

**ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 14, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Miller-Williams, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Grant.

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 9. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. DIXON presented a resolution Honoring FC Buffalo For Our City's Start to their 2015 Season with their Home Opener at Howe Field in Hamburg.

Item 6 – MS. GRANT presented a resolution Honoring the Life of George Douglas Patterson Jr and Declaring May 8, 2015 as "George Douglas Patterson Jr Day" in Erie County.

Item 7 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution Congratulating Juneteenth Festival of Buffalo, Inc on Hosting their 40th Consecutive Annual Festival and Parade.

Item 8 – MR. MILLS presented a resolution Congratulating Joel Christopherson, Boy Scout Troop 154, on Being Awarded the Rank of Eagle Scout.

Item 9 – MR. MILLS presented a resolution Honoring Jackie Kaczor on Being Named the Orchard Park Republican of the Year.

Item 10 – MR. MILLS & MR. HARDWICK presented a resolution Honoring Erie County's Purple Heart Medal Recipients and Designate Erie County as a Purple Heart County for the Month of May 2015.

Item 11 – MR. MORTON presented a resolution Congratulating Alexander Enright, Boy Scout Troop 352, on Being Awarded the Rank of Eagle Scout.

Item 12 – MR. MORTON presented a resolution Congratulating Steven S. Neumaier, Boy Scout Troop 352, on Being Awarded the Rank of Eagle Scout.

Item 13 – MR. RATH presented a resolution Congratulating the World Trade Center Buffalo Niagara for Sponsoring a Symposium on May 20, 2015 to Promote Sustainable Economic Opportunity for All Western New York Businesses, and Recognizing the Month of May 2015 as "World Trade Month" in Erie County.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above nine items by adding one miscellaneous resolution for MR. MORTON, and to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above ten items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 1 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

May 7, 2015	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 7E-18 (2015)

BURKE: "Letter Regarding Report of Illegal Group Homes in Erie County"
(5-0)

2. COMM. 9E-8 (2015)

COUNTY EXECUTIVE

WHEREAS, the 2015 Erie County Budget includes funds appropriated for the Community Services for the Elderly (CSE), including \$10,720 allocated for the American Red Cross; and

WHEREAS, the adopted 2015 budget for the 163CSE1516 grant included an appropriation \$10,720 for the American Red Cross to provide transportation services; and

WHEREAS, the American Red Cross, serving Erie and Niagara Counties, has decided to withdraw from offering community services including transportation for seniors after April 30, 2015; and

WHEREAS, Erie Regional Housing Development Corp owns two vans and is currently a congregate dining site for the Department of Senior Services; and

WHEREAS, the Department has selected the Erie Regional Housing Corp to replace the American Red Cross, serving Erie and Niagara Counties, to provide transportation to older adults through the Department's Going Places program;

WHEREAS, the Community Services for the Elderly (CSE) grant budget for the period of April 1, 2015 to March 31, 2016 is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with Erie Regional Housing Development Corp to provide Transportation Services for frail elderly through the Department's Going Places program for the period of May 1, 2015 through March 31, 2016 neighborhoods at a cost of \$9,827; and be it further

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

APPROPRIATIONS		CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description			
517521	American Red Cross	\$10,720	-\$9,827	\$893
517604	Erie Regional Housing Dev Corp	0	<u>+9,827</u>	\$9,827
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.

(5-0)

3. COMM. 9E-9 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services is in the process of developing a four Year Plan with the New York State Office for Aging; and

WHEREAS, as a part of this plan there is a need to expand the number and variety of elderly communities that are aware of and receive services from the Department of Senior Services; and

WHEREAS, the Department of Senior Services issued a RFP to select a consultant to assist in developing a communications plan and assess past print communications and social media efforts to identify improvements as well as providing staff training to effectively communicate and implement the new messaging plan; and

WHEREAS, AMDG Public Affairs, an experienced, local public relations agency with a strong background in developing strategic communications plans and campaigns throughout Western New York and Southern Ontario, was selected through the RFP process; and

WHEREAS, the Department of Senior Services now desires to contract with AMDG Public Affairs, at a cost not to exceed \$15,000 to function as the consultant to develop, and implement a communication plan for the Department for the period June 1, 2015 through March 31, 2016; and

WHEREAS, appropriations are available in the 163CONNECTS1415 and CONNECTS1516 grants' to pay for these consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a consultant contract, not to exceed \$15,000 with AMDG Public Affairs to assist in developing a communications plan for the Department during the period June 1, 2015 through March 31, 2016, and be it further

RESOLVED, that available appropriations in the 163CONNECTS1415 and 163CONNECTS1516 grants' Professional Services Contracts and Fees account be utilized to pay for these consulting services, 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 Department of Senior Services.

(5-0)

4. COMM. 9E-13 (2015)

COUNTY EXECUTIVE

WHEREAS, the NY State Office for the Aging has awarded Senior Services \$167,278 in Balancing Incentive Program (BIP) Caregiver Support Program grant (163BIPCSP1516) monies for the period April 1, 2015 through March 31, 2016; and

WHEREAS the grant is 100% funded by the New York State Office for the Aging and requires no local share County monies; and

WHEREAS, the funding will be used provide counseling, support, case management, and training to caregivers of frail older adults and individuals with disabilities, who are on Medicaid; and

WHEREAS, to provide the required BIP Caregiver Support Program case management services, Senior Services desires to transfer, effective June 1, 2015, Case Manager position 872 from the 163EISEP1516 grant to the 163BIPCSP1516 grant; and

WHEREAS, the Department of Senior Services currently contracts with a variety of subcontract agencies for the provision of various services and supports for eligible clients, including caregiver counseling, support groups, training, and desires to amend such contracts to utilize BIP Caregiver Support Program grant monies to purchase such services and supports for individuals eligible for this project.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to contract with the NY State Office for the Aging to accept the \$167,278 of BIP Caregiver Support Program (163BIPCSP1516) grant monies for the period April 1, 2015 through March 31, 2016; and be it further

RESOLVED, that, effective June 1, 2015 Case Manager position 872 be transferred from the 163EISEP1516 grant to the 163BIPCSP1516 grant (B100 #8301); and be it further

RESOLVED, that the budget for the BIP Caregiver Support Program Grant (163BIPCSP1516) for the period April 1, 2015 through March 31, 2016 be established as follows:

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
500000	Full Time Salaries	\$ 35,500
500350	Other Employee Payments	\$ 841
502000	Fringe Benefits	\$ 20,490
505000	Office Supplies	\$ 400
510000	Local Mileage Reimbursement	\$ 2,000
510200	Training & Education	\$ 500
516020	Professional Svcs Contracts & Fees	\$ 69,410
516025	Geriatric Counseling	\$ 27,000
530000	Other Expenses	\$ 3,000
916390	ID Senior Services Grants	\$ <u>8,137</u>

TOTAL APPROPRIATIONS \$167,278

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	<u>\$167,278</u>
	TOTAL REVENUE	<u>\$167,278</u>

and be it further

RESOLVED, that the 163EISEP1516 grant budget be amended as follows

		INITIAL BUDGET	CHANGE	AMENDED BUDGET
500000	Full Time Salaries	\$429,004	-\$35,500	\$393,504
502000	Fringe Benefits	305,046	-20,490	284,556
516020	Professional Svcs Contacts & Fees	-0-	+64,127	64,127
916390	ID Senior Services Grants	-0-	<u>-8,137</u>	-8,137
			-0-	

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards; and be it further

RESOLVED and, if necessary, the County Executive is hereby authorized to execute amendments to Senior Services agencies contracts to effectuate adjusted 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 Comptroller's Office, and the Department Senior Services.

(5-0)

5. COMM. 9E-15 (2015)

COUNTY EXECUTIVE

WHEREAS, the NY State Office for the Aging (NYSOFA) has awarded the Senior Services Department \$624,053 in NY Connects Expansion and Enhancement Program (163ECON1416) grant monies for the period October 1, 2014 through March 31, 2016; and

WHEREAS, these funds are to be used to strengthen NY Connects' ability to serve as a "no wrong door" Aging and Disability Resource Center for Erie County, and will include staff training, program accreditation, and enhancement of community partnerships; and

WHEREAS, in lieu of creating new positions to staff the 163ECON1416 grant, the Department of Senior Services desires to realign its case management staff and transfer existing grant positions to 163ECON1416 thereby freeing up appropriations in other grants to increase services for seniors; and

WHEREAS the new grant is 100% funded by NYSOFA, with \$482,722 of federal and \$141,331 of State monies and requires no local share County funds; and

WHEREAS, the \$141,331 of State monies were previously included in the Department's 163Connects1415 and 163Connects1516 adopted grant budgets, and is now being shifted by NYSOFA to the NY Connects Expansion and Enhancement Program grant in order to secure the federal funding; and

WHEREAS, the adopted budgets for both the 163Connects1415 and 163Connects1516 grants need to be amended to reflect the shifting of the \$141,331 of State monies out of both grants; and

WHEREAS, amending the 163Connects1415 and 163Connects1516 budgets will require the transfer of the Assistant Long Term Care Coordinator position (#5102252) out of both grants and into the 163ECON1416 grant; and

WHEREAS, the Department of Senior Services proposes transferring two existing grant positions, ADRC Representative (#51012202) from BIPIF1415 and a Senior Case Manager (#8172) from EISEP1516 into the new ECON1416 grant, to allow for the continuation of the outreach model initiated in our Ready, Set, Home program, whereby department case managers assist seniors in obtaining services to safely return to their homes after stays in area hospitals and nursing homes; and

WHEREAS, appropriations saved in the EISEP1516 grant, do to the transfer out of Senior Case Manager position (#8172), allow for 163III-E2015 Case Manager position (#874) to be transferred into EISEP1516, thereby freeing up \$48,629 in 163III-E2015 appropriations to be used to provide home care services to eligible seniors; and

WHEREAS, the Department also proposes utilizing the dollar savings available in the 163EISEP1516 grant, due to the pay differential arising from the transfer of a Senior Case Manager (job group 9) out of and a Case Manager (job group 7) into the grant, to delete a vacant, job group 9, Senior Case Manager position (#8178) in the 163EISEP1516 grant fund the reclassification to a upgraded job group 10, Assistant Long Term Care Coordinator position; and

WHEREAS, the new grant funding allows for the transfer, from the 163III-B2015 grant, of Senior Case Manager position (#8171) and Case Manager Spanish Speaking position (#51012208) into the 163ECON1416 grant thereby freeing up \$140,975 in III-B2015 appropriations to expand services for older adults.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to contract with NYSOFA to accept the \$624,053 of NY Connects Expansion and Enhancement Program (163ECON1416) grant monies for the period October 1, 2014 through March 31, 2016; and be it further

RESOLVED, to staff the new NY Connects Expansion and Enhancement Program grant, deal with the reduction of funding in the normal Connects grant and realign staffing within the Department's case management programs, the following existing grant positions be transferred among the Department's grants (B100 #8302):

Position name	Position #	Transfer From Grant	Transfer To Grant	Effective Transfer Date
Assistant Long Term Care Coordinator	51012252	163Connects1415	163ECON1416	10/1/14
Assistant Long Term Care Coordinator	51012252	163Connects1516	163ECON1416	10/1/15
Case Manager Spanish Speaking	51012208	163III-B2015	163ECON1416	1/1/15
ADRC Representative	51012202	163BIF1415	163ECON1416	10/1/15
Senior Case Manager	8172	163EISEP1516	163ECON1416	4/1/15
Senior Case Manager	8171	163III-B2015	163ECON1416	1/1/15
Case Manager	874	163III-E2015	163EISEP1516	4/1/15

; and be it further

RESOLVED, that effective April 1, 2015 the vacant job group 9, Senior Case manager position (8178) in the EISEP1516 grant be deleted and fund the reclassification to a upgraded job group 10, Assistant Long Term Care Coordinator position (B100# 8303); and be it further

RESOLVED, that the budget for the NY Connects Expansion and Enhancement Program grant (163ECON1416) for the period October 1, 2014 through March 31, 2016, be established as follows:

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
500000	Full Time Salaries	\$ 268,337
500350	Other Employee Payments	\$ 2,000
502000	Fringe Benefits	\$ 187,655
505000	Office Supplies	\$ 1,000
510000	Local Mileage Reimbursement	\$ 6,000
510100	Out of Area Travel	\$ 2,000
510200	Training & Education	\$ 1,000
516020	Professional Svcs, Cnt & Fees	\$ 169,000
530000	Other Expenses	\$ 2,410
916390	ID Senior Services Grants	\$ -18,849

980000	ID DISS Services	<u>\$ 3,500</u>
	TOTAL APPROPRIATIONS	<u>\$ 624,053</u>

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	\$482,722
409000	State Aid	\$141,331
	TOTAL REVENUE	<u>\$624,053</u>

and be it further

RESOLVED, that the budget for the 163Connects1415 grant, be amended as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenues	\$317,278	<u>-\$141,331</u>	\$175,947
	TOTAL CHANGE		<u>-\$141,331</u>	

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$131,460	-\$51,245	\$80,215
502000	Fringe Benefits	95,395	-27,614	67,781
505000	Office Supplies	1,250	-850	400
510000	Local Mileage Reimbursement	1,250	-1,050	200
510100	Out or Area Travel	1,250	-1,150	100
510200	Training & Education	5,000	-4,500	500
510602	Professional Svcs Contracts & Fees	43,000	-18,000	25,000
530000	Other Expenses	4,870	-3,329	1,541
916390	ID Senior Services Grant Services	32,593	-33,593	-1,000
980000	ID DISS Services	<u>1,210</u>	<u>-0-</u>	<u>1,210</u>
	TOTAL CHANGE	\$317,278	-\$141,331	\$175,947

and be it further

RESOLVED, that the budget for the 163Connects1516 grant be amended as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				

Account	Description			
409000	State Aid Revenues	\$315,947	<u>-\$141,331</u>	\$174,616
	TOTAL CHANGE		\$-141,331	

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$137,849	\$-55,716	82,133
500350	Other Employee payments	796	0	796
502000	Fringe Benefits	101,976	-33,452	68,524
505000	Office Supplies	700	-300	400
510000	Local Mileage Reimbursement	750	-550	200
510100	Out of Area Travel	500	-400	100
510200	Training & Education	500	-250	250
510602	Professional Svcs Contracts & Fees	35,000	-15,000	20,000
530000	Other Expenses	1,721	-839	882
916390	ID Senior Services Grant Services	34,824	-34,824	0
980000	ID DISS Services	<u>1,331</u>	<u>-0-</u>	<u>1,331</u>
	TOTAL CHANGE	\$315,947	\$-141,331	\$174,616

and be it further

RESOLVED, that the budget for the 163III-E2015 grant be amended as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$280,595	\$-30,972	\$249,623
502000	Fringe Benefits	179,816	-17,657	162,159
516026	Home Care Services	42,795	<u>+48,629</u>	109,272
	TOTAL CHANGE		\$ -0-	

and be it further

RESOLVED, that the budget for the 163III-B2015 grant be amended as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				

Account	Description			
500000	Full Time Salaries	\$723,810	\$-87,021	\$636,789
502000	Fringe Benefits	462,610	-53,954	408,656
516026	Home Care Services	62,285	<u>+140,975</u>	203,260
	TOTAL CHANGE		\$ -0-	

and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards; and be it further

RESOLVED and, if necessary, the County Executive is hereby authorized to execute amendments to Senior Services agencies contracts to effectuate adjusted 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 Comptroller's Office, and the Department Senior Services.

(5-0)

LYNNE M. DIXON
CHAIR

Item 26 – MR. MORTON presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

May 7, 2015	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9D-5 (2015)
CLERK OF THE LEGISLATURE: "Transcript of Public Hearing Regarding EC Sewer District No. 3 - Modification of Plans"
(5-0)
 - b. COMM. 9D-6 (2015)

CLERK OF THE LEGISLATURE: "NYS DEC Documents Received"
(5-0)

2. COMM. 6E-6 (2015)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Contract No. 54 STP- A at 10:00 a.m. on April 9, 2015.

Contract	Low Bidder	Amount
Contract 54 STP-A	Hohl Industrial Services, Inc.	\$483,000.00
General	770 Riverview Blvd. Tonawanda, N.Y. 14150	

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

NOW, THEREFORE BE IT

RESOLVED, that the Southtowns Sludge Incinerator Emissions Upgrade Project, Contract No. 54 STP-A be awarded as follows:

Contract	Low Bidder	Amount
Contract 54 STP-A	Hohl Industrial Services, Inc.	\$483,000.00
General	770 Riverview Blvd. Tonawanda, N.Y. 14150	

AND BE IT FURTHER,

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

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to increase appropriations and estimate revenue \$483,000.00 in Capital Project C.14301; and it be further

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to establish budgets as necessary and directed to transfer \$483,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No.3 Capital Account C.14301 for Contract No. 54 STP-A; and it be further,

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$483,000.00 from Erie County Sewer District No.3 Capital Account C.14301 for this project; and it be further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller's Office, Gregory Kammer, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(5-0)

3. INTRO. 9-3 (2015)

BURKE

WHEREAS, The Division of Sewer Management is responsible for over 900 miles of sewer, with 87 wastewater pumping stations, three storm sewer pumping stations, 462 low pressure grinding units, 5 overflow retention facilities, and seven advanced wastewater treatment facilities; and

WHEREAS, the Division of Sewerage Management has divided these areas up into eight separate sewer districts; and

WHEREAS, each district is a self-supporting entity which New York State law has given complete autonomy to the County of Erie to run this agency; and

WHEREAS, a portion of the Town of Cheektowaga is already served by Erie County Sewer District 1; and

WHEREAS, the Division of Sewerage Management is self-sustaining and receives their operating revenue from appropriating service fees, levying sewer taxes, flat rate charges, parcel charges, footage charges, user charges, and sewer charges based on the assessed value of real property and other property and usage characteristics; and

WHEREAS, additional revenue will be added to the Division of Sewerage's budget by expanding Erie County Sewer District 1 to include the Town of Cheektowaga and Village of Sloan; and

WHEREAS, including the Town of Cheektowaga and Village of Sloan current sewer system not already serviced Erie County into the already functioning Sewer District 1 would make for an easier transition to the Buffalo Sewer Authority waste water treatment plant; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls on the Division of Sewerage Management to investigate the feasibility of including all of the Town of Cheektowaga and Village of Sloan's sewer system to be fully serviced by Erie County Sewer District 1.

(5-0)

4. COMM. 9E-5 (2015)

COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a request for proposals from consulting firms to perform professional services associated with the Pretreatment Local Limits for Southtowns Advanced Wastewater Facility (AWTF), East Aurora and Lackawanna Wastewater Treatment Plants (WWTPs); and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management was established to evaluate all responses to the County's request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining CHA Consulting, Inc. (CHA) to complete the requested consulting services and;

WHEREAS, there is available cash in Erie County Sewer District Nos. 3 & 8 Professional Services Account 516020 Fund 220 cost center 1831010 and Erie County Sewer District No. 6 Capital Account C.00064.

NOW, THEREFORE, BE IT

RESOLVED, that CHA be retained to perform professional services associated with the Pretreatment Local Limits for the Southtowns AWTF, East Aurora and Lackawanna WWTPs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute a Professional Services Agreement with CHA, 2200 Main Place Tower, Buffalo, New York 14202 in an amount not to exceed \$45,429.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the contract be funded as follows: \$19,977 from Erie County Sewer District No. 6, Capital Account C. 00064 for this project and \$25,425 from Fund 220 cost center 1831010, Account 516020 Professional Services for the ECSD Nos. 3 & 8 portion; and it be further

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

(5-0)

5. COMM. 9E-6 (2015)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Contract No. 54 STP- D at 10:00 a.m. on May 1, 2015.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 54 STP-D Electrical	CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, New York 14218	\$137,700.00

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

NOW, THEREFORE BE IT

RESOLVED, that the Southtowns Sludge Incinerator Emissions Upgrade Project, Contract No. 54 STP-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
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Contract 54 STP-D	CIR Electrical Construction Corp.	\$137,700.00
Electrical	400 Ingham Avenue	
	Buffalo, New York 14218	

and be it further,

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

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to establish budgets as necessary and directed to transfer \$137,700.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No.3 Capital Account C.14301 for Contract No. 54 STP-D; and it be further,

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to increase appropriations and revenue \$137,700.00 in Capital Project C.14301; and it be further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$137,700.00 from Erie County Sewer District No.3 Capital Account C.14301 for this project; and it be further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller's Office, Gregory Kammer, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

6. COMM. 9E-10 (2015)

COUNTY EXECUTIVE

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York ("District No. 3"), has heretofore been established; and

WHEREAS, the Erie County Sewer Agency prepared map and plan dated August 27, 2014 (the "Sewer Agency Report") regarding an increase and improvement of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the amount of \$5,000,000; and

WHEREAS, pursuant to a resolution adopted on October 1, 2014, the District No. 3 Board of Managers has accepted and adopted the Sewer Agency Report, recommended that the Sewer Agency report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A of the County Law of the State of New York and directed that the Erie County Sewer Agency pursue an increase and improvements of facilities (2014) for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000; and

WHEREAS, the estimated annual cost to the average home in District No. 3 would see an annual increase of approximately \$6.85 after the total bond authorization of \$5,000,000 is issued; and

WHEREAS, a copy of the Sewer Agency Report has been filed with the County Legislature; and

WHEREAS, the County Legislature now desires to call a public hearing to consider such increase and improvements of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000 in accordance with the provisions of Section 254 of the County Law;

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

Section 1. The County Legislature of County of Erie, New York shall meet at 92 Franklin Street, 4th Floor in Buffalo, New York, on the 3rd day of June , 2015 at 1:30 o'clock p.m., for the purpose of conducting a Public Hearing on the proposed increase and improvements of facilities of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the Challenger Newspaper and the Amherst Bee, the official newspapers of the County and the Hamburg Sun for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

(5-0)

7. COMM. 9E-11 (2015)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has determined that an existing waterline at the Southtowns Sewage Treatment Plant is in conflict with the installation of a new 42" forcemain pipe; and

WHEREAS, the existing waterline has to be relocated to facilitate the installation of the forcemain pipe.

NOW, THEREFORE BE IT

RESOLVED, that the Change Order No. 2 to the Contract 37 STP-A, Southtowns Influent Pump Station and ORF Improvements with Kandey Company, Inc. in the amount of \$87,322.00 be approved; and it be further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 2, subject to certification of availability of funds by the Comptroller's Office; and it be further

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to increase appropriations and estimate revenue \$87,322.00 in Capital Project C.00012; and it be further

RESOLVED, that the Erie County Comptroller and Director of Budget & Management be authorized to establish budgets as necessary and directed to transfer \$87,322.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Account C.00012 for Contract No. 37 STP-A; and it be further,

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$87,322.00 from Erie County Sewer District No. 3, Capital Account C.00012 for payment of this change order; and it be further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller's Office, Gregory Kammer, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

TED B. MORTON
CHAIR

MR. MORTON moved to amend item Number 3, and add MR. MORTON as co-sponsor.
MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

Replace the Resolved Clause with the Following:

RESOLVED, that the Erie County Legislature hereby calls on the Division of Sewerage Management to investigate the feasibility of including all of the Town of Cheektowaga, Village of Sloan and Village of Depew's sewer system to be fully serviced by Erie County Sewer District 1.

MR. MORTON moved to approve item Number 3 as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

May 7, 2015	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-4 (2015)
NFTA: "Notice of Approved Revised Annual Budget For Fiscal Year Ending 2016"
(5-0)
 - b. COMM. 7M-5 (2015)
NFTA: "February 26, 2015 Board Minutes"
(5-0)
 - c. COMM. 9M-2 (2015)
NFTA: "Statements of Actual Cash Flow for Period April 2014-March 2015 and Projected Cash Flow for Period April 2015-March 2016"
(5-0)

2. COMM. 2E-16 (2015)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, Erie County is desirous of engaging engineering services for Phase III to the Evans Multi-Use Pathway; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code, a consultant selection process was undertaken to evaluate responses to a Request for Supplemental Information to Expression of Interest Document dated December 12, 2014.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with Wendel in an amount not to exceed \$230,230, for the purposes of conducting Engineering Design Services which are necessary prior to construction of Phase III to the Evans Multi-Use Pathway; and be it further

RESOLVED, that the County Executive be authorized to execute contract amendments to the aforementioned contract in a cumulative amount not to exceed \$56,000; and be it further

RESOLVED, that said funding amounts shall be allocated from SAP Account No. A. 1 4079, Evans Multi-Use Pathway; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Environment and Planning, 10th Floor, Rath Building; the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; and the Office of the County Attorney.
(5-0)

3. COMM. 9E-3 (2015)
COUNTY EXECUTIVE

WHEREAS, the Buffalo Niagara Convention Center – 2014 Boiler Stack Replacement project will require a pre-renovation survey, bulk sampling and testing of suspect material, and abatement design and the Various County Park Buildings – 2014 Demolition Phase 2 project will require air monitoring and testing to properly proceed with associated design, construction, and demolition project phases; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a Term Agreement with Watts Architectural & Engineering for providing Environmental Consulting Services; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with Watts Architectural & Engineering for providing Environmental Consulting Services for Asbestos Abatement Design, Monitoring and Testing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement Amendment with the firm of Watts Architectural & Engineering, including a design contingency and reimbursables, to provide Environmental Consulting Services for the Buffalo Niagara Convention Center – 2014 Boiler Stack Replacement and the Various County Park Buildings – 2014 Demolition Phase 2 projects for an amount not to exceed \$35,000.00; and be it further

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

A.13003 – 2013 Buffalo Niagara Convention Center Rehabilitation	\$ 15,000.00
<u>A.14007 – 2014 Countywide Parks Improvements</u>	<u>\$ 20,000.00</u>
For an Amount Not to Exceed:	\$ 35,000.00

;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, Commissioner of Parks Recreation & Forestry, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

4. COMM. 9E-4 (2015)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, Houses No. 2 & 3 will be reconstructed in similar fashion to Houses 11 & 12. All of these buildings face the front of the facility and would improve the appearance and looks of the facility, as well as correct and preserve the glass structures which are failing. Currently, House No. 3 is closed when wind velocities exceed 40 mph; and

WHEREAS, removal of existing asbestos containing material requires NYS Certified Asbestos Project Monitoring Services to ensure contractor compliance per NYS ICR 56- 9.1(d)(1); and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into an Agreement with Stohl Environmental, LLC to provide Environmental Consulting Services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Stohl Environmental, LLC to provide Abatement Monitoring Services during construction for the Buffalo and Erie County Botanical Gardens - 2015 - Houses 2 & 3 Renovation project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with Stohl Environmental, LLC for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP project account A.14024- 2014 Buffalo & Erie County Botanical Gardens Master Plan Implementation for a total amount not to exceed \$25,000.00; and be it further

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

5. COMM. 9E-16 (2015)

COUNTY EXECUTIVE

WHEREAS, existing authorized project funding is insufficient for completion of the Reconstruction of Hopkins Road (C.R. 87) from Smith Road (C.R. 297) to Tonawanda Creek Road (C.R.2) Project (the "Project"); and

WHEREAS, it is estimated that an additional \$300,000.00 will be required to bring the Project to completion and closeout.

NOW, THEREFORE, BE IT

RESOLVED, that the SAP Account B.14024.10, Fund Center 123, Fund 420, 2014 Capital Overlay Program budget be adjusted as follows:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
Capital Projects	Capital Project Exp	\$14,959,688	\$ 300,000	\$ 15,259,688
UNALLOCATED	Unallocated Capital	<u>\$ 740,000</u>	<u>\$ (300,000)</u>	<u>\$ 440,000</u>

TOTAL REVENUES		<u>\$15,699,688</u>	<u>\$ 0</u>	<u>\$15,699,688</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$15,699,688</u>	<u>\$ 0</u>	<u>\$15,699,688</u>
TOTAL APPROPRIATIONS		<u>\$15,699,688</u>	<u>\$ 0</u>	<u>\$15,699,688</u>

RESOLVED, that the following authorized Project funds, SAP Account B.14024.10, Fund Center 123, Fund 420, 2014 Capital Overlay Program in the amount of \$300,000.00 be made available for the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute any change orders with low bidder Visone Construction and/or project engineers Greenman-Pederson, Inc. as required for the completion of the project within authorized project funds from the above identified project funds; and be it further

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

EDWARD A. RATH, III
CHAIR

Item 28 – MR. RATH presented the following report, mvoed to separate item Number 3, and moved to approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

May 7, 2015	PUBLIC SAFETY COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 11-4 (2014)
MILLER-WILLIAMS, GRANT & BURKE: “Exploring Re-Establishment of the Erie County Conditional Release Commission”
(6-0)
 - b. COMM. 12M-8 (2014)

VOICE-BUFFALO: “Paper in Support of the Re-Establishment of the Erie County Conditional Release Commission”
(6-0)

c. COMM. 6E-4 (2015)

LORIGO: “Letter Regarding Conditional Release Program”
(6-0)

d. COMM. 6M-9 (2015)

VOICE BUFFALO: “Letter Regarding Local Conditional Release Commission”
(6-0)

e. COMM. 6M-10 (2015)

CHEEKTOWAGA FIRE DISTRICT OFFICERS ASSOCIATION: “Letter to Legislator Rath Regarding Wireless 911 Cell Phone Surcharge”
(6-0)

f. COMM. 7M-10 (2015)

VOICE BUFFALO: “Petition in Support of Local Conditional Release Program”
(6-0)

g. COMM. 9M-3 (2015)

TOWN OF ELMA: “Town Resolution Regarding Wireless 911 Cell Phone Surcharge”
(6-0)

2. COMM. 7E-21 (2015)

COUNTY EXECUTIVE

WHEREAS, the Division of Information and Support Services manages cellular devices for Erie County; and

WHEREAS, cellular devices are vital to the operations of many departments in Erie County; and

WHEREAS, when budgeting for cellular devices, estimates are used to predict potential growth and requests for new cellular devices has increased beyond what was anticipated at budget planning; and

WHEREAS, the Department of Emergency Services and Office of the Sheriff have requested new wireless telephonic devices be purchased for their departments’ use in 2015 and both departments have funds available in their budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the transfer of \$1,794 in funds from the Department of Emergency Services, grant HS167SHSP1416, fund 281, fund center 16700, account 561410, lab and technical equipment to the Division of Information and Support Services, fund 110, fund center 105, account 515000, utility charges to facilitate the purchase of six new wireless devices; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the transfer of \$6,272 in funds from the Erie County Sheriff's Office, fund 110, fund center 115, account 506200, maintenance and repair to the Division of Information and Support Services, fund 110, fund center 105, account 515000, utility charges to facilitate the purchase of fourteen new wireless devices; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Division of Information and Support Services, the Department of Emergency Services and the Office of the Sheriff.

(6-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 29 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Support for Renovate and Enhance
Veterans' Meeting Halls and Post
(REVAMP) Act
(INTRO. 10-1)

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

WHEREAS, Congressman Christopher Collins has introduced the Renovate and Enhance Veterans' Meeting Halls and Posts (REVAMP) Act in the United States Congress; and

WHEREAS, the REVAMP Act will make it easier to secure funding for maintenance and improvements to veterans' meeting halls and posts; and

WHEREAS, the meeting halls and posts provide veterans with a rallying point to come together to share stories, get assistance with VA claims, and get involved in their communities here in Erie County and throughout the United States; and

WHEREAS, the REVAMP Act allows certain non-profit organizations comprised primarily of past or present members of the U.S. Armed Forces and their family members to be eligible for funding through Community Development Block Grants (CDBG); and

WHEREAS, the eligibility for CDBG will allow veteran organizations to apply for and receive funding for the repair and rehabilitation of their meeting halls and posts.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the Renovate and Enhance Veterans' Meeting Halls and Posts Act introduced by Congressman Collins and encourages the intended organizations to apply for the Community Development Block Grants upon approval of the legislation by Congress; and, be it further

RESOLVED, that certified copies of this resolution shall be sent to Congressmen Chris Collins' office and all parties deemed necessary and proper.

Item 30 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Support for Continuing the Federal Staffing for Adequate Fire and Emergency Response (INTRO. 10-2)

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

WHEREAS, volunteer firefighters provide emergency response services to more than 10,000,000 New Yorkers, including our residents here in Erie County; and

WHEREAS, the numbers of volunteer firefighters has declined over the years from 110,000 in 1990 to less than 84,000 in 2010 with the average volunteer age steadily increasing; and

WHEREAS, it is estimated that volunteer firefighters account for such a significant portion of emergency services calls that property taxes would have to be raised 19.7% to account for their efforts if they were replaced by career firefighters; and

WHEREAS, the Federal Staffing for Adequate Fire and Emergency Response (SAFER) grant, awarded in 2010 to the Fireman's Association of the State of New York (FASNY), is designed to encourage youth to join the ranks of volunteer firefighters by their pursuit of a community college degree in exchange for five years of volunteer service; and

WHEREAS, the SAFER grant has led to a decrease in the number of volunteers leaving the service as well as a decrease in the average age of our volunteers; and

WHEREAS, without the grant there would likely be a return to the past decades of decline in the volunteer firefighter ranks, a loss of funding and enrollment at community colleges across the State of New York, and a drop in the quality of response on the part of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports the continued awarding of the Federal Staffing for Adequate Fire and Emergency Response grant to the Fireman's Association of the State of New York; and, be it further

RESOLVED, that certified copies of this resolution be sent to Brian E. Kamoie the Assistant Administrator for Grant Programs Directorate in the Federal Emergency Management Agency, the FASNY Volunteer Programs Coordinator John D'Alessandro, and all parties deemed necessary and proper.

Item 31 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Support for a Medical Marijuana
Dispensary in Erie County
(INTRO. 10-3)

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

WHEREAS, New York State has officially opened the application process for licensing of medical marijuana dispensaries within New York; and

WHEREAS, the Erie County Legislature has received multiple requests asking for the Legislature's support for a license to be granted within Erie County; and

WHEREAS, the County Legislature endorses the selection of an applicant from and the opening of a dispensary within the County of Erie; and

WHEREAS, the products sold by these organizations can be used to help fight nausea and pain in cancer patients, seizures in children suffering with epilepsy, and combat some of the symptoms in a variety of neurological disorders; and

WHEREAS, with the recent expansion of the City of Buffalo's Medical Corridor and Erie County being one of the largest counties outside of New York City there are few places better suited to being home to one of the state licenses.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body encourages the State of New York award at least one of the five medical marijuana licenses to a company based in the County of Erie; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Legislature, Governor Cuomo's Office, County Executive Poloncarz's Office, and all parties deemed necessary and proper.

Item 32 – CHAIR MILLS directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 10-4 from LEGISLATOR MILLER-WILLIAMS. Support for Funding of the Buffalo City Mission Expansion.

Item 33 – CHAIR MILLS directed that the following resolution be received and filed.

GRANTED.

INTRO. 10-5 from LEGISLATORS MILLS, LORIGO, DIXON, RATH, HARDWICK & MORTON. Demanding the Resignation of Senate Majority Leader Dean Skelos.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 34 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 9E-14 MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: EC Youth Bureau – 2015 Summer
Primetime Funding
(COMM. 9E-14, 2015)

WHEREAS, the Department of Social Services is seeking approval to execute contracts with community providers for the 2015 Summer Primetime program; and

WHEREAS, the availability of local share funding provided in the 2015 Adopted Budget enable this program implementation; and

WHEREAS, Operation Primetime provides for an adult supervised environment for the ten-week school summer recess period, and program activities consist of structured recreation that prevent delinquency, increase socialization and foster respect for authority; and

WHEREAS, a Request for Proposals was distributed for this program and Youth Board panel recommendations were utilized to determine contract amount awards; and

WHEREAS, there is no additional local share necessary for these awards and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are hereby authorized to execute contracts with the following providers for Operation Primetime from available 2015 funds in Fund Center 12530, Account 517749 (Operation Primetime) in the Youth Bureau:

Agency Name	Amount
Access of WNY	\$10,000
Ahowi Focus Group	\$4,170
Back to Basics	\$5,000
Big Brothers Big Sisters	\$10,000
Blossom Garden	\$5,000
Boys & Girls Club of Buffalo	\$10,000
Boys & Girls Club of East Aurora	\$10,000
Boys & Girls Club of Eden	\$7,500
Boys & Girls Club of Holland	\$7,500
Boys and Girls Club of the Northtowns	\$7,500
Buffalo Center for Arts & Technology	\$5,000
Buffalo Urban League	\$7,500
C.R.U.C.I.A.L.	\$10,000
CATS	\$10,000
City of Lackawanna	\$7,500
Community Action Organization	\$7,500
Computers for Children	\$7,500
Concerned Ecumenical Ministries	\$7,500
Cradle Beach	\$10,000
Elim Community Corporation	\$7,500
Enlightenment Bookstore	\$7,500
Girl Scouts	\$10,000
Group Ministries	\$10,000
Jericho Road Community Center	\$7,500
Jewish Community Center	\$7,500
King Urban Life Center	\$5,000
Lackawanna Sports & Education	\$7,500
Locust Street	\$8,750
Locust Street (Detention)	\$2,500
Love Alive	\$5,000
Matt Urban Center	\$7,500
Metro CDC-Delavan Grider	\$7,500
Mt. Olive	\$7,500
Native American Community Svcs.	\$7,500
North Buffalo Community Center	\$7,500
Northwest Buffalo Community Ctr.	\$7,500
Old First Ward Community Ass.	\$7,175

Parker Academy	\$5,000
Peace of the City	\$10,000
Seneca Babcock	\$10,000
Seneca Street CDC	\$10,000
The Belle Center	\$10,000
Town of Hamburg	\$7,500
Town of Tonawanda	\$10,000
True CDC	\$7,500
Tru-Way Community Center	\$7,500
UB Center for Urban Studies	\$10,000
University District CDA	\$5,000
Valley Community Association	\$10,000
West Side Community	\$7,500
Willie Hutch Jones	\$7,500
Willie Hutch Jones (Detention)	\$5,000
WNY Network of English Teachers	\$4,993
WNY Peace Center (Detention)	\$1,993
YMCA Buffalo/Niagara	\$5,000
YWCA of WNY	\$5,000
Total	\$419,581

and be it further

RESOLVED, that after contracts are executed and filed, the Department of Social Services, Division of Budget and Management and Office of the Comptroller are authorized to effectuate future 2015 payments for these agencies for providing Operation Primetime services; and be it further

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

MR. LORIGO moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

INTRO. 10-6 from LEGISLATORS MILLS & LORIGO. Re: Appointments to EC Citizens' Budget Review Commission

MR. LORIGO moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS & LORIGO

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstating a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No.2 of 2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, following a general media outreach to solicit interest among Erie County residents to serve on this important policy panel, letters of interest were received for all membership categories.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individuals are hereby appointed by this Honorable Body to serve as members of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2015:

Appointee:

Elias Farah
42 Marsdale Rd.
Cheektowaga, NY 14215

Ed Kumrow
31 Grant Rd.
Amherst, NY 14226

Joseph Winter, CPA
82 Howard Ln.
Tonawanda, NY 14150

Membership Category:

Chairman Mills' appointment

Majority Leader's appointment

Professional experience as a Certified Public Accountant

R.J. Friedman, Esq
15 Caldwell Dr.
West Seneca, NY 14224

Licensed attorney with experience in
local government law

Kevin Leffler
2456 North Creek Rd.
Lake View, NY 14085

Representative with business experience

Jorge S. deRosas
77 Middlebury Rd.
Orchard Park, NY 14127

Represents a cross-section of the County's
diverse population and has a depth of
appropriate experience and expertise.

Joseph Hanna
Goldberg Segalla – Partner
665 Main St. – Suite 400
Buffalo, NY 14203

Represents a cross-section of the County's
diverse population and has a depth of
appropriate experience and expertise.

RESOLVED, that this Legislature declares that each appointee possesses strong personal and professional credentials for adding greatly to the Commission's important work; further ensuring fiscal stability of County government, adding additional checks and balances to the oversight of County finances, and increased budget monitoring and reporting; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, the Erie County Citizens' Budget Review Commission appointees at the addresses listed above, and all other parties deemed necessary and proper.

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

GRANTED.

INTRO. 10-7 from LEGISLATOR MILLS. Re: Appointment to the Board of the Buffalo and EC Naval and Serviceman's Park

MR. LORIGO moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR MILLS

WHEREAS, it has come to the attention of this honorable body that a vacancy exists on the Buffalo and Erie County Naval and Serviceman's Park's board (BECNMP); and

WHEREAS, Mr. Terrance McGuire is an upstanding member of this community who has served honorably in our Nation's armed forces for many years and continues to do so today; and

WHEREAS, his service to our county and dedication to the members of the armed forces makes him an excellent candidate to serve on the BECNMP.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby appoints Mr. Terence G. McGuire to serve as its representative on the Buffalo and Erie County Naval and Serviceman's Park board; and, be it further

RESOLVED, that certified copies of this resolution be sent to the BECNMP Board of Directors, Mr. McGuire, and all parties deemed necessary and proper.

Item 37 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-31 from the COUNTY EXECUTIVE. Re: 2014 Year-End Budget Balancing Amendments & Designations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-32 from the COUNTY EXECUTIVE. Re: Authorization to Contract w/ Black Creek Integrated Systems Corp

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-33 from LEGISLATOR RATH. Re: OPEN ITEM: EC Road Work Update

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 40 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Home Rule Request - Extension of
Additional 1% and .75% Sales Tax for
Period Dec 1, 2015-Nov 30, 2017
(COMM. 10E-1)

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX
ASSEMBLY

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2015 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of nearly \$278 million in the Erie County budget, and

WHEREAS, Assembly Bill No. A.7250 and Senate Bill No. S.4804, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2015 to November 30, 2017;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.7250 entitled “AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County”

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.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of nearly \$278 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

**EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX
SENATE**

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2015 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of nearly \$278 million in the Erie County budget, and

WHEREAS, Senate Bill No. S.4804 and Assembly Bill No.7250, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2015 to November 30, 2017;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.4804, entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

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.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of nearly \$278 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

FROM THE COMPTROLLER

Item 41 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: State Authorization for the Private Sale
of Bonds by Negotiated Agreement
(COMM. 10E-2)

HOME RULE REQUEST
ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2015; and

WHEREAS, Assembly Bill A-6245 and Senate Bill S-4300 (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, 2016;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A-6245, entitled "AN ACT to amend the local finance law, in relation to the cost of sales in 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.

6245

2015-2016 Regular Sessions

IN ASSEMBLY

March 18, 2015

Introduced by M. of A. SCHIMMINGER, PEOPLES-STOKES, KEARNS, CORWIN --
Multi-Sponsored by -- M. of A. CERETTO, DiPIETRO -- read once and
referred to the Committee on Local Governments

AN ACT to amend the local finance law, in relation to costs of sales in
the county of Erie

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 54.50 of the local finance law, as amended by chap-
ter 74 of the laws of 2014, is amended to read as follows:

S 54.50 Costs of sales; county of Erie. To facilitate the marketing of
any issue of serial bonds or notes of the county of Erie issued on or
before June thirtieth, two thousand [fifteen] SIXTEEN such county may,
notwithstanding any limitations on private sales of bonds provided by
law, and subject to approval by the state comptroller of the terms and
conditions of such sale:

a. arrange for the underwriting of its bonds or notes at private sale
through negotiated agreement, compensation for such underwriting to be
provided by negotiated fee or by sale of such bonds or notes to an
underwriter at a price less than the sum of par value of, and the
accrued interest on, such obligations; or

b. arrange for the private sale of its bonds or notes through negoti-
ated agreement, compensation for such sales to be provided by negotiated
fee, if required. The cost of such underwriting or private placement
shall be deemed a preliminary cost for purposes of section 11.00 of this
chapter.

S 2. This act shall take effect immediately.

HOME RULE REQUEST
SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2015; and

WHEREAS, Senate Bill S-4300 and Assembly Bill A-6245-A (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, 2016;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S-4300, 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 Senate and two copies to the New York State Assembly.

4300

2015-2016 Regular Sessions

IN SENATE

March 11, 2015

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 54.50 of the local finance law, as amended by chap-

ter 74 of the laws of 2014, is amended to read as follows:

S 54.50 Costs of sales; county of Erie. To facilitate the marketing of any issue of serial bonds or notes of the county of Erie issued on or before June thirtieth, two thousand [fifteen] SIXTEEN such county may, notwithstanding any limitations on private sales of bonds provided by law, and subject to approval by the state comptroller of the terms and conditions of such sale:

a. arrange for the underwriting of its bonds or notes at private sale through negotiated agreement, compensation for such underwriting to be provided by negotiated fee or by sale of such bonds or notes to an underwriter at a price less than the sum of par value of, and the accrued interest on, such obligations; or

b. arrange for the private sale of its bonds or notes through negotiated agreement, compensation for such sales to be provided by negotiated fee, if required. The cost of such underwriting or private placement shall be deemed a preliminary cost for purposes of section 11.00 of this chapter.

S 2. This act shall take effect immediately.

MR. LORIGO moved to amend. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

AMEND WITH THE FOLLOWING:

All references to Assembly Bill "A6245" shall be replaced with "A6245-A"; and the following shall be attached:

6245--A

2015-2016 Regular Sessions

IN ASSEMBLY

March 18, 2015

Introduced by M. of A. SCHIMMINGER, PEOPLES-STOKES, KEARNS, CORWIN --
Multi-Sponsored by -- M. of A. CERETTO, DiPIETRO -- read once and
referred to the Committee on Local Governments -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee

AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 54.50 of the local finance law, as amended by chapter 74 of the laws of 2014, is amended to read as follows:

S 54.50 Costs of sales; county of Erie. To facilitate the marketing of any issue of serial bonds or notes of the county of Erie issued on or before June thirtieth, two thousand [fifteen] SIXTEEN such county may, notwithstanding any limitations on private sales of bonds provided by law, and subject to approval by the state comptroller of the terms and conditions of such sale:

a. arrange for the underwriting of its bonds or notes at private sale through negotiated agreement, compensation for such underwriting to be provided by negotiated fee or by sale of such bonds or notes to an underwriter at a price less than the sum of par value of, and the accrued interest on, such obligations; or

b. arrange for the private sale of its bonds or notes through negotiated agreement, compensation for such sales to be provided by negotiated fee, if required. The cost of such underwriting or private placement shall be deemed a preliminary cost for purposes of section 11.00 of this chapter.

S 2. This act shall take effect immediately.

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, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 42 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED 10-1. MR. BURKE voted in the negative.

RESOLUTION NO. 121

RE: ECC STEM Building - Construction
Management Agreement
(COMM. 10E-3)

WHEREAS, the construction of a New Academic Building is recommended for Science, Technology, Engineering and Math (STEM) programs; and

WHEREAS, Erie Community College existing building spaces are not suitable to accommodate this need; and

WHEREAS, this new facility will provide opportunities for interdisciplinary collaboration, shared resources and will showcase the programs needed to attract and educate the region’s future innovators; and

WHEREAS, a portion of the project will be reimbursed by New York State and Erie Community College; and

WHEREAS, your Honorable Body has previously authorized a contract with Kideney Architects to provide professional design services for this project; and

WHEREAS, Erie County has solicited proposals from qualified construction management firms which have been reviewed by a selection committee; and

WHEREAS, Turner Construction Company and their sub consultants have been recommended by the selection committee; and

WHEREAS, as a result of the selection committee’s recommendation, the County Executive is requesting authorization from the Legislature to enter an Agreement with Turner Construction Company to provide construction administration services and negotiate a Project Labor Agreement for the STEM Building project; and

WHEREAS, Legislative approval for the Guaranteed Maximum Price (GMP) for the project will be determined after bids are received.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Turner Construction Company to provide construction management services and also negotiate a Project Labor Agreement for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project, in the amount not to exceed the following expenditures:

1. Preconstruction Services	\$245,075.00
2. Staff wages or salaries.....	\$958,558.00
3. Fee (3.0%).....	\$694,757.00
4. Construction Bond.....	\$200,000.00
5. CM contract Contingency.....	<u>\$100,000.00</u>
Total Maximum amount not to exceed \$2,198,390.00	

; and be it further

RESOLVED, that the Comptroller’s Office is hereby authorized to make payments for all the above from project account, SAP E.12002, 2012 ECC- New Academic Building for an amount not to exceed \$2,198,390.00; 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 Commissioner of the Department of Environment and Planning, the Division of Budget and

Management and the Office of the Comptroller, and one copy to Erie Community College Office of the Chief Administrative and Financial Officer.

Item 43 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MR. SAVAGE abstained.

CARRIED 10-0-1.

RESOLUTION NO. 122

RE: Fifth Amendment to Lock-Up
Agreement By and Between the City of
Buffalo and EC
(COMM. 10E-4)

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

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

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

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

WHEREAS, on April 3, 2013, the City and the County, for the benefit of the citizens of the City and County, desired to resolve any differences and entered into a First Amendment to the Lock-up Agreement; and

WHEREAS, on October 22, 2013, the City and the County entered into a Second Amendment to Lock-up Agreement whereby they agreed to extend the term of the Lock-up Agreement through December 31, 2013; and

WHEREAS, on or about December of 2013 the City and the County entered into a Third Amendment to Lock-up Agreement whereby they agreed to extend the term of the Lock-up Agreement through July 15, 2014; and

WHEREAS, on or about July 16, 2014 the City and the County entered into a Fourth Amendment to Lock-up Agreement whereby they agreed to extend the term of the Lock-up Agreement through March 1, 2015; and

WHEREAS, the City and the County hereby seek to extend the term of the Lock-up Agreement through June 1, 2015 to accommodate the transition of detention services for pre-arraigned female arrestees/detainees back to the Buffalo Police Department.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of the Fifth Amendment to the Lock-Up Agreement between the City of Buffalo and County of Erie and authorizes the County Executive to enter into and execute the Fifth Amendment and accept revenue from the City of Buffalo; and be it further

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

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Operation Stonegarden for FY14
(COMM. 10E-5)

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$75,169.56 for FY 14 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 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, the funds will be used for overtime of the participating law enforcement agencies, including fringe benefits associated with the mission, 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 Legislature does hereby authorize the County Executive to enter into contract with the New York State Department of Homeland Security to accept \$75,169.56 for FY 14; 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 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
FY 14 Operation Stonegarden Grant
September 1, 2014 to August 31, 2016

REVENUE	Increase
Account 414000 – Federal Revenue	<u>\$ 75,169.56</u>
TOTAL REVENUE	<u>\$ 75,169.56</u>
APPROPRIATIONS	Increase
Account 501000 – Overtime	\$ 9,165.00
Account 502000 – Fringe Benefits	\$ 2,749.50
Account 516010 – Contractual Payments	\$ 59,753.83
Account 561410 – Lab & Technical Equipment	<u>\$ 3,501.23</u>
TOTAL APPROPRIATIONS	<u>\$ 75,169.56</u>

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.

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 10E-6) Appointment Recommendations to NYS Governor to ECMCC Board of Directors

Received, filed and printed.

April 28, 2015

Honorable Andrew M. Cuomo
Governor of New York State
State Capital Building
Room #257
Albany, NY 12224

RE: Erie County Medical Center Board of Directors Appointment Recommendation

Dear Governor Cuomo,

It is my recommendation to appoint Darby Fishkin and Ronald Chapin to the Erie County Medical Center Corporation (ECMCC) Board of Directors for a term expiring December 31, 2020.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>	<u>REPLACING</u>
Darby Fishkin, C.P.A. 65 Nottingham Terrace Buffalo, NY 14216	April 18, 2018	K.Kent Chevli
Ronald A. Chapin 333 Ganson Street Buffalo, NY 14203	September 24, 2015	N/A (Renewal)

Thank you in advance for your cooperation and continuing assistance,

Sincerely yours,
MARK C. POLONCARZ
Mark C. Poloncarz
Erie County Executive

CC: Darby Fishkin
Ronald A. Chapin
Erie County Legislature
Jody Jomeo, CEO, ECMCC
Kevin Hogan, Esq., Chairman of the Board of Directors

FROM CHAIR MILLS

Item 46 – (COMM. 10E-7) Letter Clerk of the Legislature Calling for Public Hearing Regarding LL Intro. 2-2 (2015)

Item 47 – (COMM. 10E-8) Letter Clerk of the Legislature Calling for Public Hearing Regarding LL Intro. 7-1 (2015)

The above two items were received and filed.

FROM THE COUNTY EXECUTIVE

Item 48 – (COMM. 10E-9) OPEN ITEM: ECC STEM Building Project

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 49 – (COMM. 10E-10) Niagara Street Culvert, City of Tonawanda - Agreement of Adjustment with NYSDOT

Item 50 – (COMM. 10E-11) EC Sewer District No. 3 - Modification of Plans

Item 51 – (COMM. 10E-12) EC Sewer District No. 3 - Modification of Plans - Bond Resolution

Item 52 – (COMM. 10E-13) EC Sewer District No. 5 - Engineer Term Agreement - DiDonato Associates

Item 53 – (COMM. 10E-14) Application for State Assistance - EC Regional Composting

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

Item 54 – (COMM. 10E-15) Buffalo and EC Botanical Gardens - 2015 Houses 2 & 3 Renovation

Item 55 – (COMM. 10E-16) Federal-Aid Highway Local Project Agreement with NYSDOT - Transportation Alternatives Program - Elmwood Ave Pedestrian-Bicycle Improvements, Village of Kenmore

Item 56 – (COMM. 10E-17) Miscellaneous Bridge Rehabilitation and Repairs Program - Construction Inspection and Administration Services

Item 57 – (COMM. 10E-18) Emergency As Directed Bridge Services and Bridge Maintenance Design Program

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

FROM LEGISLATORS MILLS & DIXON

Item 58 – (COMM. 10E-19) Letter to County Executive Regarding Requested Information from Committee Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (COMM. 10E-20) Savings From Borrowing Through the ECFSA

Item 60 – (COMM. 10E-21) EC Interim Financial Report Ending March 31, 2015

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

FROM THE COUNTY EXECUTIVE

Item 61 – (COMM. 10E-22) EC Medical Care Waste Pharmaceutical Disposal Grant Program

Item 62 – (COMM. 10E-23) Indigent Legal Services Grant - ILS Distribution #5

Item 63 – (COMM. 10E-24) Authorization to Enter into Easement Agreement with ECMCC

Item 64 – (COMM. 10E-25) Appointment Recommendations to ECMCC Board of Directors

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

Item 65 – (COMM. 10E-26) EC Public Health Lab - Revised Testing Schedule

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE & SHERIFF

Item 66 – (COMM. 10E-27) EC Correctional Health Services - Personnel Adjustments

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 67 – (COMM. 10E-28) Transfer of Homeland Security Trailer to Elma CERT Team

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 68 – (COMM. 10E-29) Funding for Departmental Purchases from Forfeiture Crime Proceeds

Item 69 – (COMM. 10E-30) Funding for Departmental Purchases from Jail Phone Revenue Account

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 70 – (COMM. 10D-1) Notice of Public Hearing Regarding LL Intro. 7-2 (2014)

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 71 – (COMM. 10D-2) EC Sewer District Nos. 1-6 & 8 - 2014 Assessment Rolls Public Hearing Minutes

Item 72 – (COMM. 10D-3) Organizations Funded by Erie County - 2015 Budget Submissions

Item 73 – (COMM. 10D-4) Documents Received Regarding LL Intros. Nos. 2-2 & No. 7-1 (2015)

The above three items were received and filed.

Item 74 – (COMM. 10D-5) NYS DEC Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 75 – (COMM. 10D-6) Budget Monitoring Report for Period Ending March 2015

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 76 – (COMM. 10D-7) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE COMMISSIONER, NYS AGRICULTURE AND MARKETS

Item 77 – (COMM. 10M-1) Certification of Inclusion of Viable Agricultural Land into Agricultural Districts Nos. 16 & 17

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 78 – (COMM. 10M-2) 2015-2016 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC INDUSTRIAL DEVELOPMENT AGENCY

Item 79 – (COMM. 10M-3) 2014 Annual Audited Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 80 – (COMM. 10M-4) March 26, 2015 Board Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF TAXATION AND FINANCE

Item 81 – (COMM. 10M-5) Certified 2015 Class Equalization Rates - Cities of Buffalo and Lackawanna

Item 82 – (COMM. 10M-6) Certified 2015 State Equalization Rates - Cities of Buffalo and Lackawanna

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

FROM THE EC BAR ASSOCIATION

Item 83 – (COMM. 10M-7) Assigned Counsel Program Quarterly Report for 1st Quarter 2015

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ALTERNATIVE MEDICINE ASSOCIATES

Item 84 – (COMM. 10M-8) Letter Regarding Request for Acceptance of Medical Marijuana Cultivation Center

Item 85 – (COMM. 10M-9) Letter Requesting Support of NYS DOH Registered Organizations for Medical Marijuana

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

FROM THOMAS CHMIELOWIEC SR

Item 86 – (COMM. 10M-10) Letter Regarding Fireman's Association State of New York Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM TAMI SEAMAN

Item 87 – (COMM. 10M-11) Letter Regarding the Sparkling Device Law

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 88 – CHAIR MILLS announced the committee schedule for May 21, 2015 has been distributed.

Item 89 – CHAIR MILLS announced the Citizen’s Budget Review Commission will meet May 27, 2015, 8:30 a.m. in the Legislature Caucus Room.

MEMORIAL RESOLUTIONS

Item 90 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Sean Howard and Odin M. Lucas.

Item 91 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of the eight victims of the Amtrak Northeast Regional Train 188 derailment.

Item 92 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Samuel J. D’Angelo.

ADJOURNMENT

Item 93 - 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, May 28, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, May 28, 2015 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE