ERIE COUNTY LEGISLATURE
MEETING NO. 7
APRIL 3, 2014

The Legislature was called to order by Chair Mills.

All members present, with the exception of Mr. Morton.

An Invocation was held, led by Mr. Rath, who introduced Fr. Robert Yetter of St. Mary Church in Swormville to offer a 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. LORIGO moved for the approval of the minutes for Meeting Number 5 from 2014. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MORTON presented a resolution Recognizing and Honoring the Western New York Kidney Connection.

Item 6 – MS. DIXON presented a resolution Celebrating Meals on Wheels of WNY, Inc. on 45 Years Serving the Community.

Item 7 – MR. MILLS presented a resolution Congratulating Evans Grange #1332 on Celebrating 100 Years of Service to Their Community.

Item 8 – MR. MILLS presented a resolution Congratulating Kathleen Diane Barreca on Being Honored with the 2014 Community Citizen Award by Evans Grange #1332.

Item 9 – MR. MILLS, MR. LORIGO, MR. HARDWICK, MR. RATH, MR. MORTON, MS. DIXON, MS. GRANT, MS. MILLER-WILLIAMS, MR. LOUGHRAN and MR. BURKE presented a resolution Honoring the Life and Accomplishments of Ralph C. Wilson, Jr.

Item 10 – MR. MILLS, MR. LORIGO, MR. HARDWICK, MR. RATH, MR. MORTON, MS. DIXON, MS. GRANT, MS. MILLER-WILLIAMS, MR. LOUGHRAN and MR. BURKE presented a resolution Honoring Sheriff's Deputies Hanna and Ballantyne for their Unwavering Dedication to Serve the Residents of Erie County.

Item 11 – MR. MILLS, MR. LORIGO, MR. HARDWICK, MR. RATH, MR. MORTON, MS. DIXON, MS. GRANT, MS. MILLER-WILLIAMS, MR. LOUGHRAN and MR. BURKE presented a resolution Acknowledging the Staff and Volunteers of Visit Buffalo Niagara.

Item 12 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life and Sacrifice of Buffalo Police Officer Patty Parete, and Commending the Buffalo Police Benevolent Association for the Dedication of a Sign in Officer Paretes' Memory.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Congratulating Honorees Duane Diggs, Rev. James Giles, Rev. Dan Schifeling, Karima Amin and Dennis Walczyk, to be Recognized at VOICE-Buffalo's Annual Banquet, "Faithfully Restoring Justice," to be held on April 25, 2014.

MR. LORIGO moved for consideration of the above nine items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above nine items to include Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above nine items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2014 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 2 (Print #1) 2014 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

March 27, 2014 HEALTH & HUMAN SERVICES COMMITTEE
REPORT NO. 5

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

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

a. COMM. 10E-1 (2013)
COUNTY EXECUTIVE: "Copy of Letter to Comptroller Concerning Investigation into Medicaid Recertification Process"
(6-0)

b. COMM. 10E-2 (2013)
COUNTY EXECUTIVE: "Copy of Letter to Comptroller Concerning Subpoenas on Medicaid Recertification Process"
(6-0)

c. COMM. 13E-7 (2013)
COUNTY EXECUTIVE: "Letter to Comptroller Concerning Medicaid Recertification Audit & Investigation"
(6-0)

d. COMM. 13D-2 (2013)
COMPTROLLER'S OFFICE: "Audit of Eligibility & Recertification Process within the Temporary Assistance Unit of the Department of Social Services for the Period of 1/1/2011 - 3/31/2013"
(6-0)

e. COMM. 14D-1 (2013)
DEPARTMENT OF SOCIAL SERVICES: "Response to EC Comptroller Audit of Eligibility & Recertification Processes within the Temporary Assistance Unit of DSS for the Period 1/1/2011 - 3/31/2013"
(6-0)

f. COMM. 17E-1 (2013)
COUNTY EXECUTIVE: "Report of Medicaid Usage in EC from 2008 - 2013"
(6-0)

g. COMM. 3D-4 (2014)

COMPTROLLER'S OFFICE: "Investigation into the Recertification of Medicaid Benefits, January and February, 2013"
(6-0)

h. COMM. 5D-8 (2014)
COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES: "Comptroller Investigation into Medicaid Recertification"
(6-0)

2. COMM. 5E-25 (2014)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby appoints the following individuals as recommended by the County Executive to the Erie County Local Early Intervention Coordinating Council for the term stated.

Vickie Rubin
297 Forestview Drive
Williamsville, NY 14221

Gari-Sue John
Liberty Post
52 Tremont Ave
Kenmore, NY 14217

Maryann Stry
People, Inc.
2128 Elmwood Ave
Buffalo, NY 14207

Lisa J. Skora
4807 John Michael Way
Hamburg, NY 14075

Lynn Czemerynskl
Orchard Park Central Schools
2240 Southwest Blvd.
West Seneca, NY 14224

Jessica M. Holst
40 Minden Drive
Orchard Park, NY 14127

Ann Orlando Parker
PEDS-ECMC
4242 Ridge Lea
Suite 2
Amherst, NY 14226

Tracy Balon
Buffalo Hearing and Speech Center
50 East North Street
Buffalo, NY 14203

Kristi Moscato
15 Shultz Rd.
Orchard Park, NY 14127

Kimberlee L. Kuzara
5220 Kennedy Crescent
Sanborn, NY 14132

Mary Martin
95 Franklin St
Room 828
Buffalo, NY 14202

Bill O'Meara
95 Franklin St
Room 828
Buffalo, NY 14202

Jill Garvin
95 Franklin St
Room 828

Buffalo, NY 14202
(6-0)

3. COMM. 5E-26 (2014)
COUNTY EXECUTIVE

WHEREAS, Erie County child protective services ("CPS") investigates reports alleging child abuse or neglect; and

WHEREAS, Erie County CPS has been focused on improving its practice after a November 2013 audit by the New York State Office of Children and Family Services ("OCFS") noted areas in need of improvement; and

WHEREAS, the improvement process has resulted in an increase in caseloads; and

WHEREAS, in February 2014, the OCFS issued an audit lauding the improved standard of practice of Erie County CPS, but noting the need to reduce its backlog of cases; and

WHEREAS, Erie County has implemented numerous initiatives to reduce CPS caseloads, such as increasing access to overtime, transferring positions from other divisions within the Department of Social Services to CPS, and providing child protection workers with additional supports; and

WHEREAS, Erie County has come to an agreement with Civil Service Employees Association Local 815 to allow qualified retired child protection workers, who left the County in good standing, to return temporarily as part-time employees for the purpose of reducing the current caseloads; and

WHEREAS, this arrangement will allow Erie County to have adequate manpower to reduce its caseloads while maintaining a high standard of practice; and

WHEREAS, this arrangement is expected to be temporary; and

WHEREAS, after a survey of qualified retired child protection workers, there is a great deal of enthusiasm among qualified persons to return caseloads to an adequate level.

WHEREAS, Erie County Department of Social Services has excess funds in the Other Expenses budget line earmarked for expenses it will no longer incur.

NOW, THEREFORE BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2014 Adopted Budget in order to create six (6) positions of Part-Time Child Protective Worker (JG8-E) in the Department of Social Services:

DEPARTMENT OF SOCIAL SERVICES, FUND 110, DEPARTMENT 120

ACCOUNT	DESCRIPTION	INCREASE
500010	Part Time - Wages	$ 83,987

502000	Fringe Benefits		$ 8,886
530000	Other Expenses		($43,734)
	Total Appropriations	$49,139	
407540	State Aid - Social Service Administration		$34,159
411540	Federal Aid - Social Service Administration		$14,980
	Total Revenues		$49,139

RESOLVED, that six (6) Part-Time Child Protective Worker positions are created within the Department of Social Services effective April 1, 2014; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller, the Director of the Division of Budget and Management, the Personnel Director and the Director of Labor Relations. (6-0)

4. COMM. 5E-27 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services, through the Expanded In-Home Services for the Elderly Program (EISEP) grant, (163EISEP1314) contracts with seven not-for-profit agencies to provide case management services for seniors in various geographical areas throughout the County:

- Town of Amherst by and through the Amherst Center for Senior Services
- Community Concern of Western New York, Inc.
- Concerned Ecumenical Ministry to the Upper West Side of Buffalo, New York, Inc.
- Lt. Col. Matt Urban Human Services Center of Western New York an assumed name of Polish Community Center of Buffalo, Inc.
- People, Inc.,
- Schiller Park Community Services, Inc.
- South Buffalo Community Association, Inc.; and

WHEREAS, the Department of Senior Services has available $49,650 of unused budgetary appropriations in the 163EISEP1314 grant's Home Care line (account #516026), which can be used to fund a one-time increase in the subcontract agencies contracts; and

WHEREAS, Department budgeted EISEP funding for these agencies has not increased since 2011, due to flat and declining EISEP grant funding from NY State; and

WHEREAS, unused appropriations from the EISEP1314 grant, which expires on March 31, 2104, automatically revert back to NY State; and

WHEREAS, the agencies will use this one time increase in their EISEP funding to improve case management services they provide to seniors, and cover additional expenses they have or will incur during the grant's fiscal year, which exceed the current contract amounts; and

WHEREAS, the additional amount each agency is to receive equals $3,000 plus $1,000 for each full time equivalent case manager and project coordinator currently funded by the Department of Senior Services; and

WHEREAS, the 163EISEP1314 grant budget needs to be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to amend the 163EISEP1314 grant contracts with Town of Amherst by and through the Amherst Center for Senior Services, Community Concern of Western New York, Inc., Concerned Ecumenical Ministry to the Upper West Side of Buffalo, New York, Inc., Lt. Col. Matt Urban Human Services Center of Western New York an assumed name of Polish Community Center of Buffalo, Inc., People, Inc., Schiller Park Community Services, Inc., and South Buffalo Community Association, Inc. to provide the agencies a total of $49,650 of additional grant funding for case management services, for the period March 1, 2013 to March 31, 2014; and be it further

RESOLVED, that the budget for the Expanded In-Home Services for the Elderly grant (163EISEP1314) for the period April 1, 2013 through March 31, 2104 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516026	Home Care Services	1.485,325	-49,650	1,435,675
517561	Community Concern of WNY	72,780	+5,350	78,130
517573	Concerned Ecumenical Ministry	207,365	+6,000	213,365
517693	Lt. Col. Matt Urban Center	125,310	+9,500	134,810
517755	People, Inc.	105,220	+6,000	111,220
517785	Schiller Park Com Sr	155,730	+9,300	165,030
517797	SBuff Com Dev Assoc	96,760	+7,000	103,760
517829	Town of Amherst Senior Center	169,580	+6,500	176,080
	TOTAL CHANGE		-0-	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Departments of Law and Senior Services.
(6-0)

5. COMM. 5E-28 (2014)
COUNTY EXECUTIVE
WHEREAS, several months ago construction contracts were authorized by this Honorable Body for renovations of the Erie County Toxicology Laboratory HVAC Upgrades; and

WHEREAS, additional medical gas relocation and temporary air conditioning is required to complete the work; and

WHEREAS, the construction contingency must be increased in order to fund the additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by $40,000.00 from $30,000.00 to $70,000.00; and be it further

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

RESOLVED, that Contract Amendments will be negotiated and issued to the previously approved contractor on the site to complete the additional medical gas relocation and temporary air conditioning to complete the upgrades; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments for all the above from SAP Project A.11005- Countywide Building & Facility Improvements, for an amount not to exceed $40,000.00; 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)

LYNNE M. DIXON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

March 27, 2014 GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 4

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

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

a. COMM. 5E-36 (2014)
GRANT: "Studies on Educational Programs for Inmates in Correctional Institutions"
(6-0)

b. COMM. 5D-6 (2014)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)

c. COMM. 5M-12 (2014)
EC BAR ASSOCIATION: "Assigned Counsel Program - Resolution 233 of May 6, 1975"
(6-0)

d. COMM. 5M-13 (2014)
EC BAR ASSOCIATION: "Assigned Counsel Program - Erie County Legislature Resolution of March 4, 2004, Comm. 5E-24 (2004)"
(6-0)

2. INTRO. 5-6 (2014)
GRANT

WHEREAS, the controversial proposal to provide a taxpayer-paid college education to New York State prison inmates has created an understandable pushback from residents wary of the expenditure of scarce public dollars during tight fiscal times, that if implemented, would help those in society who by the crimes they have committed are viewed as undeserving of such a benefit; and

WHEREAS, the proposal by Gov. Cuomo certainly offers a noble endpoint, that is providing prison inmates with a higher level of education in order to leave prison with the education and skill set necessary for today's economy, and thereby never returning to a life of crime with an all too often return to prison – which at a tremendous cost to law-abiding taxpayers in terms of victimization and suffering, theft and property damage, and the public tax dollars spent on repeated incarcerations, begs for some type of 'out-of-the-box' thinking; and

WHEREAS, the debate no doubt represents a paradox, in that studies comparing education to recidivism point to higher education keeping people out of prison, yet a taxpayer-funded program to grant such an education does not enjoy significant public support; and

WHEREAS, opposition is understandable in light of New York families struggling to put their children through college without public tax dollars – students who did not break the law, and who nonetheless find that not only is college becoming ever more costly, they also find that government-funded programs to help pay for college are being slashed, and eligibility for need-based government assistance is also being tightened; and

WHEREAS, indeed, with NYSUNY 2020 leading to higher tuition costs for a lot of students, SUNY funding cuts resulting in reductions in programming, funding reductions to the Tuition Assistance Program and smaller TAP allowances, Albany policymakers must explore alternatives to the Cuomo proposal, such as placing the burden of payment for a college education on the people receiving the college education – the inmates themselves; and

WHEREAS, exploring the concept of a student loan program has merit in that such an approach would achieve the goal set forth by Gov. Cuomo, to offer college-level coursework, and the hope that by doing so that a different and more favorable outcome could ensue; and that such an inmate student loan program would also shift the financial burden away from everyday taxpayers who should not have to bear such a cost.

NOW, THEREFORE, BE IT

RESOLVED, that consideration of alternative ways to fund a proposal by Gov. Cuomo to restore college education in the State's prison system be sought by Albany policymakers, in the hope that by providing the inmate population with the tools necessary in today's society to secure meaningful employment and become productive, law-abiding members of our community, that better outcome can be achieved, a higher quality of life can be realized by former inmates, and that the recidivism rate can be reduced; and be it further

RESOLVED, that while seeking alternatives in funding, that the Erie County Legislature believes policy makers should consider a college loan program – not a gift of public tax dollars and not unlike college loans outside prison – whereby once an inmate completes his or her sentence and secures gainful employment, that the student loan can then begin to be repaid; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the Governor of the State of New York, the Honorable Andrew M. Cuomo; the Coalition Co-Majority Leaders of the New York State Senate, the Honorable Dean G. Skelos and the Honorable Jeff Klein; the Speaker of the New York State Assembly, the Honorable Sheldon Silver; the Democratic Conference Leader of the New York State Senate, the Honorable Andrea Stewart-Cousins; the Erie County Executive, the Honorable Mark C. Poloncarz; the President of the Buffalo Common Council, the Honorable Darius G. Pridgen; the Honorable Members of the WNY Delegation to the New York State Legislature; Mr. Jeffrey M. Conrad, Chair of the Erie County & Buffalo Safe Neighborhoods Initiative; and to the Erie County Community Corrections Advisory Board.
(6-0)

3. COMM. 5E-23 (2014)
COUNTY CLERK
WHEREAS, the Erie County Clerk is responsible for processing all pistol permits in Erie County and the maintenance of related records; and

WHEREAS, the County Clerk purchased Gunkeeper, a proprietary software created by Vivax Corporation, several years ago for the tracking and issuing of permits; and

WHEREAS, the Clerk's office has identified several modifications that would allow for a more efficient pistol permit process; and

WHEREAS, Vivax Corporation has agreed to make these modifications; and

WHEREAS, the proprietary nature of the software necessitates that only Vivax can make the requested modifications and requires the waiving of the RFP procedure as outlined in Section 19.08 of the Erie County Administrative Code; and

WHEREAS, the Clerk's Office/Registrar Division has funding available in its 2014 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the following budgetary adjustment:

2014 BUDGET – County Clerk, Business Area 113
Fund Center 11310 – Registrar Division

		Decrease	
516020	Prof Svcs Contracts Fees		$4,000
		Increase	
516030	Maintenance Contracts		$4,000

and be it further

RESOLVED, that the provisions of Section 19.08 of the Erie County Administrative Code are hereby waived as it relates to the completion of the modifications to Gunkeeper software by Vivax Corporation, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.
(6-0)

4. COMM. 5E-24 (2014)
COUNTY CLERK
WHEREAS, the Erie County Clerk's Registrar Division is responsible for the recording, filing, indexing and maintaining of all records affecting title to real property; and

WHEREAS, once the original land records are recorded, the information entered into the Clerk's official records must be verified for complete accuracy; and

WHEREAS, a backlog in verifying the accuracy of the indexing information currently exists; and

WHEREAS, the Clerk's Office and CSEA have entered into a Memorandum of Understanding that would allow for the one-time outsourcing of this work to a qualified vendor; and

WHEREAS, the funding for this project was previously approved in Comm. 2E-18 (2014); and

WHEREAS the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and the rating committee has selected New Vision Systems Corporation as the most qualified respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an agreement with New Vision Systems Corporation to perform document verification services within the Clerk's Registrar Division; and be it further

RESOLVED, that funds are available within the Clerk's 2014 Budget, Business Area 113, Fund 110, GL 516020 Professional Services Contracts & Fees.; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the Director of Budget and Management, the Department of Law, and the County Comptroller.
(6-0)

5. COMM. 6E-22 (2014)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointment of David A. Palmer (14000 Hemskee Road, Alden, NY 14004) to serve as the EC Commissioner of Personnel for a term expiring 04/03/2020.
(6-0)

KEVIN R. HARDWICK
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

March 27, 2014 ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

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

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

a. COMM. 1M-10 (2013)
NEWSTEAD TOWN BOARD: "Copy of Resolution Concerning Negotiations Regarding Akron Falls Park on Skyline Dr. Between Skyline Dr., & Main Rd."
(5-0, Legislator Grant not present for vote)

b. COMM. 7D-3 (2013)
COMMISSIONER OF ENVIRONMENT & PLANNING: "Letter to Chair of Legislature Concerning Transfer of Parkland to the Town of Newstead - Skyline Drive, Town of Newstead & Village of Akron"
(5-0, Legislator Grant not present for vote)

c. COMM. 5E-18 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 3 Engineer Term Agreement Work Order: ARC-2"
(6-0)

d. COMM. 5M-5 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Copy of Public Comment Period and Public Meeting Announcement for Former Doro Dry Cleaners"
(6-0)

e. COMM. 5M-6 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Copy of Public Comment Announcement for Former Buffalo Forge"
(6-0)

f. COMM. 5M-7 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Copy of Public Notice Fact Sheet for 441 Ohio Street Site"
(6-0)

g. COMM. 5M-8 (2014)
NYS DEPARTMENT OF AGRICULTURE AND MARKETS: "Notice to Review EC Agricultural District No. 6"
(6-0)

h. COMM. 5M-9 (2014)
DIANE D'ARRIGO: "Nuclear Waste Issues Affecting EC"
(6-0)

i. COMM. 5M-10 (2014)
NYS DEPARTMENT OF AGRICULTURE AND MARKETS: "*Certification of the Modification of EC Agricultural Districts No. 2, No. 6, No. 13 and No. 14*"
(6-0)

j. COMM. 5M-11 (2014)
EC ENVIRONMENTAL MANAGEMENT COUNCIL: "2013 State of the Environment Report"
(6-0)

k. COMM. 6E-9 (2014)
COUNTY EXECUTIVE: "EC Sewer District Nos. 1, 2, 4 & 5, Engineer Term Contract Agreement, Wm Schutt Associates"

(6-0)

l. COMM. 6E-10 (2014)
COUNTY EXECUTIVE: "EC Sewer District Nos. 1, 2, 4 & 5, Engineer Term Contract Agreement, GPI"
(6-0)

m. COMM. 6E-11 (2014)
COUNTY EXECUTIVE: "EC Sewer District Nos. 3, 6 & 8, Engineer Term Contract Agreement, DiDonato Associates"
(6-0)

n. COMM. 6E-12 (2014)
MILLS: "Letter to Legislature Clerk Regarding Letters of Interest for Commissioner EC Water Authority"
(6-0)

o. COMM. 6E-14 (2014)
MILLS: "Letter to Democratic Party Caucus Regarding Potential Candidates for Commissioner EC Water Authority"
(6-0)

p. COMM. 6E-15 (2014)
MILLS: "Letter to Independence Party Member Regarding Potential Candidates for Commissioner EC Water Authority"
(6-0)

q. COMM. 6E-16 (2014)
MILLS: "Letter to Conservative Party Member Regarding Potential Candidates for Commissioner EC Water Authority"
(6-0)

2. INTRO. 5-11 (2014)
MILLS

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 Sardinia Agricultural District No. 6 falls on December 19, 2014 and the review anniversary for Lancaster-Alden Agricultural District No. 16 and Amherst Agricultural District No. 17 is April 28, 2015; and

WHEREAS, the County's Consolidation plan is to combine the lands of Sardinia Agricultural District No. 6 with Holland Agricultural District No. 11 and Concord Agricultural District No. 15; and

WHEREAS, the review anniversary for Sardinia Agricultural District No. 6 must be aligned with the review anniversaries of Holland Agricultural District No. 11 and Concord Agricultural District No. 15 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 Sardinia Agricultural District No. 6 to begin on October 13, 2016 and end the 300-day review period (anniversary) on August 9, 2017.
(5-0, Legislator Grant not present for vote)

3. COMM. 5E-16 (2014)
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received nine (9) responses to a request for proposals from consulting firms to perform professional services associated with the tree inventories at two County Parks: Akron Falls and Como Lake; and

WHEREAS, a review committee consisting of representatives from the Erie County Department of Parks, Recreation and Forestry and the Erie County Department of Environment and Planning, evaluated all responses to the County's request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Davey Resource Group, A Division of The Davey Tree Expert Company, to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that Davey Resource Group, A Division of The Davey Tree Expert Company, be retained to perform professional services associated with conducting the Tree Inventory; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive be, and hereby is, authorized to execute an Agreement with Davey Resource Group, A Division of The Davey Tree Expert Company, 1500 North Mantua Street, Kent, Ohio 44240 for professional services associated with conducting the Tree Inventory at Como Lake and Akron Falls Parks in an amount not to exceed $24,000.00; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Troy P. Schinzel, Commissioner, at the Erie County Department of Parks, Recreation and Forestry; and one certified copy each to the Erie County Executive; the Erie County Comptroller; the Erie County Director of Budget and Management; and Kristen Walder, Assistant County Attorney.
(6-0)

4. COMM. 5E-17 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded the Erie County Sewer Districts No. 3 and No. 6 energy performance contract to Siemens Building Technologies, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete; and

WHEREAS, the Contractor has been paid in full; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the acceptance of the Erie County Sewer Districts No. 3 and No.6 energy performance contract in the final contract amount of $1,092,706.00.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sewer Districts No. 3 and No. 6 energy performance contract between the County of Erie and Siemens Building Technologies, Inc., 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, is accepted in the amount of $1,092,706.00; $425,346.60 from Erie County Sewer District (ECSD) No. 6 Capital Account C.00001 and $667,359.40 from Erie County Sewer District (ECSD) No. 3 Capital Account C.00015, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Erie County Sewer Districts No. 3 and No. 6 energy performance contract between the County of Erie and Siemens Building Technologies, Inc., in the amount of $1,092,706.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10th floor.
(6-0)

5. COMM. 5E-19 (2014)
COUNTY EXECUTIVE

WHEREAS, The County of Erie has secured the services of LiRo Engineers to provide engineering services related to various construction inspections for the Erie County Sewer Districts pursuant to Legislature Comm. 24E-7 (2010); and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated February 3, 2011, with LiRo Engineers in the final contract amount of $181,273.20.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated February 3, 2011 between the County of Erie and LiRo Engineers be formally closed in the final amount of $181,273.20; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning, one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney.
(6-0)

TED B. MORTON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

May 15, 2014 COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 5

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

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

a. COMM. 10D-1 (2014)
COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING: "Announcement of 2015 EC Cultural Funding Process, Application Process"
(5-0)

b. COMM. 10M-1 (2014)
BUFFALO & EC PUBLIC LIBRARY: "April 17, 2014 Board of Trustees Meeting Agenda and Minutes for March 20, 2014 Meeting"
(5-0)

c. COMM. 10M-2 (2014)
HULL FAMILY HOME & FARMSTEAD ORGANIZATION: "The Patriot Newsletter"
(5-0)

2. COMM. 10E-13 (2014)
COUNTY EXECUTIVE
WHEREAS, the Library Board of Trustees has authorized the Library Director, in cooperation with the Erie County Department of Public Works to proceed with the redesign of the second floor west area work; and

WHEREAS, the County of Erie awarded construction contracts on October 10, 2013; and

WHEREAS, unforeseen conditions on the project require an increase in Construction Contingency Fund to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of $30,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above in an amount not to exceed $30,000.00 from SAP project account A.21013 –2010- Buffalo and Erie County Library- New ADA Compliant Elevators; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Buffalo & Erie County Central Library, Ken Stone, and the Office of the Comptroller.
(5-0)

3. COMM. 10E-15 (2014)
COUNTY EXECUTIVE
WHEREAS, the Director of the Buffalo Niagara Convention Center has requested that the County, through the Department of Public Works, proceed with the 2014 Capital Renovation projects at the Buffalo Niagara Convention Center; and

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

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of DiDonato Associates and BHNT Architects for providing design and construction document services for the Buffalo Niagara Convention Center-2014-Capital Renovation projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement with the firm of DiDonato Associates for providing professional A/E design and Construction document services for the BNCC-2014-Capital Renovation projects and for design services for installation of backflow prevention devices to be installed at several County owned facilities for an amount not to exceed $53,000.00, including a design contingency; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of BHNT Architects for providing professional design and construction services for the

BNCC-2014 Capital Renovation projects for an amount not to exceed $80,000.00 including a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account:

A.13003 – 2013 Buffalo Niagara Convention Center Rehabilitation	$103,000.00
A.14004 – 2014 Countywide Mechanical, Electrical & Plumbing Improvements	$ 30,000.00
For an Amount Not To Exceed	$133,000.00

;and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0)

KEVIN R. HARDWICK
CHAIR

Item 22 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

March 27, 2014 ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

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

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

a. INTRO. 6-8 (2013)
LORIGO, RATH & HARDWICK: "Supporting Necessary Reforms to NY Labor Law S.240 & S.241"
(6-0)

b. COMM. 4M-1 (2014)
CENTER FOR EMPLOYMENT OPPORTUNITIES: "Economic Impact Report"
(6-0)

c. COMM. 4M-2 (2014)

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "300 Ohio St Update: Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced"
(6-0)

d. COMM. 5E-9 (2014)
COUNTY EXECUTIVE: "Notice of Findings and Notice of Intent to Request Release of Funds for West Main Street in Village of Lancaster"
(6-0)

e. COMM. 5M-3 (2014)
WESTERN REGION OFF-TRACK BETTING CORPORATION: "Future of Casino Gaming and Outlook for Gaming Industry"
(6-0)

f. COMM. 5M-4 (2014)
NFTA: "Copy of NFTA Board Minutes"
(6-0)

2. COMM. 5E-10 (2014)
COUNTY EXECUTIVE

WHEREAS, the County of Erie holds an ownership interest in a railroad right-of-way in the Town of Cheektowaga and the Villages of Depew and Lancaster through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said right-of-way being designated Line 1242; and

WHEREAS, the County of Erie holds an ownership interest in a railroad right-of-way between the City of Buffalo and the Village of Gowanda through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said railroad right-of-way being designated Line 1246; and

WHEREAS, the County of Erie has leased these rail lines to the Erie County Industrial Development Agency (ECIDA) under a management agreement since 1985; and

WHEREAS, the most recent of the aforementioned lease agreements will expire by its own terms on September 15, 2014; and

WHEREAS, it is the desire of the County and the ECIDA to continue the operating relationship for Rail Lines 1242 and 1246 for an additional five years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements and other documents with the Erie County Industrial Development Agency for the leasing and ongoing operation for railroad rights-of-way being designated Lines 1242 and 1246, the term of which shall extend from September 15, 2014 to September 15, 2019; and be it further

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

(6-0)

3. COMM. 5E-11 (2014)
COUNTY EXECUTIVE
WHEREAS, the Penora Street Phase III reconstruction project (the "Project") was advertised, bid , and the responsible low bidder was Union Concrete & Construction Corp. of West Seneca; and

WHEREAS, the Project was authorized by this Honorable Body via Comm. 24E-17 of December 16, 2010; and

WHEREAS, in order to facilitate the reconstruction of Penora Street, Phase III, it will be necessary for the County to execute contracts with the responsible low bidder Union Concrete & Construction Corporation, project engineers Clark Patterson Lee and establish a construction contingency.

NOW, THEREFORE, BE IT

RESOLVED, that the funds for the reconstruction of Penora Street, Phase III Project be allocated from the SAP Fund 420, BA123, Project B.13003 2013 Preservation of Roads-Construction in an amount of $1,674,968.36; and be it further

RESOLVED, that the County Executive be authorized to award and execute contracts for the reconstruction of Penora Street, Phase III Project Number CAP-23-14, with the lowest responsible bidder, Union Concrete & Construction Corporation in the amount of $1,415,463.60, project engineers Clark Patterson Lee in the amount of $226,050.00, and establish a construction contingency in the amount of $33,454.76 for any necessary change orders; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

4. COMM. 5E-12 (2014)
COUNTY EXECUTIVE
WHEREAS, the County of Erie has surplus land along the realigned North Forest Road; and

WHEREAS, this subject Parcel, Parcel North 422, is detailed on the attached MAP NORTH SK 139-422C; and

WHEREAS, the property owner at 1731 North Forest Road, SBL 55.07-6-35.1, Amherst, wishes to purchase a portion of this land, highway right-of-way associated North Forest Road, deemed no longer necessary for County highway purposes by the Erie County Lands Advisory Review Committee (ARC); and

WHEREAS, the property owner at 1731 North Forest Road, SBL 55.07-6-35.1, being the adjoining property owner, will compensate the County of Erie the agreed upon price of $3,400.00

for the transfer of the 0.155± acre parcel of land at the time of filing in the Erie County Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the County's interest in the parcel of land herein described for and in consideration of the sum of $3,400.00 as described herein; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

5. COMM. 5E-13 (2014)
COUNTY EXECUTIVE
WHEREAS, the Abbott Road Bridge over Neuman Creek Project in the Town of Orchard Park, Erie County, PIN 5758.74 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. No. 15E-6 (2011) adopted on July 21, 2011 and Construction Phase via Comm. No. 10E-14 (2013) adopted on June 6, 2013; and

WHEREAS, the County of Erie desires to accept Marchiselli funds for the Construction Phase of the Project, PIN 5758.74 through an executed Supplemental Marchiselli Agreement No. 1 with NYSDOT that increases the Project Agreement by $142, 500 and related project budget in Fund 420, B.13001, 2013 Abbott Rd Br Reconstruction; and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 has been advertised, bid, and awarded to the responsible low bidder Edbauer Construction; and

WHEREAS, the project is currently estimated at $1,162,500; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for a change order to Edbauer Construction for an unanticipated utility conflict.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Abbott Road Bridge project; and be it further

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

RESOLVED, that the Project Fund B.13001 - 2013 Abbott Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated State revenue in the amount of $142,500 as follows:

REVENUES		CURRENT BUDGET	INCREASE / DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	0	$142,500	$142,500
414000	Federal Aid	$760,000	0	$760,000
445070	Prem on Obligation	35,205		35,205
475000	Gen Oblig Bond Proc	224,795	0	224,795
TOTAL REVENUES		$1,020,000	$142,500	$1,162,500
APPROPRIATIONS				
Capital Projects	Capital Project Exp	$1,020,000	$142,500	$1,162,500
TOTAL APPROPRIATIONS		$1,020,000	$142,500	$1,162,500

; and be it further

RESOLVED, the estimated total sum of the construction phase of the Project, $1,162,500, is hereby appropriated from B.13001 – 2013 Abbott Road Bridge Reconstruction and made available to cover the cost of participation in the construction phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction Phase exceeds the amount appropriated, $1,162,500 and/or 100% of the full Federal and non-Federal shares of the cost of the Project’s Construction Phase exceeds $1,162,500, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie; and be it further

RESOLVED, should additional Federal Aid become available for this project, Erie County Legislative approval would be requested to enter into a new supplemental agreement with New York State Department of Transportation and the project budget adjusted accordingly; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to approve a change order for the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 for the responsible low bidder Edbauer Construction; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

6. COMM. 5E-14 (2014)
COUNTY EXECUTIVE
WHEREAS, the Town of Hamburg and Erie County executed a Cooperation Agreement on June 5, 2002; and

WHEREAS, the Town of West Seneca and Erie County executed a Cooperation Agreement on February 12, 2003; and

WHEREAS, the purpose of said Agreements was to form a Consortium for the HOME Investment Partnership Program; and

WHEREAS, said Consortium is comprised of the thirty-four Erie County Community Development Block Grant Consortium municipalities, Town of West Seneca, and Town of Hamburg (inclusive of the Villages of Blasdell and Hamburg); and

WHEREAS, Erie County is the lead entity identified in said Agreements for the purposes of administering the HOME Program; and

WHEREAS, said Consortium receives approximately $700,000 annually for various affordable housing programs through the federal Department of Housing and Urban Development (HUD); and

WHEREAS, the aforementioned Cooperation Agreements with the Towns of Hamburg and West Seneca include automatic renewal provisions following three-year cycles; and

WHEREAS, HUD requires all Cooperation Agreements to include certain new language clarifying the automatic renewal provisions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a First Amendatory Agreement to the June 5, 2002 Cooperation Agreement with the Town of Hamburg as pertains to forming a Consortium for the HOME Investment Partnership Program; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute a First Amendatory Agreement to the February 12, 2003 Cooperation Agreement with the Town of West

Seneca as pertains to forming a Consortium for the HOME Investment Partnership Program; and be it further

RESOLVED, that said amendments shall contain the automatic renewal provisions for successive three-year qualification periods as so required by HUD; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Division of Budget and Management, the County Attorney; the Deputy Commissioner of the Department of Environment and Planning; and the Commissioner of Environment and Planning, Rath Building, 10th Floor.
(6-0)

7. COMM. 6E-6 (2014)
COUNTY EXECUTIVE
WHEREAS, it is desired to replace culvert BR 511-1 on Lenox Road as located by FEMA PW 867, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the Project as follows:

PORTION OF TAX MAP SBL NUMBER	TOWNSHIP
SBL 330.00-2-11	Collins

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the right of way (ROW) for the Project, it will be necessary for the County to establish an amount to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; and

WHEREAS, the acquisition of the portions of the Subject Property is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject location on Lenox Road (C.R. 511); and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the sums of $8,000.00 from SAP B.00204, 2008 FEMA Right of Way be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of culvert replacement at the aforementioned Lenox Road PW 867 site; and be it further

RESOLVED, that the County of Erie is authorized to enter into a contract with D&S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring the necessary real property interest by easement and/or fee, which acquisition is necessary for the Lenox Road PW 867 site culvert replacement project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 6E-7 (2014)
COUNTY EXECUTIVE

WHEREAS, the County of Erie acquired fee title to various parcels of land along Southwestern Boulevard and Webster Road in the Town of Orchard Park for construction of Southwestern Blvd., Part 2, C.R. 205; and

WHEREAS, the New York State Department of Transportation currently has maintenance jurisdiction over this land, now known as S.H. 9269, Southwestern Boulevard; and

WHEREAS, 3621 OP LLC c/o West Herr Automotive Company, Inc., the property owner at 3621 Southwestern Boulevard, Orchard Park, wishes to purchase a portion of this land, highway right-of-way associated with Southwestern Boulevard, deemed no longer necessary for County highway purposes by the Erie County Lands Advisory Review Committee (ARC); and

WHEREAS, the New York State Department of Transportation has determined that a portion of the land, consisting of 0.39± acre and designated as Parcel 407 on New York State Department of Transportation Conveyance Map 360-C, may be surplus to State Highway needs; and

WHEREAS, the New York State Department of Transportation may abandon its maintenance jurisdiction over Parcel 407 to the County of Erie, if the Department of Transportation determines that said Parcel 407 is surplus to State Highway needs, and if the County of Erie will accept such maintenance jurisdiction; and

WHEREAS, 3621 OP LLC c/o West Herr Automotive Company, Inc., being the adjoining property owner, will compensate the County of Erie the agreed upon price of $5,000.00 for the transfer of the 0.39± acre parcel of land at the time of filing in the Erie County Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County of Erie Department of Public Works hereby accepts maintenance jurisdiction of said property; and be it further

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the County's interest in the parcel of land herein described for and in consideration of the sum described herein; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

9. COMM. 6E-8 (2014)
COUNTY EXECUTIVE
WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna

and the County of Erie entered into a Memorandum of Understanding on April 12, 2005, to work cooperatively toward the goal of redevelopment of this underutilized site; and

WHEREAS, the relocation of existing rails are necessary to install new roads and infrastructure to service new and future companies on the site; and

WHEREAS, it is necessary to retain C&S Companies to perform necessary planning and engineering work to determine the best approach to relocating existing rail facilities that will spur future redevelopment of the site; and

WHEREAS, the County Legislature has previously approved the sale of the General Obligation Bonds (Comm.7E-7, 2009) for improvements at this site and funds are available for the project in question.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract for Planning and Engineering services with C&S Companies for a Rail Utilization Study, in an amount not to exceed $57,845; and be it further

RESOLVED, that an amount of $57,845.00 be allocated for Planning and Engineering Services and an additional amount of $7,155.00 be allocated for a Department of Environment and Planning design contingency fund from SAP Account A.20911 (Bethlehem Steel Redevelopment) with authorization for the County Executive to approve contract amendments with C&S Companies, not to exceed a total contract amount of $65,000.00; 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 Public Works; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(6-0)

EDWARD A. RATH, III
CHAIR

Item 23 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

March 27, 2014 FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 3

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

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

a. COMM. 3E-15 (2014)
COMPTROLLER: "CSEA Contract"
(6-0)

b. COMM. 3D-3 (2014)
COUNTY ATTORNEY: "Tax Relief to West Seneca Flood Victims"
(6-0)

c. COMM. 3M-5 (2014)
SUPERVISOR, TOWN OF WEST SENECA: "Requesting Relief for Flood Damaged Property Owners"
(6-0)

d. COMM. 5E-21 (2014)
COMPTROLLER: "2013 Sales Tax Revenue"
(6-0)

e. COMM. 5E-22 (2014)
COUNTY EXECUTIVE: "Preliminary, Unaudited 2013 Financial Results"
(6-0)

f. COMM. 6E-19 (2014)
COMPTROLLER: "January 2014 Sales Tax Revenue"
(5-0, Legislator Hardwick not present for vote)

2. COMM. 5E-20 (2014)
COUNTY EXECUTIVE
Appointment of Brian McLaughlin to the Erie County Deferred Compensation Committee.
(Receive, file & print)

3. COMM. 1D-8 (2014)
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 214099 through 214109 , 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. 214,099.00

ASSESSOR Cancel $160.29
S-B-L 335.14-1-15 519 W Main St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $160.29 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $160.29
Relevy School $160.29 143801 SPRING-GRIFFITH

RPTL 550(2): Failed to apply IDA PILOT
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,100.00

ASSESSOR Cancel $64.03
S-B-L 335.14-1-15 519 W Main St 143801 SPRINGVILLE

Acct. No. 112 $50.45 County
Acct. No. 132 $13.58 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $13.58

RPTL 550(2): Failed to apply IDA PILOT
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 214,101.00

ASSESSOR Cancel $7,008.99
S-B-L 335.14-1-16.1 535 W Main St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $7,008.99 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $7,008.99
Relevy School $7,008.99 143801 SPRING-GRIFFITH

RPTL 550(2): Failed to apply IDA PILOT
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,102.00

ASSESSOR Cancel $2,799.42
S-B-L 335.14-1-16.1 535 W Main St 143801 SPRINGVILLE

Acct. No. 112 $2,206.05 County
Acct. No. 132 $593.37 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE $593.37

RPTL 550(2): Failed to apply IDA PILOT
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,103.00

ASSESSOR Cancel $155.00
S-B-L 255.00-1-9.13 9375 Sission Hwy 144000 EDEN

Acct. No. 112 $0.00 County
Acct. No. 132 $155.00 Town/SpecialDist/School
Charge To : 144000 EDEN $155.00

RPTL 550(2): special district applied in error
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,104.00

ASSESSOR Cancel $155.00
S-B-L 255.00-1-31 9448 Sisson Hwy 144000 EDEN

Acct. No. 112 $0.00 County
Acct. No. 132 $155.00 Town/SpecialDist/School
Charge To : 144000 EDEN $155.00

RPTL 550(2): special district applied in error
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 214,105.00

ASSESSOR Cancel $1,119.00
S-B-L 55.07-2-14 28 Countryside Ln 142289 AMHERST

Acct. No. 112 $0.00 County
Acct. No. 132 $1,119.00 Town/SpecialDist/School
Charge To : 142289 AMHERST $1,119.00
Relevy School $1,119.00 142203 WILLIAMSVILLE CENT

RPTL 550(2): failed to apply enhanced STAR
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 214,106.00

ASSESSOR Refund $100.00
S-B-L 184.07-1-3 Murphy Rd 146089 ORCHARD PARK

Acct. No. 112 $0.00 County
Acct. No. 132 $100.00 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK $100.00

RPTL 550(2): special district applied in error
Refund to be issued to John & Virgina Caooello

FISCAL YEAR 2013 Petition No. 214,107.00

ASSESSOR Refund $559.00
S-B-L 56.18-14-7 67 LeMay Ct 142289 AMHERST

Acct. No. 112 $0.00 County
Acct. No. 132 $559.00 Town/SpecialDist/School
Charge To : 142289 AMHERST $559.00
Relevy School $559.00 142203 WILLIAMSVILLE CENT

RPTL 550(2): failed to apply basic star exemption
Refund to be issued to Mark & AnnMarie Dirlam

FISCAL YEAR 2014 Petition No. 214,108.00

ASSESSOR Refund $407.27
S-B-L 112.68-2-1 109 Charles St 143089 CHEEKTOWAGA

Acct. No. 112 $0.00 County
Acct. No. 132 $407.27 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA $407.27

RPTL 550(2): special district applied in error
Refund to be issued to Tadeusz Glowacki

FISCAL YEAR 2014 Petition No. 214,109.00

ASSESSOR Refund $3,415.00
S-B-L 250.13-3-9 9692 Quebec St 144489 EVANS

	Acct. No. 112	$0.00	County
	Acct. No. 132	$3,415.00	Town/SpecialDist/School
Charge To :	144489 EVANS		$3,415.00

RPTL 550(2): demolition charged applied to the wrong parcel
Refund to be issued to Corelogic

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

2. COMM. 6E-18 (2014)
COMPTROLLER
WHEREAS, the federal government requires that all counties prepare an annual cost allocation plan; and

WHEREAS, for the past 25 years Erie County has contracted with an outside provider to prepare the cost allocation plan; and

WHEREAS, the current contract expired after the 2013 Full-Cost Plan was prepared; and

WHEREAS, the Comptroller's Office has issued an RFP so that these services will continue to be provided for the next four years; (with a two-year optional extension) and

WHEREAS, the four proposals received have been evaluated by the committee consisting of Comptroller's Office staff; and

WHEREAS, the committee has unanimously selected Venesky & Company for a four-year contract (with a two-year optional extension) as the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with Venesky & Company for a four-year period (with a two-year optional extension) beginning with preparation of the Federal cost plan for the year 2012, at an annual cost of $14,960, and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, County Comptroller, County Attorney, and Director of Budget and Management.
(5-0, Legislator Hardwick not present for vote)

JOSEPH C. LORIGO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

March 27, 2014 PUBLIC SAFETY COMMITTEE
REPORT NO. 4

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

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

a. COMM. 4M-6 (2014)
EC COMMUNITY CORRECTIONS ADVISORY BOARD: "Resolution to Recommend Re-Establishing the Erie County Early Conditional Release Commission"
(6-0)

2. COMM. 5E-29 (2014)
SHERIFF
WHEREAS, the U.S. Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded $153,420 for FY 12 to Erie County in funding to increase security along the Canadian border; and

WHEREAS, the Erie County Sheriff's Office will coordinate with Police Departments from the City of Buffalo, the Town of Cheektowaga, the Town of Evans, the Town of Hamburg, the City of Tonawanda, and the Town of Tonawanda to conduct joint law enforcement patrols in support of the U.S. Border Patrol's mission of apprehending terrorists and their weapons as they attempt to enter the United States illegally; and

WHEREAS, these funds will be used for overtime for the participating law enforcement agencies, including the fringe benefits associated with it, and to purchase equipment required to support this program; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislatures does hereby authorize the County Executive to enter into contract with the U.S. Department of Homeland Security through the NYS Department of Homeland Security to accept funding in the amount of $153,420 for FY 12; and be it further

RESOLVED, that the County Executive is authorized to enter into sub-contracts with the participating agencies to reimburse the expenses they incur while participating in the Stonegarden Border Security Operation; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY 12 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
FY12 OPERATION STONEGARDEN GRANT
September 1, 2012 to August 31, 2014

REVENUE	Increase
SAP Account 414000 – Federal Aid	153,420
TOTAL REVENUE	153,420

APPROPRIATIONS	Increase
SAP Account 501000 – Overtime	26,000
SAP Account 502000 – Fringe Benefits	6,667
SAP Account 505600 – Auto Supplies	1,640
SAP Account 516010 – Contractual Payments	109,334
SAP Account 561410 - Lab & Technical Equipment	9,779
TOTAL APPROPRIATIONS	153,420

and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Office of the Comptroller, the County Attorney and the Office of the Sheriff.
(6-0)

3. COMM. 5E-30 (2014)
SHERIFF

WHEREAS, the United States Department of Justice has awarded $500,000 to The Erie County Sheriff's Office to combat human trafficking in partnership with the International Institute of Buffalo and the United States Attorney's Office of the Western District of New York; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept $500,000 in federal resources to provide funding for personnel and the purchase of equipment and supplies to support this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the United States Department of Justice and is authorized to accept funding in the amount of $500,000 for the Erie County Sheriff's Office; and be it further

RESOLVED, that the Sheriff's Office is authorized to create one (1) Deputy Sheriff Officer-Spanish Speaking, (B-100 #7695) and to transfer one (1) Deputy Sheriff (Reserve Part Time) Position #51010549 from the current grant #115HUMANTRAFFIC12; and be it further

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

ERIE COUNTY SHERIFF'S OFFICE
WNY Enhanced Collaborative to Combat Human Trafficking
March 1, 2014 to February 28, 2015

Revenue	Increase
Account 414020 – Miscellaneous Federal Aid	$250,000
Total Revenue	$250,000

Appropriation	Increase
Account 500000 – Personal Services	57,532
Account 500010 – Part Time Wages	28,298
Account 500300 – Shift Differential	500
Account 500320 – Uniform Allowance	750
Account 500330 – Holiday Worked	1,500
Account 500340 – Line-Up	5,000
Account 501000 – Overtime	30,000
Account 502000 – Fringe Benefits	77,078
Account 505000 – Office Supplies	2,000
Account 505200 – Clothing Supplies	250
Account 510100 – Out of Area Travel	8,500
Account 516020 – Professional Services & Fees	10,000
Account 530000 – Other Expenses	1,700
Account 561440 – Motor Vehicles	24,276
Account 980000 – ID DISS Services	2,616
Total Appropriation	$250,000

and it be further

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

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Office of the Comptroller and the Office of the Sheriff.
(6-0)

4. COMM. 5E-31 (2014)
SHERIFF
WHEREAS, the Sheriff's Office has seen a steady increase in the number of requests for utilization of the Mounted Division for community events; and

WHEREAS, the current number of Deputy Sheriff Reserve PT positions in the Mounted Division does not give the Office the necessary available manpower to cover the requested posts; and

WHEREAS, no additional county funds are necessary to effectuate this change.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create three (3) Deputy Sheriff Reserve PT (B100s # 7669 and 7702) positions for the Mounted Division; 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.
(6-0)

5. COMM. 5E-33 (2014)
SHERIFF
WHEREAS, the Niagara Frontier Search and Rescue Team (NFSAR), a tax-exempt organization, is a member of the New York State Federation of Search and Rescue Teams, and

WHEREAS, all NFSAR members are volunteers and participate in extensive training and are certified through both the New York State DEC and the National Association of Search and Rescue, and

WHEREAS, the NFSAR Team is dispatched through the Erie County Sheriff's Office to do high-angle and technical rope rescues, and

WHEREAS, effective January 1, 2013 all public safety radio systems operating in the 150-512 MHz radio bands must be operating utilizing narrowband technology, and

WHEREAS, many of NFSAR's radio equipment did not meet the narrow-banding requirements,

WHEREAS, NFSAR in need of various other equipment to meet its public safety goals,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby granted for the donation of the following items to the Niagara Frontier Search and Rescue Team:

(2) Motorola XTL 1500 Mobile Radios
(Serial Numbers: 726CPR0399, 726CPR0400)

(2) Stico Portable Antennas - Model CPAK-DB-VHF/UHF

(4) Motorola XTS 1500 Portable Radios
(Serial Numbers: 687CPR0611, 687CPR0612, 687CPR0464, 687CPR0465)

(4) Vehicular (Portable Radio) Chargers - Model WPLN4208C
(Serial Numbers: 3064MKK0100JH, 3064MKK0100HX, 3064MKK0100LZ, 3064MKK0100M6)

(3) IMPRES Adaptive Multi-Unit Chargers
(Serial Numbers: 3072MKI0105X8, 3072MKI0105XR, 3072MKI0105XW)

(3) Honda EU2000i Portable Generators
(Serial Numbers: EAAJ-2589716, EAAJ-2589717, EAAJ-2589718)

(2) CMC Rescue MPDs
(Serial Numbers: 13225M0251, 13225M0263)

(1) CMC Rescue Titanium Split-Apart Rescue Litter
(with Patient Tie In System, Litter Shield Plus, and Litter Harness)
(Serial Number: 70009414)

And be it further

RESOLVED, as terms of the donation, the NFSAR is fully responsible for said equipment for both maintenance and liability, and be it further

RESOLVED, as terms of the donation, NFSAR agrees to return to Erie County said equipment upon its retirement from service, and be it further

RESOLVED, that copies of this resolution be forwarded to the Chief of Administration for the Erie County Sheriff's Office, the Comptroller and the County Executive.
(6-0)

6. COMM. 6E-20 (2014)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby appoints the following individuals as recommended by the County Executive to the EC Fire Advisory Board to complete a term that will expire on 12/21/2015.

William G.Szewz Jr.
30 Bielak Road
Orchard Park, NY
14127

Douglas Larkin
5170 Bank St.
Clarence, NY 14031

Paul Hockwater Sr.
3497 Broadway Ave
Cheektowaga, NY
14227

Eugene Wieckowski
8538 Boston State Rd.
Boston, NY 14025

Brian W. Murray
16 Churchill St.
Akron, NY 14001

Robert F. Zamrok Jr.
8333 Beach Road
Evans, NY 14006

Roger Leblanc
159 Parkdale Ave
East Aurora, NY 14052

Donald Snios
54 Southpoint Drive
Lancaster, NY 14086

Mike Wutz
1105 Youngs Road, Apt. C
Williamsville, NY
14221

Ernest S. Matthews
7267 Chestnut Ridge Rd.
Orchard Park, NY
14127

Michael Kluck
77 Lakewood Drive
West Seneca, NY 14224

Bruce Atkins
487 Cornwall Ave
Tonawanda, NY 14150

Dan E. Marohn
459 Niagara St.
Tonawanda, NY 14150

Robert G. Matthewson
288 Olean St.
East Aurora, NY 14052

Stephen W. Matisz
341North lvyhurst Rd.
Amherst, NY 14226

Peter A. McMahon
2092 Town Hall Terrace
Grand Island, NY 14072

James A. Fyock Jr.
2040 Kimble Ave
North Collins, NY
14111

Garnell Whitfield
581Grider St.
Buffalo, NY 14215

Don Connelly
116 Kingsbury Rd.
Tonawanda, NY
14150

Chris Couell
5319 Chestnut Ridge Rd.
Orchard Park, NY
14217

Len Feigal
1820 North Forest Rd.
Williamsville, NY
14221

John Kolb
3672 Fourth St.
Blasdell, NY 14219

Tom Trzepacz
56 Stutzman Road
Bowmansville, NY
14026

Charlie Bethge
90 Winona Rd.
Elma, NY 14059

Paul Wilson
3261Brookfield Lane
Hamburg, NY 14075

(6-0)

7. COMM. 6E-21 (2014)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded $112,500 to the Erie County

Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept $112,500 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Homeland Security and Emergency Services to accept grant funding in the amount of $112,500 for the FY13 Bomb Squad Grant; and be it further

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

Erie County Sheriff's Office
FY 2013 Bomb Squad Grant
November 07, 2013 to August 31, 2015

REVENUE	Increase
Account 414000 – Federal Revenue	$112,500
TOTAL REVENUE	$112,500

APPROPRIATIONS	Increase
Account 510100 – Out of Area Travel	$ 2,000
Account 510200 – Training & Education	$ 35,500
Account 561410 – Lab & Technical Equipment	$ 75,000
TOTAL APPROPRIATIONS	$112,500

and be it further

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

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.
(6-0)

EDWARD A. RATH, III

CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69 RE: Legislature Personnel Reorganization, District Office Staff, 7th District (INTRO 7-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, GRANT & BURKE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70 RE: Amendment of Erie County Sales and Use Tax Resolution Which Imposes Taxes on Sales and Uses of Tangible Personal Property on Certain Services, and on Occupancy of Hotel Rooms, Admissions Charges and Club Dues (INTRO 7-2)

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

WHEREAS, the State of New York State amended the Tax Law, in relation to exempting the sale and installation of commercial solar energy equipment from state sales and compensating use taxes and granting municipalities the option to elect such exemption from their sales and compensating use taxes; and

WHEREAS, the County of Erie recognizes that the use of clean, renewable energy sources, such as solar energy, has many benefits, including in-state and in-county production opportunities such as use of local solar technology manufacturers and installers, minimal environmental impacts, increased income for local, in-state and in-county producers and retailers, economic development support, and dramatic air quality improvements; and

WHEREAS, the Erie County Legislature desires to encourage the purchase and installation of such commercial solar energy systems equipment in order to promote the use of renewable energy sources and decreased reliance on fossil fuels in an effort to protect the environment; and

WHEREAS, Erie County has previously exempted the sale and installation of residential solar energy systems from sales and compensating use tax by resolution in 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature amends the Erie County Sales and Use Tax Resolution which imposes taxes on the sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to provide exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or the use of, property and services exempt from the State sales and compensating use taxes pursuant to subdivision (ii) of section 1115 of the Tax Law of the State of New York.

Be it enacted by the Erie County Legislature as follows:

SECTION 1. Section six of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item No.8, of Meeting Number 31, held on July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended by adding a new subdivision (k) to read as follows:

(k) Receipts from sales of and consideration given or contracted to be given for, or for the use of, commercial solar energy systems equipment and installation services exempt from state sales and compensating use taxes pursuant to subdivision (ii) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

SECTION 2. This resolution shall take effect June 1, 2014, and shall apply to sales made, services rendered and uses occurring on and after that date in accordance with applicable transitional provisions in sections 1106 and 1217 of the New York Tax Law.
And be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to transmit a certified copy of the resolution to the County Attorney for delivery to the appropriate New York State officials.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71 RE: In Support of WNY Southtown's Scenic Byway Extension to Cattaraugus County (INTRO 7-3)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR MILLS

WHEREAS, the New York State Scenic Byway program was created in 1992 by the State Legislature to encourage both economic development and resource conservation; and

WHEREAS, scenic byways are designated in recognition of their cultural or historical significance, recreational or archaeological qualities, or because of natural and scenic beauty along the route; and

WHEREAS, the designation of any road or network of roads as a Scenic Byway has the added benefit of allowing access to federal funding for a range of beneficial projects that are consistent with local community plans and with the objectives of adopted corridor management plans; and

WHEREAS, the New York State Department of Transportation is mandated by the federal government to regulate signs along all highways in New York State that are part of the federally supported Primary Highway System, whether or not they are designated as Scenic Byways, and;

WHEREAS, Primary Highways include selected State, county, and other local government roads that are typically the major travel routes within New York State; and

WHEREAS, designation as a federal primary highway allows eligibility for increased funding from the federal government; and

WHEREAS, the regulation of signs along State, county and other local roads within the Primary Highway System includes the prohibition of new off-premise signs; and

WHEREAS, local governments are responsible for not issuing local permits on Primary Highway System segments of said Scenic Byway route and should consider the impact of issuing permits for off-premise signs for county and local roads not on the primary systems to the goals of the byway, and;

WHEREAS, Scenic Byway communities have opportunities to consider and implement alternative means to direct visitors and residents to find sites, shops, lodging and attractions as they travel along the byway routes, including legal-off-premise signage through the NYSDOT's Tourism Orientated Directional Signage (TODS); and

WHEREAS, the Western New York Southtowns Scenic Byway was approved in 2008 along existing roadways, in the "Southtowns" of Erie County, including roads in the Towns of Orchard Park, Aurora, Colden, Concord, and Boston and the incorporated Villages of Orchard Park, East Aurora, and Springville; for inclusion on the list of New York State Scenic Byways; and

WHEREAS, an expansion of the Western New York Southtowns Scenic Byway Is desired, including roads in Erie County, the Towns of Ashford, Ellicottville, and Great Valley and the incorporated Village of Ellicottville, Cattaraugus County, New York.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the corridor management plan for the Scenic Byway and acknowledges the federal requirement that no local permits are to be issued for any new off-premise signs along the Primary Highway System sections of said route; and be it further

RESOLVED, that the Erie County Legislature encourages the Governor to work with the Legislature and the Department of Transportation to add this new section of Scenic Byway to the Western New York Southtowns Scenic Byway in the list of New York State Scenic Byways; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation for the State Legislature, the Governor's Office, the office of Joan McDonald the Commissioner of the New York Department of Transportation, the Cattaraugus County Administrator and Legislative Clerk John R. Searles and all other parties deemed necessary and proper.

Item 28 – CHAIR MILLS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 5-4 from GRANT, MILLER-WILLIAMS, BURKE & LOUGHRAN. Installing Public Wireless Internet Access in the Legislative Chambers.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 29 –MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 5E-15. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72 RE: Golf Course Equipment Rental Fees (COMM. 5E-15)

WHEREAS, the Department of Parks, Recreation & Forestry was notified by the Erie County Comptroller's office that we are required to collect 8.75% New York State sales tax on equipment rented at the two Erie County golf courses; and

WHEREAS, fees at Erie County golf courses, with the approval of the Erie County Legislature, were increased in 2013; and

WHEREAS, the Parks Department would like to decrease fees on equipment rented at the golf courses so as not to additionally burden golf course patrons.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a decrease of fees on golf course equipment rental as follows:

	Current Fee	New Fee	Change
18 Hole Golf Cart	$25.00	$22.99	($2.01)
9 Hole Golf Cart	$14.00	$12.87	($1.13)

Range Ball Rental	$ 5.00	$ 4.60	($0.40)
Pull Cart Rental	$ 5.00	$ 4.60	($0.40)
Club Rental	$11.00	$10.12	($0.88)
Locker Rental	$50.00	$45.97	($4.03)

; and be it further

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

MR. LORIGO moved to approve the item. MR. HARDWICK seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

Item 30 –MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 6E-4. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76 RE: 2014 Consolidated Bond Resolution (COMM. 6E-4)

BOND RESOLUTION DATED MARCH 20, 2014

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2014 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS $37,996,672, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF $9,144,888 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND FROM OTHER SOURCES AUTHORIZING THE ISSUANCE OF $28,851,784 OF BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA, THE STATE OF NEW YORK AND/OR OTHER SOURCES TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

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 undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2014 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2014 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2014 Capital Budget for the County. The plan of financing includes the expenditure of $9,144,888 in State and Federal aid and amounts from other sources expected to be received and the issuance of $28,851,784 aggregate principal amount of bonds of the County to finance the balance of said appropriations, 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. Any amounts received by the County from the United States of America, the State of New York and/or other sources are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds. 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 respective principal amounts set forth in column C of the attached schedule 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 respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said $28,851,784 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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 respective 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 respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 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 respective 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. Each of 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. This Resolution shall take effect immediately upon approval by the County Executive.

MR. LORIGO moved to amend. MR. HARDWICK seconded.

ON PAGE 15 of 16, LINE 27, DELETE PROJECT DETAILS IN COLUMN G AND REPLACE WITH:
Erie County will continue the construction of the new industrial park access road into the former Bethlehem Steel site in the City of Lackawanna and the Town of Hamburg. The road corridor has been established and the water line has been installed for new industries locating on the former brownfield. This funding will allow the relocation of rail tracks currently crossing the road right of way, the completion of the entry road and all necessary utility work.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve as amended. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

Item 31 –MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 6E-17. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77 RE: State Authorization for the Private Sale of Bonds by Negotiated Agreement (COMM. 6E-17)

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2014; and

WHEREAS, Assembly Bill A-8864 and Senate Bill S-6687 (attached), now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2015;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATION AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A-8864, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies of the New York State Assembly and two copies to the New York State Senate.

MR. LORIGO moved to approve the item. MR. HARDWICK seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

Item 32 –MR. LORIGO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 5E-34. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78 RE: Increase in Fee for Background Checks and Fingerprinting
(COMM. 5E-34)

WHEREAS, the Erie County Sheriff's Office provides fingerprinting and background checks for residents of Erie County for multiple purposes including pistol permit applications and pre-employment screening for law enforcement and individuals working with children and the elderly, and

WHEREAS, in 1996 the fee of $15 was established for fingerprinting and background checks, and

WHEREAS, the cost of providing fingerprinting and background checks has steadily increased over the past 18 years and needs to be increased to cover the cost associated with this service,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided to establish a fee of twenty five dollars ($25) per NCIC or other criminal background check or fingerprinting to be assessed on each individual who requests a background check to be performed through the Sheriff's Office, and be it further

RESOLVED, that copies of this resolution be forwarded to the Chief of Administration for the Erie County Sheriff's Office, The Division of Budget and Management, the Comptroller and the County Executive.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

Item 33 –MR. LORIGO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 5E-5. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79 RE: Youth Bureau Funding (COMM. 5E-5)

WHEREAS, local youth bureau funding, provided by New York State, supports programs which provide a vast array of recreational and development opportunities for Erie County youth; and

WHEREAS, in prior years, local youth bureau funding was determined by census and was distributed by the New York State Office of Children and Family Services; and

WHEREAS, the enacted 2013-2014 NYS budget included changes in how Youth Bureau funds were to be distributed and, as a result, Erie County Youth Bureau oversees funds previously managed by municipalities in Erie County with local youth bureaus; and

WHEREAS, the Erie County Youth Bureau informed all local youth bureaus they would need to apply to Erie County for funding and, as per NYS law, only direct service programs could be funded; and

WHEREAS, for 2014, Erie County Youth Bureau is recommending funds be distributed using the same method as OCFS in order to ensure no disruption in service for 2014; and

WHEREAS, the Department of Social Services is seeking approval to execute contracts with local youth bureaus for local youth bureau programs; and

WHEREAS, there is no additional local share necessary for these awards and Erie County will be able to retain up to $100,000 to reimburse the county cost of program management and administration.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized in enter into contract in the amount of $362,068 with the New York State Office of Children and Family Services to distribute funds in the amount of $262,068 for municipal youth bureau programs, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2014 Adopted Budget:

Youth Bureau, Fund 110, Department 12530

ACCOUNT	DESCRIPTION	INCREASE
Expense		
517172	Youth Development Municipal Youth Bureaus	$262,068
	Total Expenditures	$262,068
Revenue		

408015	Youth Reimbursement Municipal Youth Programs	$262,068
	Total Revenues	$262,068

RESOLVED, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the following municipal providers:

Municipality	Amount
Town of Alden	$1,920
Town of Amherst	$50,547
Town of Aurora	$2,914
Town of Boston	$1,682
Town of Cheektowaga	$35,891
Town of Clarence	$18,961
Town of Colden	$669
Town of Elma	$2,236
Town of Evans	$3,346
Town of Grand Island	$2,361
Town of Hamburg	$31,547
Town of Lancaster	$20,814
Town of Marilla	$1,137
Town of Newstead	$1,147
Town of Orchard Park	$9,356
Town of Tonawanda	$32,230
Town of Wales	$614
Town of West Seneca	$20,890
City of Buffalo	$23,806
Total	$262,068

and be it further

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

MR. LORIGO moved to approve the item. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 7E-20 from MS. MILLER-WILLIAMS, MS. GRANT & MR. BURKE Re: Letter to Commissioner of Social Services Requesting Additional Information Concerning Funding Reductions for Shelters Providing Inpatient Services for Women Seeking Substance Abuse Treatment and Mental Health Services.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 7E-20 from MR. HARDWICK, MR. MILLS, MR. RATH, MS. DIXON, MR. LORIGO, MR. MORTON & MR. LOUGHRAN Re: Requesting that the County Executive Issue a Declaration of Need for the Erie County Fiscal Stability Authority to Undertake Borrowing for 2014 Capital Projects.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR GRANT

Item 36 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80 RE: Lease Agreement for Legislative Office Space (COMM. 7E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a Three (3) Month Lease Agreement with David J. Galbo for Legislative office space for Lynn M. Marinelli, located at 1701 Hertel Ave., Buffalo, New York for a monthly rate of $675.

FROM LEGISLATOR BURKE

Item 36 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded. MR. BURKE abstained.

CARRIED. (8-0-1)

RESOLUTION NO. 81 RE: Lease Agreement for Legislative Office Space
(COMM. 7E-2)

RESOLVED, the Erie County Executive is hereby authorized to sign a Twenty-One (21) Month Lease Agreement with Cazenovia Community Resource Center, Inc. for Legislative office space for Patrick Burke, located at 155 Cazenovia St., Buffalo, New York for a monthly rate of $700.

FROM LEGISLATOR LORIGO

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82 RE: Reappointment of Peter Vasilion, Esq. to the EC Bar Association Aid to Indigent Prisoners Society
(COMM. 7E-3)

RESOLVED, that the Erie County Legislature hereby appoints Peter Vasilion, Esq. as the Majority Caucus Appointment to the EC Bar Association Aid to Indigent Prisoners Society, Assigned Counsel Program.

FROM LEGISLATOR MILLS

Item 37 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83 RE: Reappointment of Earl Gingerich, Jr. to EC Agricultural and Farmland Protection Board
(COMM. 7E-4)

RESOLVED, that the Erie County Legislature hereby appoints Earl Gingerich, Jr. as one of the farmers required to the EC Agricultural and Farmland Protection Board.

FROM LEGISLATOR MILLS

Item 38 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84 RE: Appointment to EC Fisheries Advisory Board (COMM. 7E-5)

I, Ted Morton , as Chair of the Energy and Environment Committee, pursuant to the Erie County Administrative Code Section 9.07, do hereby appoint the following individual to the Erie County Fisheries Advisory Board for the terms stated, subject to your confirmation:

Appointment	Term Expiration
Cpt. Donald J. Ruppert 8422 Versailles Plank Road Angola, New York 14006	December 31,2015

FROM LEGISLATOR MILLS

Item 39 – MR. LORIGO presented a petition nominating Earl L. Jann, Jr. to be reappointed to the Erie County Water Authority. MR. MILLS nominated Earl L. Jann, Jr.. MS. DIXON seconded.

RESOLUTION NO. 85 RE: Appointment to EC Water Authority

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Earl L. Jann, Jr. as Commissioner of the Erie County Water Authority for a three-year term expiring April 27, 2017.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

Item 40 – (COMM. 7E-6) Reappointment/Appointment as Commissioner of the Erie County Water Authority

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 7E-7) Lenox Road Culvert Replacement, Town of Collins - Award of Construction Contract & Contract for Engineering & Construction Inspection Services

Item 42 – (COMM. 7E-8) Old County Hall - Exterior Waterproofing and Improvements Construction Contingency Increase

Item 43 – (COMM. 7E-9) Old County Hall - Interior Ceiling & Wall Repairs

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

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 7E-10) EC Sewer District No. 1 Modification of Plans (2013)

Item 45 – (COMM. 7E-11) EC Sewer District No. 3 Engineer Term Agreement URS Corp

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

FROM THE COMPTROLLER

Item 46 – (COMM. 7E-12) 2014 Capital Borrowing

Item 47 – (COMM. 7E-13) Dec 2013-Jan 2014 Report - Net Collections from the Local 4.75% Sales and Compensating Use Tax

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

FROM THE COUNTY EXECUTIVE

Item 48 – (COMM. 7E-14) Authorization to Contract - Grant Programs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 7E-15) Appointments to EC Mental Hygiene Community Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 50 – (COMM. 7E-16) Open Item: Creation of Part-Time Senior Tactical Flight Officer

Item 51 – (COMM. 7E-17) Open Item: Cigarette Strike Force

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 7E-18) Authorization to Contract with Fusion Consulting, Inc.

Item 53 – (COMM. 7E-19) Authorization to Contract with Diamond Drug, Inc.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONERS, BOARD OF ELECTIONS

Item 54 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86 RE: Grant Contracts: Poll Worker Training & Voter Education NYS Accessibility Funds (COMM. 7D-1)

WHEREAS, the New York State Board of Elections has forwarded two 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 $ 875,704.00 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 poll workers and 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 3/31/2015),

2) NYS Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant
$291,901.00 (C002655 -time extension 3/31/2015),

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.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 55 – (COMM. 7M-1) 89 LaSalle Ave Update

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC FISHERIES ADVISORY BOARD

Item 56 – (COMM. 7M-2) 2013 Annual Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Item 57 – (COMM. 7M-3) Statewide Comprehensive Outdoor Recreation Plan 2014-2019

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE TOBACCO ASSET SECURITIZATION CORPORATION

Item 58 – (COMM. 7M-4) 2013 Annual Report and Audited Financial Statements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF SUPERVISORS, FULTON COUNTY

Item 59 - (COMM. 7M-5) Resolution Denying NYS Permission to use County Seal for Enforcement of "SAFE Act"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECMC CORPORATION

Item 58 – (COMM. 7M-6) 2013 Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 59 – CHAIR MILLS announced that public hearings on Local Law 1-1 (2014) and Local Law 2-1 (2014) would be conducted on April 11, 2014 at 10:00 AM and 11:00 AM.

Item 60 – MS. DIXON announced that her annual prom dress drive distribution would occur on April 5 and 6 in the Village of Hamburg.

Item 61 – MS. MILLER-WILLIAMS announced that a sign would be dedicated in recognition of Officer Patricia Parete on April 4 at 10:00 AM..

MEMORIAL RESOLUTIONS

Item 62 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Jean Vogtli and Carrie Gambino.

Item 63 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Carl Henry.

Item 64 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Ralph C. Wilson, Jr.

ADJOURNMENT

Item 49 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, April 10, 2014 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, April 3, 2014 at 2:00 p.m. Eastern Standard Time.

SCOTT W. KROLL
CLERK OF THE LEGISLATURE