

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 7**  
**APRIL 16, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Morton, who recited a short prayer.

The Pledge of Allegiance was led by Mr. Burke.

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 6 from 2015. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. GRANT presented a resolution Recognizing April 12-18, 2015 as "National Prosthodontics Awareness Week", and April 2015 as "Oral Cancer Awareness Month".

Item 6 – MR. HARDWICK presented a resolution Honoring Daniel C. Drexelius as the Grand Island Chamber of Commerce 2014 Community Service Person of the Year.

Item 7 – MR. HARDWICK presented a resolution Honoring Mark Gorton as the Grand Island Chamber of Commerce 2014 Educator of the Year.

Item 8 – MR. HARDWICK presented a resolution Honoring Michael Ludwig as the Grand Island Chamber of Commerce 2014 Business Person of the Year.

Item 9 – MR. HARDWICK presented a resolution Honoring Paul Edward Robinson as the Grand Island Chamber of Commerce 2014 Civic Person of the Year.

Item 10 – MR. HARDWICK presented a resolution Honoring John White as the Erie County Legislature's Citizen of the Month for April 2015.

Item 11 – MR. HARDWICK presented a resolution Honoring the Annual Father's Day Lawnmower Race/Kevin Doring's Memorial 5K as the Grand Island Chamber of Commerce 2014 Organization of the Year, and Floyd Doring for his Dedication to the Community.

Item 12 – MS. MILLER-WILLIAMS presented a resolution Congratulating Bishop Michael A. Badger and Lady Joyce Badger on their 25th Pastoral Anniversary.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Leroy R. Coles Jr.

Item 14 – MS. MILLER-WILLIAMS presented a resolution Congratulating Journey's End Refugee Services on 30 Years of Service to the Western New York Community.

Item 15 – MR. MORTON presented a resolution Recognizing April as "Donate Life" Month and Encouraging Citizens to Register as Organ Donors.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above eleven items by adding one miscellaneous resolution for MR. HARDWICK and to include Et Al sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 16 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 7 (Print #2) 2014 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 2 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 26 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

April 9, 2015	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS DIXON & LOUGHRAN.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6D-6 (2015)  
**COUNTY ATTORNEY:** "Transmittal of New Claims Against Erie County"  
(4-0)
  - b. COMM. 6M-5 (2015)  
**EC BAR ASSOCIATION:** "Assigned Counsel Program Quarterly Report for 4th Quarter, 2014"  
(4-0)
  - c. COMM. 6M-6 (2015)  
**EC BAR ASSOCIATION:** "Assigned Counsel Program Financial Report July-December 2014, Attorneys on Assigned Counsel Panel, Board of Directors Meeting Minutes"  
(4-0)
  - d. COMM. 6M-7 (2015)  
**ASSOCIATION OF EC GOVERNMENTS:** "Resolution in Support of Niagara Military Affairs Council and the Niagara Falls Air Reserve Station"  
(4-0)
2. RESOLVED, the following item is hereby received, filed and referred to the Energy & Environment Committee:
  - a. COMM. 6E-3 (2015)  
**BURKE:** "Letter from Sheriff's Office Regarding Animal Abuse Registry Law"  
(4-0)
3. COMM. 5E-21 (2015)  
**COUNTY EXECUTIVE**  
RESOLVED, the Erie County Legislature hereby confirms the appointment of Steven M. Miller of 120 Maplewood Drive, Glenville, NY 14302 to serve as the Erie County Commissioner of Labor Relations.  
(4-0)

KEVIN R. HARDWICK  
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

April 9, 2015	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3E-15 (2015)  
**COUNTY EXECUTIVE:** “OPEN ITEM – Black Rock Canal Park Phase II Construction”  
(5-0)
  - b. COMM. 6E-7 (2015)  
**COUNTY EXECUTIVE:** “EC Sewer District No. 6 – Engineering Term Contract Agreement – DiDonato Associates – Work Order DI-3”  
(5-0)
  - c. COMM. 6D-5 (2015)  
**CLERK OF THE LEGISLATURE:** “NYSDEC Documents Received”  
(5-0)
2. COMM. 6E-5 (2015)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Legislature had awarded the Erie County Sewer District No. 3 engineering agreement to CRA Infrastructure & Engineering, Inc., formerly R & D Engineering; and  
  
WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled engineering services are now complete; and  
  
WHEREAS, the Engineer has been paid in full; and  
  
WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the acceptance of the Erie County Sewer District No. 3 engineering agreement in the final contract amount of \$493,686.98.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sewer District No. 3 engineering agreement between the County of Erie CRA Infrastructure & Engineering, Inc. (formerly R & D Engineering), 285

Delaware Avenue Buffalo, New York 14202 is accepted in the amount of \$493,686.98; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Erie County Sewer Districts No. 3 engineering agreement between the County of Erie and CRA Infrastructure & Engineering, Inc., in the amount of \$493,686.98; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and Gregory Kammer Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10<sup>th</sup> floor.  
(5-0)

TED B. MORTON  
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

April 9, 2015	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LOUGHRAN.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-1 (2015)  
**MILLER-WILLIAMS:** “Letter From Erie Canal Harbor Development Corporation Regarding Redevelopment of Buffalo's Outer Harbor”  
(5-0)
  - b. COMM. 6E-2 (2015)  
**BURKE:** “Municipal Broadband Project”  
(5-0)
2. COMM. 5E-27 (2015)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$1,055,969 to commence the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation (Comm. 6E-16); and

WHEREAS, the Erie County Legislature authorized the County Executive to appropriate the revenue from the New York State Department of Environmental Conservation into the Department of Environment and Planning SAP Grant Account: 162WNYSCMS4MP1115 (Comm. 2E-21); and

WHEREAS, it is necessary to revise the existing budget in accordance with the current project work plan and contractual requirements set forth by the granting agency.

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the WNY Stormwater Coalition MS4 Mapping Project is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

WNY Stormwater Coalition: MS4 Mapping Project  
(Grant Period: 10/01/11-12/31/15), SAP Grant Account #162WNYSCMS4MP1115

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
409000	State Aid Revenue – New York State Department of Environmental Conservation	\$1,055,969	\$0	\$ 1,055,969
<b>TOTAL REVENUE</b>				<b>\$ 1,055,969</b>

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel Services	\$368,698	(\$48,142)	\$320,556
502000	Fringe Benefits	\$199,096	\$31,029	\$230,125
505000	Office Supplies	600	\$0	\$600
505800	Medical/Health	\$1,900	(\$248)	\$1,652
510000	Local Travel & Mileage	\$25,332	(\$25,332)	\$0
510100	Out of Area Travel	\$80	\$924	\$1,004
516020	Professional Service Contract	\$356,277	(\$73,663)	\$282,614
530000	Other Expenses	\$100	(\$27)	\$73
561410	Lab and Technical	\$22,130	(\$2,008)	\$20,122
916290	ID Env & Plan Grants	\$81,756	\$117,467	\$199,223
<b>TOTAL APPROPRIATIONS</b>				<b>\$1,055,969</b>

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; 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 County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of the Department of Environment and Planning; and Thomas Hersey, Jr., Deputy Commissioner of the Department of Environment and Planning.

(5-0)

3. COMM. 6E-8 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades; and

WHEREAS, DEP is committed to creating an internal sustainability plan for county operations; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) provides grant assistance to county governments to implement sustainability projects; and

WHEREAS, Erie County applied for a NYSERDA grant to support the Erie County Climate Action and Sustainability Plan; and

WHEREAS, Erie County was awarded a NYSERDA grant to receive \$250,000 in funding to create an Erie County Climate Action and Sustainability Plan; and

WHEREAS, this necessitates the execution of a contract with NYSERDA, the adoption of a grant budget, and the creation of a Senior Environmental Compliance Specialist (JG-12) position within the DEP which will be 100 % grant funded.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$250,000 from NYSERDA for the purpose of establishing a two-year “Erie County Climate Action and Sustainability Plan” project; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Climate Action and Sustainability Plan” project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

Erie County Climate Action and Sustainability Plan (April 1, 2015 –March 31, 2017),  
SAP Grant Account #162ECCASP1517



<u>REVENUE:</u>		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	(\$250,000)
TOTAL REVENUE		(\$250,000)
<u>APPROPRIATIONS:</u>		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personnel Services	\$142,000
502000	Fringe Benefits	\$ 88,040
510100	Out of Area Travel	\$ 9,000
530000	Other	<u>\$ 10,960</u>
TOTAL APPROPRIATIONS:		\$250,000

and be it further

RESOLVED, that the following position, for which sufficient funding through NYSERDA grant funding for personal services and fringe benefits exists, will be created in the above grant:

Senior Environmental Compliance Specialist (JG-12)  
B-100 No. 000 000 8169  
Budgeted Annual Salary: \$71,000

and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$250,000 from NYSERDA for the purpose of creating an "Erie County Climate Action and Sustainability Plan" project; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; 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 County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of Environment and Planning; and Bonnie Lawrence, Coordinator – Pollution Prevention Program.

(5-0)

4. COMM. 6E-9 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Tonawanda Rails to Trails Project PIN 5756.84 ("Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, to advance the Construction phase of the Project, Erie County is required to execute a Utility Work Agreement with National Grid in the amount of \$100,000.00 which is available from SAP Project B.13016.17.321, Fund Center 123, Fund 420; and

WHEREAS, to advance the Construction phase of the Project, Erie County is required to execute a contract for the purchase of 0.3 wetland credits in the estimated amount of \$25,000.00 which is available from SAP Project B.14006.1, Fund Center 123, Fund 420; and

WHEREAS, execution of a supplemental agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the \$100,000 total sum of the Utility Work Agreement with National Grid is hereby appropriated from SAP Project B.13016.17.321, 2013 Capital (PAYGO) Road Program and made available to cover the cost of participation in the Utility Work Agreement; and be it further

RESOLVED, that the \$25,000 estimated total sum of the cost of purchasing the required 0.3 wetland credits is hereby appropriated from SAP Project B.14006.1, 2014 Tonawanda Rails To Trails and made available to cover the cost of the required credits; and be it further

RESOLVED, that the Erie County Executive, pending approval and execution of the supplemental agreement with NYSDOT, is hereby authorized to execute all necessary Agreements and certifications on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with National Grid and/or the selected vendor of the required wetland credits in connection with the advancement or approval of the Project; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

5. COMM. 6E-10 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Tonawanda Rails to Trails Project PIN 5756.84 is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design; Right of Way via Legislative Communication 13E-39 of June 24, 2004; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which includes increases to the Design, Right of Way, and the Construction phases of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$3,219,000.00 an increase of \$2,869,000.00 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the County is required to pay the estimated local share for the increase in Project costs in the amount of \$573,800.00 which is available from the SAP projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Tonawanda Rails to Trails federal aid project; and be it further

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

RESOLVED, that the Project budgets be adjusted to reflect the anticipated federal revenue for each phase as follows:

Fund 420, BA 123, B.13011, 2013 Tonawanda Rails To Trails Project (Design):

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	0	\$92,400.00	\$92,400.00
445070	PremOn Obligations	7,501.46	0	7,501.46
475000	Gen Oblig Bond Proc	<u>47,898.54</u>	<u>0</u>	<u>47,898.54</u>
TOTAL REVENUES		<u>\$55,400.00</u>	<u>\$92,400.00</u>	<u>\$147,800.00</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$55,400.00</u>	<u>\$92,400.00</u>	<u>\$147,800.00</u>
TOTAL APPROPRIATIONS		<u>\$55,400.00</u>	<u>\$92,400.00</u>	<u>\$147,800.00</u>

Fund 420, BA 123, B.13016, 2013 Capital (PAYGO) Road Program:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	0	\$363,200.00	\$363,200.00
486000	Gen Oblig Bond Proc	<u>\$ 7,900,000.</u>	<u>\$0</u>	<u>\$ 7,900,000.</u>
TOTAL REVENUES		<u>\$7,900,000.</u>	<u>\$363,200.00</u>	<u>\$8,263,200.00</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$7,900,000.</u>	<u>\$363,200.00</u>	<u>\$8,263,200.00</u>

TOTAL APPROPRIATIONS \$7,900,000. \$363,200.00 \$8,263,200.00

Fund 420, BA 123, B.14006, 2014 Tonawanda Rails To Trails Project (ROW):

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	40,000.00	\$0	40,000.00
445070	PremOn Obligations	1,336.76	0	1,336.76
475000	Gen Oblig Bond Proc	<u>8,663.24</u>	<u>0</u>	<u>8,663.24</u>
TOTAL REVENUES		<u>\$50,000.00</u>	<u>\$0</u>	<u>\$50,000.00</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$10,000.00	\$40,000.00	\$50,000.00
Unallocated	Unallocated Capital	<u>\$40,000.00</u>	<u>(\$40,000.00)</u>	<u>0</u>
TOTAL APPROPRIATIONS		<u>\$50,000.00</u>	<u>\$0</u>	<u>\$50,000.00</u>

Fund 420, BA 123, B.14009, 2014 Tonawanda Rails To Trails Project (Construction):

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	1,800,000.	\$0	1,800,000.
445070	PremOn Obligations	60,154.11	0	60,154.11
475000	Gen Oblig Bond Proc	<u>389,845.89</u>	<u>0</u>	<u>389,845.89</u>
TOTAL REVENUES		<u>\$2,250,000.</u>	<u>\$0</u>	<u>\$2,250,000.</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$450,000.	\$1,800,000.00	\$2,250,000.00
Unallocated	Unallocated Capital	<u>\$1,800,000.</u>	<u>(\$1,800,000.00)</u>	<u>0</u>
TOTAL APPROPRIATIONS		<u>\$2,250,000.</u>	<u>\$0</u>	<u>\$2,250,000.</u>

; and be it further

RESOLVED, that the estimated total cost increase of the Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction Phase of the Project, \$2,869,000.00, is hereby appropriated from Fund 420 SAP Projects B.13011, 2013 Tonawanda Rails to Trails, B.13016, 2013 Capital PAYGO Road Projects B.14006, 2014 Tonawanda Rails to Trails and B.14009 Tonawanda Rails to Trails, and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Phases as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

6. COMM. 6E-11 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie desires to initiate the construction phase of the Tonawanda Rails to Trails 5756.84 Project ("Project"); and

WHEREAS, execution of a supplemental agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution; and

WHEREAS, the project was bid on December 11, 2014 and the low bidder was Northeast Diversification, Inc. with a bid of \$2,249,823.31 and it is necessary to award a contract for the construction of the project to Northeast Diversification Inc.; and

WHEREAS, it is desired to execute a contract with project engineers, C&S Companies for Design, ROW and Construction Phase Services for the Project in the amount of \$506,827.00; and

WHEREAS, it is desired to establish a project contingency in the amount of \$16,000.00 for unanticipated costs or change orders.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Tonawanda Rails to Trails Federal Aid Local Project; and be it further

RESOLVED, that the County Executive, pending approval and execution of the supplemental agreement with the New York State Department of Transportation, be authorized to award and execute contracts for the Project with responsible low bidder, Northeast Diversification in the amount of \$2,249,823.31 which is hereby appropriated from Fund 420, BA123, SAP B.14009,

2014 Tonawanda Rails to Trails in the amount of \$2,250,000.00; and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that the County Executive, pending approval and execution of the supplemental agreement with NYSDOT, be authorized to execute a contract with C&S Engineers, Inc. for engineering Design, Right of Way, Construction, and Construction Inspection for the Project, in the amount of \$506,827.00 which is hereby appropriated from Fund 420, BA 123, SAP projects: B.00126.1, 2004 Trail Projects: Seneca and Tonawanda (\$28,827.00); B.13016.17, 2013 Capital (PAYGO) Road Program (\$338,000.00); B.13011, 2013 Tonawanda Rails to Trail (\$115,000.); and B.14006, 2014 Tonawanda Rails to Trails (\$25,000.00) and made available to cover the cost of said services; and be it further

RESOLVED, that the County Executive, pending approval and execution of the supplemental agreement with NYSDOT, be authorized to execute contingency agreements and change orders for the Project in the amount of \$16,000.00 which is hereby appropriated from Fund 420, BA123, SAP B.13016.17, 2013 Capital (PAYGO) Road Program; and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.  
(5-0)

7. COMM. 6E-12 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature through Comm. 20E-4 of November 5, 2014 authorized the participation in the federally funded Intersection Improvement project; PIN 5758.22 Intersection Safety Improvements for Strickler Road-CR 269 at County Road-CR 282 (the project) in the amount of \$665,000; and

WHEREAS, the awards to low bidders, Occhino Corp. and Bergmann Associates construction services and inspection agreements exceed the project estimate of \$665,000.00 by approximately \$20,000.00; and

WHEREAS, the Erie County Department of Public Works, Division of Highways, is confident the bidder and consulting engineer proposals are fair and in the best economic interest to the taxpayers of Erie County, and would like to finance the shortfall from existing available funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the federally funded Intersection Improvement project; PIN 5758.22 Intersection Safety Improvements for Strickler Road at County Road; and be it further

RESOLVED, that this Honorable Body hereby authorizes the allocation of \$20,000.00, from B.14015.2 2014 Preservation of Roads, Highway Safety Improvements Program, Business Area 123,

Fund 420 for the shortfall in the federal aid project, and execution of related change orders with Bergmann Associates for intersection safety improvements; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

8. COMM. 6E-13 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$417,228 to commence the WNY Stormwater Coalition (WNYSC): Newly Designated Urbanized Area Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the WNYSC membership in in-kind services; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff positions:

Junior Environmentalist (JG 7);

Existing Planner – Geographic Information Systems (JG 11); and

WHEREAS, the new MS4 Mapping Project grant budget will also support 25% of the existing Principal Environmental Compliance Specialist (JG 14) position that has been created in the WNYSC: MS4 Assistance Project 2011/12 SAP Grant Account 62WNYSCMS4AP1112 (approved by Comm.19E-10, dated December 9, 2010) through 03/31/15 to provide overall management of the mapping project; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the "State", and Erie County be executed for such State aid; and

WHEREAS, it necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: MS4 Mapping Project; and

WHEREAS, the County of Erie, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

RESOLVED, that the Deputy County Executive is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the Deputy County Executive is authorized to enter an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Newly Designated Urbanized Area Project in an amount not to exceed \$15,500 in grant resources; and be it further

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: Newly Designated Urbanized Area Project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: Newly Designated Urbanized Area Project  
(Grant Period: 10/1/15 – 3/31/18), SAP Grant Account #162WNYSCNDUAP1518

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$417,228)
TOTAL REVENUE		(\$417,228)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$189,713
502000	Fringe Benefits	\$123,314
530000	Other Expenses	\$800
561410	Lab & Technical Equipment	\$7,000
516020	Professional Service Contract	\$15,500
916290	ID Env. & Planning Services	<u>\$80,901</u>
		\$417,228
TOTAL APPROPRIATIONS		\$417,228

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the WNY Stormwater Coalition: MS4 Mapping Project (162WNYSCMS4MP1115). Business Area 162 (Fund 281, SAP Grant Account #162WNYSCMS4MP1115) upon consumption of the current budget:



Planner – Geographic Information Systems (JG 11)  
B-100 No. B0000008164 (Effective 10/1/2015)  
Budgeted Annual Salary: \$51,765

and be it further

RESOLVED, that the following position, which is 100% grant funded, will be created:

Junior Environmental Compliance Specialist (JG 7)  
B-100 No. B0000008165  
Budgeted Annual Salary: \$31,822

and be it further

RESOLVED, that in order to allow the mapping grant to reimburse 25% of the time of the existing Principal Environmental Compliance Specialist (JG 14) position, the grant budget for the WNY Stormwater Coalition: MS4 Assistance Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (Grant Period: 01/01/11-12/31/12), SAP Grant Account #162WNYSCMS4AP1112

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
420499	Other Local Source Revenue	(\$318,000)	(\$243,714)	(\$561,714)
TOTAL REVENUE		(\$318,000)	(\$243,714)	(\$561,714)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$254,453	\$196,736	\$451,189
502000	Fringe Benefits	\$145,303	\$127,879	\$273,182
916290	ID Env. & Planning Services	<u>(\$81,756)</u>	<u>(\$80,901)</u>	<u>(\$162,657)</u>
TOTAL APPROPRIATIONS		\$318,000	\$243,714	\$561,714

and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

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

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; 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 County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of the Department of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of the Department of Environment and Planning; and the Albany office of the New York State Department of Environmental Conservation.  
(5-0)

EDWARD A. RATH, III  
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

April 9, 2015	PUBLIC SAFETY COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR DIXON.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 6E-14 (2015)

**COUNTY EXECUTIVE**

WHEREAS, Central Police Services has been awarded a grant by the National Institute of Justice: and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to maintain national and New York State accreditation standards and analyze backlogged DNA cases.

NOW, THEREFORE, BE IT

RESOLVED, that in order to meet compliance requirements of the U.S. Department of Justice, authorization is hereby provided to adjust grants in the budget of the Department of Central Police Services as follows:

Delete/add the position of Quality Assurance coordinator from grant 165DNABacklog2015 to grant 165AIDCRIMELAB1415

Delete/add the position of Forensic Biologist II from grant 165AIDCRIMELAD1415 to grant 165DNABACKLOG2015

(B-100 #8196); and be it further

RESOLVED, that the costs associated with this reallocation be made retroactive to January 1, 2015; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, and the Department of Central Police Services, attention: Kristen Lazarz.  
(5-0)

EDWARD A. RATH, III  
CHAIR

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: Transfer of Blueprints of the Proposed Bills Stadium to the Lancaster Historical Society  
(INTRO. 7-1)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MORTON

WHEREAS, original blueprints and plans from the proposed design of an NFL stadium in Lancaster were found in the legislative offices in Old County Hall; and

WHEREAS, the Lancaster Historical Society has expressed an interest in the design plans for the proposed Buffalo Bills stadium; and

WHEREAS, because these items serve no purpose left in the closets of Old County Hall and because the blueprints depict a stadium proposed in Lancaster this honorable body expresses the intent to allow the Lancaster Historical Society to care for and maintain the stadium design plans for the benefit of the residents of the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items:

<u>Item</u>	<u>County ID</u>
Blueprints and associated design plans for the proposed Buffalo Bills stadium to be located in Lancaster	N/A

are hereby transferred by the County of Erie to the Lancaster Historical Society, 40 Clark Street, Lancaster, NY 14086; and, be it further

RESOLVED, that these items are to be used only for a purpose related to historical preservation and public viewing of the documents; and, be it further

RESOLVED, that the ownership of these items remains with the County of Erie and this honorable body hereby requests that the County Attorney works with the Lancaster Historical Society to effectuate said transfer in such a way as to allow for the display and preservation of these documents by the Lancaster Historical Society for the benefit of all residents of Erie County; and, be it further

RESOLVED, that the agreement shall allow for the Lancaster Historical Society to possess said documents until such time as they choose to return them to county ownership, the County Executive, subject to legislative approval, requests the documents be returned in writing, or by resolution of the County Legislature, approved by a majority of the entire body, request the return of said plans; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Lancaster Historical Society, the County Attorney, and all other parties deemed necessary and proper.

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

MS. GRANT moved to send the item to committee for further consideration. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS.  
NOES: MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. (AYES: 4; NOES: 7)

FAILED.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MR. BURKE, MR. LOUGHRAN, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: MS. GRANT, MS. MILLER-WILLIAMS. (AYES: 9; NOES: 2)

CARRIED.

RESOLUTION NO. 86

RE: Support for Legalization of Mixed  
Martial Arts Competition in New York  
(INTRO. 7-2)

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

WHEREAS, Mixed Martial Arts (MMA) has gained tremendous popularity over the past decade; and

WHEREAS, Erie County urges New York State to repeal the ban on organized MMA competition and allow MMA events to be held across the state; and

WHEREAS, this honorable body goes on record to welcome organized live MMA events to the County of Erie; and

WHEREAS, allowing the State of New York to host marquee events for MMA would be a boost for the local economies that get the opportunity to host such events; and

WHEREAS, members of the New York State Legislature have submitted proposals to legalize MMA events; and

WHEREAS, the sheer number of proposals from Legislators across the state lends support to the argument that the residents of the State of New York are in support of legalizing MMA events.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body issues its support of legalizing MMA events here in New York State and urges the Governor to work with the Assembly and Senate to ensure the events can take place in as safe a manner as possible; and

RESOLVED, that certified copies of this Resolution be sent to the Western New York Delegation for the New York State Senate and Assembly, the Governor of the State of New York, Mr. Lorenzo Fertitta the Chairman of the UFC, and all parties deemed necessary and proper.

Item 34 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

MR. BURKE moved to send the item to committee for further consideration. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MR. BURKE, MR. LOUGHRAN, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: MS. GRANT, MS. MILLER-WILLIAMS. (AYES: 9; NOES: 2)

CARRIED.

RESOLUTION NO. 87

RE: Opposition to Additional Funding for  
Start-Up NY Program  
(INTRO. 7-3)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS & LORIGO

WHEREAS, Governor Cuomo's Start-up NY campaign has had its first full year of operation and several members of County government have questioned its results and future direction; and

WHEREAS, in the first year the program has created only 76 jobs and generated \$1.7 million in investment which is a far cry from the promised rate; and

WHEREAS, if the current rate does not change the program will generate 380 jobs and \$8.5 million worth of investment over five years, as opposed to the promised creation of 2,300 jobs and \$103 million worth of investment; and

WHEREAS, the Governor has proposed transferring an additional \$50 million out of the New York Power Authority and partly into Start-Up NY for 2015; and

WHEREAS, that funding could be spent for far more useful programs including infrastructure repair and reinvestment or returned to the people of the State of New York; and

WHEREAS, based off the results of the program in the first year it is unjustifiable for Governor Cuomo to continue spending taxpayer money on such an ineffective program.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body demands that the money diverted from the New York Power Authority be spent for the direct benefit of Western New Yorkers or given back to the residents in the State of New York in the form of lower taxes; and

RESOLVED, that certified copies of this resolution be sent the Governor Andrew Cuomo, the Western New York Delegations for the New York State Senate and Assembly, and all other parties deemed necessary and proper.

Item 35 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

RE: Supporting Efforts to Restore Humboldt  
Parkway  
(INTRO. 7-4)

A RESOLUTION TO BE SUBMITTED BY

LEGISLATORS MILLER-WILLIAMS, GRANT, SAVAGE, BURKE

WHEREAS, "Green Parkway" is a vision for the restoration of Humboldt Parkway in the City of Buffalo, this community driven initiative is looking to reverse the devastating effects to the neighborhood from the construction of the Route 33 Kensington Expressway in the 1960s by creating a deck covering over the expressway; and

WHEREAS, the restoration of Humboldt Parkway will also reduce the incidence of asthma and other pulmonary disorders that have affected neighborhood residents; and

WHEREAS, residents and stakeholders from the Humboldt Parkway neighborhood have formed a community group dedicated to this vision called the 'Restore Our Community Coalition,' organizers from this group have been building support for this initiative at the City, State, and Federal levels; and

WHEREAS, the University at Buffalo's School of Architecture and Planning and Regional Institute has completed a report called the 'Kensington Deck Economic Impact Study,' recently released findings highlight the feasibility of this project and the positive impact to the region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby goes on record to support the proposed "Green Parkway" initiative that focuses on the restoration of Humboldt Parkway in the City of Buffalo; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the Restore Our Community Coalition, Erie County Executive, City of Buffalo Mayor, Buffalo Common Council, 141st District of the New York State Assembly, 60th District of the New York State Senate, the New York delegation to the United States Senate, and 26th Congressional District of the United States House of Representatives.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

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

GRANTED.

INTRO. 7-5 from LEGISLATORS LORIGO, MILLS, MORTON & RATH. Re: Support for Common Core Parental Refusal Act

MR. LORIGO moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

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

WHEREAS, this honorable body feels that parents should have more control over the education of their children; and

WHEREAS, the Common Core Program which was proposed by Governor Cuomo in 2010 is designed to standardize testing for children in most grade levels; and

WHEREAS, parents are currently allowed to ask that their children not be forced to take the tests effectively opting out from the Common Core curriculum at certain ages; and

WHEREAS, the Common Core Parental Refusal Act will require schools notify parents that they have the right to opt their children out of the Common Core Standardized tests for children in grades three through eight; and

WHEREAS, parents, not Governor Cuomo, should have the ultimate decision as to their child's education and they should be made aware that they have that right.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the Common Core Parental Refusal Act and encourages parents to choose the education they deem the best for their children; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Assembly and Senate, Governor Andrew Cuomo, and all parties deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

GRANTED.



INTRO. 7-6 from LEGISLATOR LORIGO. Re: Requesting the County Executive Issue a Declaration of Need allowing the ECFSA to Undertake Borrowing for the 2015 Capital Projects Needs

MR. LORIGO moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR LORIGO

WHEREAS, in the past both the Erie County Comptroller and Erie County Fiscal Stability Authority ("ECFSA") stated that the county could save in debt financing costs by utilizing the ECFSA, which was undisputed; and

WHEREAS, it is further undisputed that the ECFSA still has a superior bond rating to Erie County; and

WHEREAS, as a result of the superior bond rating the Control Board will be able to negotiate better rates on bonds than could the County of Erie; and

WHEREAS, delay in negotiating and issuing more debt will unnecessarily raise the cost of borrowing; and

WHEREAS, the legislature, in an attempt to keep the costs of borrowing as low as possible, requests that the County Executive support the ECFSA conducting borrowing on behalf of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive issue a Declaration of Need for the Erie County Fiscal Stability Authority to conduct capital borrowing for the 2015 borrowing needs, as well as a re-funding of any current bonds if necessary; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Executive, the County Comptroller, the ECFSA, and all other parties deemed necessary and proper.

MR. LORIGO moved to amend the resolution to include sponsorship by MR. MILLS, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

GRANTED.

COMM. 7E-20 from CHAIR MILLS. Re: Letter to Clerk of the Legislature Calling for Public Hearing Regarding LL Intro. 7-2 (2014)

Received, filed & printed.

April 14, 2015

Dear Ms. McCarthy:

Please be advised that there is a need to call a Public Hearing to consider Local Law Intro. No. 7-2 (2014) “A Local Law in relation to the establishment of an Erie County Conditional Release Commission”.

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

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 4:30 p.m. on Wednesday, April 22, 2015 in the Erie County Legislature Chambers, located on the 4<sup>th</sup> floor of Old county Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,  
JOHN J. MILLS  
John J. Mills, Chair  
Erie County Legislature

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

GRANTED.

COMM. 7E-21 from the COUNTY EXECUTIVE. Re: Transfer of Funds for Wireless Devices for Department of Emergency Services and Office of the Sheriff

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 7D-11 from the CLERK OF THE LEGISLATURE. Re: Notice of Public Hearing Regarding LL Intro. 7-2 (2014)

Received, filed and printed.

**NOTICE OF PUBLIC HEARING/MEDIA ADVISORY**

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held in the Chambers of the Legislature, located at Old County Hall, 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 22nd day of April, 2015, at 4:30 o'clock p.m., prevailing time, for the purpose of conducting a public hearing to hear public comment on Local Law Intro. 7-2 (2014) "A Local Law in relation to the establishment of an Erie County Conditional Release Commission".

Copies of the proposed Local law are available for Public Inspection at the Office of the Clerk of the Legislature, located at Old County Hall, 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York 14202. The proposed Local Law can also be viewed on the internet at [http://www2.erie.gov/legislature/sites/www2.erie.gov/legislature/files/uploads/Session\\_Folders/2015/Session\\_6/15%20LL%20Int.%207-2%282014%29.PDF](http://www2.erie.gov/legislature/sites/www2.erie.gov/legislature/files/uploads/Session_Folders/2015/Session_6/15%20LL%20Int.%207-2%282014%29.PDF)

Dated: Buffalo, New York  
April 13, 2015

By: Karen M. McCarthy  
Clerk, County Legislature

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

GRANTED.

COMM. 7D-12 from the CLERK OF THE LEGISLATURE. Re: Notice to Legislators of Public Hearing Regarding LL Intro. 7-2 (2014)

Received and filed.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR LORIGO**

Item 42 – (COMM. 7E-1) Reappointment to EC Bar Association Aid to Indigent Prisoners Society, Inc Board of Directors

Received, filed and printed.

March 30, 2015

Laura Styka Bloom, Esq.  
President of the Bar Association of Erie County of Erie  
438 Main St. – 6<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Ms. Bloom,

As the Majority Leader of the Erie County Legislature, I am pleased to recommend Peter Vasilon, Esq. to be reappointed to the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

Mr. Vasilon has served in this role for the past year and has been an important contributing member and I am sure he will continue to serve admirably.

I appreciate your attention to this matter.

Sincerely,  
JOSEPH C. LORIGO  
Joseph C. Lorigo – Majority Leader  
Erie County Legislature – District 10

CC: Peter Vasilon, Esq.  
Robert Convissar, Chief Defender/Administrator

**FROM CHAIR MILLS**

Item 43 – (COMM. 7E-2) Letter to Clerk of the Legislature Calling for Public Hearing Regarding Appropriations for 2015 Road Projects

Received, filed and printed.

April 10, 2015

Dear Ms. McCarthy:

Please be advised that there is a need to call a Public Hearing, pursuant to Tax Law §1432 and General Municipal Law, §6-d, in order to consider:

- the appropriation of \$10,800,000 of Transfer Tax from the Erie County Road Repair Reserve Fund (budgeted 2015 revenue) for road and bridge repairs in 2015; and
- the appropriation of \$2,470,000 of prior year surplus Transfer Tax from the Erie County Road Repair Reserve Fund for road and bridge repairs in 2015.

Accordingly, pursuant to Rule 1.01 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Public Hearing to be held on Monday, April 20, 2015 at 11:30 o'clock in the morning of that day in the Chambers of the Legislature, 4<sup>th</sup> Floor of Old County Hall, 92 Franklin St., Buffalo, NY.

Thank You for your attention to this matter.

Sincerely,  
JOHN J. MILLS  
John J. Mills, Chair  
Erie County Legislature

Item 44 – (COMM. 7E-3) Letter Directing the Clerk of the Legislature to Call a Special Meeting of the Legislature

Received, filed and printed.

April 13, 2015

Dear Ms. McCarthy,

Please be advised that there is a need to call a Special Meeting of the Legislature in order to authorize 2015 highway construction projects and appropriations and preapproval of bids for contracting and personnel adjustments in the departments of Public Works, Parks, Social Services and Health. The purpose of the meeting will be to discharge and consider items related to road and bridge construction and personnel adjustments.

Accordingly, pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a SPECIAL MEETING of the Erie County Legislature to be held on THURSDAY, APRIL 23, 2015 AT 2:00 O’CLOCK in the afternoon of that day in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, N.Y.

The agenda will include, but in no way be limited to, Comm. 7E-5 2015 Highway Projects – Authorization to Appropriate Funds and Enter into Contracts and Comm. 7E-14 Personnel Adjustments – Departments of Public Works, Parks, Social Services and Health.

Thank you for your attention to this matter.

Sincerely,  
JOHN J. MILLS  
John J. Mills  
Chair of the Erie County Legislature

**FROM THE COMPTROLLER**

Item 45 – (COMM. 7E-4) ECC Audited Financial Statements and Management Letter for Fiscal Year Ending August 2014

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 46 – (COMM. 7E-5) 2015 Highway Projects - Authorization to Appropriate Funds and Enter Into Contracts

Item 47 – (COMM. 7E-6) Ralph Wilson Stadium Lease Renovation Work - Capital Maintenance Work Reimbursement

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

**FROM LEGISLATOR MILLER-WILLIAMS**

Item 48 – (COMM. 7E-7) Letter Regarding Redevelopment of Humboldt Parkway

Item 49 – (COMM. 7E-8) Report Regarding Economic Impact Associated with the Redevelopment of Humboldt Parkway

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

**FROM THE COUNTY EXECUTIVE**

Item 50 – (COMM. 7E-9) NYS Department of Environmental Conservation Grants - Urban and Community Forestry Grants

Item 51 – (COMM. 7E-10) EPA Environmental Compliance - Phase 5 - A/E Fees

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

**FROM THE COMPTROLLER**

Item 52 – (COMM. 7E-11) 2015 Consolidated Bond Resolution

Item 53 – (COMM. 7E-12) Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Dec 2014, Jan, Feb 2015

Item 54 – (COMM. 7E-13) Audit of Indigent Legal Services Contract with the Legal Aid Bureau

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

**FROM THE COUNTY EXECUTIVE**

Item 55 – (COMM. 7E-14) Departments of Public Works, Parks, Social Services & Health - Personnel Adjustments

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 56 – (COMM. 7E-15) Appointment of Commissioner of Department of Mental Health

Item 57 – (COMM. 7E-16) Department of Health - Acceptance of a Grant Award for Pre-Exposure Prophylaxis (PrEP)

Item 58 – (COMM. 7E-17) Safe Harbor for Sexually Exploited Children

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

**FROM LEGISLATOR BURKE**

Item 59 – (COMM. 7E-18) Letter Regarding Report of Illegal Group Homes in Erie County

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM LEGISLATOR DIXON**

Item 60 – (COMM. 7E-19) Letter to Commissioner of Department of Public Works Regarding Deployment of County Resources and State and County Aid Distribution During the 2014 November Storm

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE CLERK OF THE LEGISLATURE**

Item 61 – (COMM. 7D-1) Notice of Informational Meeting Regarding 2015 Road Projects

Received, filed and printed.

**NOTICE OF INFORMATIONAL MEETING/MEDIA ADVISORY**

PLEASE TAKE NOTICE that an information meeting conducted by Majority Leader Joseph C. Lorigo will be held Thursday, April 16, 2015 at 11:00 a.m. in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, N.Y.

The Department of Public Works is seeking legislative authorization of 2015 highway construction projects and appropriations and preapproval of bids for contracting. This is a forum to discuss the road and bridge projects to be conducted in 2015 that are planned to take place following the authorization to appropriate funds and enter into contracts as requested. In addition, a resolution seeking authorization to create new positions will be reviewed.

Dated: Buffalo, New York  
April 13, 2015

By: Karen M. McCarthy  
Clerk, County Legislature

Item 62 – (COMM. 7D-2) Notice of Public Hearing Regarding Appropriations for 2015 Road Projects

Received, filed and printed.

**NOTICE OF PUBLIC HEARING/MEDIA ADVISORY**

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, New York, in said County, on the 20<sup>th</sup> day of April, 2015, at 11:30 o'clock a.m., prevailing time, pursuant to Tax Law §1432 and General Municipal Law §6-d, for the purpose of conducting a public hearing to hear public comment on:

- the appropriation of \$10,800,000 of Transfer Tax from the Erie County Road Repair Reserve Fund (budgeted 2015 revenue) for road and bridge repairs in 2015; and
- the appropriation of \$2,470,000 of prior year surplus Transfer Tax from the Erie County Road Repair Reserve Fund for road and bridge repairs in 2015.

A copy of the resolution is available for Public Inspection at the Office of the Clerk of the Legislature, located at Old County Hall, 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York 14202. The resolution can also be viewed on the internet at [http://www2.erie.gov/legislature/sites/www2.erie.gov/legislature/files/uploads/Friday\\_Uploads/2015/Session\\_7/15Comm.7E-COUNTY%20EXECUTIVE%202015%20Highway%20Projects.PDF](http://www2.erie.gov/legislature/sites/www2.erie.gov/legislature/files/uploads/Friday_Uploads/2015/Session_7/15Comm.7E-COUNTY%20EXECUTIVE%202015%20Highway%20Projects.PDF)

Dated: Buffalo, New York  
April 10, 2015

By: Karen M. McCarthy  
Clerk, County Legislature

Item 63 – (COMM. 7D-3) Notice of Special Meeting of the Legislature on April 23, 2015

Received, filed and printed.

**NOTICE OF SPECIAL MEETING**

PLEASE TAKE NOTICE that a Special Session of the County Legislature of the County of Erie, New York, shall be held in the Chambers of the Legislature, located at Old County Hall, 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 23<sup>rd</sup> day of April, 2015, at 2:00 o'clock p.m., prevailing time. The purpose of the Special Meeting will be to consider Comm. 7E-5 2015, 2015 Highway Projects – Authorization to Appropriate Funds and Enter into Contracts and Comm. 7E-14 Personnel Adjustments.

Dated: Buffalo, New York  
April 13, 2015



By: Karen M. McCarthy  
Clerk, County Legislature

Item 64 – (COMM. 7D-4) Notice to Legislators of Public Hearing Regarding Appropriations for 2015 Road Projects

Item 65 – (COMM. 7D-5) Notice to Legislators of Special Meeting of the Legislature on April 23, 2015

Item 66 – (COMM. 7D-6) Organizations Funded by Erie County - 2014 Close-Out Report

Item 67 – (COMM. 7D-7) Organizations Funded by Erie County - 2015 Budget Submissions

The above four items were received and filed.

**FROM THE COUNTY ATTORNEY**

Item 68 – (COMM. 7D-8) Notice of Public Hearing Local Law Intro. No. 1-2 (2015)

Item 69 – (COMM. 7D-9) Notice of Local Law Filing for Local Law 1 (2015)

The above two items were received and filed.

**FROM THE CLERK OF THE LEGISLATURE**

Item 70 – (COMM. 7D-10) NYS DEC Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE COMMISSIONER, NYS AGRICULTURE AND MARKETS**

Item 71 – (COMM. 7M-1) Certification of Inclusion of Viable Agricultural Land into Agricultural Districts No. 1, No. 13 and No. 15

Received and filed.

**FROM ERIE COMMUNITY COLLEGE**

Item 72 – (COMM. 7M-2) Fiscal Year 2014-2015 Revenues & Expenditures Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 73 – (COMM. 7M-3) April 16, 2015 Board of Trustees Agenda

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE NFTA**

Item 74 – (COMM. 7M-4) Notice of Approved Revised Annual Budget For Fiscal Year Ending 2016

Item 75 – (COMM. 7M-5) February 26, 2015 Board Minutes

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

**FROM THE LEGAL AID BUREAU OF BUFFALO**

Item 76 – (COMM. 7M-6) Financial Reports for the Criminal Defense Unit, Appeals Unit, and Monthly Caseload Reports for Jan 2013 - June 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ERIE TOBACCO ASSET SECURITIZATION CORPORATION**

Item 77 – (COMM. 7M-7) 2014 Audited Financial Statements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ECMC CORPORATION**

Item 78 – (COMM. 7M-8) 2014 Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE MWBE UTILIZATION ADVISORY BOARD**

Item 79 – (COMM. 7M-9) January 26, 2015 Meeting Minutes

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

**FROM VOICE BUFFALO**

Item 80 – (COMM. 7M-10) Petition in Support of Local Conditional Release Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 81 – CHAIR MILLS announced a public hearing is scheduled for April 20, 2015, 11:30 a.m., to hear public comment regarding 2015 Highway Projects – Authorization to Appropriate Funds and Enter into Contracts.

Item 82 – CHAIR MILLS announced a public hearing is scheduled for April 22, 2015, 4:30 p.m., to hear public comment regarding Local Law Intro. 7-2 (2014) – A Local Law in Relation to the Establishment of an Erie County Conditional Release Commission.

Item 83 – CHAIR MILLS announced the committee schedule for April 23, 2015 has been distributed.

Item 84 – CHAIR MILLS announced a Special Session of the Erie County Legislature has been scheduled for April 23, 2015, 2:00 p.m., to consider, but not limited to, Comm. 7E-5 (2015) 2015 Highway Projects – Authorization to Appropriate Funds and Enter into Contracts, and Comm. 7E-14 (2015) Personnel Adjustments – Departments of Public Works, Parks, Social Services, and Health.

Item 85 – LEGISLATOR DIXON announced her 6<sup>th</sup> Annual Prom Dress Drive is scheduled for April 18, 2015 at the Performing Arts Dance Academy in Hamburg, NY.

### **MEMORIAL RESOLUTIONS**

Item 86 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Andrew Cerza, Jasper Evola, Genevieve Iafallo, and Robert Romeo.

Item 87 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of William J. “Bill” Cotter.

Item 88 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Pamela Chen and Jedidiah Woomer.

Item 89 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Robert Markel Sr.

Item 90 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of William J. “Bill” Cotter, Kelly Fitzgerald Sr, and Louis J. Russo Sr.

Item 91 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Carlton L. Franklin and Carmela Trippi.

### **ADJOURNMENT**

Item 92 - 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 23, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, April 23, 2015 at 2:00 p.m. Eastern Standard Time.

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