NO.

RESOLUTION DATED _____, 2012

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2012.

(Adopted) _____, 2012.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 2 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated June 8, 2012, which has also been filed with said County Legislature on July 12, 2012; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting of an engineering study of the Sweetland Road Pumping Station to determine future improvements and future capital repairs to existing infrastructure, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$677,514, to be assessed against a benefited area which consists of the entire area of the District; and

WHEREAS, said County Legislature duly adopted Resolution 209 on the 27th day of September, 2012, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of October, 2012, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement for the facilities of Erie County Sewer District No. 2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$677,514.

Section 2. The cost of the proposed modification expenditure is to be assessed against a benefited area which consists of the entire area of the District, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote on, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

Dated: _____, 2012
Buffalo, New York

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of _____, 2012, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s)

of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ___ day of _____, 2012.

Clerk, Erie County Legislature

(SEAL)
(5-0)

3. COMM. 20E-9 (2012)
 COUNTY EXECUTIVE

WHEREAS, per Legislative Communication 15E-30 (2012), the Erie County Legislature authorized the County Executive to enter into an agreement to allow Erie County Sewer District No. 3 to provide operation and maintenance services for the Mount Vernon Sewer District; and

WHEREAS, the 2013 Sewer District Budgets have already been submitted for consideration by the Erie County Legislature; and

WHEREAS, it is necessary to amend the 2013 Budget for Erie County Sewer District No. 3 to account for additional revenues and expenses associated with Mount Vernon Sewer District operation and maintenance services.

NOW, THEREFORE, BE IT

RESOLVED, that the 2013 appropriations and revenues for Erie County Sewer District No. 3, Fund 220, Fund Center 18310, as well as Fund 220, Fund Center 18010 be adjusted to include Mount Vernon Sewer District operation and maintenance services; and be it further

RESOLVED, the following adjustments to the SAP Expense and Revenue Accounts be provided as follows:

Fund 220 – Fund Center 18310

Revenue:

G/L 420120 - Contracting Community (\$138,479)

Expense:

G/L	506200 - Maintenance & Repair	\$ 28,000
G/L	918000 - ID Sewer Mgt. Services	\$110,479

Fund 220 – Fund Center 18010

G/L	500000 - Full Time Salaries	\$ 67,571
G/L	502000 - Fringe Benefits	\$ 42,908
G/L	918000 - ID Sewer Mgt. Services	(\$110,479)

and be it further

RESOLVED, that the positions of Laborer (SAP Control No. 0000006979) and Maintenance Worker – Sewerage (SAP Control No. 0000006980) be funded in the 2013 Budget through this budget amendment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the 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)

4. COMM. 20E-10 (2012)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of Conestoga-Rovers & Associates to provide engineering services related to online flow monitoring of the metering stations for Erie County Sewer District Nos. 1, 3, 4, and 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated November 20, 2008 with Conestoga-Rovers & Associates in the final contract amount of \$42,852.45.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 20, 2008 between the County of Erie and Conestoga-Rovers & Associates be formally closed in the final amount of \$42,852.45; and be it further

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

5. COMM. 20E-11 (2012)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of GPI to provide construction inspections related to various construction projects for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated November 29, 2007 with GPI in the final contract amount of \$189,999.93.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 29, 2007 between the County of Erie and GPI be formally closed in the final amount of \$189,999.93; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated November 29, 2007 between the County of Erie and GPI; and be it further

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

(5-0)

6. COMM. 20E-12 (2012)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of LiRo Engineers to provide construction inspections related to various construction inspections for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated November 29, 2007 with LiRo Engineers in the final contract amount of \$178,284.40.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 29, 2007 between the County of Erie and LiRo Engineers be formally closed in the final amount of \$178,284.40; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated November 29, 2007 between the County of Erie and LiRo Engineers; and be it further

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

(5-0)

7. COMM. 20E-18 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks & Recreation has requested an evaluation of the deteriorated condition of the Wendt Beach Mansion; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a general Architectural/Engineering service agreement with Stievater & Associates for providing professional Architectural/Engineering services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Stievater & Associates for an evaluation report for the Wendt Beach Mansion deterioration.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Stievater & Associates for Architectural/Engineering services to provide an evaluation report for the Wendt Beach Mansion deterioration in the amount not to exceed \$30,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.12007 – 2012 Countywide Parks Improvements & Equipment, for an amount not to exceed \$30,000.00; 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 County Executive; the Office of the Comptroller; the Division of Budget and Management and the Department of Parks & Recreation.
(5-0)

8. COMM. 23E-2 (2012)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2013 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2013 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1 \$ 1,013,400.42
Sewer District #2 \$ 160,472.82
Sewer District #3 \$ 994,079.84
Sewer District #4 \$ 653,731.76
Sewer District #5 \$ 285,527.75
Sewer District #6 \$ 1,565,705.54
Sewer District #8 \$ 638,218.00
\$ 5,311,136.13

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, the County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

9. COMM. 23E-3 (2012)
COUNTY EXECUTIVE

WHEREAS, the 2012 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2012; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 2, 2012 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2012 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Kristen Walder, Assistant County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning. (5-0)

10. COMM. 23E-4 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Nos. 3 and 4, Sewer Rehabilitation Project, Contract No. 71 at 2:00 P.M. on October 25, 2012:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 71	Hydrolawn of Buffalo, Inc. PO Box 771 Derby, New York 14047	\$172,590.56

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work for municipalities in and around 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 Erie County Sewer District Nos. 3 and 4, Sewer Rehabilitation Project, Contract No. 71 be awarded as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 71	Hydrolawn of Buffalo, Inc. PO Box 771 Derby, New York 14047	\$172,590.56

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 is authorized and directed to allocate a total of \$172,590.56 as follows: \$72,057.45 from Erie County Sewer District No. 3, Sewer Capital Account No. C.00062 and \$100,533.11 from Erie County Sewer District No. 4 Sewer Capital Account No. C.00072 for Contract No. 71; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, 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)

11. COMM. 23E-5 (2012)
COUNTY EXECUTIVE

WHEREAS, County of Erie obtained an easement on parcel 193.00-1-2.111 via condemnation performed through the power of eminent domain; and

WHEREAS, said easement was necessary for ECSD No. 2 to construct the sanitary sewers necessary to eliminate the Hamilton Drive Pumping Station; and

WHEREAS, pursuant to Legislative Communication 4E-19 (2004), Erie County/ECSD No. 2 issued an advance payment to the owner of parcel 193.00-1-2.111 as part of the condemnation process; and

WHEREAS, the owner of parcel 193.00-1-2.111 filed a claim for additional compensation contending that monies paid by Erie County/ECSD No. 2 during the condemnation process were not sufficient for the damages incurred as a result of the easement taking and subsequent construction activities; and

WHEREAS, due to the specialized area of law associated with the underlying petition, the County Attorney's office retained Hiscock & Barclay, LLP to defend Erie County/ECSD No. 2; and

WHEREAS, prior to trial both parties participated in a court-ordered alternative dispute resolution process; and

WHEREAS, during the alternative dispute resolution process a final offer of an additional \$125,000.00 to be paid by ECSD No. 2 has been agreed upon by both parties to settle this claim; and

WHEREAS, considering the potential financial liabilities to ECSD No. 2, it is the recommendation of the County Attorney's office and Hiscock & Barclay, LLP to proceed with the \$125,000.00 settlement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller be directed to issue a payment to Stasia T. Vogel (Office of Stasia Vogel, 6540 Old Lake Shore Road, Derby, New York 14047) in an amount of \$125,000.00 as a final payment to settle the claim for additional compensation associated with Erie County/ECSD No. 2's easement and associated activities on parcel 193.00-1-2.111; and be it further

RESOLVED, that Erie County Comptroller and the Erie County Director of Budget and Management allocate \$125,000.00 for the payment as follows:

ECSD No. 2 Project C.00002

\$ 60,164.15

ECSD No. 2 Project C.00011	\$ 4,415.41
ECSD No. 2 Project C.00028	\$ 25,552.88
ECSD No. 2 Project C.00036	\$ 18,443.17
ECSD No. 2 Capital Reserve C.00008	\$ <u>16,424.39</u>
Total	\$125,000.00

and be it further

RESOLVED, that Erie County Comptroller and the Erie County Director of Budget and Management be authorized to transfer \$16,424.39 from ECSD No. 2 Capital Reserve C.00008 to ECSD No. 2 Project C.00011 and to establish all budgetary accounts necessary to facilitate the transfer; and be it further

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

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

12. COMM. 23M-2 (2012)

ROBERT JASON ENGEL

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Agricultural & Farmland Protection Board for a term ending December 31, 2016:

Mr. Jason Engel
11036 Snyder Rd.
Springville, NY 14141

(5-0)

TERRENCE D. McCracken
CHAIR

CHAIR GRANT directed that item Number 11 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

GRANTED.

Item 16 – MR. HOGUES presented the following report, moved to separate item Numbers 1-b and 1-c, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

December 13, 2012

PUBLIC SAFETY COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19D-5 (2011)
CLERK, EC COMMUNITY CORRECTIONS ADVISORY BOARD: ""AS AMENDED"
Resolution from the EC Community Corrections Advisory Board"
(5-0)
 - b. COMM. 5E-27 (2012)
GRANT: "Copy of Buffalo News Editorial Concerning Ombudsman Position Requested by
the Community Corrections Advisory Board"
(5-0)
 - c. COMM. 6M-16 (2012)
CHAIR, SUB-COMMITTEE ON PRISON REFORM: "Letter to Chair of Legislature in
Support of EC Community Corrections Advisory Board's Request for an Ombudsman to be
Appointed to the EC Holding Center"
(5-0)
 - d. COMM. 9E-34 (2012)
RATH & DIXON: "Letter to County Attorney Concerning Opinion Request Regarding
COMM. 19D-5 (2011)"
(5-0)
 - e. COMM. 11D-2 (2012)
COUNTY ATTORNEY: "Opinion Regarding COMM. 19D-5 (2011), EC Community
Corrections Advisory Board"
(5-0)
 - f. COMM. 18D-1 (2012)
COMMISSIONER OF CENTRAL POLICE SERVICES: "Letter to Legislator Hogues
Concerning Tour of Public Safety Campus Located at 45 Elm Street, Buffalo, NY"
(5-0)

2. COMM. 20E-21 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$1,313,000.00 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$1,313,000.00 in federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Federal Government and the NYS Department of Homeland Security to receive \$1,313,000.00 in grant funding for the Department of Emergency Services; and be it further

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

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

Erie County Department of Emergency Services
FY 2012 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$1,313,000.00
Appropriations	Increase
Account 500000 Full Time Salaries	\$347,285.00
Account 502000 Fringe Benefits	168,513.00
Account 516020 Professional Contracts & Fees	58,203.00
Account 561410 Equipment (Lab & Tech)	314,804.00
Account 510100 Travel	30,000.00
Account 516030 Maintenance Contracts	<u>394,195.00</u>
Total Appropriations	1,313,000.00

and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions from existing Department of Emergency Services Homeland Security grants to SHSP FY 2012 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(5-0)

TIMOTHY R. HOGUES
CHAIR

CHAIR GRANT directed that item Numbers 1-b and 1-c be returned to the PUBLIC SAFETY COMMITTEE for further consideration.

GRANTED.

Item 17 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

December 13, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19M-15 (2012)
DR. WESLEY L. HICKS JR.: “Copy of His Curriculum Vitae for Consideration as the Legislature's Recommendation for the Governor's Appointment to the NFTA Board of Commissioners”
(5-0)
 - b. COMM. 20E-15 (2012)
COUNTY EXECUTIVE: “Fuel Tank Replacement at the Angola & Collins Highway Facility”
(5-0)
 - c. COMM. 20M-5 (2012)
ONE REGION FORWARD: “Informational Packet Entitled "One Region Forward Towards a More Sustainable Buffalo Niagara””
(5-0)
 - d. COMM. 20M-12 (2012)
MAYOR, CITY OF LACKAWANNA: “Copy of Resolution Opposing ECIDA Standard Pilot Agreements”
(5-0)
 - e. COMM. 23M-1 (2012)
NFTA: “Minutes from Meeting Held 10/22/2012”
(5-0)
2. COMM. 20E-3 (2012)
COUNTY EXECUTIVE
WHEREAS, the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 will replace a deteriorating bridge; and

WHEREAS, funding for this Federal Aid Project was approved and is available in B.12002 - 2012 Lake Avenue Bridge Reconstruction in the amount of \$965,000.00 (\$48,250.00 required local share); and

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

WHEREAS, in order to facilitate the Lake Avenue Bridge over Smokes Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Greenman-Pedersen, Inc. of Buffalo, New York, for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Greenman-Pedersen, Inc., of Buffalo, New York; and be it further

RESOLVED, that funding for the Lake Avenue Bridge over Smokes Creek Federal Aid Project be allocated from fund B.12002 - 2012 Lake Avenue Bridge Reconstruction in an amount not to exceed \$965,000.00 (\$48,250.00 local share); and be it further

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

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

3. COMM. 20E-5 (2012)
COUNTY EXECUTIVE

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project in the Town of Orchard Park, Erie County, PIN 5758.40 (the "Project") is eligible for funding under Title 23, U.S. Code, as

amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. No. 15E-3 adopted on July 21, 2011; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5758.40 through a Supplemental Agreement that increases the original Project Agreement by the amount of \$965,000 (\$48,250 required local share).

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the Project Account B.12002 - 2012 Lake Avenue Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$916,750 as follows:

		CURRENT	INCREASE/	REVISED
REVENUES		BUDGET	DECREASE	BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$772,000	\$772,000
405160	NYS			
	Marchiselli Aid	0	144,750	144,750
475000	Gen Oblig			
	Bond Proc	<u>220,000</u>	<u>0</u>	<u>220,000</u>
TOTAL REVENUES		<u>\$220,000</u>	<u>\$916,750</u>	<u>\$1,136,750</u>
APPROPRIATIONS				
Capital Projects	Capital			
	Project Exp	<u>\$220,000</u>	<u>\$916,750</u>	<u>\$1,136,750</u>
TOTAL APPROPRIATIONS		<u>\$220,000</u>	<u>\$916,750</u>	<u>\$1,136,750</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$965,000 is hereby appropriated from B.12002 – 2012 Lake Avenue Bridge Reconstruction and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phase exceeds the amount appropriated, \$965,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$965,000, the Erie County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(5-0)

4. COMM. 20E-14 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Federal Aid Bridge Maintenance Project; PIN 5760.28 Bridge Washing Two Hundred & Thirty (230) Bridges, PIN 5760.29 Deck Sealing Eighteen (18) Bridges, PIN 5760.30 Bridge Joint Replacement Three (3) Bridges (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the projects, PIN 5760.28, PIN 5760.29, and PIN 5760.30; and

WHEREAS, the total Project is \$54,000, and the County is required to provide the local share portion for the Project in the amount of \$10,800; and

WHEREAS, contracts must be negotiated with CHA Consulting, Inc. and Liro Engineers, for engineering design services.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00192, 2008 Bridge Maintenance – Federal Aid, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$43,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 388,000	\$ 43,200	\$ 431,200
486000	Interfnd Rev Subsidy	<u>\$ 180,000</u>	<u>\$ 0</u>	<u>\$ 180,000</u>
TOTAL REVENUES		<u>\$ 568,000</u>	<u>\$ 43,000</u>	<u>\$ 611,200</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$ 568,000</u>	<u>\$ 43,200</u>	<u>\$ 611,200</u>
TOTAL APPROPRIATIONS		<u>\$ 568,000</u>	<u>\$ 43,200</u>	<u>\$ 611,200</u>

and be it further

RESOLVED, that the estimated total sum of the design phase of the Projects, \$54,000. is hereby appropriated from B.00192.122, 2008 Bridge Maintenance, Federal Aid and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Preliminary Engineering (Design I-VI) phase exceeds \$54,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and

content), with the New York State Department of Transportation in connection with the advancement or approval of the projects identified in the State/Local Agreements; and providing for the administration of the Projects and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute negotiated contracts in an amount not to exceed the allowable Project design amount of \$54,000 between the County of Erie and project engineers CHA Consulting, Inc., and Liro Engineers for design services for the Projects; and be it further

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

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

5. COMM. 20E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements for Phase 1 and Phase 2 of the Environmental Compliance project with Wendel Companies, Architects/Engineers; and

WHEREAS, an additional Phase 3 is now required to provide, but not limited to, above ground fuel tank designs, oil & water separator designs, environmental compliance audits, personnel training, record keeping reviews, and a universal waste plan; and

WHEREAS, the County Executive is now requesting authorization from this Honorable Body, to issue an additional agreement to Wendel Companies, Architects/Engineers, for Phase 3 of the environmental compliance project for a total amount not to exceed \$188,550; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of the design work; and

WHEREAS, an additional contingency amount should be authorized to fund change orders for this unforeseen design work in an amount not to exceed \$65,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Wendel Companies, architects/engineers, for Phase 3 of the environmental compliance project in an amount not to exceed \$188,550; and be it further

RESOLVED, the County Executive is also authorized an additional, not to exceed amount of \$65,000 to issue change orders for unforeseen contingencies, to Wendel Companies Architects/Engineer's, thereby increasing the total amount of the contract to an amount not exceed \$253,550; 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 & Environmental Compliance, for an amount not to exceed \$253,550; and be it further

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

(5-0)

6. COMM. 20E-17 (2012)
COUNTY EXECUTIVE

WHEREAS, the building code requires all highway facilities to have oil/water separators installed in all discharge drain lines which are latent with oil and grease petroleum products; and

WHEREAS, currently the Angola, Collins, and East Concord Highway Maintenance Facilities do not have oil/water separators; and

WHEREAS, the Department of Public Works has received bids for the Angola/Collins/East Concord Highway Maintenance Facilities-Oil/Water Separator Improvements project on September 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 Oakgrove Construction, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Angola/Collins/East Concord Highway Maintenance Facilities, Oil/Water Separator Improvement project as follows:

Oakgrove Construction, Inc.

Base Bid: \$120,000.00

and be it further

RESOLVED, that the sum of \$15,000.00 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 the deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account, A.12003 - 2012-Countywide Code & Environmental Compliance, in amount not to exceed \$135,000.00; 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 County Executive; the Office of the Comptroller; the Division of Budget and Management.
(5-0)

7. COMM. 20E-20 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works intends to purchase cleaning equipment in order to maintain the cleanliness of County-owned buildings; and

WHEREAS, Business Area 122, Account 50561410 Lab and Technical Equipment, is underfunded by \$15,000 in the 2012 operations budget; and

WHEREAS, funding for the equipment is available in Business Area 122, Account 506200 Maintenance and Repair, in the 2012 operations budget; and

WHEREAS, a transfer of funds in the amount of \$15,000 will remedy the funding shortfall and allow for the purchase of the needed cleaning equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2012 current budget, Department of Public Works, Business Area 122, Fund 110, Cost Center 12220

Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
506200	Maintenance & Repair	\$ 736,732	(\$15,000)	\$721,732
561410	Lab & Tech Equip	<u>\$11,300</u>	<u>\$15,000</u>	<u>\$26,300</u>
TOTAL REVENUES		<u>\$748,032</u>	<u>\$0</u>	<u>\$748,032</u>

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, and the Department of Public Works.
(5-0)

8. COMM. 20E-22 (2012)
COUNTY EXECUTIVE

WHEREAS, Massachusetts Avenue Housing Development Fund Corporation is developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Massachusetts Avenue Development Plan Project will consist of the development of 3 rental residential properties on the West Side of Buffalo, New York. The three properties are located at 397, 398, and 460 Massachusetts Avenue and the three properties will be substantially rehabilitated. The housing will be affordable for households with incomes at or below 60% of the area median income; and

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

WHEREAS, in order to make the Project economically feasible for Massachusetts Avenue Housing Development Fund Corporation to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with the Massachusetts Avenue Housing Development Fund Corporation, the City of Buffalo, and all other involved organizations relating to the Massachusetts Avenue Development Plan Project and all other agreements necessary to conclude this housing project; and be it further

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

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

9. COMM. 23E-1 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services received a request from TM Montante Development regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, this parcel will be used by TM Montante Development to access this landlocked piece of County owned surplus property for the purpose of assemblage.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to TM Montante Development for the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Tonawanda, County of Erie and State of New York being part of Lot 93 of the Mile Reservation and more particularly bounded and described as follows:

BEGINNING at a point located on the northerly line of Lot No. 93 of the Mile Reservation, said point being 1468.12 feet southeasterly from the southeasterly highway boundary or River Road (R.O.W. varies) as measured along the northerly line of Lot No. 93, also being the easterly line of lands conveyed under Liber 1213 pages 92 and 93.

Running THENCE southeasterly, continuing along the northerly line of Lot No. 93, a distance of 449.69 feet to a point;

THENCE southwesterly at right angles, a distance of 648.08 feet to a point;

THENCE northwesterly parallel with the northerly line of Lot No. 93, a distance of 449.69 feet to a point.

THENCE northwesterly at right angles, a distance of 648.08 feet to the place or point of BEGINNING.

and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.

(5-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 18 – CHAIR GRANT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 26-1 from DIXON. Supporting the Study of Alternatives to the Skyway.

Item 19 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

RE: Need for Election Law Reform in NYS
to Ensure that Every Vote is Counted
(INTRO 26-2)

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

WHEREAS, the Erie County Legislature strongly supports needed reforms to New York State Election Law that will ensure that the vote of every legally registered voter be counted; and

WHEREAS, this Honorable Body has sought and received an explanation from the Erie County Board of Elections, to wit, Democratic Commissioner Dennis Ward and Republican Commissioner Ralph Mohr, regarding the impediments to having every vote counted, notably certain “write-in” votes and certain affidavit ballot votes cast by persons who do not vote at their designated polling place; and

WHEREAS, as a consequence of this briefing, the Erie County Legislature is seeking changes to the New York State Election Law, specifically Section 9-112(3) and the corresponding Election Law Section 104(20) dealing with the definition of a write-in vote, as well as the administrative rule on the same matter found in Section 6210.15(a)(5) of the New York State Board of Elections Rules and Regulations; and

WHEREAS, this Honorable Body has concluded that the changes it seeks would end the wrongful disenfranchisement of voters who write-in the name of their candidate when that name is already printed on the ballot; and

WHEREAS, the current law (Election Law Section 9-112(3)) is obsolete, as it harkens back to the time of mechanical machine voting employing levers, when it was theoretically possible to pull a lever for a candidate and also to write that same candidate’s name again as a write-in, resulting in two votes cast by one voter; and

WHEREAS, this “double” vote is no longer possible with the new electronic scanning machines utilizing pre-printed paper ballots, yet existing statutory language results in a voter’s ballot being ruled “void” if the voter fills in the bubble next to a candidate’s name and again writes that same candidate’s name, apparently in error yet with the intention to reinforce the voter’s preference; and

WHEREAS, voters do not realize that this practice, under current law, nullifies their vote for a single candidate of their choice; and

WHEREAS, another current law nullifies the affidavit ballot of a voter if the voter did not cast his or her ballot in their correct polling place; and

WHEREAS, the consolidation of election districts and polling places has led to voter confusion, and if the elections inspectors make an error and do not direct the voter to the correct polling place, that voter's right to be heard in the "ballot box" is taken away by the automatic nullification of his or her vote as the result of a ruling by the local board of elections that is now supported by current state law; and

WHEREAS, the Erie County Legislature has reviewed the state statute in this circumstance as well, and proposes changes to Election Law Section 9-209(a)(iii) and its effect in overturning the Court of Appeals decision in Panio v. Sunderland, 4 N.Y.3d 123 (2005); and

WHEREAS, this Honorable Body believes that effectuating this needed change in state law would end the wrongful disenfranchisement of voters who vote by affidavit ballot at the incorrect polling place, often through no fault of their own; and

WHEREAS, the Erie County Legislature expresses bi-partisan support for the proposed New York State Election Law reforms advanced in this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize and direct Chair Betty Jean Grant, Majority Leader Thomas Mazur, Minority Leader John Mills, Majority Counsel Jerome D. Schad, Esq. and Minority Counsel Ronald Bennett, Esq. to execute a letter and any other appropriate documents and to submit this package of reforms, to wit, the proposed changes to Election Law Section 9-112(3) and Election Law 104(20) to the Election Law Committees of both the New York State Senate and New York State Assembly; and be it further

RESOLVED, that these proposed reforms be conveyed to members of the Western New York Delegation to the New York State Legislature for sponsorship consideration and legislative advocacy so that, one day, every legally qualified voter will have his or her vote counted in the State of New York; and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor of New York State, the Majority Leader of the State Senate, the Speaker of the Assembly, Erie County Democratic Elections Commissioner Dennis Ward, Republican Elections Commissioner Ralph Mohr 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. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 278

RE: Calling on the U.S. House of
Representatives to Pass the Bi-Partisan
Farm Bill Already Approved in the U.S.
Senate
(INTRO 26-3)

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

WHEREAS, unless Congress takes immediate and decisive action, the subsidies for America's dairy farmers will end December 31, 2012, potentially doubling the cost of milk and related dairy products in the New Year; and

WHEREAS, this reversion to federal farm policies that date back to the 1940's will cause tremendous economic hardship to family farmers and our rural communities, as well as result in escalating costs for all food purveyors – from proprietary restaurants to public facilities like schools, day care centers, nursing homes and hospitals; and

WHEREAS, above all, this financial burden will be passed onto American consumers and taxpayers who will bear the real and painful cost of the failure of Congress to act; and

WHEREAS, of particular concern is the negative impact of these price hikes on the nutritional needs of our most vulnerable populations – our children and the elderly; and

WHEREAS, Senator Kirsten Gillibrand, a Democrat, and Sen. Olympia Snowe, a Republican, have co-sponsored an important amendment to the Farm Bill which would reform dairy pricing to spare dairy farmers from price volatility that threatens their ability to stay in business; and

WHEREAS, the amendment – S.1481 – would allow dairy industry groups to present milk pricing reforms to the USDA for consideration in a public hearing process, and to order the Secretary of Agriculture to release the Department's final proposal to Congress; and

WHEREAS, the expiration of current commodity supports on December 31, 2012 is fast approaching, yet the Farm Bill has been languishing in the House agriculture committee for months; and

WHEREAS, it is vitally important that the dairy pricing reform measure remain intact in whatever version of the omnibus Farm Bill is enacted, as dairy farming is such a critical component of New York State's farm and jobs economy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that the U.S. House of Representatives take immediate action to pass the Farm Bill that was already approved by the U.S. Senate and send it to the President for signature; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the President, the Speaker of the House of Representatives, the U.S. Senate Majority Leader, U.S. Senators Charles Schumer and Kirsten Gillibrand and the WNY Delegation to the House of Representatives.

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

CARRIED UNANIMOUSLY.

Delete the Sixth Whereas Clause and Replace with the Following:

WHEREAS, the amendment - S.A. 2190 – would allow dairy industry groups to present milk pricing reforms to the USDA for consideration in a public hearing process, and to order the Secretary of Agriculture to release the Department’s final proposal to Congress; and

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 21 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 26E-23 from LEGISLATOR DIXON Re: Letter of Absence for Today's Session

Received, Filed and Printed.

Hon. Betty Jean Grant, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chair Grant,

I regret that I am unavoidably unable to attend the session scheduled for December 20, 2012.

Thank you.

Yours Truly,

Lynne M. Dixon
Erie County Legislator – 9th District

Cc: Robert M. Graber, Clerk
Erie County Legislature

Item 22 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 26E-24 from CHAIR GRANT Re: Recommendation for Appointment to the Citizens' Budget Review Commission

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

RESOLVED, the Erie County Legislature hereby appoints Willie A. Price, upon the recommendation of the Chair of the Legislature pursuant to Local Law No. 2 of 2012 (Erie County Charter, Section 2618 (c)), to the Erie County Citizens' Budget Review Commission, for a one-year term that will expire on December 31, 2013.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 23 – (COMM. 26E-1) 2013 EC Budgetary Control Measures

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 24 – (COMM. 26E-2) Analysis of the Minority & Majority Caucuses' Proposed Amendments ("Amendments to Comm. 18E-3") to the Proposed 2013 EC Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR GRANT

Item 25 – (COMM. 26E-3) Notification to Announce the Creation of an Ad Hoc Committee Entitled "Erie County/Buffalo Safe Neighborhoods Initiative"

Received, Filed and Printed.

December 18, 2012

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St. – 4th 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 "Erie County/Buffalo Safe Neighborhoods Initiative," a 21-member community board to advise the Erie County Legislature on policy focusing on creating safer neighborhoods in high-crime areas of our community.

The Erie County/Buffalo Safe Neighborhoods Initiative ad hoc committee will include, but not be limited to, the following professional and volunteer representatives: Erie County, New York State and City of Buffalo elected officials, law enforcement, youth services and delinquency prevention, Buffalo Board of Education, Buffalo Urban League, the faith community, anti-violence groups, and individuals whose vocation involves workforce development, counseling and mentoring.

The names of a diverse representation of individuals who fall into the above categories will be forthcoming in the New Year. Monthly meetings will be held. No compensation will be provided to those who agree to serve on this ad hoc committee.

Accordingly, pursuant to the Rules of the Legislature, Rule 1.01 CHAIRPERSON, under the authority provided therein, I direct you as Clerk of Legislature to facilitate the assignment of staff deemed necessary to fulfill the mission of this committee.

Thank you in advance for your cooperation in this important matter.

Sincerely,

Betty Jean Grant, Chair
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 26E-4) Appointment to ECSD No. 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

RE: Authorization to Amend Contract for
Civil Service Exam Processing
(COMM. 26E-5)

WHEREAS, Erie County Personnel's current Civil Service Exam System is no longer being technologically supported; and

WHEREAS, it is imperative that Erie County maintain civil service exam records in accordance with New York State Civil Service Law and Records Retention Law; and

WHEREAS, NEOGOV is a company which provides supported, secure and maintained services capable of hosting a Civil Service Exam System and which is already under contract with the County; and

WHEREAS, NEOGOV's service capabilities would allow for the expansion of Erie County's exam process to encompass electronic application submission, processing and communications; and

WHEREAS, specialized customization is necessary to complete the installation of the system and this customization was not anticipated in the initial contact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to amend the County's current contract with NEOGOV in an amount not to exceed \$11,800 for the purposes of custom programming of the NEOGOV system, with said payment to be made from available 2012 funds in the Department of Personnel, Fund Center 16110, Account 516020; and be it further

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

Item 28 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

RE: EC Toxicology Laboratory & Rath
Building HVAC Equipment Purchases
(COMM. 26E-6)

WHEREAS, the Rath Building and County Toxicology Lab buildings were constructed four decades ago and have not been updated to current standards and building codes; and

WHEREAS, the County Toxicology Lab is without a proper environment to work in, and is constantly getting fumes from the morgue area and the Rath Building is currently without a back-up chiller, in which case if the current chiller fails, there will be no air conditioning in the Rath Building, forcing the possible closure of the building; and

WHEREAS, the County is conducting a capital project to install new HVAC systems in both buildings; and

WHEREAS, the Department of Public Works will be bidding the long lead delivery equipment through the Erie County Division of Purchasing; and

WHEREAS, it is desirable to bid out the long delivery equipment so the project can be completed by May 2013, prior to the air conditioning season; and

WHEREAS, the original buildings were constructed in the early 1970's and have not been updated to current standards and building codes.

NOW, THEREFORE, BE IT

RESOLVED, that to expedite the schedule the Erie County Legislature authorizes the County Executive to enter into a contract for the HVAC long delivery equipment items with the lowest responsible bidders for an amount not to exceed \$225,000.00 for the Toxicology Laboratory and \$350,000.00 for the Rath Building; and be it further

RESOLVED, that the Comptroller's Office be authorized to make all payments from the following SAP Accounts:

A.12011-2012 – Erie County Morgue & Toxicology Improvements	\$225,000.00
A.12003-2012 – Countywide Code & Environmental Compliance	\$350,000.00
for total amount not to exceed	\$575,000.00

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 County Executive; the Office of the Comptroller; the Division of Budget and Management.

Item 29 – (COMM. 26E-7) Establish Systems Integration Grant Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 30 – (COMM. 26E-8) NYS Pollution Prevention Institute Community Grant: Stormwater Education Projects

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 31 – (COMM. 26E-9) Lackawanna Contract - Transportation for the Elderly

Item 32 – (COMM. 26E-10) Authorization to Contract with Two Congregate Dining Sites in 2013

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

Item 33 – (COMM. 26E-11) Black Rock Canal Park - NYSPA Funding - (Greenway) & Contractor Bid Deposits

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 34 – (COMM. 26E-12) Department of Health, Division of Emergency Medical Services - First Responders Non-Eligible for NYS Reimbursement

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 35 – (COMM. 26E-13) EC Correctional Facility - Video System Upgrade - Alternates

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 36 – (COMM. 26E-14) Ralph Wilson Stadium - 2012 Parking Lot Improvements, Misc. Improvements, Sound System Improvements - Phase 3 & Additional A/E Fees

Item 37 – (COMM. 26E-15) EC Courts - 2010 - Exterior Site Work - Old County Hall & EC Court Building - Additional A/E Fee

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

Item 38 – (COMM. 26E-16) Naming Buffalo River Natural Habitat Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – (COMM. 26E-17) Request to Utilize Capital Chargeback Account for ECC South Campus Exterior Lighting Project

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 40 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

RE: First Amendment to Buffalo Cellblock

Agreement
(COMM. 26E-18)

WHEREAS, pursuant to Agreement dated July 1, 2003, (“Lock-up Agreement”) the County and the City of Buffalo set forth the terms by which the County would provide services related to detaining all of the City’s pre-arraigned arrestees, both male and female at the Erie County Holding Center; and

WHEREAS, on May 11, 2011, the County served notice upon the City that the County will not renew the Agreement; and

WHEREAS, on August 24, 2012, the County served upon the City a written notice of default pursuant to the terms of the Lock-up Agreement; and

WHEREAS, on October 1, 2012, the County served upon the City a written notice of termination of the Lock-up Agreement effective November 1, 2012; and

WHEREAS, the City and the County, for the benefit of the citizens of the City and County, wish to resolve any differences and enter into this First Amendment to the Lock-up Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of the First Amendment to the Lock-Up Agreement between the City of Buffalo and County of Erie and authorizes the County Executive to enter into and execute the First Amendment and accept revenue from the City of Buffalo; 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, and the Department of Law.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

RE: Teamsters Local 264 - 2005-2016
Successor Collective Bargaining
Agreement
(COMM. 26E-19)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the International Brotherhood of Teamsters (“Teamsters”) is an employee union organization and represents employees; and

WHEREAS, the existing collective bargaining agreement between Erie County and Teamsters Local 264 expired on December 31, 2004, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and negotiated a successor collective bargaining agreement, covering the period between January 1, 2005 and December 31, 2016; and

WHEREAS, the Teamsters membership recently approved the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County and Teamsters is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.

Item 42 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

RE: CSEA Local 815 - EC Corrections Officer Unit - 2007-2017 Successor Collective Bargaining Agreement (COMM. 26E-20)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the Civil Service Employees Union Local 815 Erie County Corrections Officer Unit (“Unit”) is an employee union organization and represents employees; and

WHEREAS, the existing collective bargaining agreement between Erie County and the Unit expired on December 31, 2006, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and the Unit negotiated a successor collective bargaining agreement, covering the period between January 1, 2007 and December 31, 2017; and

WHEREAS, Unit membership recently ratified the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County and the Unit is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

Delete the First Resolved Clause in its Entirety and Replace with:

RESOLVED, the successor agreement between Erie County and the Unit, subject to the approval of the \$1.2 million funding request to the Erie County Fiscal Stability Authority and approval of the 2013 Erie County Budget as amended, is hereby approved; and

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

CARRIED UNANIMOUSLY.

Item 43 – (COMM. 26E-21) Renovations - Actions & Proceedings

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

CARRIED UNANIMOUSLY.

RE: 2013 Schedule of Legislative Sessions
(COMM. 26E-22)

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

CARRIED UNANIMOUSLY.

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

To: Robert M. Graber, Clerk

From: Betty Jean Grant, Chair

Subject: 2013 SCHEDULE OF LEGISLATIVE SESSIONS – Revised 12/20/12

JANUARY
8 – Tuesday Session, Clock-in Friday 1/4/13
24

JULY
11
18

FEBRUARY
7
21

AUGUST
Recess

MARCH
7
21

SEPTEMBER
12
26

APRIL
11
25

OCTOBER
10
24

MAY
9
23

NOVEMBER
7
21

JUNE
6
20

DECEMBER
3 – *Annual Budget Meeting*
10 – *Budget Override Meeting*
12
19

All Regular Sessions: Pre-Meeting Work Sessions begin at 9:30 A.M.,
in the Legislative Caucus Room, and are open to the public.

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

MR. MAZUR moved to Receive, File and Print the item as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 45 – (COMM. 26D-1) Budget Monitoring Report for Period Ending October 2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 46 – (COMM. 26D-2) Copy of Letter to Secretary, EC Community Corrections Advisory Board Concerning Request for Legal Opinion - Telephone Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – (COMM. 26D-3) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR, EC EQUAL EMPLOYMENT OPPORTUNITY

Item 48 – (COMM. 26D-4) EC Construction, Building & Sewer Contracts for 2011 - MBE/WBE Participation

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 49 – (COMM. 26M-1) Fact Sheet: Former Doro Dry Cleaners Update: Investigation to Begin at State Superfund Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC MBE/WBE UTILIZATION ADVISORY BOARD

Item 50 – (COMM. 26M-2) Minutes of Meeting Held 12/2/2012

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

FROM EMPIRE STATE DEVELOPMENT

Item 51 – (COMM. 26M-3) Canalside Land Use Improvement Project - SEQRA Notification

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CHAIR, ECMCC BOARD OF DIRECTORS

Item 52 – (COMM. 26M-4) Copy of Letter to County Executive Concerning ECMCC Board of Directors' Appointment

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 53 – (COMM. 26M-5) Public Notice: Application from HARBORcenter Development, LLC for Site Known as the Webster Block, Buffalo, NY

Item 54 – (COMM. 26M-6) Public Notice: Application from 98 Ridge Road, LLC for Site Known as 98 Ridge Road Site, Lackawanna, NY

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

ANNOUNCEMENTS

Item 55 – CHAIR GRANT announced that the Legislature's Annual Reorganization Meeting is scheduled for Tuesday, January 8, 2013, at 2:00 P.M. Chair Grant further expressed her appreciation to members for entrusting her with the chairpersonship for 2012.

MEMORIAL RESOLUTIONS

Item 56 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of those lost in the Sandy Hook Elementary School Tragedy in Newtown, Connecticut. Legislator Marinelli further requested that when the Legislature adjourns, it do so in memory of Richard "Dick" Quattrini.

Item 57 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Mary I. Hnatyk.

Item 58 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Mary Leonetti.

Item 59 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Christopher L. Bosilkovsky.

Item 60 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Mary Saunders.

ADJOURNMENT

Item 61 – 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 Tuesday, January 8, 2013 at 2:00 P.M. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Tuesday, January 8, 2013 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE