

**ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 26, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Burke, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Dixon.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 5 from 2015. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. BURKE presented a resolution Proclaiming May 1, 2015 as "May Day, International Workers Day in Erie County".

Item 6 – MS. DIXON presented a resolution Honoring Hamburg Police Chief Michael Williams in Celebrating His Retirement After 35 Years of Service.

Item 7 – MR. LORIGO presented a resolution Congratulating the West Seneca Chamber of Commerce on its' 75th Year of Serving the Business Community of West Seneca.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Celebrating March 2015 as Women's History Month.

Item 9 – MS. MILLER-WILLIAMS presented a resolution Proclaiming March 2015 as "Social Work Month in Erie County".

Item 10 – MS. MILLER-WILLIAMS presented a resolution Honoring the Organizers of the 9th Annual Dyngus Day Parade and Proclaiming April 6, 2015 as "Dyngus Day in Erie County".

Item 11 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution Congratulating Justin Becton, Boy Scout Troop 139, on Obtaining the Rank of Eagle Scout.

Item 12 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution Honoring the Life of James "Pappy" Martin.

Item 13 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS, & MR. SAVAGE presented a resolution Honoring Edward Brunner for His Heroism and Selflessness in His Daring Rescue that Saved the Life of a Trapped Motorist.

Item 14 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS, & MR. SAVAGE presented a resolution Honoring the Buffalo Bisons on its' 130th Year of Professional Baseball and the Team's Commitment and Impact on the Community.

Item 15 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS, & MR. SAVAGE presented a resolution Proclaiming April 2015 as "Volunteer Month in Erie County".

Item 16 – MR. MORTON presented a resolution Congratulating Tyler Walter, Boy Scout Troop 616, on Obtaining the Rank of Eagle Scout.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above twelve items by adding one miscellaneous resolution for MR. RATH, one miscellaneous resolution for MR. MILLS, MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MORTON & MR. RATH, and to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above fourteen items as amended. MR. RATH 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. 7 (Print #2) 2014 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – MR. LORIGO moved to take Local Law No. 1 (Print #2) 2015 off of the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 1-2 – 2015

LOCAL LAW – NO. _____ - 2015

A Local Law regulating pawnbrokers, second hand dealers, jewelry, precious metals and coin exchange dealers

SECTION 1. Title

This chapter shall be known as the law "Regulating Pawnbrokers, Secondhand Dealers, Jewelry, Precious Metals, and Coin Exchange Dealers."

SECTION 2. Legislative Intent

The Legislature hereby finds and determines that the creation of a uniform countywide electronic reporting program for tangible personal property acquired by precious metal exchange

establishments, pawnshops and secondhand merchants will curtail the distribution and facilitate the recovery of stolen property throughout Erie County.

The Legislature further finds and determines that advances in technology make the establishment of such an electronic reporting system to monitor and track the transactions set forth in this local law both necessary for the protection of the citizens of Erie County and feasible for such precious metal exchange establishments, pawnshops, and second hand merchants.

Therefore, the purpose of this local law is to establish a uniform electronic reporting system for precious metal exchanges, pawnshops, and secondhand merchants to assist the law enforcement community in tracing and recovering stolen property.

SECTION 3. Definitions

- A. As used in this local law, the following terms shall have the meanings indicated:
- a. "Antiques" - Such items or collectibles recognized as such by established dealer associations within the industry.
 - b. "Antique Dealer" – Person engages exclusively in the business of purchasing and selling antique, collectible, vintage, or estate articles whose value is determined by age, condition, and rarity.
 - c. "Identification" – A valid New York State driver's license, passport, or equivalent photo identification that contains the person's name, physical description, and current address.
 - d. "Jewelry" – Articles composed (in whole or in part) of gold, silver, or other precious metals, gems or gemstones which, as constructed, are designed to be worn for personal adornment.
 - e. "Jewelry and Coin Exchange dealer" – Persons or business establishments engaged in the business of sale, purchase, or exchange of precious metals and/or jewelry for other objects of precious metal, jewelry, United States currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.
 - f. "Local Law Enforcement Agency" - Any law enforcement agency operating within Erie County, with jurisdiction over the jewelry and coin exchange dealer, secondhand dealer, and/or pawnbroker.
 - g. "Operator" – Person responsible for the day-to-day operations of the business as indicated under this law.
 - h. "Pawnbroker" - Any person or business establishment who holds goods as collateral on short-term, high-interest loans or a person who qualifies as a "collateral loan broker" pursuant to § 52 of the New York General Business Law.
 - i. "Precious Metals" – Includes , but is not, limited to gold, silver, platinum, palladium, copper, or any combination thereof purchased and sold by weight and any secondhand manufactured article composed wholly or in part of gold, silver, platinum, or palladium.
 - j. "Precious Metals Exchange" – Person or corporation engaged in the business of purchase or exchange of precious metals for other objects of precious metal, U.S. Currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.

- k. "Secondhand Article" - Any article or object, with the exception of clothing, books, that has previously been bought or sold at retail and/or which has been previously used and/or is not in a new condition. This shall include any "gift card" or other electronic payment device that is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, is issued in a specific amount, and may or may not be increased in value or reloaded, or as otherwise defined in Article 26, § 396(I), or Article 13, § 1315, of the New York State General Business Law.
- l. "Secondhand dealer" - Any person or business establishment who deals in the purchase, sale, exchange or pledge as security for a sum of money any secondhand article. This shall not include providers of commercial mobile services as defined in 47 U.S.C. 332(d), and such providers' authorized agents and retailers that have contractual relationships with the provider to sell the providers' authorized products and services.

SECTION 4. Prohibited Acts

- A. It shall be unlawful for a pawnbroker, secondhand dealer, jewelry and coin exchange dealer, or precious metals exchange to purchase any articles, jewelry or precious metals from any person whom such dealer knows to be or has reason to believe to be under the age of 18 years.
- B. It shall be unlawful for any pawnbroker, secondhand dealer, jewelry, precious metals, or coin exchange dealer to sell, dispose of, destroy, alter or remove from such dealer's premises any articles, jewelry or precious metals until the expiration of 14 calendar days after the acquisition by such dealer of any such articles, jewelry or precious metals.
- C. When requested to do so by the appropriate local law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any pawnbroker, secondhand dealer, jewelry, precious metals and coin exchange dealer to sell, dispose of, destroy, alter or remove from such dealer's premises any articles, jewelry or precious metals until the expiration of 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held for up to two additional thirty-day periods.
- D. Secondhand dealers shall not employ any person who has been convicted within three years of any felony related to the operation of a business or who has had a secondhand dealer's license revoked or denied within the past year.

SECTION 5. Licensing

- A. Every pawnbroker, secondhand dealer, jewelry and coin exchange dealer, or precious metal exchange operating within Erie County is required to be licensed according to this local law. The Erie County Sheriff shall be the licensing authority authorized to issue licenses for pawnbrokers, secondhand dealers, jewelry, precious metals, or coin exchange dealers.
- B. Licenses shall be valid for one year from date of issuance and shall expire one calendar year from the date of issuance.
- C. The annual fee, when applicable, will be set equal to that of the City of Buffalo in §245-21 of the Buffalo Code. All secondhand dealers, jewelry, precious metals or coin

exchange dealer's license shall be considered as secondhand dealers for the purposes of setting

- D. An application for a pawnbroker's, secondhand dealer's, jewelry, precious metals, or coin exchange dealer's license (hereinafter "dealer's license") shall be made by the owner on forms provided by and filed with the Erie County Sheriff. The application shall include the following requirements:
- a. Employee names, dates of birth, and dates of employment, kept and made available for inspection by the Sheriff or his representatives for the duration of the license;
 - b. Where the owner is not directly involved with the day-to-day operation of said business,
 - (1) the operator must also be included on the application; or
 - (2) If a partnership, corporation or other business entity is involved, the application must designate an individual as operator who is involved in the day-to-day operation of the business. In this situation, the secondhand dealer's license shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principals shall also be listed on the application. All addresses of persons involved shall be home addresses listing street and number;
 - c. The legal address of the premises where such business is to be carried out; and
 - d. Whether the applicant or any officer and operator has previously been involved in the purchase or sale of secondhand goods and, if so, the name of the business, its location and the dates of involvement.
 - e. any and all e-commerce websites, including Internet storefronts, third-party sales outlets, as well as any and all written or electronic classified advertisements. The application shall further include any seller names or otherwise identifying names used within those e-commerce sites;
 - f. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the County;
 - g. Before the issuance of a dealer's license, the Sheriff or his or her representative shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. After a dealer's license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand business, may be made in areas open to the public or other areas with consent.
 - h. Any change in the facts or information required on said application that occurs after the application has been filed shall be reported by the licensee, in writing, to the Erie County Sheriff within 10 days of the change.
 - i. All applications for dealer's licenses shall be issued or denied within 30 days after a fully completed application has been received by the Erie County Sheriff's office. The applicant shall be notified, in writing, of any delay which is due to incomplete application, investigative delays, or other reasonable cause.
 - j. Except as provided in Article 23-A of the New York State Corrections Law, the Sheriff reserves the right to deny a dealer's license to any person convicted of any crime related to the operation of the business. No person who stands convicted of a felony (other than those defined by the Vehicle and Traffic Law) shall be eligible for a license pursuant to this law.

- k. No dealer's license shall be issued for a period of one year to any applicant that has been found guilty of operating a business without a secondhand dealer's license.
- l. Dealer's licenses shall not be transferred. In the event of any change involving the owner or operator of the business or the business location, a new dealer's license shall be required. A dealer's license shall not be transferred to any person who holds power of attorney.
- m. The Erie County Sheriff's office may deny or revoke any license granted herein in the following situations:
 - (1) Where the secondhand dealer has made a false statement in connection with its application; or
 - (2) Where the secondhand dealer revokes the consent to examine such records and items or refuses to allow inspection of its premises.
- n. The following entities are exempt from the licensing requirements of this chapter:
 - (1) Any secondhand dealer that is exempt from taxation under § 501(c)(3) or § 501(c)(4) of the Internal Revenue Code; or
 - (2) Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his or her personal used items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than three such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed three consecutive days.
 - (3) Any retailer whose annual gross retail sales are comprised of less than 15% of secondhand articles. Any party claiming this exemption must provide written proof of its applicability by a certified public accountant within 20 days upon request of any law enforcement agency.
 - (4) Any dealer in secondhand or used motor vehicles.
 - (5) Any sale conducted pursuant to statute or by order of any court.
 - (6) The sale of antiques by an antique dealer, or his/her employee or associate, provided the antique dealer:
 - i. Has an established antique shop advertised and promoted as such; or
 - ii. Exhibits at least twice a year at established advertised and/or promoted antique shows; or
 - iii. Is a private dealer working from home and/or nonretail location and has applied for and has been granted a New York State resale number for collection and submission of sales tax.
 - (7) The sale of secondhand articles at antique shows or trade shows, where such shows are advertised and/or promoted as such.
 - (8) Any secondhand clothing store where 50% or more of its gross revenues are related to items of clothing. Any clothing store claiming this exemption must provide written proof of its applicability by a certified public accountant within 20 days upon request of any law enforcement agency.
 - (9) The sale of any item for less than \$15.

- (10) This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.
- E. If an application for a license is denied, or an existing license is revoked, the applicant or holder of the revoked license shall, within 10 business days of notice of denial or revocation, request reconsideration by the Erie County Sheriff's office by providing that office with any additional, relevant information. The Erie County Sheriff's office shall, within 10 business days of receipt of the reconsideration materials, issue a final notice of denial or revocation setting forth the grounds upon which the license was either denied or revoked. Such final notice shall be transmitted by certified or registered mail.

SECTION 6. General Operation

- A. Secondhand dealers shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of businesses and occupation, use and maintenance of the premises and shall ensure that all of their employees and agents do also. Where the secondhand dealer is also a pawn dealer, the secondhand dealer shall comply with Article 5 of the New York State General Business Law entitled "Collateral Loan Brokers Law."
- B. All dealers covered under this chapter shall cause the dealer's license and business permit to be posted in a conspicuous place immediately visible upon entering the business establishment.
- C. If the dealer or employee of any establishment covered by this chapter has reason to believe from the circumstances presented that an item has been stolen or acquired by dishonest means, it shall be his or her duty to immediately report same to the Sheriff or his or her representatives.
- D. Any law enforcement agency that confiscates property from a business covered under this chapter, as evidence or for safekeeping in an investigation or to return to an owner, shall issue a receipt to the business. The receipt shall contain a crime report number which references the investigation.
- E. Any dealer covered under this chapter shall release to a law enforcement agency any item in the dealer's possession when:
- a. The item is established to be stolen; and
 - b. The owner of the item or the victim of a theft has positively identified the item and provided an affidavit of ownership and has made a report of the theft to a law enforcement agency; and
 - c. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, or a statement of facts that show the item is one of a kind or a unique engraving; and
 - d. The secondhand dealer is given a receipt for the item released.
- F. Any dealer covered by this chapter, who is required to relinquish an item pursuant to this provision, is not entitled to demand or condition the release upon any reimbursement from the law enforcement agency, the owner of the item, or the victim of the theft. A dealer who is himself or herself a victim of a crime may seek restitution or reparation in accordance with the New York State Penal Law.

SECTION 7. Identification required

- A. It shall be the duty of every pawnbroker, secondhand dealer and jewelry and coin exchange dealer to verify the identity of every person from whom a purchase is made through acceptable photographic identification (as detailed below) and to make and to keep a written record of the nature of the evidence submitted by such person to prove identity. The signature of the dealer shall be included in the recording of each transaction.
- B. Only the following shall be deemed acceptable evidence of identity: any official document (except a social security account number card) issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof, or any public or private employer, which requires and bears the signature and picture of the person to whom issued.
- C. It shall be the duty of every pawnbroker, secondhand dealer, jewelry, precious metals, and coin exchange dealer to require that every person from whom any article, jewelry or precious metal is purchased sign his/her name in the presence of the pawnbroker, secondhand dealer or jewelry and coin exchange dealer, and to compare the signature on the identifying document, if any, and retain on said premises the person's signature together with the number and description of the identifying document, if any.
- D. If the individual is acting as an agent for a principal, proof of the principal's true name, date of birth and residence address.
- E. It shall further be the duty of every pawnbroker, secondhand dealer, jewelry, precious metals and coin exchange dealer, to take, and maintain, a copy or digital photo of the identification required by Section 7(B) of this law.
- F. It shall further be the duty of every pawnbroker, secondhand dealer, jewelry, precious metals, and coin exchange dealer to take, and maintain, a digital photograph of each article, jewelry or precious metal purchased. The photograph must include the serial number and model number or product key if the item(s) contain those features.

SECTION 8. Reporting

- A. Every pawnbroker, secondhand dealer, jewelry, precious metals, and coin exchange dealer shall furnish to the Erie County Sheriff all information requested by said agency relative to all records required to be kept under this chapter no later 7 days after receipt of any item covered by this chapter.
- B. If any items composed wholly or in part of articles, jewelry or precious metals shall be advertised in any newspaper printed in the County of Erie as having been lost or stolen, and if any items matching such advertised description or any part thereof shall be in or come into possession of any pawnbroker, secondhand dealer or jewelry and coin exchange dealer upon receiving actual written or oral notice of the similarity of description of such articles, such pawnbroker, secondhand dealer or jewelry and coin exchange dealer shall immediately give information relating thereto to the appropriate local law enforcement agency. No disposition of such items shall be effected until authorization to do so is given to such dealer by the appropriate local law enforcement agency.
- C. Every dealer covered by this chapter shall upload to the Erie County Sheriff electronic records of all reportable transactions. Each transaction record shall contain all information required by this chapter and shall be uploaded via Internet connection to an electronic reporting service determined by the Erie County Sheriff according to the following procedures:

- a. Using point of sale software, all dealers covered by this chapter shall review the compatibility of their software with the electronic reporting service used by the Erie County Sheriff, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via Internet connection using the upload process or reporting service; or
- b. All dealers covered by this chapter and using point of sale software noncompliant with that utilized by the Erie County Sheriff's office or not using point of sale software shall manually enter all reportable transactions into the electronic reporting service via Internet connection.
- c. In the event that any dealer covered by this chapter is unable to successfully upload transaction records via the electronic reporting service within the required time period, the dealer shall, within 24 hours of the unsuccessful upload, notify the Erie County Sheriff of the reason for the submission failure and provide the Erie County Sheriff with an estimated time of compliance. Under these circumstances, the dealer shall provide the Erie County Sheriff a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall either be hand delivered or e-mailed to the Sheriff no later than one business day after the transaction date.

SECTION 9. Release of Stolen Property

- A. A secondhand dealer shall release to the Erie County Sheriff's office any item in the secondhand dealer's possession if:
 - a. The item is established to be stolen; and
 - b. The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency; and
 - c. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, a statement of facts that show the item is one of a kind or a unique engraving; and
 - d. The secondhand dealer is given a receipt for the item released.
- B. When the Erie County Sheriff's office no longer needs an item for evidence, it shall be returned to the owner

SECTION 10. Penalties for offenses; enforcement.

- A. Any violation of the provisions of this chapter shall constitute an offense and shall be punished as follows:
 - a. Any person violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$200 for the first offense, \$1,000 for the second offense, and \$3,000 for each subsequent offense. Each such violation shall constitute a separate and distinct offense.
 - b. This chapter shall be enforced by any local law enforcement agency having jurisdiction.

- B. No provision of this law is intended to alter or interfere with any party's right against self-incrimination.

SECTION 11. Applicability

- A. Nothing in this law is intended to apply to businesses already subject to regulation under §254 of the Buffalo City Code.

SECTION 12. Due Process

- A. Nothing in this law shall infringe upon the due process rights of the parties involved. After following proper procedure as laid out above any unresolved issues may be appealed to any court of competent jurisdiction.

SECTION 13. Severability

- A. If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.
- B. This chapter shall not supersede any similar legislation enacted by a local jurisdiction within the County.

SECTION 14. Effective Date

- A. This law shall become effective upon its signature into law by the County Executive

Sponsors:

Legislator Lynne M. Dixon
Legislator Peter J. Savage III
Legislator Joseph C. Lorigo

MR. LORIGO moved to approve Local Law No. 1 (Print #2) 2015. MS. DIXON 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.

Item 24 – CHAIR MILLS directed that Local Law No. 2 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 26 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

March 19, 2015	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 4E-18 (2015)
MILLER-WILLIAMS: “Letter from State Senator Kennedy to Governor Cuomo Regarding Child Day Care Subsidies”
(5-0)
2. INTRO. 4-4 (2015)
GRANT, BURKE & SAVAGE
WHEREAS, recent reports have highlighted abuse of elderly and disabled residents of nursing homes and care facilities, and such heartbreaking abuse calls for the discussion of ways to combat this troubling trend, including increased video surveillance where appropriate; and

WHEREAS, abuse of the elderly, as well as people with disabilities, can be intentional or unintentional, can take various forms, and includes but is not limited to physical, psychological, emotional, or sexual abuse, neglect, abandonment, and financial exploitation; and

WHEREAS, the NYC Elder Abuse Center defines elder abuse as a single or repeated act, or lack of appropriate actions, which causes harm, risk of harm, or distress to an individual 60 years or older and occurs: within any relationship where there is an expectation of trust; or when the targeted act is directed toward an elderly person by virtue of age or disabilities; and this definition could clearly be applied to such maltreatment at any age in any care facility including nursing homes, day care centers, group homes, hospitals and mental health facilities, as well as other facilities that provide care for the most vulnerable; and

WHEREAS, according to the National Center on Elder Abuse, one out of ten Americans age 60 and over has experienced some form of abuse, and the New York State Elder Abuse Prevalence Study determined that for every case of abuse that was reported, nearly 24 cases went unreported; and

WHEREAS, the Elder Justice Act, part of the more comprehensive Patient Protection and Affordable Care Act, allows the federal government to impose civil monetary penalties against nursing home employees who fail to report suspected criminal acts, including abuse, to appropriate federal agencies and law enforcement officials; and

WHEREAS, video surveillance has been utilized by families, law enforcement, and by the facilities themselves to capture incidents of abuse and could be explored and expanded to include more locations for such cameras, where appropriate, to ensure a safe and protected environment; and

WHEREAS, nursing home and care facility residents are some of the most vulnerable members of our community and they deserve to be treated in a humane, dignified and respectful manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that the commissioners of the Departments of Health, Senior Services, Social Services, Mental Health, and the Director of the Division for the Disabled, and a representative of Erie County Medical Center Corporation and the Alzheimer's Association Western New York Chapter attend a Health and Human Services Committee meeting to update this Honorable Body on initiatives and protocols on preventing abuse in Erie County; and be it further

RESOLVED, that this Legislative Body directs that discussions also be held concerning video surveillance - starting with those facilities that receive government funding and where appropriate and in accordance with all federal HIPAA regulations - in nursing homes and care facilities, day care centers, group homes, hospitals and mental health facilities to prevent abuse and neglect by employees or anyone else; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Western New York Delegation to Congress and the NYS Legislature; to the County Executive; to the Commissioners of the Erie County Departments of Health, Senior Services, Social Services, and Mental Health; to the Director of the Division for the Disabled; to the CEO and Board of Directors of Erie County Medical Center Corporation; and the Alzheimer's Association Western New York Chapter (c/o Leilani Joven Pelletier, MS, Executive Director, 2805 Wehrle Drive, Suite 6, Williamsville, NY 14221).

(5-0)

LYNNE M. DIXON
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

March 19, 2015	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

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

a. COMM. 3D-5 (2015)

COUNTY ATTORNEY: “Response to Chair Mills' Letter Regarding Appointment to the Buffalo & EC Public Library Board”

(4-0)

2. COMM. 5E-6 (2015)

COUNTY EXECUTIVE

WHEREAS, Erie Community College buildings show signs of aging and deterioration and to reduce maintenance costs associated with temporary “stop-gap” measures and keep the buildings weather tight, a comprehensive masonry evaluation is warranted, as well as continued exterior restoration at City Campus, and door and window replacements collegewide; and

WHEREAS, the project will be 50% reimbursed by New York State; and

WHEREAS, the legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with the architectural firm of BHNT Architects, PC for design related services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from the Legislature to issue an Agreement Amendment to BHNT Architects, PC to provide services for the Erie Community College – 2015 – Collegewide Exterior Restoration projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to BHNT Architects, PC to provide services for the Erie Community College– 2015 – Collegewide Exterior Restoration projects for an amount not to exceed \$230,000.00, including reimbursables and design contingencies; and be it further

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

E.11004 – 2011 Erie Community College – Masonry Project – City Campus	\$120,000.00
E.14004 – 2014 ECC Masonry Project North and South Campus	\$ 50,000.00
E.14003 – 2014 Window and Door Replacement Collegewide	\$ 60,000.00
Total Payments Not To Exceed:	\$230,000.00

; and be it further

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

(4-0)

KEVIN R. HARDWICK
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

March 19, 2015	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4D-13 (2015)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(5-0)
 - b. COMM. 4D-14 (2015)
COUNTY ATTORNEY: "New Claim Against Erie County - Sheridan Park Inc"
(5-0)
 - c. COMM. 4M-9 (2015)
FREDERICK A. WOLF: "Letter Regarding Designated Director of the Erie Tobacco Asset Securitization Corporation"
(5-0)
 - d. COMM. 5D-8 (2015)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"

(5-0)

- e. COMM. 5M-5 (2015)
LEGAL AID BUREAU: “2012 Financial Statements, Annual Report, Board of Directors Meeting Minutes”
(5-0)
- f. COMM. 5M-6 (2015)
LEGAL AID BUREAU: “2013 Financial Statements, Annual Report, Board of Directors Meeting Minutes”
(5-0)

KEVIN R. HARDWICK
CHAIR

Item 31 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

March 19, 2015	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 26-1 (2014)
MILLS & GRANT: “Erie County Audit Committee Appointment”
(5-0)
 - b. COMM. 4D-11 (2015)
COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING: “2014 Cultural Service Contracts”
(5-0)
 - c. COMM. 4M-8 (2015)
TOWN CLERK, TOWN OF WALES: “Resolution in Support of the Town of Wales Participation in the Countywide Government Efficiency Plan”
(5-0)
 - d. COMM. 5D-7 (2015)
DIRECTOR, DEPARTMENT OF BUDGET & MANAGEMENT: “Transmittal of 2015 Community Agency Funding Application Forms”
(5-0)

e. COMM. 5M-4 (2015)
BAR ASSOCIATION OF EC: "Recommendation of EC Audit Committee Member"
(5-0)

2. 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 215062 through 215074 , 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	2014	Petition No.	215,062.00
	ASSESSOR	Refund	\$478.00
S-B-L	115.11-22-18	395 Aurora St	145203 LANCASTER
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$478.00 Town/SpecialDist/School
<u>Charge To :</u>	145203 LANCASTER		\$478.00
	Relevy School		\$478.00 145201 LANCASTER

CENTRAL

RTPL550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Francis Wargula

FISCAL YEAR	2015	Petition No.	215,063.00
	ASSESSOR	Refund	\$32.01
S-B-L	112.28-2-10	248 Michael Ave	143001 SLOAN
	Acct. No. 112		\$32.01 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	143001 SLOAN		\$0.00

RTPL550(2): Error calculating aged exemption
Refund to be issued to Kay Ann Boothby-Zagorski

FISCAL YEAR 2015 Petition No. 215,064.00

 ASSESSOR Cancel \$493.02

S-B-L 213.00-6-18.11 8463 Knapp Rd 143400 COLDEN

 Acct. No. 112 \$300.32 County

 Acct. No. 132 \$192.70 Town/SpecialDist/School

 34020 AURORA COLDEN FIRE DIST \$81.94

Charge To : 143400 COLDEN \$110.76

RTPL550(2): Assessed value different than valuation document
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 215,065.00

 ASSESSOR Cancel \$418.00

S-B-L 229.00-1-55.12 9284 Partridge Rd 143400 COLDEN

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$418.00 Town/SpecialDist/School

Charge To : 143400 COLDEN \$418.00

 Relevy School \$418.00 143801 SPRING-GRIFFITH

RTPL550(2): Error in calculating school relevy
New tax bills to be issued

FISCAL YEAR 2015 Petition No. 215,066.00

 ASSESSOR Cancel \$376.99

S-B-L 666.00-65-2 Outside Plant 142001 ALDEN

 Acct. No. 112 \$291.29 County

 Acct. No. 132 \$85.70 Town/SpecialDist/School

Charge To : 142001 ALDEN \$85.70

RTPL550(2): Duplicate entry
Delete parcel from tax roll

FISCAL YEAR 2015 Petition No. 215,067.00

 ASSESSOR Cancel \$5,333.15

S-B-L 666.00-65-5 Outside Plant 142089 ALDEN

	Acct. No. 112	\$1,013.23	County
	Acct. No. 132	\$4,319.92	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN		\$4,319.92
	Relevy School	\$3,697.68	

RTPL550(2): Duplicate entry
Delete parcel from the tax roll

FISCAL YEAR 2015 Petition No. 215,068.00

 ASSESSOR Refund \$1,087.16
S-B-L 59.00-4-13.1 5550 Davison Rd 143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,087.16	Town/SpecialDist/School
	32500 RPTL 520	\$1,087.16	
<u>Charge To :</u>	143200 CLARENCE		\$0.00

RTPL550(2): Exemption Removal applied in error
Refund to be issued to Kreher's Poultry Farm

FISCAL YEAR 2014 Petition No. 215,069.00

 ASSESSOR Refund \$1,340.30
S-B-L 59.00-4-13.1 5550 Davison Rd 143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,340.30	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$1,340.30
	Relevy School	\$1,340.30	

RTPL550(2): Exemption Removal applied in error
Refund to by issued to Kreher's Poultry Farm

FISCAL YEAR 2015 Petition No. 215,070.00

 ASSESSOR Cancel \$560.00
S-B-L 269.19-2-12 2052 Sherman Ave 145801 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$560.00	Town/SpecialDist/School
	58050 ERIE CO SEW DST 2	\$560.00	
<u>Charge To :</u>	145801 NORTH COLLINS		\$0.00

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

FISCAL YEAR 2015 Petition No. 215,071.00

 ASSESSOR Refund \$229.63
S-B-L 435.13-5-48 34 Sherwood Ct 146800 WEST SENECA

 Acct. No. 112 \$229.63 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$0.00

RPTL550(2) Failed to apply aged exemption
Refund to be issued to Donna Marinaccio

FISCAL YEAR 2015 Petition No. 215,072.00

 ASSESSOR Cancel \$143.91
S-B-L 244.00-2-16.23 V\L Partridge rd 143400 COLDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$143.91 Town/SpecialDist/School
Charge To : 143400 COLDEN \$143.91

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

FISCAL YEAR 2015 Petition No. 215,073.00

 ASSESSOR Cancel \$275.00
S-B-L 208.00-1-17./A 2384 Shadagee Rd 144000 EDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$275.00 Town/SpecialDist/School
40047 WATER DISTRICT 5 B \$275.00
Charge To : 144000 EDEN \$0.00

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

FISCAL YEAR 2015	Petition No.	215,074.00	
	ASSESSOR	Cancel	\$526.17
S-B-L 224.17-3-8	8344 Merrill Pl	144000 EDEN	
	Acct. No. 112	\$526.17	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$0.00

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

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

JOSEPH C. LORIGO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

March 19, 2015	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-16 (2015)
COUNTY EXECUTIVE: “EC Sewer District No. 3 - Rush Creek Interceptor, Blasdell Milestrip Wet Weather Relief Pumping Station and Force Main Project - Contract No. 17-A”
(5-0)
 - b. COMM. 5D-6 (2015)
CLERK OF THE LEGISLATURE: “NYSDEC Documents Received”
(5-0)
2. COMM. 5E-12 (2015)
MILLS

RESOLVED, the Erie County Legislature hereby appoints Thomas Marks (3426 Abbott Road, Orchard Park, NY 14127) to the Erie County Fisheries Advisory Board for a term that will expire on 12/31/2017.

(5-0)

3. COMM. 5E-13 (2015)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby appoints the following individuals to the Erie County Fisheries Advisory Board for a term that will expire on 12/31/2017.

Mr. Paul Stoos

Mr. Gerald May Sr

Mr. Larry Jones

1845 Clinton Street

5858 Lakecrest Drive

268 Harrison Avenue

Buffalo, NY 14206

Lake View, NY 14085

Buffalo, NY 14223

(5-0)

4. COMM. 5E-14 (2015)

COUNTY EXECUTIVE

WHEREAS, the County Executive has made appointments to the Erie County Sewer District Nos. 1 and 3 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District Nos. 1 and 3 Board of Managers are hereby confirmed:

Erie County Sewer District No. 1

Term Expires

Mr. Patrick T. Bowen, P.E. (Appointment)

Town Engineer

Town of Cheektowaga

12/13/15

275 Alexander Avenue

Cheektowaga, NY 14211

(to replace William Pugh, P.E. – past Town Engineer)

Erie County Sewer District No. 3

Term Expires

Mr. David A. Rood (Appointment)

Mayor

Village of Orchard Park

12/13/15

4295 South Buffalo Street

Orchard Park, NY 14127

(to replace John Wilson – past Village Mayor)

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the Erie County Sewer District Nos. 1 and 3 Board of Managers, the appointees, and Joseph Fiegl, Deputy Commissioner of the Department of Environment and Planning.

(5-0)

5. COMM. 5E-18 (2015)

COUNTY EXECUTIVE

WHEREAS, Steuben Foods, Inc., requires the services of the County of Erie to dispose of its wastewater through a connection to the existing sanitary sewer system of Erie County Sewer District No. 3 pursuant to an Agreement for sanitary service dated the 15th day of August 1984 and as amended on the 14th day of August 1989; and

WHEREAS, Steuben Foods, Inc. has requested upgrades of the County's Elma Pumping Station; and

WHEREAS, pursuant to the existing agreement, Steuben Foods, Inc. will bear the cost of engineering and construction expenses for said upgrades; and

WHEREAS, in support of the project and Steuben Foods, the Erie County Sewer District No. 3 Board of Managers recommends billing these costs over a five (5) year period.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amendment to the existing agreement with Steuben Foods, Inc. for wastewater services provided by Erie County Sewer District No. 3, subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, said amendment shall include a stipulation that Steuben Foods, Inc. reimburse the County for engineering and construction costs associated with the Elma Pumping Station upgrades in equal annual payments over a five (5) year period with 0.25% interest on the balance for each year; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Gregory Kammer, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Division of Sewerage Management.
(5-0)

6. COMM. 5E-20 (2015)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, in 2005 the County Legislature adopted an Increase and Improvements of Facilities Plan (the "2005 Plan") for Sewer District No. 3 (the "District") which provided for the expenditure of \$9,100,000 to finance the connection of the Village of Blasdell service area to the Southtowns Advanced Wastewater Treatment Facility (the "Project"); and

WHEREAS, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled Erie County Sewer Agency Report - Erie County Sewer District No. 3 For A Modifications of Plans (2015) (the "Report") to be prepared, which Report recommends a modification of the 2005 Plan to include within the 2005 Plan certain additional improvements within the District, including but not limited to, improvements to the Southtowns Advanced Wastewater Treatment Facility and the implementation of the Rush Creek Interceptor project (the "Modification of Plans"); and

WHEREAS, on February 27, 2015, the Board of Managers of the Erie County Sewer District No. 3 accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report serves as the written report required by § 253-b of Article SA of the County Law of the State of New York; and

WHEREAS, the Modification of Plans will not result in an increase in the cost of the Project; and

WHEREAS, an application to the New York State Audit and Control for approval is not required as the Modification Plans constitutes a modification to plans pursuant to §253-b of Article 5A of the County Law of the State of New York; and

WHEREAS, the County Legislature desires to call for a Public Hearing to solicit public comment; and

WHEREAS, prior to the publication of the notice of public hearing, the Report will be filed in the Office of the County Clerk of Erie County;

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 the 92 Franklin Street, 4th Floor in Buffalo, New York, on the 15th day of April, 2015 at 1:30 o'clock p.m., for the purpose of conducting a Public Hearing on the proposed Modification of Plans specified above, 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 in 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)

TED B. MORTON
CHAIR

Item 33 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

March 19, 2015	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-33 (2015)
GRANT: “Letter Requesting Wesley Hicks Speak at Committee Meeting Regarding NFTA Board”
(5-0)
 - b. COMM. 5M-1 (2015)
NFTA: “January 22, 2015 Board Minutes”
(5-0)
 - c. COMM. 5M-2 (2015)
NYS ECONOMIC DEVELOPMENT COUNCIL: “Memorandum in Opposition to Executive Control Over Local IDAs”
(5-0)
 - d. COMM. 5M-3 (2015)
NYS ECONOMIC DEVELOPMENT COUNCIL: “Testimony Regarding Governor's Proposed State Budget”
(5-0)

2. COMM. 5E-7 (2015)
COUNTY EXECUTIVE
WHEREAS, this Honorable Body has previously authorized construction contracts for the Rath Building – Social Services – Second Floor Renovations project; and

WHEREAS, additional asbestos abatement and extra electrical work requested by Social Services is required to complete the project; and

WHEREAS, the Construction Contingency must be increased to fund the additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the current construction contingency fund for the Social Services capital project A.00308 Social Services Renovation to Office Space by \$42,000.00; and be it further

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

RESOLVED, that Contract Amendments will be negotiated and issued to the previously approved contractors on site to complete the additional work; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP project A.00308 Social Services Renovation to Office Space, for a total not to exceed \$42,000.00; and be it further

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

3. COMM. 5E-8 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo and Erie County Botanical Gardens-2015-Houses 2 and 3 Renovation on January 22, 2015; and

WHEREAS, all of these buildings face the front of the facility and would improve the appearance of the Botanical Gardens, as well as correct and preserve the glass structures which are failing; and

WHEREAS, the House 2 and 3 Reconstruction Package was bid out September 2014, but there were insufficient funds available to award the project; and

WHEREAS, after rebidding the project, the Department of Public Works received lower bids for the Buffalo and Erie County Botanical Gardens 2015 Houses 2 and 3 Renovation project on January 22, 2015; and

WHEREAS, the Department of Public Works along with consultant Foit Albert Associates are recommending award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for the Buffalo and Erie County Botanical Gardens 2015 Houses 2 and 3 Renovation project for an amount not to exceed as follows:

General Construction Work

Telco Construction	Base Bid:	\$2,332,700.00
House 3 - Refurbish Vestibule doors	Alternate No. 3 Bid:	\$ 9,300.00
House 3 - Ice Baffle Replacement	Alternate No. 4 Bid:	\$55,700.00
House 3 - Finial Replacement	Alternate No. 5 Bid:	<u>\$18,907.00</u>
Total General Construction Contract:		\$2,416,607.00

Electrical Construction Work

Goodwin Electric Corporation	Base Bid:	\$ 57,600.00
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Mechanical Construction Work

Quackenbush Co. Inc.	Base Bid:	<u>\$ 68,000.00</u>
Total Award of Construction Contracts		\$ 2,542,207.00

; and be it further

RESOLVED, that the sum of \$470,791.52 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

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

A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation	\$ 2,000,000.00
A.13002 – 2013 Buffalo and Erie County Botanical Gardens Master Plan Implementation	\$ 718,272.45
A.00234 – 2004 Botanical Gardens Master Plan Construction	<u>\$ 294,726.07</u>
Total Amount Not To Exceed:	\$ 3,012,998.52

; 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)

4. COMM. 5E-9 (2015)

COUNTY EXECUTIVE

WHEREAS, this Honorable Body has previously authorized Architectural/Engineering Term Agreements for several Architectural/Engineering firms; and

WHEREAS, Hamilton, Houston, Lownie Architects (HHL) has submitted qualifications complying with the Department of Public Works' (DPW) Term Agreement and DPW is requesting this firm be added to the term list of Architectural/Engineering firms for providing professional Architectural/Engineering services; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of HHL Architects to provide Professional A/E Design Services for the new elevators for the Buffalo and Erie County Central Library Project.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of HHL Architects be added to the Department of Public Work's list of approved Architectural/Engineering Consultants; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of HHL Architects for providing Professional Architectural/Engineering Services for the Buffalo and Erie County Central Library – 2015 – New ADA Elevators Project for an amount not to exceed \$155,000.00, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.21013 – 2010 – Buffalo and Erie County Library – New ADA Compliant Elevators; and be it further

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

(5-0)

5. COMM. 5E-10 (2015)

COUNTY EXECUTIVE

WHEREAS, Waterfront Phase I LLC is developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, Waterfront Apartments Phase I will consist of the development of 48 rental residential units; and

WHEREAS, the Project is located on Carolina Street between 7th and Niagara Streets in the City of Buffalo with thirty of the housing units being affordable to households with income between 51% to 60% of the area median income and eighteen of the units affordable to households with income at and below 50% of the area median income; and

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

WHEREAS, in order to make the Project economically feasible for Waterfront Phase I LLC to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Waterfront Phase I LLC, Waterfront Housing Development Fund Corp., and the City of Buffalo relating to Waterfront Apartments Phase I and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that 37% of the units remain affordable to and occupied by households earning no greater than 50% of the area median income, adjusted for family size, and 63% of the units remain affordable to and occupied by households with income between 51% to 60% of the area median income, adjusted for family size, as determined by the U. S. Department of Housing and Urban Development for the period of the Agreement; and be it further

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

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

SCHEDULE A

Waterfront Apartments PILOT			
Schedule of Payments			
Year	Total	City	County
1	18,814.55	14,110.91	4,703.64
2	19,378.99	14,534.24	4,844.75
3	19,960.36	14,970.27	4,990.09
4	20,559.17	15,419.38	5,139.79
5	21,175.94	15,881.96	5,293.99
6	21,811.22	16,358.42	5,452.81
7	22,465.56	16,849.17	5,616.39
8	23,139.52	17,354.64	5,784.88
9	23,833.71	17,875.28	5,958.43
10	24,548.72	18,411.54	6,137.18
11	25,285.18	18,963.89	6,321.30
12	26,043.74	19,532.80	6,510.93
13	26,825.05	20,118.79	6,706.26
14	27,629.80	20,722.35	6,907.45
15	28,458.70	21,344.02	7,114.67

(5-0)

6. **COMM. 5E-11 (2015)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Erie County Highways Department – 2014- Concord Highway Facility Building Repairs project on February 10, 2015; and

WHEREAS, the lowest responsible bidder for the General Construction work is Ed Hulme, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidder; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture & Planning for providing Professional Design Services on Erie County Projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firm of Advanced Architecture & Planning for providing Professional Architectural/Engineering Services for the Erie County Highways Department – 2014- Concord Highway Facility Building Repairs project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie County Highways Department – 2014- Concord Highway Facility Building Repairs project for an amount not to exceed as follows:

General Construction Work

Ed Hulme, Inc.	Base Bid:	\$151,000.00
	Alternate #1:	<u>\$ 71,920.00</u>
Total Award of Construction Contract:		\$222,920.00

;and be it further

RESOLVED, that the sum of \$33,438.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Advanced Architecture & Planning for providing Professional Architectural/Engineering Services for the Erie County Highways Department – 2014- Concord Highway Facility Building Repairs project, for an amount not to exceed \$20,000.00, including a design contingency; and be it further

RESOLVED, that The Comptroller’s office is authorized to make payments for all the above from SAP Accounts as follows:

B.12012 2012- Countywide Highway Facility Building Improvements	\$148,528.42
A.14003 2014- Countywide Code and Environmental Compliance	<u>\$127,829.58</u>
Total amount not to exceed	\$276,358.00

; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Division of Budget and Management, two (2) copies to the Department of Public Works and one copy to the Erie County Comptroller.

(5-0)

EDWARD A. RATH, III
CHAIR

Item 34 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

March 19, 2015	PUBLIC SAFETY COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-19 (2015)
SHERIFF: “Fringe Benefits Funds Transfer”
(4-0)
 - b. COMM. 5E-33 (2015)
RATH: “Letter to Commissioner Loffredo Requesting Update Regarding Pothole Tip Line”
(4-0)
 - c. COMM. 5D-9 (2015)
COMMISSIONER, DEPARTMENT OF PROBATION: “Conditional Release Program”
(4-0)

2. COMM. 5E-22 (2015)
COUNTY EXECUTIVE
WHEREAS, the Commissioner of Emergency Services has indicated that it is vital that Emergency Services communications in the southtowns be upgraded; and

WHEREAS, the Department of Public Works received bids for the Erie County Emergency Services –2014- 400MHz Interoperable Communication Systems Upgrades- Phase 3 project on January 29, 2015; and

WHEREAS, the lowest responsible bidder for the General Construction is Patriot Towers, Inc. and the lowest responsible bidder for the Electrical Construction is Goodwin Electric Corporation; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie County Emergency Services –2014- 400MHz Interoperable Communication Systems Upgrades- Phase 3 project for an amount not to exceed as follows:

General Construction Work

Patriot Towers, Inc.	Base Bid	\$309,134.00
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Electrical Construction Work

Goodwin Electric Corporation	Base Bid	\$325,500.00
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Total Award of Contracts Not To Exceed		\$634,634.00
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; and be it further

RESOLVED, that the sum of \$95,195.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund, and be it further

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

RESOLVED, that The Comptroller's office is authorized to make payments for all the above from SAP Account A.21009-2010-Public Safety 400 MHZ Communications System- Phase 3, for an amount not to exceed \$729,829.00; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Division of Budget and Management, the Commissioner of Emergency Services, two (2) copies to the Department of Public Works and one copy to the Erie County Comptroller.
(4-0)

3. COMM. 5E-23 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Erie County Holding Center- 2014 -Various Renovations –Phase 1 project on December 8, 2014; and

WHEREAS, the lowest responsible bidder is E.B. Galaxy Construction, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, E.B. Galaxy Construction, Inc., for the Erie County Holding Center- 2014 - Various Renovations –Phase 1 project for an amount not to exceed \$368,000.00; and be further

RESOLVED, that the sum of \$36,800.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

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

<u>A.13022- ECHC Various Improvements to Holding Center</u>	<u>\$404,800.00</u>
For a Total Amount Not to Exceed:	\$404,800.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Sheriff's Department and the Office of the Comptroller. (4-0)

4. COMM. 5E-28 (2015)

COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department serves as the lead for the Western New York Regional Youth Justice Team; and

WHEREAS, Western New York Regional Youth Justice Team is comprised of juvenile justice stakeholders supporting the implementation of New York State's strategic plan for juvenile justice; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department \$33,102; to conduct Aggression Replacement Training[®] for the purpose of supporting the Regional Youth Justice Team activities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the New York State Division of Criminal Justice Services in the amount of \$33,102 and enter into contract and amendments to these contracts to pertaining to this award; and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures for the professional service contracts with Educational & Treatment Alternatives, Inc. as they are one of two providers nationally of ART[®] facilitator training, (the other's fee structure significantly exceeds the funds available) and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with Educational & Treatment Alternatives, Inc. 3951 Shamrock Road, Erie PA 16510 to conduct ART[®] facilitator per the grant work plan; and be it further

RESOLVED, that the following budgetary accounts be established by the Office of Budget, Management and Finance for the grant as follows:

Erie County Probation Department
Fund 281 – Business Area 126
Grant 126RYJT-ART
Regional Youth Justice Team-ART®
January 1, 2015 to June 30, 2016

Revenue
Account 414000 Federal Aid \$33,102

Total Revenue \$33,102

Appropriations
Account 516020 Pro Serv Contracts & Fees \$33,102

Total Appropriations \$33,102

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 approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget, Management and Finance, the County Comptroller, the County Attorney, and the Probation Department c/o Christina Schrader Room 112, 1 Niagara Plaza.
(4-0)

5. COMM. 5E-29 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services and other responding agencies in Erie County assisted Schoharie County during Hurricane Irene/Lee; and

WHEREAS, authorization is requested from the Erie County Legislature for the Department of Emergency Services to accept the reimbursement funds in the amount of \$101,119.32 from Schoharie County; and

WHEREAS, those funds will then be distributed to the following first responders in Erie County that assisted Schoharie County as follows:

City of Buffalo Fire Department	\$43,147.04
City of Tonawanda Fire Department	\$9,091.73
Erie County Emergency Services	\$23,495.35
Bellevue Volunteer Fire Department	\$3,706.72
Chaffee Sardinia Volunteer Fire Department	\$221.34
Crittenden Volunteer Fire Department	\$5,082.11
Eggertsville Fire Department	\$980.00

Lancaster Fire Department	\$1,666.36
Millgrove Volunteer Fire Department	\$3,307.97
Bowmansville Volunteer Fire Department	\$4,067.73
East Concord Fire Department	\$2,015.00
Gowanda Volunteer Fire Department	\$624.33
Main-Transit Fire Department	\$1,123.95
Village of Alden Fire Department	\$2,589.69
<hr/> Total	<hr/> \$101,119.32

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept the disaster reimbursement funds in the amount of \$101,119.32 from Schoharie County ; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary deposit of funds from Schoharie County into GL account GL212100, fund 110, business area 167 and make the disbursements to the first responders from this same account; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(4-0)

6. COMM. 5E-30 (2015)

COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$100,000.00 in federal assistance to provide local stakeholders that provide technical rescue services the opportunity to strengthen their CBRNE Preparedness and Response Capabilities which will ultimately enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$100,000.00 in federal resources to provide funding for training of personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, this is a regional grant and Erie County will purchase the necessary equipment and training for the five (5) local Fire Departments (Gowanda Fire Company, Orchard Park Fire Company, Hillcrest Fire Company, West Falls Fire Company, East Aurora Fire Department), the Erie County Sheriff's Office, the Niagara Frontier Search & Rescue Team and the Western New York ALERT Swift Water Rescue Team; and

WHEREAS, authorization is requested from the Erie County Legislature for the County Executive to enter into Memorandums of Understanding to give the purchased equipment from this grant to those agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$100,000.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives of the grant and enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Emergency Services – Business Area 167
FY 2014 Technical Rescue Grant

Revenue	Increase
Account 414000 Federal Aid	\$100,000.00
Appropriations	Increase
Account 516020 Professional Contracts & Fees	\$31,740.00
Account 505200 Clothing Supplies	\$12,149.00
Account 561410 Lab & Technical Equipment	<u>\$56,111.00</u>
Total Appropriations	100,000.00

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(4-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 35 – MR. LORIGO presented the following resolution and moved for consideration.
MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: The Wireless 911 Surcharge
(INTRO. 6-1)

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

WHEREAS, the New York State wireless 911 surcharge was meant to support counties and their endeavor to update and maintain their development of next generation 911 technology, the consolidation of current 911 services, and improvements to public safety communication systems; and

WHEREAS, funds were collected in 2012 in excess of \$200 million with less than \$10 million being disbursed to County level 911 services, and

WHEREAS, those additional funds are now being significantly reallocated to the New York State general fund to finance spending not related to E-911 or any of the above mentioned upgrades; and

WHEREAS, the money collected by this fund is unfairly and inappropriately distributed throughout the Public Safety Answering Points within the State; and

WHEREAS, Erie County has been forced to use funds allocated for other development for the continuation of the required 911 technology updates in an effort to maintain expected levels of public safety; and

WHEREAS, this improper distribution is hampering public safety and other development efforts in Erie County and throughout Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the State of New York to appropriately disburse the funds collected through the public safety communications surcharge as laid out in Bill S2963/A3561 (2015); and be it further

RESOLVED, that a certified copies of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Carl Heastie, Senate Majority Leader Dean Skelos, the Western New York Delegations of the New York State Senate and Assembly, and any other parties deemed necessary and proper.

MR. LORIGO moved to amend the resolution to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 5E-32. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Appointment of Commissioner of the
Department of Social Services
(COMM. 5E-32, 2015)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Albert Dirschberger of 14 Schiffler Court, Lancaster, NY 14086 to serve as the Erie County Commissioner of Social Services for a term expiring 3/16/2020.

MR. LORIGO moved to approve the item. MS. DIXON 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.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 6E-5 from the COUNTY EXECUTIVE. Re: EC Sewer District No. 3 – Engineering Agreement Closeout – CRA Infrastructure & Engineering Inc.

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

GRANTED.

COMM. 6E-6 from the COUNTY EXECUTIVE. Re: EC Sewer District No. 3 – Southtowns AWTF Sewer Sludge Incinerator Emissions Upgrade Project – Bid Opening.

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

GRANTED.

COMM. 6E-7 from the COUNTY EXECUTIVE. Re: EC Sewer District No. 6 – Engineering Term Contract Agreement – DiDonato Associates – Work Order DI-3.

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

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

GRANTED.

COMM. 6E-8 from the COUNTY EXECUTIVE. Re: EC Climate Action and Sustainability Plan (April 1, 2015–March 31, 2017).

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

GRANTED.

COMM. 6E-9 from the COUNTY EXECUTIVE. Re: Tonawanda Rails to Trails – Federal-Aid Highway Local Project – Utility Work Agreement with National Grid and Purchase of Wetland Credits – Town & City of Tonawanda.

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

GRANTED.

COMM. 6E-10 from the COUNTY EXECUTIVE. Re: Tonawanda Rails to Trails – NYSDOT Supplemental Agreement No. 2.

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

GRANTED.

COMM. 6E-11 from the COUNTY EXECUTIVE. Re: Tonawanda Rails to Trails – Award of Construction Contract to Northeast Diversification Inc, Contract with C&S Companies for Design, ROW and Construction Services.

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

GRANTED.

COMM. 6E-12 from the COUNTY EXECUTIVE. Re: Intersection Improvement Project – Strickler Road-CR 269 at County Road-CR 282, Town of Clarence.

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

GRANTED.

COMM. 6E-13 from the COUNTY EXECUTIVE. Re: WNY Stormwater Coalition – Newly Designated Urbanized Area Project.

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

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

GRANTED.

COMM. 6E-14 from the COUNTY EXECUTIVE. Re: Reallocate Grant Positions.

Received and referred to PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 6E-15 from the COUNTY EXECUTIVE. Re: Erie County Sewer District No. 3 – Rush Creek Interceptor, Blasdel Milestrip Wet Weather Relief Pumping Station and Force Main Project – Re: Bid Opening Contract No. 17-A.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

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-A at 10:00 a.m. on March 18, 2015.

Contract	<u>Low Responsible Bidder</u>	Amount
Contract 17-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$6,642,525.00

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-A be awarded as follows:

Contract	<u>Low Responsible Bidder</u>	Amount
Contract 17-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$6,642,525.00

; 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 County Comptroller is authorized and directed to allocate \$6,642,525.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00012 for Contract No. 17-A; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller is authorized to establish budgets as necessary and directed to transfer \$4,750,000.00 from the Erie County Sewer District No.3 Capital Reserve Account C.00007 to Sewer District No. 3 Capital Project C.00012; and be it further

RESOLVED, that the County Director of Budget and Management and the County Comptroller be authorized to increase estimated revenue and appropriations in Erie County Sewer District No.3 Capital Account C.00012 by \$4,750,000.00 for this project; 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.

Item 48 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-16 from the COUNTY EXECUTIVE. Re: Authorization to Contract for Home Care Services.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

WHEREAS, the Department of Senior Services' Expanded In-Home Services for the Elderly Program (163EISEP1516) and Elder Caregiver Support (163III-E2015) grants have available home care services appropriations for the period April 1, 2015 through March 31, 2016; and

WHEREAS, the eight home care agencies the Department of Senior Services currently contracts with, are not always able to meet the demands for services, particularly PCA-1 home care services; and

WHEREAS, the Department of Senior Services has identified six additional home care agencies that are willing and capable to provide services to seniors residing throughout the county under the Department's home care services programs; and

WHEREAS, the Department desires to contract with Angels at Heart Senior Care, LLC., Home Assist Senior Care Inc., SLK Caregivers, Inc., Benton Property Management Co., LLC., Compass Home Services, LLC. d/b/a Homewatch Caregivers, and FirstLight Home Care an assumed name of Ciambella Home Care, Inc. to provide home care services, especially PCA-1 home care services, under the Department's home care services programs for the period April 1, 2015 to March 31, 2016.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts with Angels at Heart Senior Care, LLC., Home Assist Senior Care, Inc., SLK Caregivers Inc., Compass Home Services, LLC. d/b/a Homewatch Caregivers, Benton Property Management Co., LLC, and FirstLight Home Care an assumed name of Ciambella Home Care, Inc. to provide III-E and EISEP funded home care services to individuals referred by the Department of Senior Services' case management staff at an hourly rate not to exceed \$20 per hour for the period April 1, 2015 through March 31, 2016; 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, the Departments of Law and Senior Services.

Item 49 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-17 from the COUNTY EXECUTIVE. Re: EC Correctional Facility - Emergency Security Repairs.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

WHEREAS, during winter 2014-2015, the razor wire fencing, perimeter security monitoring systems and exterior cameras at the Erie County Correctional Facility suffered damage which was exacerbated, in part, by Winter Storm Knife; and

WHEREAS, because of the security concerns shared by the Office of the Sheriff and Department of Public Works, an emergency declaration was issued by the County Executive on March 18, 2015, authorizing emergency work and the bypassing of competitive bidding to hire contractors to conduct immediate work; and

WHEREAS, in order to provide a source of funds to pay for the repairs, legislative authorization is sought to utilize 2015 savings in the Medicaid-MMIS account and to create a new capital project to conduct the Correctional Facility repairs.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments to the 2015 Budget are hereby authorized:

Fund 110- 2015 Budget
120- Social Services

Expense Account	Increase/ (Decrease)
525000 MMIS Medicaid Local Share	(\$ 245,000)
Total	(\$ 245,000)

Fund 110- 2015 Budget
122- Buildings & Grounds

Expense Account	Increase/ (Decrease)
570050 Interfund Transfer Capital	\$ 245,000
Total	\$ 245,000

; and be it further

RESOLVED, that a new capital project is hereby authorized in Fund 410 for the 2015 Perimeter Security repairs and rehabilitation of the Erie County Correctional Facility in an amount not to exceed \$245,000, funded via Interfund Revenue Subsidy; and be it further

RESOLVED, that these funds will be utilized by the Department of Public Works for the repairs and work associated with the March 18, 2015 emergency declaration issued by the county executive for the Erie County Correctional Facility; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary budgetary adjustments to comply with this resolution; and be it further

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

Item 50 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6M-11 from the SPCA. Re: Letter Regarding EC Animal Abuse Registry.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MILLER-WILLIAMS

Item 51 – (COMM. 6E-1) Letter From Erie Canal Harbor Development Corporation Regarding Redevelopment of Buffalo's Outer Harbor

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR BURKE

Item 52 – (COMM. 6E-2) Municipal Broadband Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 53 – (COMM. 6E-3) Letter from Sheriff's Office Regarding Animal Abuse Registry
Law

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR LORIGO

Item 54 – (COMM. 6E-4) Letter Regarding Conditional Release Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 55 – (COMM. 6D-1) Documents Received Regarding LL Intro.1-2 (2015)

Item 56 – (COMM. 6D-2) Organizations Funded by Erie County - 2014 Close-Out Report

Item 57 – (COMM. 6D-3) Organizations Funded by Erie County - 2015 Budget Submissions

The above three items were received and filed.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 58 – (COMM. 6D-4) Comm. 12E-34 Compliance Report - February - CPS Caseloads

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 59 – (COMM. 6D-5) NYSDEC Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 6D-6) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BOARD OF HEALTH

Item 61 – (COMM. 6D-7) Agenda for April 21, 2015 Meeting and Minutes of January 6, 2015 Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE SECRETARY TO THE GOVERNOR

Item 62 – (COMM. 6M-1) Confirmation Letter Regarding ECMCC Director Appointment

Received and filed.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 63 – (COMM. 6M-2) March 19, 2015 Board of Trustees Agenda

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN CLERK, TOWN OF TONAWANDA

Item 64 – (COMM. 6M-3) Town Resolution Regarding Reform of the Community College Chargeback Policy

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS COMPTROLLER

Item 65 – (COMM. 6M-4) Letter Regarding Audit of EC's Monitoring of the Ignition Interlock Program

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC BAR ASSOCIATION

Item 66 – (COMM. 6M-5) Assigned Counsel Program Quarterly Report for 4th Quarter, 2014

Item 67 – (COMM. 6M-6) Assigned Counsel Program Financial Report July-December 2014, Attorneys on Assigned Counsel Panel, Board of Directors Meeting Minutes

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

FROM THE ASSOCIATION OF EC GOVERNMENTS

Item 68 – (COMM. 6M-7) Resolution in Support of Niagara Military Affairs Council and the Niagara Falls Air Reserve Station

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LABCARE INC

Item 69 – (COMM. 6M-8) Letter Regarding Medical Marijuana

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM VOICE BUFFALO

Item 70 – (COMM. 6M-9) Letter Regarding Local Conditional Release Commission

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CHEEKTOWAGA FIRE DISTRICT OFFICERS ASSOCIATION

Item 71 – (COMM. 6M-10) Letter to Legislator Rath Regarding Wireless 911 Cell Phone Surcharge

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 72 – CHAIR MILLS announced the committee schedule for April 9, 2015 has been distributed.

Item 73 – CHAIR MILLS announced a public hearing is scheduled for April 15, 2015 to hear public comment regarding proposed modification of plans for EC Sewer District No. 3.

MEMORIAL RESOLUTIONS

Item 74 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Milford J. “Mil” Dixon.

Item 75 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Kenneth Parnett and William Watson.

Item 76 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Robert L. Dorr, Steven J. Goodman, and Pamela M. Schunk.

ADJOURNMENT

Item 77 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, April 16, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, April 16, 2015 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE