

**ERIE COUNTY LEGISLATURE
MEETING NO. 11
JUNE 10, 2010**

The Legislature was called to order by Chair Miller-Williams.

All members present.

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

The Pledge of Allegiance was led by Mr. Fudoli.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 10 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a Memorial Resolution for Shirley A. Wojciechowski.

Item 6 – MS. MARINELLI presented a Memorial Resolution In Memory of Harold "Hap" Speers.

Item 7 – MR. MAZUR & MR. LOUGHRAN presented a Memorial Resolution Honoring the Life of Janet M. Lester.

Item 8 – MR. HARDWICK presented a resolution Congratulating Sean Somerville on Completing the Meszaros International Center of Entrepreneurship (M.I.C.E.) at the University of Buffalo School of Management.

Item 9 – MR. HARDWICK presented a resolution Commending the Great Grand Island Lawn Mower Race for Their Devotion to the Community.

Item 10 – MR. MILLS presented a resolution for Vidler's 5 & 10 in East Aurora, Celebration of 80 Years in Business.

Item 11 – MS. MARINELLI presented a resolution Congratulating Dr. Charles Owen Hershey on Almost 25 Years of Service to the Community as a Physician at ECMC.

Item 12 – MR. WALTER presented a resolution Congratulating Officer Robert Farrington on His Retirement from the Akron Police Department.

Item 13 – MR. HARDWICK presented a resolution Honoring the Tonawanda High School "TRIBE" for Outstanding School Spirit.

Item 14 – MR. HARDWICK presented a resolution Congratulating Diane Dinsmore for Receipt of the NYS Women, Grand Island Chapter's Annual Effective Leadership Award for Women in Business.

Item 15 – MR. FUDOLI presented a resolution Congratulating Michael Warren of Troop 325, on Attaining the Rank of Eagle Scout.

Item 16 – MS. WHYTE presented a resolution Honoring the 2010 Rising Stars Awardees.

Item 17 – MR. KOZUB presented a resolution Honoring Lola Andrews Upon Her 100th Birthday.

Item 18 – MS. GRANT presented a resolution Recognizing June 12, 2010 in the Kensington Village Apartments & the Surrounding Community as "Courtyard Neighbors Coming Together to Celebrate Freedom Day."

MS. WHYTE moved for consideration of the above fourteen items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above fourteen items by adding one for CHAIR MILLER-WILLIAMS, and also by including Et Al Sponsorship. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above fifteen items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 26 – MS. WHYTE presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

June 1, 2010	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT EXCEPT, LEGISLATOR MARINELLI.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-2 (2010)
DIRECTOR OF REAL PROPERTY TAX SERVICES: "Letter in Response to the "Audit of the Payment In Lieu of Tax "Pilot" Process for the Period 1/1/06 - 12/31/08"
(5-0)

- b. COMM. 9E-2 (2010)
COMPTROLLER: "First Quarter 2010 Financial Report"
(5-0)
- c. COMM. 9E-3 (2010)
COMPTROLLER: "Certificate of Determination Relative to the Sale & Issuance of Bonds"
(5-0)
- d. COMM. 9E-7 (2010)
COMPTROLLER: "First Quarter 2010 Sales Tax Revenues"
(5-0)
- e. COMM. 9D-1 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of Vacancy Report"
(5-0)
- f. COMM. 9D-2 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of (BMR) Budget Monitoring Report"
(5-0)
- g. COMM. 9D-7 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Legislature Concerning Comm. 7E-14 (2009) & 7E-15 (2009) Currently in the Finance & Management Committee"
(5-0)
- h. COMM. 9M-14 (2010)
ECIDA: "Information on Meeting Held 4/13/2010 on Audit of Payment in Lieu of Taxes "PILOT"
(5-0)

2. INTRO 9-3 (2010)
RATH

WHEREAS, in an effort to attract, retain and expand businesses and jobs in New York State, the New York State legislature has created tax incentive programs to assist and encourage business in New York State; and

WHEREAS, these programs include an Alternative Fuels Credit, Credit for Employment of Persons with Disabilities, Special Additional Mortgage Recording Tax Credit, Investment Tax Credit, Rehabilitation of Historic Properties Credit, Companies who Provide Transportation to Individuals with Disabilities, Clean Heating Fuel Credit, Biofuel Production Credit, Empire State Commercial Production, Conservation Easement tax credit, Purchase of an Automated External Defibrillator, Fuel Cell Electric Generating Equipment Expenditures, EZ Wage tax credit, EZ Capital Tax credit, EZ ITC, EZ EIC, Employment Incentive credit, QEZE Tax reduction Credit, QEZE Credit on Real Property Tax, Brownfield Redevelopment Tax credit, Remediated Brownfield Real Property Taxes for Qualified Sites, Environmental Remediation Insurance Credit, Security Training tax credit, QETC Facilities Operations and Training Credit, QETC Employment Credit, QETC Capital Tax credit, Low Income Housing Credit, Green Building Credit, Credit for servicing

certain mortgages, Historic Homeownership Rehabilitation, Solar Energy System Equipment credit, CAPCO Credit and the Power for Jobs Credit; and

WHEREAS, these programs have shown some success in attracting businesses to New York State and encouraging job growth; and

WHEREAS, businesses participate in these programs expecting that New York State confers the promised benefits on the participating businesses; and

WHEREAS, Governor Paterson has proposed closing New York State's multi-billion dollar budget deficit in part by renegeing on these incentives accepted by businesses to encourage them to locate and/or expand in New York State by cutting the incentives in half for the years 2010-2012; and

WHEREAS, Governor Paterson's proposal only fosters the view that New York State is unfriendly to business and hostile to job growth; and

WHEREAS, Governor Paterson's proposal is unfair and, if enacted, will drive businesses and jobs away from New York State; and

WHEREAS, eroding the tax base in this fashion will only serve to increase the tax rates for those individuals who remain in New York State; and

WHEREAS, rather than adopting a quick fix measure with disastrous long-term consequences, New York State should adopt policies which encourage business and job growth, with its consequential expansion of the tax base, and reduce spending.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes Governor Paterson's proposal to cut tax incentives for businesses who acted to locate and/or expand in New York State; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Pedro Espada, Jr. and the local delegation to the New York State Legislature.

(5-0)

3. COMM. 9E-33 (2010)
COUNTY EXECUTIVE

WHEREAS, pursuant to prior legislative authorization, a public auction of county-owned properties was conducted for Erie County at the Erie County Legislative Chambers, on May 12, 2010; and

WHEREAS, at said public auction, bids totaling the sum of \$2,300.00 were accepted as to (13) thirteen properties, as set forth on the list attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that as to those thirteen (13) properties, the sale of same is hereby approved, confirmed and ratified; and be it further

RESOLVED, that the County Executive, provided that the full amount of the bid and applicable fees and commissions have first been paid, is hereby authorized and directed to execute, deliver and record a Quit-Claim Deed conveying to the particular bidder-designated purchaser(s) all of the County of Erie's right, title and interest in and to the properties whose public auction sale is approved herein; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Assistant County Attorney, Gregory Kammer of the Department of Law, the Erie County Real Property Tax Services Office, Department of Budget and Management, and the Office of the Comptroller.

(5-0)

**BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE**

MS. WHYTE moved to approve item Number 2. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

June 1, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9D-3 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Aurora Highway Garage Modifications"
(6-0)
 - b. COMM. 9D-4 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: "E. Concord Highway - Storage/Office Building Construction"
(6-0)

- c. COMM. 9D-8 (2010)
DEPARTMENT OF PUBLIC WORKS: "ECDPW - Division of Highways - Audit of Road & Bridge Related Construction Contracts for 1/1/05 - 12/31/08, Departmental Comments"
(6-0)
- d. COMM. 9M-6 (2010)
NFTA: "Copy of Cash Flow Statements for the Period 4/1/09 - 3/31/10 & Projected Cash Flow for the Period 4/1/10 - 3/31/11"
(6-0)
- e. COMM. 9M-11 (2010)
NFTA: "Minutes From Meeting Held 3/22/2010"
(6-0)
- f. COMM. 9M-15 (2010)
NFTA: "Notice of Proposed Rule Making"
(6-0)

2. COMM. 9E-9 (2010)
COUNTY EXECUTIVE

WHEREAS, the Northwest Buffalo Community Center, Inc. has secured a \$500,000 grant through the New York State Environmental Protection Fund as administered by the New York State Department of State; and

WHEREAS, said grant is earmarked for physical improvements to Erie County's Ontario Street Boat Launch/Black Rock Canal Park; and

WHEREAS, said park is located along the Niagara River at the intersection of Niagara and Ontario Streets in the City of Buffalo; and

WHEREAS, the Erie County Department of Environment and Planning has been working with the Black Rock Canal Park Advisory Committee to plan for improvements at the park site; and

WHEREAS, the Northwest Buffalo Community Center, Inc. is desirous of contracting with Erie County to utilize the State funds for park improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a contract with the Northwest Buffalo Community Center, Inc. and/or the New York State Department of State for an amount not to exceed \$500,000 for improvements to the Ontario Street Boat Launch/Black Rock Canal Park; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any easements, occupancy permits, and other land control agreements that may be necessary with the City of Buffalo, New York State Department of Transportation, and New York State Thruway Authority to complete park improvements; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to the Erie County Budget:

SAP Funded Program A.00347
2009 Ontario St Park Area Improvements

Revenue	
420499 Other Local Source Revenue	(\$500,000)
Appropriation	
Capital Project Expense	\$500,000

and be it further

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

(6-0)

3. COMM. 9E-15 (2010)
COUNTY EXECUTIVE

WHEREAS, the Botanical Gardens Society (BGS) received a Grant from the New York State Office of Parks, Recreation and Historic Preservation (SHPO), Grant No. EPF-4v 6050-N5 / C406050, in late 2008 for making capital improvements to Houses No. 2 and No. 3 in the amount of \$200,000.00; and

WHEREAS, the BGS is providing the matching in-kind funds in the amount of \$200,000.00; and

WHEREAS, SHPO has a grant covenant requiring Erie County to be the Guarantor for the BGS SHPO Grant; and

WHEREAS, New York State law does not permit Erie County to be a grant guarantor for a grant recipient; and

WHEREAS, SHPO will cancel the Grant award to the BGS if the County does not sign the Grant as a Guarantor; and

WHEREAS, SHPO is willing to transfer the Grant to Erie County and the BGS has adopted a resolution (copy attached) transferring their matching Grant funds to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to accept and execute the Grant from SHPO for an amount not to exceed \$200,000.00; and be it further

RESOLVED, that the County Executive is authorized to accept the matching in-kind funds from the BGS for an amount not-to-exceed \$200,000.00; and be it further

RESOLVED, that unused matching in-kind funds from the BGS will be returned by Erie County to the BGS at the end of the project; and be it further

RESOLVED, that the SHPO Grant be extended for a two year period, with a new expiration date of December 31, 2010; and be it further

RESOLVED, that the County will not execute construction contracts for the Grant work unless approved by SHPO and there is a fully executed Grant Agreement between the County Executive and SHPO; and be it further

RESOLVED, that the Grant shall be administered by the Erie County Division of Real Estate and Asset Management and its' Director, or their assigned Project Manager, who shall act as liaison on the project for all correspondence, decisions and signing of payments; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to create a capital project for making the capital improvements to Houses No. 2 and No. 3 in the amount not-to-exceed \$400,000.00, funded by the SHPO Grant in the amount of \$200,000.00 and matching in-kind funds from the BGS in the amount of \$200,000.00. The new capital project is to be SAP Account A.21015 – Erie County Botanical Gardens Improvements – Houses No. 2 and No. 3; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

4. COMM. 9E-20 (2010)
COUNTY EXECUTIVE

WHEREAS, a project for removal of one bridge and the replacement of a second bridge on Pavement Road Bridges BR 139-RR-1 and BR 139-RR-2, PIN 5755.38 (the "Project") was authorized by this honorable body on July 6, 2000 via Comm. 14E-20; and

WHEREAS, in a resolution dated March 25, 2010 Comm. 5E-9 (2010), the Legislature authorized the County of Erie to acquire the acquisition in fee, permanent easement or temporary easement for the Project; and

WHEREAS, in order to facilitate the removal of one bridge and the replacement of a second bridge on Pavement Road, it will be necessary for the County to acquire by acquisition in fee, permanent easement or temporary easement, portions of real property in the vicinity of the Project:

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

105.00-2-12

Lancaster

105.00-2-10

Lancaster

105.00-3-8	Lancaster
105.00-3-43	Lancaster
105.00-3-44.21	Lancaster

such property to be acquired by the County is herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the acquisition in fee, permanent easement or temporary easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts; and

WHEREAS, the acquisitions of the portions of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the removed bridge or the reconstructed bridge and other general improvements to the subject section of Pavement Road BR 139-RR-1 (CR 139) and BR 139-RR-2 (CR 139); and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of \$39,000.00 has previously been appropriated from the 2007 Pavement Road Bridges Right of Way, Federal Aid Program via County Resolution Comm. 5E-9 (2010) of March 25, 2010 and made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire fee and/or easement title to the aforementioned Subject Properties for the purpose of the removal of one bridge and the replacement of a second bridge for the aforementioned Pavement Road Bridge Project; and be it further

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

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, is hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by fee, permanent easement or temporary easement, which acquisitions are necessary for the Pavement Road Bridge Project; and be it further

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

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Comptroller.
(6-0)

5. COMM. 9E-25 (2010)
COUNTY EXECUTIVE

WHEREAS, Project FA 119S-08, PIN 5756.87 for the Signal Replacement on CR119, Elmwood Avenue at the intersections with Victoria Boulevard, Washington Avenue, and Girard Boulevard in the Village of Kenmore and at the intersections with Woodward Avenue and Westchester Boulevard in the Town of Tonawanda (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the Project was included in the SFY 2006-07 State Budget for State Marchiselli Aid funding for the Preliminary Engineering and Construction and Construction Inspection phases and is therefore eligible for reimbursement of 15% of the cost of the Preliminary Engineering and Construction and Construction Inspection phases of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases of the Project, FA 119S-08, PIN 5756.87; and

WHEREAS, The County Legislature has previously approved the Project at a total project cost of \$820,000.00 and has also approved the commitment of all necessary funding under Resolutions 13E-41 (June 24, 2004), 4E-6 (March 1, 2007), and 27E-19 (January 21, 2010); and

WHEREAS, the total project cost is now \$900,000.00; and

WHEREAS, this increase in total project cost does not require any additional local share funds to be provided by Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject Project at a total project cost of \$900,000.00; 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 (Design I-VI) and Construction and Construction Inspection phases of the Project or portions thereof as approved via Resolution 27E-19; and be it further

RESOLVED, that the Project's budget be increased by \$80,000.00 to reflect this new agreement, and revenue be adjusted to reflect the supplemental agreement in the total amount of \$900,000.00; 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 Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases exceeds the amount appropriated, \$214,600.00 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases exceeds \$900,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project 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 and State 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 the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 9E-26 (2010)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Federal Aid Project for the Elmwood Avenue Traffic Signal Replacements (the "Project"), in the Village of Kenmore and the Town of Tonawanda, on

February, 23, 2010, and the low bidder was South Buffalo Electric, Inc. of Buffalo, New York at a low bid amount of \$643,312.38; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of FRA Engineers of Orchard Park, New York on February 24, 2003, at the 4th session of the Legislature of Erie County, Communication No. 25E-15, and it has been determined that the Contract must be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. FA-119S-08, NYDOT PIN 5756.87 for the Elmwood Avenue Traffic Signal Replacements, between the County of Erie and the low bidder, South Buffalo Electric, Inc. of Buffalo, New York at a low bid amount of \$643,312.38; and be it further

RESOLVED, that an amount of \$643,312.38 be allocated from the 2004 Signal and Intersection Federal Aid Program (SAP Account B.00125), and an additional amount of \$64,331.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not-to-exceed \$64,331.00, also to be allocated from 2004 Signal and Intersection Federal Aid Program (SAP Account B.00125); and be it further

RESOLVED, that an amount of \$81,418.00 be allocated from the 2004 Signal and Intersection Federal Aid Program (SAP Account B.00125) for a change order to the Contract for engineering services, right-of-way services and services during construction, construction reimbursables, and construction inspection with FRA Engineers of Orchard Park, New York; and be it further

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

(6-0)

7. COMM. 9E-27 (2010)
COUNTY EXECUTIVE

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing professional design services for the 2010 – Phase II projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment with DiDonato Associates to provide design work for the Phase II of the capital improvements for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project accounts A.20901 – 2009 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 9E-29 (2010)
COUNTY EXECUTIVE

WHEREAS, the Indian Church Road Repaving Project is necessary to improve roadway conditions along Indian Church Road and the local roads in the Town of West Seneca; and

WHEREAS, the County of Erie and the Erie County Water Authority have joint responsibilities and obligations to address the waterline and roadway conditions in this area; and

WHEREAS, the County of Erie and the Erie County Water Authority have agreed to enter an Intermunicipal Agreement (IMA) to address the necessary waterline work and roadway conditions on Indian Church Road; and

WHEREAS, in order to advance the work, it is necessary to enter into an Intermunicipal Agreement with the Erie County Water Authority.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the County Executive to enter into an Intermunicipal Agreement with the Erie County Water Authority to perform work on Indian Church Road; and be it further

RESOLVED, the Erie County Water Authority will reimburse the Erie County Department of Public Works, Division of Highways for its' share of the work. Erie County's share of the work will be funded from (SAP Project B.21001) – 2010 Overlay. Funds for this work are currently available in the 2010 approved, as amended, 2010 capital budget; and be it further

RESOLVED, that the County Executive be authorized to accept any and all funds from the Erie County Water Authority for their share of the work relating to this project; and be it further

RESOLVED, that the Clerk of the Legislature forward five (5) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the

Erie County Water Authority and the Town of West Seneca; and also, one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

9. COMM. 9E-30 (2010)
COUNTY EXECUTIVE

WHEREAS, the William Street Repaving Project is necessary to improve roadway conditions along William Street and the local roads in the Town of Lancaster; and

WHEREAS, the County of Erie and the Town of Lancaster have joint responsibilities and obligations to address the waterline and roadway conditions in this area; and

WHEREAS, the County of Erie and the Town of Lancaster have agreed to enter an Intermunicipal Agreement (IMA) to address the necessary waterline work and roadway conditions on William Street; and

WHEREAS, in order to advance the work it is necessary to enter into an Intermunicipal Agreement with the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the County Executive to enter into an Intermunicipal Agreement with the Town of Lancaster to perform work on William Street; and be it further

RESOLVED, the Town of Lancaster will reimburse the Erie County Department of Public Works, Division of Highways for their share of the work. Erie County's share of the work will be funded from (SAP Project B.21001) – 2010 Overlay. Funds for this work are currently available in the 2010 approved, as amended, 2010 capital budget; and be it further

RESOLVED, that the County Executive be authorized to accept any and all funds from the Town of Lancaster for their share of the work relating to this project; and be it further

RESOLVED, that the Clerk of the Legislature forward five (5) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the Town of Lancaster; and also, one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

10. COMM. 10E-5 (2010)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, in early 2009 a large hole was found during inspection by Department of Public Works engineers in our 6' x 9' concrete culvert, resulting in the need to close South Buffalo Street (CR 82); and

WHEREAS, the storms and flooding of August 2009 contributed to failure of the slopes, embankments, concrete box culvert and South Buffalo Street (CR 82) in the Village of Springville further exasperating and damaging the facilities; and

WHEREAS, Federal funds at up to 75 % of the cost, as part of the Emergency Water Protection (EWP) Program, are available to help address these problems as well as downstream slope stabilization work; and

WHEREAS, the County of Erie and the Village of Springville have joint responsibilities and obligations to address the utility and roadway failure in this area; and

WHEREAS, the County has been negotiating with the Village of Springville as they are responsible for portions of the Project and these negotiations resulted in a 50/50 split of the costs; and

WHEREAS, the County of Erie and the Village of Springville have agreed to enter an Intermunicipal Agreement (IMA) to address the necessary utility work, slope stabilization work and roadway reconstruction on South Buffalo Street; and

WHEREAS, in order to advance the work it is necessary to enter into an Intermunicipal Agreement with the Village of Springville and pay our capped portion of the cost (\$450,000.00) for this Federally funded project that will be upwards of \$4.0 million in total cost; and

WHEREAS, the Budget Director has determined that SAP Projects B.00031 and B.00123 have been completed, have no debt due and can be closed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the County Executive to enter into an Intermunicipal Agreement with the Village of Springville to perform work on South Buffalo Street; and be it further

RESOLVED, Erie County's share of the work will be funded from SAP Project B.00031 – 2001 – Kenmore Avenue and SAP Project B.00123 – Road and Bridge Design. Funds for this work in the amount of \$450,000.00 are currently available from these prior bond accounts that no longer have any debt service and can now be closed; and be it further

RESOLVED, that the remaining funds in these accounts (B.00031 and B.00123) be assigned to the Preservation of Bridge, Culverts and Dams (B.20920); and be it further

RESOLVED, that the County Executive be authorized to enter into this IMA with the Village of Springville to utilize the available EWP Federal funding, contribute our fair share of the cost (\$450,000.00) and perform the necessary work on this project; and be it further

RESOLVED, that the Clerk of the Legislature forward five (5) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the Village of Springville; and also, one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

11. COMM. 10E-8 (2010)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the 2010 Capital Overlay Contract A, in the Town of Sardinia, New York on May 12, 2010. The low bidder was D & H Excavating, of Arcade, New York, at a low bid amount of \$919,000.00; and

WHEREAS, it is also necessary to enter into an agreement with the engineering firm of DiDonato Associates, P.E., P.C., of Buffalo, New York for Professional Services including construction inspection services for overlay projects in the amount of \$50,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Project CAP-409-10, 2010 Capital Overlay A between the County of Erie and the low bidder, D & H Excavating, of Arcade, New York at low bid amount of \$919,000.00; and be it further

RESOLVED, that amount of \$919,000.00 be allocated from the 2010 Capital Road Overlay Program (B.21001) and an additional amount of \$81,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$81,000.00, also to be allocated from the 2010 Capital Road Overlay Program (B.21001); and be it further

RESOLVED, that an amount of \$50,000.00 be allocated from the 2010 Capital Road Overlay Program (B.21001) for a contract with DiDonato Associates, P.E., P.C., of Buffalo, New York for Professional Services including construction inspection services; and be it further

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

(6-0)

TIMOTHY M. KENNEDY
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

June 1, 2010	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9D-5 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
 - b. COMM. 9M-2 (2010)
NYS PUBLIC SERVICE COMMISSION: "Letter to Legislature Regarding Program for Transmitting Documents Electronically"
(6-0)
 - c. COMM. 9M-4 (2010)
INTERCOUNTY ASSOCIATION OF WNY: "Copy of Agenda from Meeting Held 5/14/2010"
(6-0)
2. RESOLVED, the following item is hereby received, filed and referred to the Energy & Environment Committee:
 - a. COMM. 7E-9 (2010)
COMPTROLLER: "Energy Efficiency & Conservation Grant - US Department of Energy Comptroller Investigation into Whistleblower Reports"
(6-0)
3. COMM. 9E-32 (2010)
COUNTY EXECUTIVE
WHEREAS, the Erie County Fiscal Stability Authority has awarded New York State efficiency grants to assist the County in the implementation of Lean Six Sigma and Culture Change programs to enhance the ability of Erie County to efficiently deliver services to the residents of Erie County; and

WHEREAS, funding in the amount of \$143,121 remains from previous funding approvals granted under ECFSA Resolutions 8-83 and 9-32 and accepted by your Honorable Body – Comm. 19E-12 (2008) and Comm. 12E-20(2009); and

WHEREAS, in order to assist in the implementation of Lean Six Sigma methodologies and Culture Change programming a Request for Proposal was issued in March 2010 in compliance with Section 1908 of the Erie County Administrative Code which resulted in ten submissions which are available for public inspection during regular business hours; and

WHEREAS, in compliance with Section 1908 of the Erie County Administrative Code a committee appointed by the County Executive has reviewed said proposals and has recommended that contracts be awarded to UB - The Center for Industrial Effectiveness, LEAP Technologies, Inc. and RT Dee and Associates, Inc.; and

WHEREAS, the contracts will be managed by the Director of Six Sigma for Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts for the purpose of enhancing the Lean Six Sigma and Culture Change programs to improve efficiencies across the County for the period June 1, 2010 through June 30, 2011 with:

UB - The Center for Industrial Effectiveness in an amount not to exceed \$10,190,
LEAP Technologies, Inc. in an amount not to exceed \$117,000 and
RT Dee and Associates, Inc. in an amount not to exceed \$10,000

and be it further

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

(6-0)

4. COMM. 9E-37 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County has received an Efficiency Grant in the amount of \$174,932 from the Erie County Fiscal Stability Authority (ECFSA) to support a Tax Map Conversion project which will change the County's tax mapping process into a GIS environment; and

WHEREAS, the Erie County Legislature authorized the County to accept the ECFSA grant at their meeting on October 22, 2009 (Comm. 19E-9); and

WHEREAS, in accordance with County policies a Request for Proposals was issued to identify qualified consulting firms to perform the technical work of the tax map conversion process and a committee reviewed the proposals that were received; and

WHEREAS, based on the consultant selection process, it is recommended that the Legislature authorize the execution of a contract between Erie County and the firm of Bergmann Associates for consulting services on the Tax Map Conversion Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to enter into a contract with Bergmann Associates in an amount not to exceed \$152,000 for consulting services on the Tax Map Conversion project; and be it further

RESOLVED, funding for this contract will come from grant funding available in:

Busines Area 162, Environment and Planning, Fund 281
SAP Grant Account #FS162TAXMAPCON0910
Account #516020 Professional Services; Contractual & Fees; and be it further

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

(6-0)

**BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

June 3, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WALTER.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-3 (2010)
HON. JOHN M. CURRAN, J.S.C.: “Copy of Settlement Agreement Between ECMCC and EC”
(5-0)
 - b. COMM. 9M-5 (2010)
ECMCC: “Packet of Materials from Regular Meeting of the Board of Directors Held 3/2/2010”
(5-0)
 - c. COMM. 9M-9 (2010)
ECMCC: “Packet of Materials from Regular Meeting of the Board of Directors Held 5/4/2010”
(5-0)
2. COMM. 9E-35 (2010)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Parks, Recreation and Forestry is currently using unsightly and unsafe cans and drums for garbage removal; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry wishes to partner with the Erie-Niagara Tobacco-Free Coalition to acquire garbage totes to replace these cans and drums; and

WHEREAS, the Erie-Niagara Tobacco-Free Coalition wishes to spread its message promoting smoke free areas for the public; and

WHEREAS, the Erie-Niagara Tobacco-Free Coalition has offered a \$10,000.00 grant to the Department of Parks, Recreation and Forestry to help purchase totes that would carry a smoke-free and litter free message; and

WHEREAS, the new totes would carry the message "HELP US KEEP ERIE COUNTY PARKS SMOKE FREE AND LITTER FREE PLEASE NO SMOKING;" and

WHEREAS, pursuant to County Law, grants must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts from, the Erie-Niagara Tobacco-Free Coalition, \$10,000.00 for the purpose of purchasing totes for the Department of Parks, Recreation and Forestry that will carry the message, "HELP US KEEP ERIE COUNTY PARKS SMOKE FREE AND LITTER FREE PLEASE NO SMOKING;" and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management and the office of the Comptroller to make the necessary adjustments to the 2010 budget of the Department of Parks, Recreation and Forestry; and be it further

RESOLVED, that certified copies of this resolution be sent to the office of the Erie County Executive Chris Collins, Commissioner of the Department of Parks Recreation & Forestry James E. Hornung Sr., the Director of Budget, Management and Finance Greg Gach, the Office of the Erie County Comptroller, and the Assistant County Attorney, Marty Polowy.
(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 30 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

June 3, 2010	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4M-60 (2010)
US ENVIRONMENTAL PROTECTION AGENCY: “Tonawanda Community Air Quality Study & Evaluation of Tonawanda Coke Facility”
(5-0)
 - b. COMM. 8E-3 (2010)
WHYTE, KOZUB, GRANT, MAZUR, MARINELLI & LOUGHRAN: “Nomination Petition for Reappointment of Commissioner of the EC Water Authority”
(5-0)
 - c. COMM. 9E-19 (2010)
COUNTY EXECUTIVE: “ECSD No. 5 - CRA Infrastructure & Engineering, Inc. Agreement - Merger Feasibility Study - Change Order No. 2”
(5-0)
 - d. COMM. 9E-21 (2010)
COUNTY EXECUTIVE: “ECSD No. 3 Engineering Term Agreement - CHA Work Order”
(5-0)
 - e. COMM. 9E-22 (2010)
COUNTY EXECUTIVE: “ECSD No. 8 Engineering Term Agreement - CHA Work Order”
(5-0)
 - f. COMM. 9E-31 (2010)
COUNTY EXECUTIVE: “ECSD No. 4 Professional Services Agreement with CRA Infrastructure & Engineering, Inc. - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades - Change Order No. 2”
(5-0)
 - g. COMM. 9E-36 (2010)
COUNTY EXECUTIVE: “EC Division of Sewerage Management - EC Sewer Districts - 3 - Year Engineer Agreements - Change Order No. 1”
(5-0)
 - h. COMM. 9M-1 (2010)
FRANK E. SWIATEK: “Letter to Legislature Regarding Accomplishments as Chair of the EC Water Authority”
(5-0)
 - i. COMM. 10E-7 (2010)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineer Term Agreement - Wendel Duchscherer - Work Order WD - 3”
(5-0)
2. COMM. 9E-10 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to private businesses to assist them in identifying ways to reduce waste and save money; and

WHEREAS, the New York State Department of Economic Development (NYSDED) granted Erie County \$230,501 to coordinate a Pollution Prevention, Reuse and Recycling Technical Assistance Program (P2R2TAP) for businesses in the seven Western New York counties; and

WHEREAS, as part of the P2R2TAP grant SAP# (162PP_ASSIST0709) work plan and contract with the NYSDDED, it is necessary to enter into an agreement with companies that have partnered on this project at a maximum of \$30,00 each, not to exceed \$46,367 total; and

WHEREAS, these companies will be selected from the following list of companies who have been identified as project partners through work with the NYSDDED:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Staroba Plastics, 42 Edgewood Drive, Holland, NY 14080
CERES, 2250 Liberty Drive, Niagara Falls, NY 14304; and

WHEREAS, the selected companies will be required to work in accordance with a work plan approved by DEP and provide a 100% match; 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 to fulfill the requirements associated with the State grant funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with all or some of the following companies for up a maximum of \$30,000 each, but not to exceed \$46,367 total, to conduct engineering feasibility studies:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Staroba Plastics, 42 Edgewood Drive, Holland, NY 14080
CERES, 2250 Liberty Drive, Niagara Falls, NY 14304

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

3. COMM. 9E-13 (2010)
COUNTY EXECUTIVE

WHEREAS, 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 (NYSDEC), granted Erie County funding to establish the Western New York Stormwater Coalition (WNYSC) to assist 43 municipal entities in Erie and Niagara Counties in their efforts to comply with the State's Phase II Stormwater requirements; and

WHEREAS, DEP coordinates the activities of the Western New York Stormwater Coalition and has pursued, received and managed grant funding to support the work of the WNYSC; and

WHEREAS, the NYSDEC grant resources to cover the costs associated with this agreement are available in the *Western New York Stormwater Coalition Local Ordinance Project* budget, which was authorized and established by Legislative resolution [Comm.10E-14 (2006)] passed by the Erie County Legislature, dated June 22, 2006, and revised on December 4, 2008 [Comm. 26E-17 (2008)]; 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 to fulfill the requirements associated with the State grant funding.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the *2006-2008 Storm Water Local Ordinance Project* is hereby revised in the Department of Environment and Planning, Business Area 162 (Fund 281, SAP Grant # 162STMWTRLCRD0608) as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	\$328,000
420499	Other Local Source Revenue – WNY Stormwater Coalition	<u>\$315,000</u>

TOTAL REVENUE \$643,000

APPROPRIATIONS:

<i>Account</i>	<i>Description</i>	<i>Current Budget</i>	<i>Revisions</i>	<i>Revised Budget</i>
500000	Full Time Salaries	\$146,784	(48,569)	98,215

500020	Regular PT Wages	-	48,569	48,569
502000	Fringe Benefits	57,113	24,391	81,504
505000	Office Supplies	5,000	(3,042)	1,958
510000	Local Mileage			
	Reimbursement	1,500	(949)	551
510200	Training & Education	500	(201)	299
516020	Professional Service Contract	375,460	(15,502)	359,958
530000	Other Expenses	2,000	(1,248)	752
561410	Lab and Technical Equipment	5,000	(3,449)	1,551
916090	ID Law Grant Services	<u>49,643</u>		<u>49,643</u>
		\$643,000	<u>-</u>	0
				\$643,000

TOTAL APPROPRIATIONS

\$643,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator-Pollution Prevention Program; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

4. COMM. 9E-17 (2010)
COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and Martin Polowy, County Attorney's Office.
(5-0)

5. COMM. 9E-24 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County is working with the Town of Tonawanda in designing the Sherwood Greenway Trail; and

WHEREAS, Erie County has been awarded \$870,960 in federal Transportation Enhancement monies to construct the project; and

WHEREAS, prior to constructing the trail it is necessary to formalize the shared maintenance responsibilities between the Town and County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an inter-municipal agreement with the Town of Tonawanda for maintaining the Sherwood Greenway Trail; and be it further

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

6. COMM. 9E-34 (2010)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Parks, Recreation & Forestry (Parks) has been contacted by the Niagara Region Disc Golf League (League) concerning the construction of 18 hole disc golf courses at Chestnut Ridge Park and Ellicott Creek Park; and

WHEREAS, the league has constructed disc golf courses at Chestnut Ridge Park, Como Lake Park and Emery Park; and

WHEREAS, the League proposes to construct and install 18 hole disc golf courses at Chestnut Ridge Park and Ellicott Creek Park at its sole cost and expense of approximately \$17,000.00. The construction is limited to digging holes for the installation of posts for disc golf baskets and tee signs; and

WHEREAS, use of the course will be open to any persons who wish to use it free of charge; and

WHEREAS, the Parks Department desires to enter into an agreement with the League for Construction and installation of the courses; and

WHEREAS, pursuant to County Law, any gifts must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Niagara Region Disc Golf League for the construction and installation of public 18 hole disc golf courses, at the sole cost and expense of such League at Chestnut Ridge Park and Ellicott Creek Park on acreage to be designated by the Commissioner of Parks, Recreation and Forestry; and be it further

RESOLVED, that such agreement shall provide that notwithstanding the construction and installation of the disc golf course by the League at its sole expense, that such disc golf course shall be open and free of charge to all persons; and be it further

RESOLVED, that the County Executive is authorized to accept, on behalf of the County, and its Department of Parks, Recreation & Forestry, from the Niagara Region Disc Golf League, a gift of a fully constructed and installed 18 hole disc golf course at Chestnut Ridge Park and Ellicott Creek Park; and be it further

RESOLVED, that certified copies of this resolution be sent to the office of the Erie County Executive Chris Collins, Commissioner of the Department of Parks Recreation & Forestry James E. Hornung Sr., the Director of Budget, Management and Finance Greg Gach, the Office of the Erie County Comptroller, and the Assistant County Attorney, Marty Polowy.
(5-0)

7. COMM. 9E-38 (2010)
COUNTY EXECUTIVE

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

WHEREAS, DEP coordinates the activities of the Western New York Stormwater Coalition (WNYSC) and has pursued, received and managed grant funding to support the work of the WNYSC; and

WHEREAS, the New York State Department of Environmental Conservation granted DEP \$479,200 to assist 43 municipal entities in Erie and Niagara Counties in their efforts to comply with the State's Phase II stormwater requirements; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation and establish the

existing grant budget through a legislative resolution passed November 15, 2007 (Comm. 20E-10); and

WHEREAS, it is necessary to revise the existing budget in accordance with the current project workplan and contractual requirements set forth by the granting agency to fulfill the requirements associated with the State grant funding.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Western New York Stormwater Coalition: Public Education Illicit Discharge Project, is hereby revised in the Department of Environment and Planning, Business Area 162 (Fund 281, SAP Grant # 162WNYSCPEIDP0810) as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	<u>\$479,200</u>
TOTAL REVENUE		\$479,200

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$120,000	\$ 25,000	\$145,000
502000	Fringe Benefits	49,800	15,000	64,800
505000	Office Supplies	4,500	(4,500)	-
505800	Medical/Health Supplies	-	115,000	115,000
510000	Local Mileage Reimb.	500	-	500
516020	Professional Service Contract	289,900	(150,500)	139,400
530000	Other Expenses	2,000	-	2,000
561410	Lab and Technical Equip.	<u>12,500</u>	<u>-</u>	<u>12,500</u>
		\$479,200	0	\$479,200
TOTAL APPROPRIATIONS				\$479,200

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator–Pollution Prevention Program; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

**DANIEL M. KOZUB
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

June 3, 2010	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-4 (2010)
COMPTROLLER: “Copy of Audited Financial Statements & Management Letter for ECC for Fiscal Year Ended 8/31/09”
(6-0)
 - b. COMM. 9M-7 (2010)
CORNELL COOPERATIVE EXTENSION: “Copy of 2009 - 2012 Strategic Plan of Work & 2009 - 2010 Business Plan”
(6-0)
 - c. COMM. 9M-19 (2010)
BUFFALO & EC PUBLIC LIBRARY: “Minutes of Meeting Held 4/15/2010”
(6-0)
2. COMM. 9E-12 (2010)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature *hereby confirms the appointment* of the following member of the EC Commission of Women Advisory Board for a term expiring June 30, 2013:

Ms. Kimberly S. Conidi
135 Lowell Lane
West Seneca, NY 14224
(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Home Rule Request
(INTRO 11-1)

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

Home Rule Request - Assembly

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to enter into an intermunicipal agreement which would transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that the intermunicipal agreement, Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the County does not have the power to authorize the conveyance of public parkland, such power being vested exclusively in the New York State Legislature; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 20, 2010 which, inter alia, requested the New York State Senate and Assembly, respectively, to Approve an Act authorizing the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park; and

WHEREAS, Assembly Bill A.11221 and Senate Bill S.7934, now pending before the New York State Legislature, would authorize the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park.

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.11221, entitled “AN ACT authorizing the county of Erie to transfer and convey Beeman Creek Park to the town of Clarence, county of Erie.”

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

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

Such request is made by the local legislative body of such municipality, concurred with by at least two-thirds of the total membership thereof.

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

Home Rule Request - Senate

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to enter into an intermunicipal agreement which would transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that the intermunicipal agreement, Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the County does not have the power to authorize the conveyance of public parkland, such power being vested exclusively in the New York State Legislature; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 20, 2010 which, inter alia, requested the New York State Senate and Assembly, respectively, to Approve an Act authorizing the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park; and

WHEREAS, Senate Bill S.7934 and Assembly Bill A.11221, now pending before the New York State Legislature, would authorize the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park.

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.7934, entitled "AN ACT authorizing the county of Erie to transfer and convey Beeman Creek Park to the town of Clarence, county of Erie."

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

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

Such request is made by the local legislative body of such municipality, concurred with by at least two-thirds of the total membership thereof.

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

MS. WHYTE moved to amend the resolution for content, and to include Et Al Sponsorship. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

Home Rule Request - Assembly

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to enter into an intermunicipal agreement which would transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that the intermunicipal agreement, Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the County does not have the power to authorize the conveyance of public parkland, such power being vested exclusively in the New York State Legislature; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 20, 2010 which, inter alia, requested the New York State Senate and Assembly, respectively, to Approve an Act authorizing the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park; and

WHEREAS, Assembly Bill A.11221-B and Senate Bill S.7934-B, now pending before the New York State Legislature, would authorize the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park.

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.11221-B, entitled "AN ACT authorizing the county of Erie to transfer and convey Beeman Creek Park to the town of Clarence, county of Erie."

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

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

Such request is made by the local legislative body of such municipality, concurred with by at least two-thirds of the total membership thereof.

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

Home Rule Request - Senate

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to enter into an intermunicipal agreement which would transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that the intermunicipal agreement, Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the County does not have the power to authorize the conveyance of public parkland, such power being vested exclusively in the New York State Legislature; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 20, 2010 which, inter alia, requested the New York State Senate and Assembly, respectively, to Approve an Act authorizing the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park; and

WHEREAS, Senate Bill S.7934-B and Assembly Bill A.11221-B, now pending before the New York State Legislature, would authorize the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park.

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.7934-B, entitled "AN ACT authorizing the county of Erie to transfer and convey Beeman Creek Park to the town of Clarence, county of Erie."

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

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

Such request is made by the local legislative body of such municipality, concurred with by at least two-thirds of the total membership thereof.

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

MS. WHYTE moved to approve the resolution as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Supporting a New Health
Sciences Building at ECC
(INTRO 11-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOUGHRAN, MARINELLI, WHYTE, MILLS, KOZUB, KENNEDY,
WALTER, FUDOLI, MAZUR, BOVE, HARDWICK, DIXON & RATH**

WHEREAS, Erie Community College's (ECC) enrollment continues to increase significantly with almost 94 percent of its students living in Erie County; and

WHEREAS, ECC has significant capital and deferred maintenance needs at each of its three campus locations; and

WHEREAS, in accordance with State Education Law ECC's sponsor, Erie County, is to provide one-half of capital costs with SUNY providing the remaining one-half; and

WHEREAS, ECC in April submitted capital budget requests of \$26.7 million for 2011 and a total request of \$71.2 million for six years ending 2016; and

WHEREAS, such request included over \$30 million for a new Health Sciences Building at North Campus; and

WHEREAS, discussions with SUNY officials have indicated that historically funds will be made available when and if Erie County, as the sponsor of the College, approves capital projects; and

WHEREAS, discussions with County officials have expressed general agreement with the concept of jointly funding a new Health Sciences Building at North Campus; and

WHEREAS, the Board of Trustees for ECC has passed a resolution directing the College President to begin planning for a new building at North Campus and committing that ECC will provide 25 percent of the total project cost; and

WHEREAS, the County Executive has provided a letter of support for the new Health Sciences Building project contingent upon matching funds becoming available through ECC and SUNY in the amounts outlined in the resolution passed by the Board of Trustees.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as supporting the project of a new Health Sciences Building at ECC North Campus contingent upon matching funds becoming available as outlined in the resolution passed by the Board of Trustees for ECC; and be it further

RESOLVED, that a certified copy of this resolution be sent to SUNY, Chris Collins, Erie County Executive, the ECC Board of Trustees and Jack Quinn, ECC College President.

MS. WHYTE moved to amend the resolution to include Et Al Sponsorship. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Opposing Additional
Restrictions on Pet Ownership
Being Contemplated by the NYS
Legislature
(INTRO 11-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, MILLS, WALTER, RATH, FUDOLI,
HARDWICK, KOZUB, KENNEDY, BOVE, MARINELLI & LOUGHRAN**

WHEREAS, the Centers for Disease Control and Prevention cite pet ownership as a positive influence in lowering blood pressure, cholesterol levels, triglyceride levels and feelings of loneliness, as well as increasing opportunities for exercise and outdoor activities and socialization; and

WHEREAS, the National Institutes of Health have commented on the positive effect of pet companionship in combating depression in the elderly and the complementary effects of pet companionship with other relationships in children; and

WHEREAS, New York State Assembly Bill A. 11070 and Senate Bill S. 2211 would require the micro-chipping of all dogs; create a state registry to maintain the identification and contact information on all micro-chipped dogs; and provide that the registry would be available twenty-four hours a day; and

WHEREAS, New York State Senate Bill S. 2219 would require all dogs and their owners to successfully complete obedience training prior to the issuance of a license; and

WHEREAS, imposing these restrictions on pet owners would increase the cost of pet ownership, making pet ownership difficult or impossible for some low or fixed income families; and

WHEREAS, a decrease in pet ownership would diminish the positive health and developmental benefits that pet ownership brings to children and the elderly; and

WHEREAS, the proposed laws are at this time unfairly and inexplicably targeted toward owners of dogs, rather than other pets; and

WHEREAS, enactment of these laws would encourage unlicensed dog ownership and, consequently, decrease rabies vaccinations, which are currently required to license a dog; and

WHEREAS, in addition to decreasing legal pet ownership, the enactment of the law would also increase bureaucracy, red tape and governmental costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes the passage of New York State Assembly Bill A. 11070 and Senate Bills S. 2211 and S. 2219; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Pedro Espada Jr. and the local delegation to the New York State Legislature.

MS. WHYTE moved to amend the resolution to include Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Supporting the Federal Grant
Application for New 400mhz
Radio Equipment to be Used by
Firefighters & First Responders
in WNY
(INTRO 11-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, MILLS, KENNEDY, WALTER, FUDOLI,
MAZUR, BOVE, HARDWICK, MARINELLI, DIXON & RATH**

WHEREAS, Erie County Emergency Services has secured funding through the Public Safety Interoperable Communications Grant to construct a new 400mhz infrastructure for radio communications between firefighters and first responders; and

WHEREAS, while Erie County is funding the infrastructure, volunteer fire departments will be responsible for the purchase and maintenance of equipment that can be used on the new 400mhz communications system; and

WHEREAS, 17 volunteer fire departments and non-affiliated EMS agencies in Western New York have applied for a 2010 AFG Regional Communications Grant with the federal government; and

WHEREAS, the grant application requests \$708,660 in funding to purchase interoperable and standardized radio equipment, specifically 400mhz digital capable mobile radios, portable radios and pagers; and

WHEREAS, the purchase of this equipment will be used to improve communications among the 678 active volunteer firefighters and first responders in the partner agencies; and

WHEREAS, this equipment will bring the partner agencies into statutory compliance with FCC P25 narrow-banding requirements; and

WHEREAS, these organizations protect a rural area comprising 500 square miles of heavy agricultural businesses within nine towns mixed, three villages and a large sovereign territory; and

WHEREAS, target hazards in the area served by these partner agencies include the West Valley Demonstration Project, twenty-five miles of underground piping that criss-cross the area carrying high pressure/high volume natural gas and flammable petroleum products, two prisons and a chemical packaging facility; and

WHEREAS, the organizations applying for the grants do not have the resources to purchase this 400mhz radio equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the Helmuth-Springville-Cattaragus 2010 AFG Regional Communications Grant Application; and be it further

RESOLVED, that the Erie County Legislature asks the assistance of our federal representatives to help secure this grant funding that will assure the safety and reliability of the communications systems between firefighters and first responders throughout the region; and be it further

RESOLVED, that copies of this certified resolution be sent to Sen. Charles Schumer, Sen. Kirsten Gillibrand, Representative Brian Higgins, Representative Louise Slaughter and Representative Christopher Lee.

MS. WHYTE moved to amend the resolution to include Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 36 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-5 from WHYTE, KENNEDY & MAZUR. Updating EC's EEO Policy to Include Gender Identity & Expression.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: Appointment to the EC
Agricultural and Farmland
Protection Board
(INTRO 11-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302, members of the Erie County Agricultural and Farmland Protection Board are to be appointed by the Chairperson of the County Legislative Body; and

WHEREAS, among the members of the Board there is to be a member of the county legislative body; and

WHEREAS, there is currently no member of the Erie County Legislature serving on this important advisory body.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Dino J. Fudoli be appointed to serve as the Erie County Legislature's representative to the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that a copy of this resolution be forwarded Commissioner of New York State Department of Agriculture, the Commissioner of the Erie County Department of Environment and Planning and the Chair of the Erie County Agricultural and Farmland Protection Board.

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Legislature Appointment to
Western Region Off-Track
Betting Board
(INTRO 11-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, the State of New York formed the Western Regional Off-Track Betting Corporation as a public benefit corporation on May 16, 1973; and

WHEREAS, the governing body of the Western Region Board of Directors consist of 17 members, one from each of the 15 participating counties and one from the Cities of Buffalo and Rochester; and

WHEREAS, as a participating county of the Western Regional Off-Track Betting Corporation the Erie County Legislature has the authority to make an appointment to the Board of Directors; and

WHEREAS, the Erie County Legislature does hereby appoint Beverly Ann Mazur, 2026 Abbott Road, Lackawanna, New York 14218 as the Erie County representative to the Western Regional Off-Track Betting Corporation Board of Directors.

NOW, THEREFORE BE IT

RESOLVED, that Beverly Ann Mazur is appointed as the Erie County representative to the Western Regional Off-Track Betting Corporation effective June 10, 2010; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Chairman of the Board of Directors of the Western Regional Off-Track Betting Corporation and Ms. Beverly Ann Mazur at 2026 Abbott Road, Lackawanna, New York 14218.

MS. WHYTE moved to amend the resolution to include Et Al Sponsorship. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 39 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-16 from LEGISLATOR MILLS Re: Letter to Clerk of Legislature Concerning Minority Caucus Appointment to the Niagara Erie Regional Coalition

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

June 8, 2010

Mr. Robert M. Graber
Clerk of the Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Minority Caucus Appointment to the Niagara Erie Regional Coalition

Dear Clerk Graber:

Please accept this letter as my resignation as a member of the board for the Niagara Erie Regional Coalition. I have been serving as one of the Erie County Legislature's Minority Caucus appointments, and will now be passing along that duty to my colleague Legislator Kevin R. Hardwick.

I hereby appoint Erie County Legislator Kevin R. Hardwick to serve as the Minority Caucus appointee on the Board of Directors for the Niagara Erie Regional Coalition, to fill the vacancy I have created.

Should you have any questions regarding this resignation and appointment, please contact my Chief of Staff, Bryan Fiume, at 716-858-4745.

Sincerely,

Hon. John J. Mills
Minority Leader

cc: Hon. Clyde Burmaster
NERC, Chair

Tod A. Kniazuk
NERC, Executive Director

Item 40 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11D-7 from the ECC PRESIDENT Re: Letter to Legislator Marinelli Concerning Requested ECC 2010-2011 Budget Information

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 41 – (COMM. 11E-1) Copy of NYS Mortgage Tax Semi-Annual Report of Receipts & Disbursements for Period of 10/2009 - 03/2010

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 11E-2) Appointments/Reappointments to the Local Early Intervention Coordinating Council for a Term Expiring 12/31/2011

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 43 – (COMM. 11E-3) Authorization to Enter into Contract with NEOGOV

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 44 – (COMM. 11E-4) ECSD No. 5 Engineer Term Agreement - Greenman-Pederson, Inc. - Work Order GPI - 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (COMM. 11E-5) Award of Construction Contract - Change Order for Engineering & Construction Inspection Services - Blakeley Corners Road - Town of Aurora

Item 46 – (COMM. 11E-6) Payment in Lieu of Taxes (PILOT) Agreement for Holy Family Senior Apartments - City of Buffalo

Item 47 – (COMM. 11E-7) New Opportunities Community Housing Development Corporation (CHDO) - Alden Family Housing Project

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

Item 48 – (COMM. 11E-8) ECSD No. 4 - Town of Lancaster - Glendale & Parkdale & Broadway Ave. - Intermunicipal Agreement Amendment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (COMM. 11E-9) Department of Emergency Services Acceptance of FY09 Hazmat Grant Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 50 – (COMM. 11E-10) Right-of-Way Acquisition - Blakeley Corners Road - Reconstruction and Culvert Replacements - Town of Aurora

Item 51 – (COMM. 11E-11) Slide Restoration & Roadway Design Contracts

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

Item 52 – (COMM. 11E-12) 2010 Summer Primetime Contract Awards

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 53 – (COMM. 11E-13) 2009 Year-End Budget Balancing Resolution & Designations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MILLER-WILLIAMS

Item 54 – (COMM. 11E-14) Appointment to Serve as the EC Legislature's Representative to the Law Library Board of Trustees

Received, Filed & Printed.

June 8, 2010

Honorable Paula Feroletto
District Administrative Judge
Eighth Judicial Circuit
92 Franklin Street, Third Floor
Buffalo, New York 14202

Re: Law Library Board of Trustees

Dear Judge Feroletto:

Please be advised that I am honored to recommend that Legislator Raymond W. Walter be appointed to serve as the Erie County Legislature's representative to the Law Library Board of Trustees.

If you have need of additional information, please do not hesitate to contact me.

Sincerely,

Barbara Miller-Williams, Chair
Erie County Legislature

Cc: Legislator Raymond W. Walter

Item 55 – (COMM. 11E-15) Legislature Appointment to Serve as the Representative to the Central Police Services Board of Trustees

Received, Filed & Printed.

June 7, 2010

Mr. Robert Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

Please be advised that pursuant to and consistent with the provisions of the 2010 Rules of Order for the Erie County Legislature, I appoint Legislator Christina W. Bove to serve as the Majority representative to the Central Police Services Board of Trustees.

Thank you.

Sincerely,

Barbara Miller Williams, Chair
Erie County Legislature

Cc: Legislator Christina W. Bove
Commissioner Peter Vito, Central Police Services
Central Police Services Board of Trustees

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 56 – (COMM. 11D-1) Letter to Comptroller Requesting a Monthly Cash Flow Statement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LEGISLATURE PARLIMENTARIAN

Item 57 – (COMM. 11D-2) Letter to Legislator Hardwick Concerning Vote for Commissioner of the EC Water Authority

Rreceived & Filed.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 58 – (COMM. 11D-3) Copy of Vacancy Report

Item 59 – (COMM. 11D-4) Budget Monitoring Report for Period Ending 4/30/2010

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

FROM THE COMPTROLLER'S OFFICE

Item 60 – (COMM. 11D-5) Protective Services for Adults Transfer to Social Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 11D-6) Letter to Budget Director Concerning 2009 Budget Balancing Amendments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE US ENVIRONMENTAL PROTECTION AGENCY

Item 62 – (COMM. 11M-1) Air Quality Study & Evaluation of the Tonawanda Coke Facility

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 63 – (COMM. 11M-2) Minutes from Meeting Held 4/26/2010

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE WNY WOMEN'S FUND

Item 64 – (COMM. 11M-3) Article Entitled "Gina Is a Single Mother in Poverty"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM MAYOR BROWN

Item 65 – (COMM. 11M-4) Letter to Chair Miller-Williams Concerning Appointments to the Board of Trustees of the Buffalo & EC Public Library

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 66 – (COMM. 11M-5) Cleanup Completed at Superfund Portions of the Spaulding Composites Site in Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 67 – CHAIR MILLER-WILLIAMS announced that the committee schedule for upcoming meetings has been distributed.

Item 68 – LEGISLATOR MARINELLI announced congratulations to Legislature staffer James Cerroni upon the occasion of his wedding this weekend.

Item 69 – LEGISLATOR RATH announced that the Niagara Erie Regional Coalition (NERC) will meet on June 23, 2010, from 3:00 until 5:00 P.M., on Grand Island. Legislator Rath also said that significant reforms to NERC are being formulated.

Item 70 – LEGISLATOR WALTER announced that June is Dairy Month.

Item 71 – CHAIR MILLER-WILLIAMS announced that paperwork has been distributed concerning funding for Operation Primetime, with comparisons between 2009 funding and proposed 2010 funding.

Item 72 – LEGISLATOR LOUGHRAN announced that a Public Hearing will be conducted by the Legislature concerning the proposed 2010-2011 budget for ECC. The hearing is scheduled for Thursday, June 17, 2010 at 2:00 P.M.

MEMORIAL RESOLUTIONS

Item 73 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Harold ‘Hap’ Speers and Geraldine Masters.

Item 74 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of David Williams.

Item 75 – Legislator Kennedy requested that when the Legislature adjourns, it do so in recognition of Julia A. Danahy and William P. Hanley.

Item 76 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Richard C. Pillozzi.

Item 77 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of the two young boys who lost their lives while swimming over the Memorial Day weekend: Diquan Warren and Gary Ramos.

Item 78 – Chair Miller-Williams requested that when the Legislature adjourns, it do so in memory of Ms. Lillian Scott.

ADJOURNMENT

Item 79 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, June 24, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, June 24, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE