

ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 21, 2013

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 5 from 2013. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a resolution Honoring Austin Scott Oetinger on Achieving the Rank of Eagle Scout.

Item 6 – CHAIR GRANT presented a resolution Congratulating Legendary Dr. Thomas Rosenthal, Chair of the SUNY at Buffalo Department of Family Medicine for 20 Years, on His Retirement.

Item 7 – MS. MARINELLI, CHAIR GRANT & MR. HOGUES presented a resolution Congratulating the McKinley High School Basketball Team on the Exciting News of Their Class A State Championship Overtime Victory - the First State Championship in School History for the "Macks."

Item 8 – MR. MAZUR presented a Memorial Resolution Honoring Lovejoy Community Leader Donald A. Petrucci.

Item 9 – MR. RATH presented a resolution Recognizing & Acknowledging Brian Perry & Perry's Ice Cream Receiving the International Dairy Foods Association's Soaring Eagle Award for 2013.

Item 10 – MS. MARINELLI presented a resolution Congratulating Ruth & David Lampe - Citizens of the Month for March 2013.

Item 11 – MS. MARINELLI presented a resolution Congratulating Artsphere on Its 10th Anniversary in Historic Black Rock.

Item 12 – CHAIR GRANT & MR. HOGUES presented a resolution Congratulating Deja Triplette on Receiving a 2013 Community Leader Youth Award from the National Federation of Just Communities of WNY.

Item 13 – CHAIR GRANT & MR. HOGUES presented a resolution Recognizing Barbara Breckenridge of the National Kidney Foundation Serving WNY During National Kidney Disease Awareness Month in March.

Item 14 – MS. MARINELLI & CHAIR GRANT presented a resolution Recognizing April 9, 2013 as National Equal Pay Day in EC.

Item 15 – MR. HARDWICK presented a resolution Honoring Alexander M. Gradle on Achieving the Rank of Eagle Scout.

Item 16 – MR. HOGUES presented a resolution Congratulating Houghton Academy Students Aaron Gallon, Jacob Peake, Javon Whittington, John Whittington III & Jared Peake, Winners of the 1st Annual Youth Entrepreneurship Showcase (YES) Competition.

Item 17 – MR. HARDWICK presented a resolution Honoring Ryan Joseph Pietrzyk on Achieving the Rank of Eagle Scout.

Item 18 – MR. HARDWICK presented a resolution Honoring Willard Henry Crosby on Achieving the Rank of Eagle Scout.

Item 19 – MR. HARDWICK presented a resolution Honoring Chess Thomas Lee on Achieving the Rank of Eagle Scout.

Item 20 – MR. HARDWICK presented a resolution Honoring Sean K. Steward on Achieving the Rank of Eagle Scout.

Item 21 – MR. HARDWICK presented a resolution Honoring Stephen J. Valeri on Achieving the Rank of Eagle Scout.

Item 22 – MR. HARDWICK presented a resolution Honoring Robert James Mol on Achieving the Rank of Eagle Scout.

Item 23 – MR. HOGUES presented a resolution Congratulating Houghton Academy Students for Finishing 2nd Place in the 1st Annual Youth Entrepreneurship Showcase (YES) Competition.

Item 24 – MR. HOGUES presented a resolution Recognizing W. Charles Brandy, Kevin Buchholtz, Tracy Cooley, Dr. Patricia Hutton & Akin Wilson for Preparing Houghton Academy Students for the 1st Annual Youth Entrepreneurship Showcase (YES) Competition.

Item 25 – MR. MILLS presented a resolution Congratulating Emerling Ford of Springville in Its Celebration of More than 25 Years in Business.

MR. MAZUR moved for consideration of the above twenty-one items. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above twenty-one items by including Et Al Sponsorship. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above twenty-one items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 26 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 28 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 29 – CHAIR GRANT directed that Local Law No. 2 (Print #1) 2013 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 30 – MR. MAZUR presented the following report, moved to separate item Number 1, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

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| March 12, 2013 | HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 5E-8 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Medical Center has relocated all from the Erie County Home to the new long term care facility on the ECMC Campus; and

WHEREAS, the 2010 Settlement Agreement between the County and the ECMC states that when the patients are moved the Erie County Home property transfers back to County control; and

WHEREAS, the County needs certain architectural and engineering services to be performed in order to decommission the Erie County Home buildings and building utilities, easements, and mechanical, electrical shutdowns and building reuse need to be examined; and

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

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to HHL for providing professional services for the former Erie County Home decommissioning project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment with the firm of Hamilton, Houston Lownie Architects (HHL) for providing professional services for the Erie County Home Decommissioning for an amount not to exceed \$40,000.00, including reimburseables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project Account A.12005-2012-Countywide Mechanical, Electrical, Plumbing Improvements for an amount not to exceed \$40,000; and be it further

RESOLVED, that two (2) 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, Management and Finance, and the Office of the Comptroller.

(5-0)

THOMAS J. MAZUR
CHAIR

MR. MAZUR moved to amend item Number 1. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

After the First Resolve Clause Insert the Following:

RESOLVED, that it is the intent of the Erie County Legislature that the adaptive reuse of the former Erie County Home remain a priority for County government and be undertaken in a manner that takes into account community input, concerns of local Alden residents and neighboring communities, together with the greatest benefit for the people of Erie County; and be it further

RESOLVED, that the Commissioner of Public Works be and hereby is directed to report to the Energy & Environment Committee within 45 days of passage of this resolution with an update concerning the decommissioned home, including the following:

- Security of the property to prevent unwanted entry and possible injury, theft of building materials, vandalism and unsightly graffiti;
- Maintenance of the building and grounds to prevent deterioration that could cause a reduction in its market value;
- Rodent and pest control;
- Weatherization needs.

and be it further

MR. MAZUR moved to approve item Number 1 as amended. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

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| March 12, 2013 | COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 5 |
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, all items are hereby tabled.

LYNN M. MARINELLI
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

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| March 14, 2013 | ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-10 (2013)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Agreement”
(4-0)
 - b. COMM. 5D-2 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Copy of Audit Report of EC Times Beach Public Access Project for the Period of 5/20/05 - 12/31/2010”
(4-0)
 - c. COMM. 5M-2 (2013)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “Letter to Clerk of Legislature Concerning EC Agricultural Districts No. 5 & 15”
(4-0)
 - d. COMM. 5M-6 (2013)
NYSDEC: “Public Notice: Application & Remedial Investigation Work Plan from 500 Seneca Street, LLC”
(4-0)
2. COMM. 5E-5 (2013)
COUNTY EXECUTIVE
WHEREAS, Erie County is experiencing numerous challenges affecting the area’s physical development including loss of farmland and open space; and

WHEREAS, Erie County last prepared a comprehensive planning document for farmland protection in 1996; and

WHEREAS, a new Plan was completed in October 2012 by the Erie County Department of Environment and Planning in conjunction with members of the Erie County Farmland Protection Board; and

WHEREAS, said Plan was funded through monies provided by the New York State Department of Agriculture and Markets, and the federal Community Development Block Grant Program; and

WHEREAS, the Erie County Farmland Protection Board formally accepted the Plan on October 24, 2012 as a guide to future planning activities and public/private initiatives related to agricultural development and farmland protection in Erie County; and

WHEREAS, the Erie County Executive issued Executive Order #012 on February 20, 2013 directing County departments to follow the policies and recommendations contained in the Plan when carrying out their department missions; and

WHEREAS, the Erie County Agricultural and Farmland Protection Plan will serve as an important tool for County officials when making decisions affecting the agricultural economy within the region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby accepts Erie County Agricultural and Farmland Protection Plan as the primary County planning document within Erie County on matters affecting farmland protection and the agricultural economy; and be it further

RESOLVED, that the Erie County Legislature shall undertake actions affecting physical development in the region in a manner that is consistent with the principles, policies, and action strategies described in the Plan; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Comptroller; the County Attorney; the Commissioner of the Department of Environment and Planning; and the Chairperson of the Erie County Agricultural and Farmland Protection Board.
(4-0)

3. COMM. 5E-6 (2013)
COUNTY EXECUTIVE

WHEREAS, the County is embarking on a \$1.8 million multi-phased improvement project to Black Rock Canal Park which includes a new dog park "Barkyard" area; and

WHEREAS, the County would like to open the Barkyard as soon as possible after completion of construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute an agreement with the Northwest Buffalo Community Center for the purpose of maintaining and operating the Barkyard dog park within the County's Black Rock Canal Park in the City of Buffalo; and be it further

RESOLVED, that costs associated with the license agreement will be the responsibility of the Northwest Buffalo Community Center; 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 Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(4-0)

4. COMM. 5E-9 (2013)
COUNTY EXECUTIVE

WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and

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

WHEREAS, Erie County is looking to add improvements to the boat launch and dock area, which results in a need to increase the contract cost with the design firm Nussbaumer and Clark Inc.; and

WHEREAS, this Honorable Body previously approved the hiring of Nussbaumer and Clark Inc. to perform engineering and construction management services (COMM. 10E-21, 2011).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to increase the design services contract with Nussbaumer and Clark Inc. in an additional amount of \$59,543.83, to a total contract value not to exceed \$183,846.13, to provide additional engineering and construction management services; and be it further

RESOLVED, that the source of said increase is available within the Erie County Department of Environment and Planning Budget in SAP Account No. 21016, Black Rock Canal Park; 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.
(4-0)

5. COMM. 5E-11 (2013)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Parks, Recreation and Forestry has contracted with an outside vendor for a number of years to operate the concession area at Elma Meadows Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, Grover Cleveland Rst of Amherst, NY provided the only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Executive is authorized to enter into an agreement with Grover Cleveland Rst for operation of the concession stand at Elma Meadows Golf Course; and be it further

RESOLVED, The Erie County Parks Department will receive \$5,200.00 in revenue annually from Grover Cleveland Rst for the length of the contract; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry and the Erie County Department of Law.
(4-0)

6. COMM. 5E-14 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2012-2013 snowmobile season in the amount not to exceed \$137,695.00; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$137,695.00 as pertains to snowmobile trail maintenance performed during the 2012-2013 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$137,695.00 for the purpose of snowmobile trail maintenance on club trails during the 2012-2013 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

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|-----------------------------------|-------------|
| Colden Trail Riders Inc. | \$14,590.00 |
| Eden Trail Blazers Inc. | \$ 7,615.00 |
| Grand Island Snowmobile Club Inc. | \$ 4,505.00 |
| Hamburg Snowmobile Club Inc. | \$15,440.00 |
| Holland Sno-Rascals Inc. | \$17,795.00 |

| | |
|------------------------------------|--------------|
| Marilla Sno-Mob Inc. | \$13,430.00 |
| Northern Erie Snowseekers Inc. | \$15,715.00 |
| Pioneer Sno-Surfers Inc. | \$ 8,825.00 |
| Southern Tier Snowdrifters Inc. | \$16,260.00 |
| WNY Snowmobile Club of Boston Inc. | \$23,520.00 |
| | \$137,695.00 |

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$137,695.00, as well as an increase in appropriations in the amount of \$137,695.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; 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 and Management, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.

(4-0)

TERRENCE D. McCRACKEN
CHAIR

Item 33 – MR. HOGUES presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

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| March 14, 2013 | PUBLIC SAFETY COMMITTEE REPORT NO. 4 |
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-3 (2013)
SHERIFF: “Reappointment to the EC Community Corrections Advisory Board”
(5-0)
 - b. COMM. 5D-1 (2013)
COMMISSIONER OF EMERGENCY SERVICES: “Response Letter to Senior Public Safety Dispatcher, Town of Hamburg, Concerning the County UHF Radio System”
(5-0)

- c. COMM. 5M-8 (2013)
CHAIR, EC & BUFFALO SAFE NEIGHBORHOODS COMMITTEE: "Appointments to the EC & Buffalo Safe Neighborhoods Committee"
(5-0)
- d. COMM. 5M-9 (2013)
CHAIR, EC COMMUNITY CORRECTIONS ADVISORY BOARD: "2012 EC Community Corrections Advisory Board Annual Report"
(5-0)
- e. COMM. 5M-11 (2013)
BRANT TOWN BOARD: "Copy of Resolution Opposing the New Gun Control Legislation in NYS"
(5-0)
- 2. COMM. 5E-17 (2013)
SHERIFF
WHEREAS, recent promotions, retirements and revised requirements by the State Commission of Corrections require changes to the staffing levels in the Jail Management Division of the Sheriff's Office; and

WHEREAS, the Sheriff wishes to upgrade the Superintendent to adequately compensate him for his job responsibilities; and

WHEREAS, the State Commission of Corrections has revised their staffing requirements therefore no longer requiring an additional Lieutenant that was added to the 2013 budget but requiring additional support staff positions; and

WHEREAS, funding for these personnel changes will be offset by the position deleted, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to upgrade the Superintendent from Job Group XV to XVI (B100 #7184) effective 03/01/13; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) Identification Clerk, Job Group IV (B100 #7200) effective 04/01/13; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) Laborer, Job Group IV (B100 #7185) effective 06/01/13; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one (1) vacant Lieutenant position, Job Group X (B100 #7185), effective 03/01/13; and be it further

RESOLVED, that certified copies be forwarded to the County Executive, Division of Budget and Management, Department of Personnel and the Office of the Sheriff.
(5-0)

TIMOTHY R. HOGUES
CHAIR

CHAIR GRANT directed that item Number 2 be returned to the PUBLIC SAFETY COMMITTEE for further consideration.

GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

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| March 14, 2013 | FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS & HARDWICK.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-1 (2013)
COUNTY EXECUTIVE: “2013-2016 Revised EC Four-Year Financial Plan”
(4-0)
 - b. COMM. 4E-2 (2013)
COMPTROLLER: “Response to the Revised 2013-2016 Four-Year Plan”
(4-0)
 - c. COMM. 4M-15 (2013)
ECFSA: “Analysis of EC Revised Four Year Plan”
(4-0)
 - d. INTRO 5-3 (2013)
MILLS, RATH, DIXON, HARDWICK & LORIGO: “Requesting Changes to Capital Borrowing for 2013”
(4-0)
 - e. COMM. 5E-2 (2013)
COMPTROLLER: “Letter to Legislator Hogues Concerning Recent Audit Regarding FEMA as it Relates to Reimbursements from the "October Surprise Storm" in 2006”
(4-0)
 - f. COMM. 5D-3 (2013)

DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Legislature Concerning
Reduction in 2013 Capital Borrowing for Construction Projects"
(4-0)

2. COMM. 1D-7 (2012)

EC REAL PROPERTY TAX SERVICES AS AMENDED

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 212336 through 212354, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2013 Petition No. 212,336.00

ASSESSOR Cancel \$63,396.77

S-B-L 133.35-1-30 2400 Seneca St 146800 WEST SENECA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$63,396.77 Town/SpecialDist/School

68265 ECSAN SWR #6 \$63,396.77

Charge To : 146800 WEST SENECA \$0.00

Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2012 Petition No. 212,337.00

ASSESSOR Refund \$414.00

S-B-L 40.15-7-20 230 Willow Ridge 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$414.00 Town/SpecialDist/School

Charge To : 142289 AMHERST \$414.00

Relevy School \$414.00 142207 SWEET HOME CENTRAL

Failed to apply basic STAR exemption
Refund to be issued to Daniel F. Keefe

FISCAL YEAR 2013 Petition No. 212,338.00

ASSESSOR Cancel \$688.68

S-B-L 54.29-1-17 2324 Parker Blvd 146489 TONAWANDA

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|--------------------|------------------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$688.68 | Town/SpecialDist/School |
| <u>Charge To :</u> | 146489 TONAWANDA | \$688.68 |

Incorrect special district charge.

New tax bill to be issued to: WNY Holdings & Land LLC

Attn: Richard LaBarba

FISCAL YEAR 2013 Petition No. 212,339.00

ASSESSOR Cancel \$361.91

S-B-L 331.00-1-13.1 13669 Jennings Rd 143689 COLLINS

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|--------------------|----------------|---------------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$361.91 | Town/SpecialDist/School |
| <u>Charge To :</u> | 143689 COLLINS | \$361.91 |
| | Relevy School | \$361.91 143801 SPRING-GRIFFITH |

School relevy incorrectly applied. School taxes had been paid.

New bill to be issued to: Peter Waterman.

FISCAL YEAR 2013 Petition No. 212,340.00

ASSESSOR Cancel \$143.77

S-B-L 21.00-2-14.12 105 Greenbush Rd145689 NEWSTEAD

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|-----------------------------|-----------------|-------------------------|
| Acct. No. 112 | \$96.99 | County |
| Acct. No. 132 | \$46.78 | Town/SpecialDist/School |
| 56019 NEWSTEAD FIRE PROTECT | \$21.75 | |
| <u>Charge To :</u> | 145689 NEWSTEAD | \$25.03 |

Failed to apply Agric Exem

New bill to be issued to: Kelly A. Kelkenberg

FISCAL YEAR 2013 Petition No. 212,341.00

ASSESSOR Cancel \$198.72

S-B-L 86.00-1-39.11 Dorsch Rd 145689 NEWSTEAD

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|---------------|----------|-------------------------|
| Acct. No. 112 | \$124.83 | County |
| Acct. No. 132 | \$73.89 | Town/SpecialDist/School |

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| 56010 WATER TANK | \$5.78 | |
| 56019 NEWSTEAD FIRE PROTECT | \$27.99 | |
| <u>Charge To :</u> | 145689 NEWSTEAD | \$40.12 |

Failed to apply Agric Exemption
New Bill to be issued to: James H. Kidder

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| FISCAL YEAR 2013 | Petition No. | 212,342.00 |
| ASSESSOR | Cancel | \$105.54 |

S-B-L 47.11-4-8 87 John St. 145601 AKRON

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|--------------------|---------------|---------|-------------------------|
| | Acct. No. 112 | \$83.89 | County |
| | Acct. No. 132 | \$21.65 | Town/SpecialDist/School |
| <u>Charge To :</u> | 145601 AKRON | \$21.65 | |

Failed to apply Vet exemption
New tax bill to be issued to: Barbara J and Charles V Kopp

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| FISCAL YEAR 2013 | Petition No. | 212,343.00 |
| ASSESSOR | Cancel | \$80.84 |

S-B-L 47.19-3-23.1 2 Sylvan Pkwy 145601 AKRON

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| | Acct. No. 112 | \$64.27 | County |
| | Acct. No. 132 | \$16.57 | Town/SpecialDist/School |
| <u>Charge To :</u> | 145601 AKRON | \$16.57 | |

Failed to apply Vet Exemption
New bill to be issued to: Ronald and Donna Hatcher

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| FISCAL YEAR 2013 | Petition No. | 212,344.00 |
| ASSESSOR | Cancel | \$98.22 |

S-B-L 32.00-1-39.121 11081 Crego Rd 145689 NEWSTEAD

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|-----------------------------|-----------------|---------|-------------------------|
| | Acct. No. 112 | \$64.26 | County |
| | Acct. No. 132 | \$33.96 | Town/SpecialDist/School |
| 56019 NEWSTEAD FIRE PROTECT | \$14.41 | | |
| <u>Charge To :</u> | 145689 NEWSTEAD | \$19.55 | |

Failed to apply Vet Exemption
New tax bill to be issued to: Frederick H & Reith Ann M Green

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| FISCAL YEAR 2012 | Petition No. | 212,345.00 |
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ASSESSOR Refund \$91.76

S-B-L 42.04-1-47 120 Muegel Rd No 142289 AMHERST

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|--------------------|----------------|---------|---------------------------|
| <u>Charge To :</u> | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$91.76 | Town/SpecialDist/School |
| | 142289 AMHERST | | \$91.76 |
| | Relevy School | \$91.76 | 142203 WILLIAMSVILLE CENT |

Property should be wholly exempt
Refund to be issued to: Mario DiCristofaro

FISCAL YEAR 2012 Petition No. 212,346.00

ASSESSOR Cancel \$91.76

S-B-L 42.04-1-47 120 Muegel Rd No 142289 AMHERST

| | | | |
|--------------------|----------------|---------|---------------------------|
| <u>Charge To :</u> | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$91.76 | Town/SpecialDist/School |
| | 142289 AMHERST | | \$91.76 |
| | Relevy School | \$91.76 | 142203 WILLIAMSVILLE CENT |

Property should be wholly exempt
New tax bill to be issued to: Town of Amherst

FISCAL YEAR 2013 Petition No. 212,347.00

ASSESSOR Refund \$70.94

S-B-L 42.04-1-47 120 Muegel Rd 142289 AMHERST

| | | | |
|--------------------|------------------------------|---------|-------------------------|
| <u>Charge To :</u> | Acct. No. 112 | \$25.88 | County |
| | Acct. No. 132 | \$45.06 | Town/SpecialDist/School |
| | 22030 EAST AMHERST FD | \$3.09 | |
| | 22575 CONS SEWER B/CSSD | \$1.34 | |
| | 22745 EC CONS DRAIN DIST/CDD | \$17.20 | |
| | 142289 AMHERST | | \$23.43 |

Property should be wholly exempt
Refund to be issued to: Mario DiCristofaro

FISCAL YEAR 2013 Petition No. 212,348.00

ASSESSOR Cancel \$70.94

S-B-L 42.04-1-47 120 Muegel Rd 142289 AMHERST

| | | |
|------------------------------|----------------|-------------------------|
| Acct. No. 112 | \$25.88 | County |
| Acct. No. 132 | \$45.06 | Town/SpecialDist/School |
| 22030 EAST AMHERST FD | \$3.09 | |
| 22575 CONS SEWER B/CSSD | \$1.34 | |
| 22745 EC CONS DRAIN DIST/CDD | \$17.20 | |
| <u>Charge To :</u> | 142289 AMHERST | \$23.43 |

Property should be wholly exempt
New tax bill to be issued to: Town of Amherst

FISCAL YEAR 2012 Petition No. 212,349.00

ASSESSOR Refund \$442.76

S-B-L 68.10-4-3 48 Sedgemoor Ct142289 AMHERST

| | | |
|--------------------|----------------|-------------------------|
| Acct. No. 112 | \$242.90 | County |
| Acct. No. 132 | \$199.86 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | \$199.86 |

Failed to apply disabled vet exemption
Refund to be issued to James and Nanci Alonzo

FISCAL YEAR 2012 Petition No. 212,350.00

ASSESSOR Cancel \$204.19

S-B-L 47.11-2-46 2 Pearl St 145601 AKRON

| | | |
|--------------------|--------------|-------------------------|
| Acct. No. 112 | \$170.07 | County |
| Acct. No. 132 | \$34.12 | Town/SpecialDist/School |
| <u>Charge To :</u> | 145601 AKRON | \$34.12 |

Failed to apply aged exemption
New tax bill to be issued to: David Diorio

FISCAL YEAR 2013 Petition No. 212,351.00

ASSESSOR Cancel \$148.53

S-B-L 60.00-2-59.1 12474 MAIN ST 145689 NEWSTEAD

| | | |
|--------------------|-----------------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$148.53 | Town/SpecialDist/School |
| <u>Charge To :</u> | 145689 NEWSTEAD | \$148.53 |

Incorrect special district charge

New tax bill to be issued to Patricia Demblewski-Pinski

FISCAL YEAR 2013 Petition No. 212,352.00

ASSESSOR Refund \$99.91

S-B-L 152.16-1-4 66 Faahs Rd 146089 ORCHARD PARK

Acct. No. 112 \$99.91 County
Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$0.00

Failed to apply low income senior exemption
Refund to be issued to Spiro and Mary Mastoras

FISCAL YEAR 2011 Petition No. 212,353.00

ASSESSOR Refund \$495.00

S-B-L 347.00-2-9.22 8863 Caise Rd 143889 CONCORD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$495.00 Town/SpecialDist/School
Charge To : 143889 CONCORD \$495.00
Relevy School \$495.00 143801 SPRING-GRIFFITH

Failed to apply basic STAR exemption
Refund to be issued to Kelly and Matthew Allard

FISCAL YEAR 2012 Petition No. 212,354.00

ASSESSOR Refund \$505.00

S-B-L 347.00-2-9.22 8863 Chaise Rd 143889 CONCORD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$505.00 Town/SpecialDist/School
Charge To : 143889 CONCORD \$505.00
Relevy School \$505.00 143801 SPRING-GRIFFITH

Failed to apply basic STAR exemption
Refund to be issued to Kelly and Matthew Allard

and be it further

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

(4-0)

3. COMM. 5E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works and Division of Budget and Management have been reviewing capital projects and have identified a number of projects where work has been completed and are ready to wholly or partially close; and

WHEREAS, Section 165 of the State of New York Local Finance Law requires that in the event any portion of the proceeds of bonds is not expended for the object or purpose for which such obligations were issued, such portion shall be applied only to the payment of principal of and interest on such obligations; and

WHEREAS, on October 11, 2012, the Legislature approved Comm. 16E-5, a request from the administration to close 54 dormant capital accounts and to transfer available balances to close underfunded projects and the Adopted 2013 Budget includes budget resolution number 85 which closes a large number of inactive capital accounts and memorializes the County's intention to close other dormant accounts in 2014-2016; and

WHEREAS, based on a review by the Division of Budget and Management, the Department of Public Works and the County Comptroller's Office, a balance totaling \$5,910,693 is available for closing with the savings to be available in the County's 2014-2022 fiscal years.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to wholly or partially close the following 56 capital projects in Funds 420, 410, and 480 and to transfer available funds to Fund 310 Debt Service, to be utilized to pay principal of and interest on obligations issued to finance the cost of such capital projects in 2014-2022 and to transfer \$5,910,693 of the balance to enable their closure as shown in the below schedule:

| Fund | WBS Element | Project Name | Total transfer |
|------|-------------|-------------------------------------|----------------|
| 410 | A.00020 | 00 ECSD #5 SP Lake | \$113.69 |
| 410 | A.00084 | 03 Hazmat Building | \$3,844.61 |
| 410 | A.00085 | 03 Masterplan for Jail Management | \$136,426.04 |
| 410 | A.00096 | Emery Park Water Lines - Phase III | \$6,906.88 |
| 410 | A.00333 | 08 Roof Replacement Holding Center | \$286,639.45 |
| 410 | D.09103 | 03 Cap Lab & Tech Equip- Countywide | \$1,225,746.22 |
| 420 | B.00018 | 01 COMO PARK BLVD.(CR523)DES | \$1,254.61 |
| 420 | B.00022 | 01 N.FRENCH RD.(CR299) DESIG | \$2,090.23 |
| 420 | B.00045 | 02 BULLIS RD BRIDGE RECONST | \$5,260.43 |
| 420 | B.00046 | 02 HALL RD BRG RECONSTRUCTIO | \$9,134.59 |
| 420 | B.00048 | 02 UNANTIC RD & BR COSTS-DES | \$534.45 |
| 420 | B.00152 | 06 KENMORE AVE DESIGN | \$25,579.84 |
| 420 | B.00161 | 2006 Rapids Road/Beeman Cree | \$3,689.38 |
| 420 | B.00162 | 2006 Mill Street/Catt Creek | \$2,508.81 |
| 420 | B.00167 | '07 Road Reconstruction Proj | \$5,745.56 |

| | | | |
|-----|---------|---------------------------------------|----------------|
| 420 | B.00176 | 07 Harris Hill @Wehrle&Pleas | \$93,585.25 |
| 420 | B.00177 | 07 Seneca St Br Reconstructi | \$129,138.74 |
| 420 | B.00178 | 07 Cemetery Rd Br Reconstruc | \$116,628.44 |
| 420 | B.00208 | 2008 Pavement Rd Br Design - | \$6,860.49 |
| 420 | B.00209 | 2008 Cedar St Br Design - 57 | \$24,213.52 |
| 420 | B.00212 | 2008 Rapids Rd Br Design - 5 | \$12,106.75 |
| 420 | B.00213 | 2008 Lake Avenue Br Design - | \$8,071.17 |
| 420 | B.00214 | 2008 Abbott Rd Br Design - 5 | \$6,456.94 |
| 420 | B.00215 | 2008 Freeman Rd Br ROW - 575 | \$766.75 |
| 420 | B.11010 | 2011 Abbott Rd Br Design-Fed | \$57,561.86 |
| 420 | B.11011 | 2011 Pavement Rd Br Design-F | \$25,383.18 |
| 420 | B.11014 | 2011 Harris Hill Intersectio | \$11,992.05 |
| 420 | B.11015 | 2011 Colvin Signals Design-F | \$11,992.05 |
| 420 | B.11016 | 2011 Seneca St Br ROW-Fed Ai | \$799.47 |
| 420 | B.11018 | 2011 Mill St Br ROW-Fed Aid | \$3,997.36 |
| 420 | B.11019 | 2011 Harris Hill Intersectio | \$7,994.71 |
| 420 | B.11020 | 2011 Maple Rd Intersections | \$2,478.37 |
| 420 | B.11021 | 2011 Colvin Signals ROW-Fed | \$7,994.71 |
| 420 | B.20903 | 2009 Parkview Rd. Bridge-Con | \$273,681.79 |
| 420 | B.20904 | 2009 Cemetery Road Bridge - | \$249,883.47 |
| 420 | B.20906 | 2009 Freeman Road Bridge - R | \$4,035.59 |
| 420 | B.20908 | 2009 Pavement Road Bridge-RO | \$120,542.97 |
| 420 | B.20912 | 2009 Freeman Road Bridge-Des | \$52,462.63 |
| 420 | B.20914 | 2009 Mill St Bridge - Design | \$64,569.39 |
| 420 | B.20915 | 2009 Pavement Rd Bridge - De | \$17,353.02 |
| 420 | B.20925 | 09 Greiner/ Shimmerville Intersection | \$192,679.57 |
| 420 | B.20927 | 2009 Youngs/Aero Intersectio | \$200,615.11 |
| 420 | B.20928 | 2009 North Forest Rd-Constru | \$702,961.88 |
| 420 | B.20929 | 2009 Pavement Road Bridge-Co | \$120,814.00 |
| 420 | B.20931 | 2009 Seneca St Bridge-Constr | \$69,568.16 |
| 420 | B.20933 | 2009 Clarence Center Rd Brid | \$83,481.77 |
| 420 | B.20934 | 2009 Elmwood Avenue 5757.87- | \$105,444.27 |
| 420 | B.20936 | 2009 Rapids Road Bridge-Desi | \$71,186.00 |
| 420 | B.21003 | 2010 Como Park Blvd Construc | \$48,535.91 |
| 420 | B.21006 | 2010 Maple Rd Intersection C | \$493,958.12 |
| 420 | B.21009 | 2010 Seneca St Bridge Constr | \$448,957.24 |
| 420 | B.21010 | 2010 Pavement Rd Bridge Cons | \$264,520.74 |
| 420 | B.21012 | 2010 Elmwood Avenue Signals | \$12,942.91 |
| 420 | B.21014 | 2010 Cedar St Bridge Design | \$45,300.19 |
| 420 | B.21015 | 2010 Pavement Rd Bridge Desi | \$14,763.01 |
| 480 | E.00041 | 98 ECC North Spring Student Center | \$8,939.62 |
| | | | |
| | | Total | \$5,910,693.96 |

and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to make any and all budgetary and financial entries required to implement these transfers and funds utilization; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Comptroller, Director of Budget and Management, County Attorney, Erie County bond counsel M. Cornelia Cahill at the law firm Hiscock & Barclay, LLP and Commissioner of Public Works.
(4-0)

TIMOTHY R. HOGUES
CHAIR

Item 35 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

| | |
|----------------|---|
| March 14, 2013 | ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5 |
|----------------|---|

ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 5E-1 (2013)
GRANT: "Copy of Article Titled "Residents Deserve Seats at the Table""
(6-0)

2. INTRO 4-8 (2013)
HOGUES, GRANT, MARINELLI,
LOUGHRAN, LORIGO & RATH AS AMENDED

WHEREAS, the Economic Opportunity Panel (EOP) was established by St. John Baptist Church and the University at Buffalo to formulate public policy relating to the neighborhoods that are proximate to the Buffalo Niagara Medical Campus, along with assessing economic opportunities for the neighborhood and ever-expanding Medical Campus; and

WHEREAS, the EOP also advises the Medical Campus on issues that are of keen interest to neighboring residents and businesses, yet it is remarkable that the composition of the EOP does not allow for their voices to be heard due to the fact that the panel lacks representation from neighborhood residents and businesses; and

WHEREAS, in particular, Buffalo's Fruit Belt neighborhood and the residents of McCarley Gardens would very much like to participate in the discussions and crafting of recommendations that

will ensue from the EOP, given its stated mission to address workforce development and economic opportunity in the neighborhood; and

WHEREAS, McCarley Gardens is located within the borders of the Buffalo Niagara Medical Campus and features 149 apartments on 15 acres, as well as small businesses that have also expressed an interest in participation in the important work of the EOP; and

WHEREAS, the economic opportunities that evolve from the development of the Medical Campus can provide a step up to the middle class for these residents, yet they have unfortunately been left out of the process; and

WHEREAS, American Democracy is participatory in nature, and together with Home Rule are basic tenets of our democratic process, providing for self-determination and community input in public policy formation, especially when such policy affects people's lives as well as their neighborhoods; and

WHEREAS, the omission of Fruit Belt residents on the EOP has created unrest in the neighborhood surrounding the Buffalo Niagara Medical Campus, where broad community consensus is a necessary and critical component for maximizing the Medical Campus' full economic potential.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature fully supports the continued unfettered development/redevelopment of the Buffalo Niagara Medical Campus and nearby community, however, this Body also declares it essential that neighborhood stakeholders be a part of any development or advisory committee formulating policy or planning for the neighborhood; and be it further

RESOLVED, that the Erie County Legislature respectfully calls upon the leadership of St. John Baptist Church and the Buffalo Niagara Medical Campus to reconsider the Economic Opportunity Panel in relation to providing inclusion of nearby residents and businesses of the Fruit Belt and McCarley Gardens in its work; and be it further

RESOLVED, that in order to avoid the possibility of litigation, that this Legislative Body encourages residents' membership on the EOP, and/or any other committee charged with formulating public policy that would impact this Buffalo neighborhood, to include in its membership representatives of the McCarley Gardens Tenant Association and the Fruit Belt Housing Task Force; and be it further

RESOLVED, that this Legislature believes that an important step to community engagement would be for this Honorable Body's Economic Development Committee to invite all stakeholders to a future meeting of the committee to discuss this matter in an effort to and reach consensus and a positive outcome for everyone involved; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Matthew Enstice, Director of the Buffalo Niagara Medical Campus; Rev. Michael Chapman, Pastor of St. John Baptist Church; John DellaContrada of the University at Buffalo; Lorraine Chambley, president of the

McCarley Gardens Tenant Association; Veronica Hemphill-Nichols, founder of the Fruit Belt Housing Task Force, and all others deemed necessary and proper.

(6-0)

3. COMM. 5E-7 (2013)
COUNTY EXECUTIVE

WHEREAS, the replacement of the existing exterior lighting fixtures at Old County Hall will re-light the building with new technology and showcase its historical nature during the night hours as well as provide a security and deterrent function; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Ram-Tech Engineers of Buffalo, P.C. 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 Ram-Tech Engineers of Buffalo, P.C. for providing design and construction document services for Old County Hall exterior lighting project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Ram-Tech Engineers of Buffalo, P.C. for providing professional design and engineering services for Old County Hall exterior lighting project for an amount not to exceed \$25,000.00, 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.12005– 2012 – Countywide Mechanical Electrical & Plumbing Improvements (Countywide) for an amount not to exceed \$25,000.00; and be it further

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

(6-0)

THOMAS A. LOUGHRAN
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: Inclusion of Viable Agricultural Lands
into Agricultural Districts - 2012

(INTRO 6-1)

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

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2012 thirty-day open enrollment period seven landowners requested that eight parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for December 10, 2012; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 6 pm on December 10, 2012 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2012 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on December 10, 2012 to recommend that the County Legislature adopt the inclusion of eight parcels listed below in existing agricultural districts; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into adjacent existing agricultural districts:

| Owner | SBL No. | Parcel Address | Town | Agricultural District | Acreage |
|----------|----------------|---------------------------|----------|--------------------------|---------|
| Kreher | 59.00-4-18 | 0 Davison Road | Clarence | Clarence Newstead No. 14 | 14 |
| Thompson | 43.16-1-10.1 | 8850 Clarence Center Road | Clarence | Clarence Newstead No. 14 | 19 |
| Basiliko | 259.00-4-5.11 | 9958 South Hill Road | Colden | Concord No. 15 | 118 |
| Kist | 259.00-1-16 | 9422 South Hill Road | Colden | Concord No. 15 | 88 |
| Pfeil | 259.00-4-9.1 | 9659 South Hill Road | Colden | Concord No. 15 | 138 |
| Rutecki | 259.00-1-8 | 9551 South Hill Road | Colden | Concord No. 15 | 103 |
| Schutt | 241.00-3-48.12 | 0 Rice Road | Boston | Concord No. 15 | 4 |
| Schutt | 241.00-3-50 | 6181 Rice Road | Boston | Concord No. 15 | 53 |

and be it further

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an Environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the Towns of Boston, Clarence, and Colden; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 37 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Requesting Commissioner of
Agriculture & Markets to Extend
Review Dates of Agricultural District
No. 15
(INTRO 6-2)

A RESOLUTION TO BE SUBMITTED BY

LEGISLATOR McCRACKEN

WHEREAS, Erie County is in the process of consolidation of the County's fourteen Agricultural Districts into four; and

WHEREAS, Section 303-a of the Agricultural Districts Law allows counties with multiple districts with review dates in any 12-month period, to petition the Commissioner of Agriculture and Markets to approve for good cause, an extension of up to four years for a district review; and

WHEREAS, the review anniversary for Agricultural District 5 falls on December 4, 2013 and the review anniversary for Agricultural District 15 falls on December 21, 2013; and

WHEREAS, the County's Consolidation plan is to combine the lands of Agricultural District 15 that lie within the Towns of North Collins and Collins with Agricultural Districts 2, 4, 8, and 9; and

WHEREAS, the County's Consolidation plan is to combine the lands of Agricultural District 15 that lie within the Towns of Concord, Boston, and Colden with Agricultural Districts 6 and 11; and

WHEREAS, the review anniversary for the western portion of Agricultural District 15 must be aligned with the review anniversaries of Agricultural Districts with Districts 2, 4, 8, and 9 in order to make consolidation of these adjacent districts feasible; and

WHEREAS, the review anniversary for the eastern portion of Agricultural District 15 must also be aligned with the review anniversaries of Agricultural Districts 6 and 11 in order to make consolidation of these adjacent districts feasible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature petitions the Commissioner of Agriculture and Markets to extend the review date of the western portion of Agricultural District 15 to begin on August 26, 2015 and end the 300-day review period (anniversary) on June 21, 2016; and be it further

RESOLVED, that the Erie County Legislature Petitions the Commissioner of Agriculture and Markets to extend the review date of the eastern portion of Agricultural District 15 to begin on October 13, 2016, and end the 300-day review period (anniversary) on August 9, 2017.

Item 38 – CHAIR GRANT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 6-3 from HOGUES. Expressing Support for a Park & Ride Facility in the Former DL&W Terminal Adjacent to Canalside to Alleviate the Shortage of Parking at the Buffalo Niagara Medical Campus.

Item 39 – MR. MAZUR presented the following resolution and moved for immediate

consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: Urging Greater Investment in the State's
CHIPS (Consolidated Highway
Improvement) & Marchiselli Programs
(INTRO 6-4)

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

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities, emergency responders, as well as the general traveling public; and

WHEREAS, New York State's Consolidated Highway Improvement Program (CHIPS) funds are vital to county and local highway departments in order to maintain and upgrade important components of the local transportation system, and to purchase essential highway equipment and materials; and

WHEREAS, the Marchiselli Program is a State component of a successful Federal, State and local partnership, delivering transportation improvements to local highway projects that qualify for federal funding; and

WHEREAS, the State Department of Transportation (DOT) has called for a level for CHIPS investment of \$420 million and \$56 million for Marchiselli annually to simply maintain the current condition and safety rating of our local transportation system and to prevent further deterioration; and

WHEREAS, for the last five years, appropriations for CHIPS and Marchiselli have been unchanged at \$363 million and \$39 million respectively, well below the investment recommended to address the needs of the local roads and bridges – resulting in measurable declines in pavement, bridge and culvert conditions; and

WHEREAS, the State DOT has submitted to the New York Works Task Force a proposed 2-year transportation capital plan for the years 2013-14 and 2014-15 that freezes CHIPS and Marchiselli funding for another two years at the Strategic I investment level; and, the 2013-14 Executive budget appropriations for CHIPS and Marchiselli remain unchanged at \$363 million and \$39 million respectively; and

WHEREAS, the Marchiselli investment is inadequate to meet the documented need statewide, resulting in counties not obtaining state aid for some project phases; and, state reimbursement for advances made by counties for approved work has slowed considerably, creating further financial hardship; and

WHEREAS, in accordance with the State DOT "Forward Four" policy (preservation first; system not projects; maximize return on investment; and make it sustainable), additional CHIPS

funds are necessary for preventative maintenance type projects – chip seal and other pavement sealing processes – and resurfacing work that is critical to extending the life of the current local highway and bridge infrastructure; and

WHEREAS, the Executive Budget includes more than \$300 million in the New York Works funds to be directed for capital investment in transportation infrastructure, a good portion of which should be used to make up for the losses in federal aid, boost CHIPS and further aid the local transportation system in New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the Governor and State Legislature to recognize the unfunded needs of the local transportation system, and to adopt and fund Strategic II & III investment levels as part of the State Budget; and be it further

RESOLVED, that the aforementioned level of investment is necessary to ensure that local funding programs like CHIPS and Marchiselli are funded at levels that will begin to slow, and hopefully reverse, the deteriorating condition of infrastructure statewide; and be it further

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

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. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: Urging the Governor & the NYS
Legislature to Continue to Reform the
Financing of the Early Intervention
Program in NYS
(INTRO 6-5)

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

WHEREAS, since the inception of the Early Intervention (EI) Program in 1993, the number of recipients, costs per child and administrative duties of Erie County have increased dramatically; and

WHEREAS, New York State has shifted for fiscal responsibility to counties while reducing state responsibility, and Erie County now funds 51 % of this program; and

WHEREAS, counties are required to pay 100% of the cost of Early Intervention services in the first instance, which by statute cannot be claimed until nine months into the current state fiscal year and often remain unreimbursed for more than one year; and

WHEREAS, Erie County recognizes that the creation of a statewide fiscal agent to take over administrative functions such as contracting with providers and reimbursement to providers will improve the program; and

WHEREAS, this initiative represents an important step toward providing counties with mandate relief in the Early Intervention Program; however last year, the State Legislature rejected the Governor's proposed mandate reforms regarding the EI Program; and

WHEREAS, the Executive Budget once again has advanced the following reforms requiring:

- third party insurers to cover the cost of EI services where appropriate and prohibits insurers from denying claims solely because the claim is for an EI service;
- third party insurers to establish an adequate network of EI providers to meet capacity needs;
- providers to enter into agreements with insurers;
- children covered by third party insurance to select an in-network-approved EI provider absent extenuating circumstances; and

WHEREAS, current EI legislation refers to "children with handicapping conditions," an archaic term that should be replaced with "children with disabilities;" and

WHEREAS, commercial insurance claims for all Early Intervention services should be maximized by requiring insurers and HMO's to cover the cost of EI services, thereby relieving – at least in part – this costly burden on county and state taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the New York Legislature to adopt the Governor's Early Intervention proposals in the NYS 2013-14 Budget; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Andrew M. Cuomo, Speaker of the Assembly Sheldon Silver; Senate Republican Conference Leader Dean Skelos, Senate Independent Democratic Conference

Leader Jeff Klein, Gale Burstein, MD, Erie County Commissioner of Health 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. HOGUES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

RE: Supporting the Multi-Year Restoration
of Adequate State Funding for Child
Protection, Foster Care & Youth
Detention Services
(INTRO 6-6)

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

WHEREAS, the safety and welfare of Erie County's children, and all children in New York State, should remain a high priority; and

WHEREAS, State funding for child welfare and related foster care programs has decreased by tens of millions of dollars statewide over the past three years through a reduction in the State's matching rate (down to 62 percent from 65 percent), despite the increase in child welfare protective service cases statewide; and

WHEREAS, on March 12, 2013, the Erie County Department of Social Services made a presentation on child welfare services to the members of the Health & Human Services Committee that confirmed the increased number of cases in Erie County, mirroring the statewide data; and

WHEREAS, New York State has also eliminated state administrative funding to support a wide variety of state and federally designed and mandated social service programs, in addition to capping program reimbursement for youth detention, foster care and other critical social services; and

WHEREAS, the State has also failed to provide dedicated funding for its Kinship Guardian Assistance Program, further increasing fiscal pressure on counties at a time when caseloads are increasing.

NOW, THEREFORE, BE IT

RESOLVED, in the waning days of New York State Budget negotiations between the Governor and State Legislature, the Erie County Legislature request consideration for a multi-year strategic plan to attain adequate funding levels for child welfare services by gradually restoring – over the next few budget cycles – the historic child welfare state funding match to 65 percent, as well as to further maintain funding for the Foster Care Block Grant while, at the same time, maximizing local social service district flexibility to request a “carve out” for innovative projects; and be it further

RESOLVED, that by doing so, the State Legislature and Governor will renew their commitment to the safety, service delivery, permanency, continuing care/adoption and well-being of the children of Erie County and New York State; and be it further

RESOLVED, that copies of this resolution be conveyed to the Governor, the Speaker of the Assembly, the Leader of the Republican Conference of the State Senate, the Leader of the Independent Democratic Conference of the State Senate 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. McCracken seconded.

CARRIED UNANIMOUSLY.

Item 42 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 6-7 from GRANT & MAZUR. Supporting the Bipartisan Efforts Underway in the U.S. Senate to Achieve Zero Tolerance in the Armed Forces Regarding Military Sexual Assault.

Item 43 – CHAIR GRANT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 6-8 from LORIGO, RATH & HARDWICK. Supporting Necessary Reforms to NY Labor Law S.240 & S.241

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 44 – MR. MAZUR moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 5E-4 (2013). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: Memoranda of Understanding –
Registered Submitters for Electronic
Recording
(COMM. 5E-4, 2013)

WHEREAS, the Erie County Clerk Registrar's Division is responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles, including land and real estate transactions; and

WHEREAS, the Erie County Clerk serves as the Recording Officer for such documents; and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow Recording Officers in the State of New York to accept the electronic recording of instruments affecting real property (eRecording), subject to the rules and regulations established by the State of New York; and

WHEREAS, such rules and regulations are set forth in Title 9, Part 540, of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"); and

WHEREAS, the NYCRR provides that prior to submitting electronic instruments to the Recording Officer for recording the submitter must agree to terms and conditions as set forth and required by the Recording Officer; and

WHEREAS, in order to submit documents electronically to the Erie County Clerk for recording purposes all submitters must sign a Memorandum of Understanding (MOU) that clearly outlines the requirements to electronically record documents with the Erie County Clerk's Office; and

WHEREAS, all eRecording fees collected by the County will be those allowed under the Clerk's statutory powers and no additional fees will be charged or collected by Erie County for the purpose of eRecording.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Clerk to execute eRecording Memoranda of Understanding on an as needed basis; and be it further

RESOLVED, that said MOU will outline specific rules and regulations established by the State of New York; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk and the Department of Law.

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

CARRIED UNANIMOUSLY.

Item 45 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 5E-12 (2013). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Ralph Wilson Stadium Lease Agreement
(Placeholder)
(COMM. 5E-12, 2013)

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

CARRIED UNANIMOUSLY.

Insert the following to COMM. 5E-12 (2013):

WHEREAS, Ralph C. Wilson, Jr. formed a professional football team in 1960 that became known as the Buffalo Bills; and

WHEREAS, the Buffalo Bills is an original American Football League franchise and has been located in Buffalo and Erie County for the last fifty two years; and

WHEREAS, the Buffalo Bills football team has played in what is now known as Ralph C. Wilson, Jr. Stadium since 1971 pursuant to the original 25 year lease; and

WHEREAS, after a one year extension, in 1998 a new 15 year lease was entered into that will expire on July 30, 2013. The 1998 Stadium Lease included stadium improvements that extended the structural and economic life of the Stadium; and

WHEREAS, the Stadium turns forty-one years old at the end of this lease year. At this age many of the elements of the Stadium are dated and do not function adequately to serve the public's interest in today's marketplace. A broad based renovation that refurbishes virtually all areas of the Stadium, improves the ingress, egress and circulation around the Stadium and updates the technological elements of the Stadium Complex, including the installation of a new video replay board, is necessary for it to conform to the accepted standards of an NFL franchise; and

WHEREAS, the Stadium will be more than fifty years old at the end of the new 2013 Stadium Lease and it is prudent to begin to plan for a new stadium in order to keep the Buffalo Bills in Erie County for the long term; and

WHEREAS, the Buffalo Bills football team has been an important part of New York for more than 52 years. The team brings pride, distinction, and a sense of community to Erie County and New York State; and

WHEREAS, the Buffalo Bills, as part of the regional and New York State economy, bring large amounts of sales tax, hotel occupancy tax, and personal income tax to public sector coffers; and

WHEREAS, the Buffalo Bills are a part of the efforts to promote Erie County and Western New York as a major community where companies may settle and grow; and

WHEREAS, it is the desire of the Buffalo Bills, Erie County, the State of New York and the numerous fans of the Buffalo Bills who are located throughout the world, that the Buffalo Bills, remain in Erie County; and

WHEREAS, on December 21, 2012, Governor Andrew Cuomo, County Executive Mark Poloncarz and Buffalo Bills Chief Executive Officer Russ Brandon announced an agreement on new lease terms and signed the Memorandum of Understanding (the "MOU"); and

WHEREAS, on December 31, 2012, the administration presented a resolution titled Approval of MOU Among the Buffalo Bills, New York State and Erie County Regarding a New Ten-Year Lease. In addition to approving the MOU, the resolution directed the County Executive to complete the negotiations on the Stadium Lease Agreement, Master Lease Agreement, Construction Coordinating Agreement and all other documents necessary to complete the new lease among the Buffalo Bills, New York State and Erie County and to submit such documents to the Erie County Legislature for its review and approval; and

WHEREAS, after hearing a presentation from representatives of the Buffalo Bills organization and the administration at its January 15, 2013 Economic Development Committee meeting, and after taking a tour of the stadium on January 17, 2013, the Legislature approved the resolution unanimously at its January 24, 2013, session; and

WHEREAS, pursuant to Chapter 387 of the 1998 Laws of New York, the State found and declared, among other things, that the refurbishment, renovation, improvement, operation, maintenance, repair and financing of the County's stadium (the "Project") constitutes a public and governmental purpose for the benefit of the citizens of the County and the State, and specifically authorized the implementation of the actions contained in the MOU including, without limitation, the execution of various documents; and

WHEREAS, on January 8, 2013, Erie County determined that this proposed action was a Type I action under Article 8 of the New York State Environmental Conservation Law (SEQRA) and solicited for lead agency status. On February 12, 2013, Erie County issued a Negative Declaration and issued a Notice of Determination of Non-Significance; and

WHEREAS, drafts in substantially final form of the Master Lease Agreement, the Stadium Lease Agreement, the Non-Relocation Agreement, the Construction Coordinating Agreement, the Stadium Security Agreement, the Four Party Agreement, the Master Lease Termination Agreement and the Stadium Lease Termination Agreement were filed with the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute all necessary agreements relating to the Project including, but not limited to the Master Lease Agreement, the Stadium Lease Agreement, the Non-Relocation Agreement, the Construction Coordinating Agreement, the Stadium Security Agreement, the Four Party Agreement, the Master Lease Termination Agreement and the Stadium Lease Termination Agreement all in substantially the same form and with substantially the

same content as contained in the documents submitted to the Legislature, with such minor changes therein as may be approved by the County Executive, his execution thereof to be conclusive evidence of his approval and the approval of this body; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute all required documents; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Deputy County Executive, the County Attorney, the Buffalo Bills and the Erie County Stadium Corporation.

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

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

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

CARRIED UNANIMOUSLY.

******See Attachments to COMM. 5E-12 (2013) AS AMENDED, Submitted by County Executive Mark C. Poloncarz, Proposed Lease of Ralph Wilson Stadium:**

1. Stadium Lease Agreement
2. Master Lease Agreement
3. Construction Coordinating Agreement
4. Non-Relocation Agreement
5. Stadium Security Agreement
6. Four Party Agreement
7. Stadium Lease Termination Agreement
8. Master Lease Termination Agreement

Item 46 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 5E-16 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

RE: 2013 Bills Lease Bond Resolution
(COMM. 5E-16, 2013)

RESOLUTION NO. 78-2013

BOND RESOLUTION DATED MARCH 21, 2013

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING RECONSTRUCTION OF RALPH WILSON STADIUM, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$40,654,350, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$40,654,350 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION.

(Introduced) March 21, 2013

(Adopted) March 21, 2013

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to reconstruct Ralph Wilson Stadium (the "Stadium" and the "Purpose") in a joint effort with the State of New York acting through the Empire State Development Corporation and Buffalo Bills, Inc. (the "Bills") at an estimated maximum cost to the County of \$40,654,350, including preliminary costs and costs incidental thereto and to the financing thereof. The plan of financing includes the issuance of \$40,654,350 aggregate principal amount of bonds of the County to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Costs of issuance of the bonds and notes authorized hereunder shall be paid from the premium derived from the sale of the respective bonds and notes.

Section 2. Bonds of the County in the principal amount of \$40,654,350 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The period of probable usefulness for said Purpose is ten (10) years within the limitations of paragraph 90 of §11.00 a. of the Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation § 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for

substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. The bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Stadium will be leased by the County to the Erie County Stadium Corporation (the "Stadium Corporation") pursuant to the terms of the 2013 Master Lease (the "Master Lease"). The Stadium Corporation will sublease the Stadium to the Bills pursuant to the terms of the 2013 Stadium Lease (the "Stadium Lease"). Pursuant to the Stadium Lease, (A) the Bills will pay annually to the Stadium Corporation the greater of (i) \$800,000, as adjusted pursuant to the terms of the Stadium Lease, and (ii) NTR Annual Rent (as defined in the Stadium Lease) (the "Annual Rent"); and (B) the Annual Rent will be contributed by the Stadium Corporation to the Capital Improvement Allowance (as defined in the Stadium Lease) and used to finance capital improvements to the Stadium or as otherwise provided in the Stadium Lease. Accordingly, the Annual Rent will not be available to pay debt service on the Bonds and bond anticipation notes authorized by this Resolution.

Section 9. This Resolution shall take effect immediately upon approval by the County Executive.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing bond resolution, in full, in the Amherst Bee Newspaper and the Challenger Newspaper, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in § 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

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

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 47 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6M-10 from JOAN BOZER. Re: Letter to Legislator McCracken Concerning 21st Century Park on the Outer Harbor

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 48 – (COMM. 6E-1) Compilation & Analysis Concerning Number of Employees Costing Taxpayers Over \$100,000 in Salary & Benefits in 2012

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 6E-2) Copy of Letter Concerning Recent Audit Regarding FEMA as it Relates to Reimbursements from the "October Surprise Storm" in 2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 50 – (COMM. 6E-3) Letter & Attached Spreadsheet to Chair of Economic Development Committee Concerning Buffalo Bills Lease

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Asset Forfeiture Appropriations
(COMM. 6E-4)

WHEREAS, the Erie County District Attorney's Office would like to purchase fifteen Motorola Digital Mobile Radios in order to meet the new Narrowbanding FCC Mandate which goes into effect January 1, 2013; and

WHEREAS, the source of funds for the above mentioned items will be paid from the District Attorney's asset forfeiture proceeds, and it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that \$40,000 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA;" and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
BUSINESS AREA: 114
COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

Revenue

| | |
|----------------------------------|------------------|
| 421550 Forfeiture Crime Proceeds | <u>\$ 40,000</u> |
| Total Revenue | <u>\$ 40,000</u> |

Appropriation

| | |
|----------------------------------|------------------|
| 561410 Lab & Technical Equipment | <u>\$ 40,000</u> |
| Total Appropriations | <u>\$ 40,000</u> |

and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

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

FROM THE SHERIFF

Item 52 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Waiver of Bidding Procedures
(COMM. 6E-5)

WHEREAS, Bid #213064-005 was awarded to the Norix Group, Inc. for the purchase of thirty six (36) Attenda Floor Mount Beds – Model #ATN 101 for inclusion in the newly renovated Reception Housing area of the Erie County Holding Center; and

WHEREAS, upon delivery of the beds it was found that proper measurements had not been taken and therefore the size of the beds did not allow for sufficient free space between the beds; and

WHEREAS, the Norix Group, Inc. does offer a smaller bed, Attenda Space Saver Bed - Model #ATN 120 and will allow the Erie County Sheriff's Office to return the original beds and waive the 25% restocking charges if we agree to purchase the smaller beds; and

WHEREAS, the waiver of the 25% restocking charges would provide a savings of \$8,750 to the County; and

WHEREAS, the Erie County Legislature has the authority, under Article III Section 7.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing are authorized to purchase thirty six (36) Attenda Space Saver Beds - Model #ATN 120 from the Norix Group, Inc. without competitive bidding; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, the Division of Purchase and the Office of the Sheriff.

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 6E-6) Appointments to the Buffalo & EC Public Library Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 54 – (COMM. 6E-7) Appointment to the Citizens' Budget Review Commission

Received, Filed and Printed.

March 19, 2013

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

Pursuant to Section 2518 of the Erie County Charter, I do hereby appoint the following individual to the Citizens' Budget Review Commission.

Jennifer D'Agostino
Executive Director
Coalition for Economic Justice
2327 Main St., Suite 1200
Buffalo, NY 14203

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tb
cc: Appointee

Item 55 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Foreclosure Pursuant to the In Rem
Provisions of the EC Tax Act, In Rem
Action No. 161
(COMM. 6E-8)

WHEREAS, the Real Property Tax Services Director has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, which will be known as In Rem Action No. 161, and

has furnished this Legislature with the necessary abstracts from the Real Property Tax Services records of such delinquencies.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Attorney or his designee conduct and consummate such foreclosure proceedings known as In Rem Action No. 161 as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

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

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

Item 56 – (COMM. 6E-9) OPEN ITEM/PLACEHOLDER - Energy & Environment Committee - Re-Occurring Bond Authorization

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 6E-10) Personal Services Adjustment - Management Consultant (CE)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 58 – (COMM. 6E-11) EC Medical Examiner Variable Minimum

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 59 – (COMM. 6E-12) Right-of-Way (ROW) Acquisition - Hopkins Road Reconstruction - Town of Amherst

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 – (COMM. 6E-13) Acceptance of Round 2 Statewide Interoperable Communications Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 61 – (COMM. 6E-14) State Authorization for the Private Sale of Bonds by Negotiated Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 62 – (COMM. 6E-15) Central Police Services Forensic Laboratory - Byrne/JAG 2013 Firearms Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 63 – (COMM. 6E-16) Community Development Block Grant & HOME Investment Partnership Program - Affordable Housing Project Assessment & Related Services Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 64 – (COMM. 6E-17) 2012 EC Dam Safety, Inspection & Design Engineering Services - Award of Consultant Services

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Buffalo Niagara Convention Center –
Ballroom Carpet Replacement &
Miscellaneous Improvements
(COMM. 6E-18)

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/ Engineering Services Agreement with BHNT Architects 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 enter into an Agreement Amendment with the Architectural/Engineering firm BHNT Architects for the replacement of the Ballroom carpet, painting of the Exhibit Hall air-door and concrete columns, and blocking out the high bay windows.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Amendment Agreement with BHNT Architects for providing professional design and construction document services for the Buffalo Niagara Convention Center – Ballroom Carpet Replacement and Miscellaneous Repairs and Improvements for an amount not to exceed \$30,000; and be it further

RESOLVED, that the Comptroller' Office be authorized to make payment for all of the above from SAP Project Account A.12002-2012 – Buffalo Niagara Convention Center Rehabilitation for an amount not to exceed \$30,000; 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 Office of the Comptroller; and the Director of the Division of Budget and Management.

Item 66 – (COMM. 6E-19) EC Toxicology Laboratory - HVAC Upgrades - Phase I

Item 67 – (COMM. 6E-20) EC Day Care Center - Plumbing Upgrades

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

Item 68 – (COMM. 6E-21) ECSD No. 6 - Contract Close-Out

Item 69 – (COMM. 6E-22) ECSD No. 2 - Change Order No. 2

Item 70 – (COMM. 6E-23) ECSD No. 4 - Contract Close-Out

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

Item 71 – (COMM. 6E-24) Jail Management Telephone Revenue

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY CLERK

Item 72 – (COMM. 6E-25) Acceptance of Donated Pens

Item 73 – (COMM. 6E-26) MOU for ECC South Satellite Auto Bureau

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 74 – (COMM. 6D-1) Copy of Legislative District Breakdowns of Poverty Levels & SCR Reports

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 75 – (COMM. 6D-2) Letter to Legislature Concerning Comptroller's Review on County Employees "Costing Over \$100,000"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 76 – (COMM. 6D-3) Letter to Comptroller Concerning Request for Audit of Sheriff Division & Jail Management Division Overtime

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 77 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Letter to Legislature Concerning Grant
Contracts: HHS Voting Access for
Individuals with Disabilities NYS
HAVA Operations Expenses by Board
of Elections
(COMM. 6D-4)

WHEREAS, the New York State Board of Elections has forwarded three grant extensions to the Erie County Board of Elections for approval and execution; and

WHEREAS, the acceptance and execution by the Commissioners of the Erie County Board of Elections would provide for the receipt of grant money in the aggregate amount of \$ 921,878.00 for the specific purposes of establishing, expanding and improving access to and participation by individuals with a full range of disabilities in the election process, as well as the education of voters on the proper use of new voting systems including ballot marking devices; and

WHEREAS, a grant in the amount of \$ 5,697,914.64 in federal funds has been awarded to the Erie County Board of Elections by the State of New York for the purpose of purchasing, installing and maintaining equipment required for compliance with the Help America Vote Act (HAVA); and

WHEREAS, the Commissioners of the Erie County Board of Elections believe the funds to be obtained under these contracts to be beneficial to the residents of the County and are desirous of entering into said contracts and extensions; and

WHEREAS, the approval of this legislative body is a pre-requisite for the acceptance of these agreements by the Erie County Board of Elections.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature does hereby approve and accept the following contacts and does hereby authorize the Commissioners of the Erie County Board of Elections to execute the same entitled and designated as:

- 1) NYS Voter Education/Poll Training Grant - \$583,803.00 (C002539 -time extension);

- 2) HHS 2009 Voting Access for Individuals with Disabilities Polling Place Access Improvement Gant - \$46,174.00 (T002969 -time extension);
- 3) NYS Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant - \$291,901.00 (C002655 -time extension);

and be it further

RESOLVED that all New York State grant reimbursements of eligible expenditures charged directly to the Board of Elections budget accounts will be deposited by the Erie County Comptroller back into same accounts; and be it further

RESOLVED that certified copies of this resolution be forwarded to the Erie County Board of Election for the purpose of accompanying the transmittal of the aforesaid executed agreements, and also to the County Comptroller and Director of Budget & Management.

FROM THE COMPTROLLER'S OFFICE

Item 78 – (COMM. 6D-5) Reply to Request for Audit of Sheriff Division & Jail Management Overtime

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 79 – (COMM. 6D-6) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 80 – (COMM. 6M-1) Minutes from Meeting Held 1/24/2013

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 81 – (COMM. 6M-2) Resolution Titled "Give Buffalo & WNY a Level Playing Field with NY Television & Film Production Tax Credit"

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ELMA TOWN BOARD

Item 82 – (COMM. 6M-3) Minutes from Meeting Held 2/27/2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE GRAND ISLAND TOWN BOARD

Item 83 – (COMM. 6M-4) Resolutions Concerning NYS SAFE Act, West River Parkway & Foreclosures/Vacant Properties

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 84 – (COMM. 6M-5) Quarterly Report for the 4th Quarter of 2012

Item 85 – (COMM. 6M-6) Financial Report for the Period of 7/1/2012 - 12/31/2012

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

FROM THE EC SPCA

Item 86 – (COMM. 6M-7) Letter to Legislature Concerning EC Animal Abuse Registry

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 87 – (COMM. 6M-8) Proposed Agenda for Meeting to be Held 3/21/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NAN L. HAYNES

Item 88 – (COMM. 6M-9) Letter to Chair of Legislature Concerning EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 89 – CHAIR GRANT announced that the schedule of committee meetings has been distributed. Chair Grant also announced the birth of Rory Joseph Zellner (10 lbs., 8 oz.), congratulating legislature staffer Jeremy Zellner and his wife Carrie.

MEMORIAL RESOLUTIONS

Item 90 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Arlene Mychajliw.

Item 91 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of George Christensen.

Item 92 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Clarence E. Counts Jr.

Item 93 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Eleonora (Agro) Gangarossa.

Item 94 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Ms. Gangarossa, Margaret Nigrelli and Andrew Caruana.

Item 95 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Donald A. Petrucci.

Item 96 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Arlene Mychajliw.

ADJOURNMENT

Item 97 - 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, April 11, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, April 11, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE