

**ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 12, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Rath, who read an Irish Blessing.

The Pledge of Allegiance was led by Mr. Morton.

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 4 from 2015. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. DIXON presented a resolution Honoring Denice Morrison on Being Elected the United Irish American Association Grand Marshal for the 2015 Diamond Jubilee St. Patrick's Day Parade.

Item 6 – MS. GRANT, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Congratulating Erie Community College Men's Hockey Team and Coaches for Winning the 2014-2015 NJCAA Hockey Championship.

Item 7 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Annie Lee Johnson.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Honoring Young Audiences of Western New York and Proclaiming March 15-21, 2015 as "Week for Young Audiences in Erie County".

Item 9 – MR. MILLS presented a resolution Honoring Darlene DePasquale as the Evans-Brant Chamber of Commerce 2014 Humanitarian Award Recipient.

Item 10 – MR. MILLS presented a resolution Honoring Howard (Hub) Frawley as the Evans-Brant Chamber of Commerce 2014 Lifetime Achievement Award Recipient.

Item 11 – MR. MILLS presented a resolution Honoring Suzanne McCarthy as the Evans-Brant Chamber of Commerce 2014 Citizen of the Year.

Item 12 – MR. MILLS presented a resolution Honoring Thomas Messina for his Service to our Country.

Item 13 – MR. MILLS presented a resolution Honoring Creature Comforts Pet Resort as the Evans-Brant Chamber of Commerce 2014 Small Business of the Year.

Item 14 – MR. MILLS presented a resolution Honoring Pioneer Camp and Retreat Center as the Evans-Brant Chamber of Commerce 2014 Not-for-Profit of the Year.

Item 15 – MR. MILLS presented a resolution Honoring Tops Markets in Derby as the Evans-Brant Chamber of Commerce 2014 Large Business of the Year.

Item 16 – MR. SAVAGE presented a resolution Honoring William "Bill" Swanson as the Erie County Legislature's Citizen of the Month for March 2015.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above twelve items to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 17 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2014 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 1 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 2 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY 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. 53

March 5, 2015	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.

1. INTRO. 3-2 (2015)

BURKE

WHEREAS, Niagara Region Public Health Officials confirmed a case of measles in nearby Niagara Falls, Canada on February 4, 2015; and

WHEREAS, measles is an airborne virus that is highly contagious, which can linger up to three hours after an infected person has left an area; and

WHEREAS, outbreaks of the measles have occurred across the United States in recent weeks, infecting 102 people in 14 states since January 1, 2015; and

WHEREAS, the 102 people infected represents an increase in infection over the 644 cases reported in all of 2014 by the CDC; and

WHEREAS, vaccinations not only protect the health of a child, but also the health of the whole community; and

WHEREAS, 169 of 321 schools in Erie County are reporting a 99% to 100% immunization rate; and

WHEREAS, 25 schools in Erie County have reported immunization rates lower than 95%; and

WHEREAS, concerns about the dangers of the MMR vaccine are scientifically unfounded and is considered by health professionals to be safe and effective vaccine for measles, mumps, and rubella.

NOW, THEREFORE, BE IT

RESOLVED, Erie County Legislature requests the Department of Health take steps to increase awareness about the importance of vaccination in the communities surrounding schools with low levels of immunization; and be it further

RESOLVED, Erie County Legislature encourages families to heed the advice of health professionals when making the important decision to vaccinate their children.
(4-0)

LYNNE M. DIXON
CHAIR

Item 26 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

March 5, 2015

COMMUNITY ENRICHMENT 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. 3D-6 (2015)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Bi-Monthly Report - ECC Academic Building”
(6-0)
 - b. COMM. 4M-3 (2015)
EXPLORE & MORE CHILDREN'S MUSEUM: “Letter to Requesting Speak at Committee Meeting”
(6-0)
 - c. COMM. 4M-4 (2015)
BUFFALO & EC PUBLIC LIBRARY: “February 19, 2015 Board of Trustees Meeting Agenda”
(6-0)
 - d. COMM. 4M-5 (2015)
MUSEUM OF DISABILITY HISTORY: “Winter 2015 Newsletter”
(6-0)

2. COMM. 4E-4 (2015)
COUNTY EXECUTIVE

WHEREAS, JMZ is currently under contract to assist the College with planning services related to the consolidation of the nursing program downtown and that work has led to exciting new ideas and opportunities with respect to the creation of a contiguous City Campus environment downtown, through the possible renovation of 45 Oak Street, a re-engineering of the Old Post Office space and the potential utilization of privately held properties adjacent to the campus; and

WHEREAS, The Erie Community College Board of Trustees approved extending JMZ services for an additional 258 hours at their January 29, 2015 Board Meeting; and

WHEREAS, JMZ will prepare master plan level cost estimates, a phasing plan, and appropriate graphics for each option and a presentation to ECC and the Board. Work includes preparation for an interactive workshop with ECC leadership; and

WHEREAS, JMZ will prepare a narrative detailing the potential pros and cons of various funding options and provide a review of existing building systems at 45 Oak and prepare a narrative of cost estimates for each plan; and

WHEREAS, The architectural fees associated with this project are estimated to be \$42,000, and previous contracts with JMZ for Phase I (\$9,800), Phase II (\$22,600), and Phase III (\$16,000) totaled \$48,400; and

WHEREAS, The Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, ECC has adequate operating funds available to fund this expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the contract extension between Erie Community College and JMZ Architects & Planners, P.C. at an amount not to exceed \$42,000; and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, the President of Erie Community College, and the Chairman of the ECC Board of Trustees.
(6-0)

3. COMM. 4E-5 (2015)

COUNTY EXECUTIVE

WHEREAS, Erie Community College received a \$5,751,000 NYSUNY 2020 grant to offer an AAS degree program in Nanotechnology; and

WHEREAS, \$3,173,000 of this grant is to fund an addition to B Building at North Campus to offer classes in Nanotechnology; and

WHEREAS, it is expected the architectural fees associated with this project to be approximately \$250,000 for the design of the building expansion; and

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, ECC has adequate grant funds available to fund this expense; and

WHEREAS, Advanced Architecture & Planning, P.C. an approved ECC architectural firm has been selected to provide design services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the contract between Erie Community College and Advanced Architecture & Planning, P.C. at an amount not to exceed \$250,000; and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, the President of Erie Community College, and the Chairman of the ECC Board of Trustees.
(6-0)

4. COMM. 4E-24 (2015)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby appoints Todd P. Hobler (78 Woodward Avenue, Buffalo, NY 14214) to the Erie Community College Board of Trustees for a term that will expire June 30, 2019.

(6-0)

KEVIN R. HARDWICK

CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

March 5, 2015	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS.

1. COMM. 1D-9 (2015)

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 215043 through 215059, 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 2015 Petition No. 215,043.00

ASSESSOR Refund \$87.59
S-B-L 203.00-3-16 Maple Hill Rd 146600 WALES

Acct. No. 112 \$80.88 County
Acct. No. 132 \$6.71 Town/SpecialDist/School
Charge To : 146600 WALES \$6.71

RPTL550(2):Failed to apply agricultural exemption
Refund to be issued to Jeffrey and Kathy Hart

FISCAL YEAR 2015 Petition No. 215,044.00

ASSESSOR Cancel \$372.03
S-B-L 204.00-1-10.11 6376 East Creek Rd 146600 WALES

Acct. No. 112 \$343.51 County
Acct. No. 132 \$28.52 Town/SpecialDist/School
Charge To : 146600 WALES \$28.52

RPTL550(2):Failed to apply agricultural exemption
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,045.00

ASSESSOR Cancel \$175.84
S-B-L 167.00-1-2.12 13333 Big Tree Rd 146600 WALES

Acct. No. 112 \$0.00 County
Acct. No. 132 \$175.84 Town/SpecialDist/School
Charge To : 146600 WALES \$175.84

RPTL550(2):Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,046.00

ASSESSOR Cancel \$1,056.51
S-B-L 55.07-7-20 33 Baron Ct 142289 AMHERST

Acct. No. 112 \$588.57 County
Acct. No. 132 \$467.94 Town/SpecialDist/School
Charge To : 142289 AMHERST \$467.94

RPTL550(2):Failed to apply aged exemption
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 215,047.00

ASSESSOR Refund\$2,163.82
S-B-L 55.07-7-20 33 Baron Ct 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,163.82 Town/SpecialDist/School
Charge To : 142289 AMHERST \$2,163.82
Relevy School \$2,163.82 142203 WILLIAMSVILLE CENT

RPTL550(2):Failed to apply aged exemption

Refund to be issued to Carol Medeiros

FISCAL YEAR 2015 Petition No. 215,048.00

OWNER Cancel \$9,996.00
S-B-L 231.00-3-13 8459 Olean Rd 145000 HOLLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$9,996.00 Town/SpecialDist/School
50060 ECSD#3 USER CHARGE \$9,996.00
Charge To: 145000 HOLLAND \$0.00

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,049.00

ASSESSOR Refund\$81.63
S-B-L 37.04-1-11 1442 Whitehaven R 144600 GRAND ISLAND

Acct. No. 112 \$51.20 County
Acct. No. 132 \$30.43 Town/SpecialDist/School
Charge To: 144600 GRAND ISLAND \$30.43

RPTL550(2):Error in calculating aged exemption
Refund to be issued to Karen J Vanthoff

FISCAL YEAR 2015 Petition No. 215,050.00

ASSESSOR Cancel \$150.00
S-B-L 157.00-5-6 S-3861 Four Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School
Charge To: 145400 MARILLA \$150.00

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,051.00

OWNER Cancel \$555.66
S-B-L 142.07-1-14 77 South Shore Blv 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$555.66 Town/SpecialDist/School
9992 ECSD#6 SAN SEWER \$555.66
Charge To : 140900 LACKAWANNA \$0.00

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,052.00

ASSESSOR Cancel \$249.22
S-B-L 144.19-1-28 74 Colonial Manor 146800 WEST SENECA

Acct. No. 112 \$199.94 County
Acct. No. 132 \$49.28 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$49.28

RPTL550(2): Error in calculating aged exemption
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,053.00

ASSESSOR Cancel \$156.38
S-B-L 32.00-3-14.2 V\L Rapds Rd 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$156.38 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$156.38

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,054.00

ASSESSOR Refund\$141.01
S-B-L 72.10-3-13 4830 Sawmill Rd 143200 CLARENCE

Acct. No. 112 \$91.35 County
Acct. No. 132 \$49.66 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$49.66

RPTL550(2): Failed to apply vet exemption
Refund to be issued to Joseph W Kausner

FISCAL YEAR 2014 Petition No. 215,055.00

ASSESSOR Refund\$141.67
S-B-L 72.10-3-13 4830 Sawmill Rd 143200 CLARENCE

Acct. No. 112 \$91.95 County
Acct. No. 132 \$49.72 Town/SpecialDist/School
Charge To : 143200 CLARENCE \$49.72

RPTL550(2): Failed to apply vet exemption
Refund to be issued to Joseph W Kausner

FISCAL YEAR 2015 Petition No. 215,056.00

ASSESSOR Cancel \$280.00
S-B-L 235.11-4-3 8648 North Main St 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$280.00 Town/SpecialDist/School
44069 ERIE CO SEW DIST 2 \$280.00
Charge To : 144489 EVANS \$0.00

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 215,057.00

ASSESSOR Refund\$662.85
S-B-L 103.12-13-14 26 Vanderbilt Ave 143003 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$662.85 Town/SpecialDist/School
Charge To : 143003 DEPEW \$662.85
Relevy School \$662.85 143007 DEPEW UNION-CHEEK

RPTL550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Gerald Nowak

FISCAL YEAR 2015 Petition No. 215,058.00

ASSESSOR Cancel \$64.32
S-B-L 91.09-6-36 3241 Harlem Rd 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$64.32 Town/SpecialDist/School
Charge To: 143089 CHEEKTOWAGA \$64.32

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2014 Petition No. 215,059.00

ASSESSOR Refund \$514.29
S-B-L 125.06-4-2 107 E roven Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$514.29 Town/SpecialDist/School
Charge To: 143089 CHEEKTOWAGA \$514.29
Relevy School \$514.29 146801 WEST SENECA CENT

RPTL550(2): Failed to apply basic STAR exemption
Refund to be issued to Salvatore Lagambina

and be it further

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings in accordance with New York State Real Property Tax Law section 554; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 215059 and 215061 be denied based upon the recommendation of the Director of Real Property Tax Services.

Recommendation to the Erie County Legislature Finance & Management Committee in the matter of the Application for a Correction of Error filed under Real Property Tax Law Section 554 for Trinity Park Housing Development Corporation.

Property Location: 710 Quaker Rd

Town of Aurora, NY

March 3, 2015

I am recommending the denial of correction of error application filed on October 30, 2014 for the purpose of correcting the 2014 East Aurora School Tax roll, and the denial of the correction of error application filed February 9, 2015 for the purpose of correcting the 2015 Town and County Tax roll.

The above referenced property was provided an exemption under 581-a, which gives the owners of residential rental properties, subject to regulatory agreements restricting occupancy in accordance with an income test, the right to have their properties valued, for real property taxation purposes, by the "capitalization of income" method.

This program is regulated by the State Division of Housing and Community Renewal [DHCR]

The subject property was under a 15 year Payment In Lieu of Tax (PILOT) agreement which expired in 2013, therefore the town assessor moved the parcel into the fully taxable section of the roll as of March 1, 2014.

DHCR rules state that the property owner must provide the assessor "with a copy of all applicable regulatory agreements and, *on an annual basis*, income documentation *prior to the taxable status date*" (emphasis added) (9 NYCRR §2656.3).

The company did not provide the documents as required.

The applicable DHCR regulation (9 NYCRR §2656.3) clearly states that "[t]he property owner(s) shall provide the local assessing unit with a copy of all applicable regulatory agreements and, on an annual basis, income documentation prior to the taxable status date." If the assessor does not receive the required regulatory agreement(s) and income documentation on or before taxable status date, the assessor may reasonably assume that the rental residential property is not eligible for §581-a, and value the property as a market rate property. An owner who is dissatisfied with the tentative assessment placed on a property would of course have the normal recourse of administrative review before the municipal board of assessment review.

The Company did not provide the documents, nor did they file application for the municipal board of assessment review.

FISCAL YEAR 2014 Petition No. 215,060.00

OWNER Cancel \$0.00

S-B-L 175.05-1-16 710 Quaker Rd 142489 AURORA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 142489 AURORA \$0.00

RPTL550(2): assessment under 581-a
Application Denied

FISCAL YEAR 2015 Petition No. 215,061.00

OWNER Cancel \$0.00
S-B-L 175.05-1-16 710 Quaker Rd 142489 AURORA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 142489 AURORA \$0.00

RPTL550(2): assessment under 581-a
Application denied

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(4-0)

JOSEPH C. LORIGO
CHAIR

Item 28 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

March 5, 2015	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-8 (2015)
COUNTY EXECUTIVE: “EC Sewer District No. 3 - Engineer Term Agreement Work Order ARC-4”
(5-0)

- b. COMM. 4E-9 (2015)
COUNTY EXECUTIVE: “EC Sewer District Nos. 1, 4, & 5 - Engineer Term Agreement Work Order GPI-3”
(5-0)
- c. COMM. 4E-10 (2015)
COUNTY EXECUTIVE: “EC Sewer District Nos. 1, 4 & 5 - Engineer Term Agreement Work Order WS-3”
(5-0)
- d. COMM. 4E-11 (2015)
MILLS: “Letter to Clerk of the Legislature Regarding Public Notice Concerning Appointment of Commissioner of the EC Water Authority”
(5-0)
- e. COMM. 4E-12 (2015)
MILLS: “Letter to Clerk of the Legislature Regarding Letters of Interest for Commissioner of the EC Water Authority”
(5-0)
- f. COMM. 4E-13 (2015)
MILLS: “Letter to Chair of Energy and Environment Committee Regarding Interviews for Commissioner of the EC Water Authority”
(5-0)
- g. COMM. 4E-14 (2015)
MILLS: “Letter to Democratic Party Caucus Regarding Potential Candidates for Commissioner of the EC Water Authority”
(5-0)
- h. COMM. 4E-15 (2015)
MILLS: “Letter to Conservative Party Member Regarding Potential Candidates for Commissioner of the EC Water Authority”
(5-0)
- i. COMM. 4E-16 (2015)
MILLS: “Letter to Independence Party Member Regarding Potential Candidates for Commissioner of the EC Water Authority”
(5-0)
- j. COMM. 4D-7 (2015)
CLERK OF THE LEGISLATURE: “Public Notice Regarding Appointment of Commissioner of the EC Water Authority”
(5-0)
- k. COMM. 4D-8 (2015)
CLERK OF THE LEGISLATURE: “NYSDEC Documents Received”
(5-0)

1. COMM. 4D-9 (2015)
DEPARTMENT OF ENVIRONMENT AND PLANNING: “SEQR - Village of Springville Smart Growth Project”
(5-0)

2. COMM. 26E-25 (2014)
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. 17-D at 3:00p.m. on February 3, 2015:

<u>Contract</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
Contract 17-D Electrical	Industrial Power & Lighting Corp. 701 Seneca Street, Suite 500 Buffalo, N.Y. 14210	\$23,500.00

and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Rush Creek Interceptor, Blasdell Milestrip Wet Weather Relief Pumping Station and Force Main Project, Contract 17-D be awarded as follows:

<u>Contract</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
Contract 17-D Electrical	Industrial Power & Lighting Corp. 701 Seneca Street, Suite 500 Buffalo, N.Y. 14210	\$23,500.00

; and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$23,500.00 from Sewer Capital, Erie County Sewer District No.3, Account C.00012 for Contract No. 17-D; 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 Director of Budget and Management, the County Comptroller, Gregory Kammer, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

JOSEPH C. LORIGO
VICE-CHAIR
FOR

TED B. MORTON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

March 5, 2015	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-2 (2015)
NFTA: “2015-2019 Five Year Capital Plan”
(5-0)
 - b. COMM. 3M-3 (2015)
NFTA: “December 18, 2014 Board Minutes”
(5-0)
 - c. COMM. 4E-7 (2015)
COUNTY EXECUTIVE: “Letter to NYS Department of Transportation Regarding Bridge Replacement Project - Bridge Over Cattaraugus Creek - Towns of Concord and Ashford, Erie and Cattaraugus Counties”
(5-0)
 - d. COMM. 4M-6 (2015)
NFTA: “17A Report and Capital Expenditure Reports for Third Quarter Ending March 31, 2015”
(5-0)
2. COMM. 4E-6 (2015)
COUNTY EXECUTIVE

WHEREAS, on November 10, 2014 the Erie County Department of Public Works was notified by the Region 5 Design Manager of the New York State Department of Transportation (NYSDOT) that the State intended to unilaterally transfer ownership and maintenance of the former US Route 219 Bridge (BIN 1041590) to Cattaraugus County and Erie County; and

WHEREAS, this is a major bridge with a span of 652 feet, which is approximately eight (8) times longer than most Erie County owned bridges; and

WHEREAS, in the past, in order to shed responsibility, other levels of government have transferred hundreds of lane miles of roads and other infrastructure to Erie County to the extent that Erie County now has more miles of roads (1,177) to maintain than any other County in New York State and has 1/3 more miles of road than the second place county and more than two States (Hawaii and Rhode Island), along with 283 bridges to maintain; and

WHEREAS, NYSDOT's decision did not take into consideration that the two Counties are not equipped or have the experience to maintain a 652 foot long major bridge; and

WHEREAS, it can be assumed that the reason for NYSDOT's action is that State Law allows them to shed duplicate routes thereby avoiding an undue maintenance burden and transferring the ownership and maintenance responsibilities onto local governments; and

WHEREAS, the proposed NYDOT action would create another State mandate on local governments; and

WHEREAS, pursuant to section 62 of the New York Highway Law, the New York Commissioner of Transportation may, with the approval of the State Budget Director continue to maintain said bridge as part of the state highway system; and

WHEREAS, the Cattaraugus County Legislature has introduced a resolution opposing the State action and their county manager, public works commissioner and legislative leadership have joined Erie County in opposing the proposed NYSDOT action; and

WHEREAS, the Deputy Erie County Executive has sent a letter to the NYSDOT Commissioner expressing our opposition and concerns and the Erie County Public Works Commissioner has sent a letter to the NYSDOT Region 5 Director sharing our concerns; and

WHEREAS, the Erie County Legislature wishes to join the Erie County Executive in expressing its opposition to the proposed State action and transfer of the former US Route 219 bridge to Erie and Cattaraugus County ownership and maintenance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby states its opposition to the New York State Department of Transportation's proposal to unilaterally transfer ownership and maintenance of the Former US Route 219 bridge over Cattaraugus Creek to Erie and Cattaraugus Counties without considering the recipient's ability and experience to safely maintain same and urges the State to continue to own and maintain any such local bridge over Cattaraugus Creek; and be it further

RESOLVED, that the Erie County Legislature expresses its opposition to unilateral State actions that in effect create unfunded new mandates on local governments, including through such highway transfers; and be it further

RESOLVED, that this Honorable Body calls upon the Governor, New York State Department of Transportation Commissioner, State Budget Director, local State Delegation and local congressional delegation to take whatever action necessary to stop the State's proposed abandonment of the Former US Route 219 bridge (BIN 1041590) to Erie County and Cattaraugus County; and be it further

RESOLVED, one certified copy of this resolution be forwarded to the Governor, New York State Department of Transportation Commissioner, State Budget Director, local State Delegation, local congressional delegation, the Erie County Executive, the Erie County Attorney, Erie County Commissioner of Public Works, the Chairman of the Cattaraugus County Legislature, the Cattaraugus County Manager, and the Cattaraugus County Commissioner of Public Works.
(5-0)

EDWARD A. RATH, III
CHAIR

Item 30 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

March 5, 2015	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 4E-21 (2015)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$110,000 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 \$110,000 in federal resources to provide funds for 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 to receive \$110,000 in grant funding for the Erie County Sheriff's Office; 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, as follows:

Erie County Sheriff's Office FY 2014
Bomb Squad Grant September 1, 2014
to August 31, 2016

REVENUE	Increase
Account 414000- Federal Revenue	<u>\$ 110,000</u>
TOTAL REVENUE	\$ 110,000

APPROPRIATIONS	Increase
Account 561410- Lab & Technical Equipment	<u>\$ 110,000</u>
TOTAL APPROPRIATIONS	\$ 110,000

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.
(5-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 31 – CHAIR MILLS directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 5-1 from LEGISLATORS BURKE, GRANT, MILLER-WILLIAMS, SAVAGE & LOUGHRAN. Calling on New York State to Provide Needed Funding to the Niagara Frontier Transportation Authority.

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

RE: Expressing Opposition to Ontario Power Generation's Proposed Nuclear Waste

Dumping Site
(INTRO. 5-2)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR BURKE

WHEREAS, Ontario Power Generation, an electricity company, intends to dump radiological waste near the Bruce Nuclear Power Plant site in Kincardine, Ontario; and

WHEREAS, the site will be less than one mile from the shoreline of Lake Huron, 120 miles from the main drinking waters of Michigan, and 440 yards below lake level in a limestone cavern; and

WHEREAS, contaminated materials and equipment such as mops, rags, industrial items, contains resins, filters, and irradiated components from within the nuclear reactors themselves will be disposed of at the site; and

WHEREAS, Ontario Power Generation's original plan called for 200,000 cubic meters of radiological waste to be disposed of over a period of 30 to 40 years; and

WHEREAS, the estimated amount of materials to be dumped has recently been doubled by Ontario Power Generation, and could be expanded to include expended nuclear fuel from decommissioned Canadian nuclear power plants; and

WHEREAS, within a decade of being sealed the site will not be actively monitored for radioactive leaks; and

WHEREAS, 40 million Canadian and American citizens from Lake Huron to the mouth of the Saint Lawrence Seaway could be adversely affected by radioactive waste if a leak occurs at the site; and

WHEREAS, the disposal of nuclear waste near the shoreline of Lake Huron presents a clear risk of contamination to Erie County's water supply.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the dangers and risks that dumping radioactive waste at the Lake Huron site could pose to the residents of Erie County; and, be it further

RESOLVED, that the Erie County Legislature, expressed its opposition to the disposal of nuclear waste in the Great Lakes Basin; and, be it further

RESOLVED, that Erie County Legislature urges the Government of Canada and the Government of Ontario reject Ontario Power Generation's proposal to dispose of nuclear waste and to seek an alternative site; and, be it further

RESOLVED, the Clerk of the Legislature shall send certified copies of this resolution to the Ontario Premier Kathleen Wynne, Canada's Prime Minister Stephan Harper and Canada's Federal

Minister of the Environment Leona Aglukkaq, Ontario's Provincial Parliament and Canada's Parliament, Congressman Brian Higgins of the 26th District, Tom Reed of the 23rd District, Chris Collins of the 27th District, Louise Slaughter of the 25th District and US Senators Charles Schumer and Kirsten Gillibrand.

Item 33 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

RE: Erie County Audit Committee
Appointment
(INTRO. 5-3)

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

WHEREAS, section 2517 of the Erie County Charter describes the membership and function of the Audit Committee; and

WHEREAS, one of the appointments shall be an individual recommended by the Erie County Bar Association for an initial one-year term with the possibility of a subsequent three-year term; and

WHEREAS, Aaron Saykin, Esq., has been recommended by the Erie County Bar Association, in a letter dated March 4, 2015, as an outstanding member of the legal community and a great addition to the Erie County Audit Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature appoints Aaron Saykin for membership to the Audit Committee for Erie County for a term to retroactively begin as of January 1, 2015 and ending December 31, 2015; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Comptroller.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 34 – MR. LORIGO moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of INTRO. 4-3. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

RE: Opposition to Governor Cuomo's
Proposal to Increase State Influence on
Local IDA Decision Making

(INTRO. 4-3, 2015)

WHEREAS, Industrial Development Agencies (IDA) are an important economic development tool to promote job creation and retention in our communities and are the main source of economic development subsidies at the local and county level; and

WHEREAS, Governor Cuomo's proposed Revenue Bill - Part W, as indicated in the State of the State, is set to add an additional layer of redundant paperwork and delays to projects utilizing IDA assistance; and

WHEREAS, Local IDAs have been a driver of development in Erie County, and much of Western New York, and we need to continue relying on them; and

WHEREAS, part of their success lies in the fact that they have the best knowledge of and interest in the areas that they serve; and

WHEREAS, allowing the State to have a larger role in approving IDA incentives will decrease the ability of local municipalities to decide how they plan to economically develop and replace that with the decisions coming from downstate.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature continues to support our local IDAs and endorses their activities unburdened by additional State regulations and mandates; and be it further

RESOLVED, that this honorable body hereby joins the Local IDAs within the County of Erie in their opposition to Governor Cuomo's proposal to add further paperwork to the IDA incentive processes; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo's office, the Western New York Representatives for the New York State Assembly and Senate, the representation of our local IDAs within the County of Erie, and all parties deemed necessary and proper.

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

CARRIED 9-2. MR. BURKE & MS. GRANT voted in the negative.

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. 5-4 from CHAIR MILLS. Re: Legislature Majority Personnel Reorganization.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

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

WHEREAS, the majority caucus in its continuing evaluation of internal budgeting has identified an additional ability to save taxpayer dollars; and

WHEREAS, at this time, a position within the majority staffing budget has been identified as unnecessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2015 adopted department budget, which will result in additional savings to taxpayers in 2015:

DELETE One (1) Junior Admin Assistant (Position Number 51011840, JG 7 Step 5); and One (1) Principal Clerk (Position Number 51011837, JG 10 Step 5); and

REPLACE with One (1) Special Project Coordinator Legislature (JG 14 Step 5);

RESOLVED, that the Clerk of the Legislature is directed to complete all necessary paperwork to effectuate this reorganization, and forward certified copies of this resolution to the Erie County Department of Personnel, Erie County Division of Budget and any 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.

COMM. 5E-24 from the COUNTY EXECUTIVE. Re: Mental Health Services for City of Buffalo Mental Health Court.

MR. LORIGO moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health conducted a Request for Proposal (RFP) process #1438VF for the continuing provision of Care Management Services in the City of Buffalo Mental Health Court; and

WHEREAS, pursuant to the results of the RFP process and, in order to provide uninterrupted services the Department of Mental Health recommends that the County immediately amend its contract with Lake Shore Behavioral Health, Inc. to incorporate these Care Management Services in the City of Buffalo Mental Health Court; and

WHEREAS, currently budgeted and appropriated 100% New York State OMH Aid for these Care Management Services is available to be transferred from the current provider of these services to Lake Shore Behavioral Health, Inc.; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to amend the current contract with Lake Shore Behavioral Health, Inc. for the period of January 1, 2015 through December 31, 2015 in an amount not to exceed \$158,967 to provide Care Management Services in the City of Buffalo Mental Health Court, consistent with the completed RFP process; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized in the 2015 Budget of the Department of Mental Health:

Fund Center 12410- Mental Health Program Administration, Fund 110

Account	Account Name	Increase/(Decrease)
517664	Horizon Village Inc. OMH	(\$158,967)
517685	Lake Shore Behavioral Health, Inc. OMH	\$158,967
Total		\$0

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the County Executive; the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

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

GRANTED.

COMM. 5E-25 from the COUNTY EXECUTIVE. Re: Assembly & Senate Bill Request for Legislation Authorizing Extension of Additional 1.0% & Additional 0.75% Sales & Compensating Use Tax.

MR. LORIGO 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. 64

WHEREAS, Erie County is requesting authorization to continue to impose an additional one percent and additional three quarters percent sales and compensating use tax pursuant to New York State Tax Law 1210 (i)(4); and

WHEREAS, the revenue anticipated from this additional tax will allow the County of Erie to continue to provide services deemed vital to the community, while maintaining a balanced budget; and

WHEREAS, Erie County derives all of its tax imposing authority directly from State law; and

WHEREAS, the Erie County Department of Law has prepared the necessary State authorizing legislation to effectuate the continued imposition of sales and compensation use tax; and

WHEREAS, Erie County's authority to impose its additional 1.0% and 0.75% sales tax rate will expire at midnight on November 30, 2015 absent enactment of new State authorizing legislation.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby memorializes to the NYS Assembly and Senate, particularly those lawmakers who serve as Western New York's delegation in Albany, that immediate introduction of new State authorizing legislation is needed so that Erie County can continue to impose its additional 1.0% and its additional 0.75% sales tax rate for the period beginning December 1, 2015 and ending November 30, 2017; and be it further

RESOLVED, that, as the proposed Bill indicates, if the county of Erie imposes the additional one percent rate of sales and compensating use taxes authorized by item (i) of clause (4) of subparagraph (i) of the opening paragraph of section twelve hundred ten of New York State Tax Law (NYSTL) during the period beginning January first, two thousand seven, or thereafter, the county shall allocate each calendar year the first twelve million five hundred thousand dollars of the net collections from such one percent rate to the cities of such county and the area in such county outside its cities to be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of NYSTL in effect on January first, two thousand six, and subject to all provisions of such agreement governing the net collections for such cities and area and shall retain the remainder of such net collections for any county purpose; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Assemblyman Robin Schimminger and Senator Michael Ranzenhofer, together with the Erie County Division of Budget and Management, the County Attorney, and the County Comptroller.

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

GRANTED.

COMM. 5E-26 from the COUNTY EXECUTIVE. Re: Additional Appointments to Erie Arts and Cultural Advisory Board.

March 9, 2015

Erie County legislature
92 Franklin Street- 4th Floor
Buffalo, NY 14202

Re: Additional Appointments to Erie Arts and Cultural Advisory Board

Dear Honorable Members,

Please be advised that, pursuant to Article 22, Section 2205 of the County Charter, I am appointing the following individuals to the Erie Arts and Cultural Advisory Board:

Graham Smith
Director of Research of the Buffalo Niagara Enterprise,
400 Main Street, Buffalo, NY 14202
and
Robert Spampata
Managing Director of Corporate Affairs for Tonawanda, NOCO Inc.
113 Summit Avenue, Buffalo, NY 14214

Should you have any questions regarding this appointment or the appointment process, please feel free to contact Maria Whyte, Commissioner of Environment and Planning, at (716) 858-4748 or maria.whyte@erie.gov.

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

MC/rec
Cc: Maria Whyte, Commissioner of Environment and Planning
Received, filed and printed.

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

GRANTED.

COMM. 5E-27 from the COUNTY EXECUTIVE. Re: Budget Revision – WNY Stormwater Coalition MS4 Mapping Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-28 from the COUNTY EXECUTIVE. Re: Acceptance of Support for Regional Youth Justice Priorities Grant Award.

Item 41 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-29 from the COUNTY EXECUTIVE. Re: Acceptance of Reimbursement Funds for Hurricane Irene/Lee.

Item 42 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-30 from the COUNTY EXECUTIVE. Re: Acceptance of FY2014 Technical Rescue Grant.

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

Item 43 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-31 from CHAIR MILLS. Re: Letter to Clerk of the Legislature Calling For Public Hearing Regarding LL Intro. No. 1-2 (2015).

March 11, 2015

Dear Ms. McCarthy:

Please be advised that there is a need to call a Public Hearing to consider Local Law Intro. No. 1-2 (2015), Local Law Intro. No. 1-2 (2015) “A Local Law Regulating Pawnbrokers, Secondhand Dealers, Jewelry, Precious Metals and Coin Exchange Dealers”.

Pursuant to the Erie County Charter Article 2 §204, a public hearing is to be held before a local law can be put to a vote.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 4:30 p.m. on Thursday, March 19, 2015 in the Erie County Legislature Chambers, located on the 4th floor of Old county Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills, Chair
Erie County Legislature
Received, filed and printed.

Item 44 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-32 from the COUNTY EXECUTIVE. Re: Appointment of Commissioner of the Department of Social Services.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-33 from LEGISLATOR RATH. Re: Letter to Commissioner Loffredo Requesting Update Regarding Pothole Tip Line.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5D-10 from the CLERK OF THE LEGISLATURE. Re: Notice of Public Hearing Regarding LL Int. 1-2 (2015).

TO: Hon. Members of the Legislature
FROM: Karen M. McCarthy, Clerk
DATE: March 11, 2015
SUBJECT: Public Hearing Notice

PLEASE TAKE NOTICE that pursuant Article 2 §204 of the Erie County Charter and under the direction of Chair John J. Mills, there will be a PUBLIC HEARING on THURSDAY, MARCH 19, 2015 AT 4:30 O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers, located on the 4th floor of Old County Hall, 92 Franklin Street in the City of Buffalo, New York.

The purpose of the Public Hearing will be to hear public comment on Local Law Intro. No. 1-2 (2015) "A Local Law Regulating Pawnbrokers, Secondhand Dealers, Jewelry, Precious Metals, and Coin Exchange Dealers."

Thank you.

Received, filed and printed.

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

GRANTED.

COMM. 5M-7 from the EC BOARD OF ETHICS. Re: 2014 Annual Report of Activities.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MILLS

Item 48 – MR. LORIGO moved for consideration of COMM. 5E-1. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. RATH presented a petition nominating Robert N. Anderson to be appointed to the Erie County Water Authority. CHAIR MILLS nominated Robert N. Anderson. 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, MR. MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Appointment of Commissioner of the
EC Water Authority
(COMM. 5E-1)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Robert N. Anderson, 488 Mill Street, Williamsville, NY 14221, to the Erie County Water Authority for a three (3) year term commencing April 27, 2015 and expiring on April 27, 2018.

FROM THE SHERIFF

Item 49 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Transfer of Funds - Asset Forfeiture
Funded Program SAFS & Maintenance
(COMM. 5E-2)

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994; and

WHEREAS, there are currently \$86,185.31 in funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account; and

WHEREAS, the Erie County Sheriff's Office is in need of proper funding for training the Bomb Squad and SWAT units; and

WHEREAS, there will be no impact on county tax dollars with the appropriation of these funds.

NOW, THEREFORE, BE IT

RESOLVED, that \$10,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS:

ERIE COUNTY SHERIFF'S OFFICE
ASSET FORFEITURE FUNDED PROGRAM SAFS

REVENUE		Increase
421550	Forfeiture Crime Proceeds	\$ 10,000
	Total Revenue	\$ 10,000
APPROPRIATION		Increase
510100	Out of Area Travel	\$ 10,000
	Total Appropriations	\$ 10,000

and be it further

RESOLVED, that these expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, that the Legislature hereby authorizes the transfer of \$30,000 from the Maintenance account to the Out of Area Travel fund:

ERIE COUNTY SHERIFF'S OFFICE
2015 BUDGET

ACCOUNT		DECREASE
506200	Maintenance	\$30,000
ACCOUNT		INCREASE
510100	Out of Area Travel	30,000

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

FROM CHAIR MILLS

Item 50 – (COMM. 5E-3) Buffalo & EC Botanical Gardens Society Board of Directors Appointment

March 2, 2015

Mr. David J. Swarts – President/CEO
The Botanical Gardens
2655 South Park Avenue
Buffalo, NY 14218

Dear Mr. Swarts,

Please be advised that I hereby appoint the following individual to serve in my ex-officio position on the Buffalo and Erie County Botanical Gardens Society Board of Directors:

Ms. Maura Cohen
167 Windsor Rd.
Buffalo, NY 14209

Thank you for your courtesies in this regard.

Sincerely,
JOHN J. MILLS
Erie County Legislature – District 11

Cc: Maura Cohen Erie County of Erie
Executive Mark Poloncarz
Maria R. Whyte, Comm. of Environment and Planning
Received, filed and printed.

FROM THE COUNTY CLERK

Item 51 – (COMM. 5E-4) Appointment to the EC Records Commission

March 9, 2015

Erie County Legislature
92 Franklin Street, 4th floor
Buffalo, NY 14202

Attention: Karen McCarthy, Clerk

RE: Appointment to the Erie County Records Commission

Dear Ms. McCarthy:

In my capacity as Chairperson of the Erie County Records Commission, and in accordance with Local Law No. 12-1989, please be advised that the following appointment is made to the Records Commission:

<u>Name</u>	<u>Sponsor</u>
Rebecca M. Brooks	Betty Jean Grant, Minority Leader Erie County Legislature

Please include this appointment on the next agenda for a regularly scheduled legislative session.

Sincerely,
CHRISTOPHER L. JACOBS
Christopher L. Jacobs
Erie County Clerk
Received, filed and printed.

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 5E-5) Appointments to Erie Arts and Cultural Advisory Board

March 4, 2015

Erie County legislature
92 Franklin Street- 4th Floor
Buffalo, NY 14202

Re: Appointments to Erie Arts and Cultural Advisory Board

Dear Honorable Members,

Please be advised that, pursuant to Article 22, Section 2205 of the County Charter, I am appointing the following individuals to the Erie Arts and Cultural Advisory Board:

Should you have any questions regarding this appointment, please feel free to contact Maria Whyte, Commissioner of Environment and Planning, at (716) 858-4748 or maria.whyte@erie.gov.

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

MC/rec
Cc: Maria Whyte, Commissioner of Environment and Planning
Catherine F. Schweitzer

Catherine F. Schweitzer
Executive Director of the The Baird Foundation
Summer Street
Buffalo, NY 14209

Erin Bahn
Partner of the Kavinoky Cook LLP
Larkin Building
726 Exchange Street, Suite 800
Buffalo, NY 14210

Anthony Chase
Assistant Dean of Arts & Humanities
at Buffalo State College
Rockwell Hall 222
1300 Elmwood Avenue
Buffalo, NY 14222

Thomas Hayes
Group Vice President of the M&T Bank
One M&T Plaza, 12th Floor
Buffalo, NY 14203

Lisa Ludwig
Managing Director of the Shakespeare in Delaware Park
PO Box 716
Buffalo, NY 14205

Florine Luhr
Foundation Administrator of the First Niagara Foundation
777 Starin Avenue
Buffalo, NY 14223

Stephanie Simeon
Executive Director of the Heart of the City Neighborhoods
92 Fairfield Street
Buffalo, NY 14214
Received, filed and printed.

Sandy White
President of the Mustard Seed 11
Consulting Group
531 Humboldt Parkway
Buffalo, NY 14208

Kevin Zanner
Member of the Hurwitz & Fine, P.C.
1300 Liberty Building
Buffalo, NY 14202

Peter Snodgrass
Associate Attorney of the Collins &
Collins
Attorneys, LLC
136 York Street, Apt 4
Buffalo, NY 14213

Sylvia Bennett
Senior Vice President, Development
and Corporate Communications of the
WNED/WBFO
140 Lower Terrace
Buffalo, NY 14202

Peggy Brooks-Bertram
Co-Founder & Author of the
Uncrowned Queens Institute for
Research and Education on Women
384 Crescent Avenue
Buffalo, NY 14214

Fernando Martinez
Vice President/Banking Center
Manager II for Bank of America
35 Argyle Avenue
Amherst, NY 14226

Item 53 – (COMM. 5E-6) ECC - 2015 - Collegewide Exterior Restoration

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 54 – (COMM. 5E-7) Rath Building Social Services - Second Floor Renovations - Construction Contingency Increase

Item 55 – (COMM. 5E-8) Buffalo & EC Botanical Gardens - 2015 - Houses 2 and 3 Renovations

Item 56 – (COMM. 5E-9) Buffalo & EC Central Library - 2015 - Professional Design Services for New ADA Elevators

Item 57 – (COMM. 5E-10) Payment in Lieu of Taxes (PILOT) Agreement for Waterfront Apartments Phase I - Carolina St between 7th and Niagara St, Buffalo - Affordable Housing Project

Item 58 – (COMM. 5E-11) EC Highways Department - 2014 - Concord Highway Facility Building Repairs

The above five items were received and referred to the ECONOMIC DEVELOPEMENT COMMITTEE.

FROM CHAIR MILLS

Item 59 – (COMM. 5E-12) Appointment to EC Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 5E-13) Appointments to EC Fisheries Advisory Board

Item 61 – (COMM. 5E-14) Appointments to EC Sewer District Nos. 1 & 3 Board of Managers

Item 62 – (COMM. 5E-15) EC Sewer District No. 2 - Lakeshore Rd Low Pressure Grinder Pump System - Bid Opening - Contract No. 86

Item 63 – (COMM. 5E-16) EC Sewer District No. 3 - Rush Creek Interceptor, Blasdell Milestrip Wet Weather Relief Pumping Station and Force Main Project - Contract No. 17-A

Item 64 – (COMM. 5E-17) EC Sewer District No. 3 - Elma Pumping Station - Bid Opening - Contract No. 47

Item 65 – (COMM. 5E-18) EC Sewer District No. 3 - Steuben Foods Inc - Out-of-District Customer Agreement Amendment No. 2

Item 66 – (COMM. 5E-19) EC Sewer District No. 5 - Main & Transit Cured-in-Place Pipe Lining - Opening Bid - Contract No. 21

Item 67 – (COMM. 5E-20) OPEN ITEM - Division of Sewer Management - Re-Occurring Bond Authorization & Re-Occurring Sewer Agency Reports

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

Item 68 – (COMM. 5E-21) Appointment of Commissioner of Labor Relations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 69 – (COMM. 5E-22) EC Emergency Services - 2014 - 400MHz Interoperable Communication Systems Upgrades - Phase 3

Item 70 – (COMM. 5E-23) EC Holding Center - 2014 - Various Renovations - Phase 1

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONERS, BOARD OF ELECTIONS

Item 71 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

RE: Poll Worker Training/Voter Education
& NYS Poll Place Accessibility Funds
(COMM. 5D-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, 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 contracts 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 3/31/2016),
- 2) NYS Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant \$ 291,901.00 (C002655 -time extension 3/31/2016); and be it further

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

FROM THE COUNTY ATTORNEY

Item 72 – (COMM. 5D-2) Notice of Public Hearing Local law Intro. No. 9-2 (2014)

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 73 – (COMM. 5D-3) Letters of Interest for Commissioner of the EC Water Authority

Item 74 – (COMM. 5D-4) Organizations Funded by Erie County - 2014 Close-Out Report

Item 75 – (COMM. 5D-5) Organizations Funded by Erie County - 2015 Budget Submissions

The above three items were received and filed.

Item 76 – (COMM. 5D-6) NYSDEC Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR, DEPARTMENT OF BUDGET & MANAGEMENT

Item 77 – (COMM. 5D-7) Transmittal of 2015 Community Agency Funding Application
Forms

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 78 – (COMM. 5D-8) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER, DEPARTMENT OF PROBATION

Item 79 – (COMM. 5D-9) Conditional Release Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 80 – (COMM. 5M-1) January 22, 2015 Board Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS ECONOMIC DEVELOPMENT COUNCIL

Item 81 – (COMM. 5M-2) Memorandum in Opposition to Executive Control Over Local IDAs

Item 82 – (COMM. 5M-3) Testimony Regarding Governor's Proposed State Budget

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

FROM THE BAR ASSOCIATION OF EC

Item 83 – (COMM. 5M-4) Recommendation of EC Audit Committee Member

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LEGAL AID BUREAU

Item 84 – (COMM. 5M-5) 2012 Financial Statements, Annual Report, Board of Directors Meeting Minutes

Item 85 – (COMM. 5M-6) 2013 Financial Statements, Annual Report, Board of Directors Meeting Minutes

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 86 – CHAIR MILLS announced the committee schedule for March 19, 2015 has been distributed.

Item 87 – CHAIR MILLS announced a public hearing is scheduled for March 19, 2015 to hear public comment regarding Local Law Intro. 1-2 (2015), “A Local Law regulating pawnbrokers, second hand Dealers, jewelry, precious metals and coin exchange dealers.”

Item 88 – CHAIR MILLS announced that on March 23, 2015 Dr. Wesley Hicks Jr. of the NFTA Board of Commissioners will speak regarding the NFTA.

Item 89 – LEGISLATOR SAVAGE invited everyone to a party in honor of the Erie County Legislature’s Citizen of the Month for March 2015 to be held immediately after session.

MEMORIAL RESOLUTIONS

Item 90 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Larry Adamczyk.

Item 91 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Dr. Michael Buxton, Ted Reinhardt, and William Shaver.

Item 92 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Carmen J. Caggiano Jr.

Item 93 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Irene Kurtz.

Item 94 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Richard W. Cutting, Richard Eugene Forrestel, and Douglas F. Reed.

Item 95 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Larry Adamczyk.

ADJOURNMENT

Item 96 - 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, March 26, 2015 at 2:00 p.m. Eastern Standard Time. MR. Rath seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, March 26, 2015 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY
CLERK OF THE LEGISLATURE**