

**ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 24, 2012**

The Legislature was called to order by Chair Grant.

All members present, except Legislator Rath.

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

The Pledge of Allegiance was led by Mr. Hardwick.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 9 from 2012. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a memorial resolution Honoring the Memory of James J. Makowski.

Item 6 – CHAIR GRANT, MR. MAZUR, MR. MILLS & MR. HOGUES presented a resolution Recognizing National Police Week May 13-19, 2012 & Commemorating Peace Officers Memorial Day May 15, 2012.

Item 7 – MR. HARDWICK presented a resolution Honoring Donald and Nancy Holler as Erie County Legislature's Citizens of the Month.

Item 8 – MR. HARDWICK presented a resolution Honoring Steven L. Morgan on Achieving the Legion of Honor with The Order of DeMolay.

Item 9 – MS. MARINELLI presented a Memorial Proclamation Honoring Josephine E. Davenport - Educator, Political Activist & Community Volunteer.

Item 10 – CHAIR GRANT presented a resolution Honoring Timothy R. Hogues on Being Licensed as a Minister at Elim Christian Fellowship on Sunday, May 20, 2012.

Item 11 – MR. RATH presented a resolution Welcoming The Corner Bakery on Transit Road in Williamsville to Erie County.

Item 12 – MS. DIXON presented a resolution Recognizing Lackawanna Firefighter Ron Shul for an Act of Bravery.

Item 13 – MS. DIXON presented a resolution Recognizing Lackawanna Firefighter Rick Chmielowiec for an Act of Bravery.

Item 14 – MR. HOGUES presented a resolution Honoring Kenneth Holmes.

MR. MAZUR moved for consideration of the above ten items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above ten items by adding Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above ten items as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

****MR. RATH entered the Legislature Chambers at 2:20 P.M.

LOCAL LAWS

Item 15 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 18 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

May 15, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-4 (2012)
HOMELESS ALLIANCE OF WNY: "2011 Annual Report on the State of Homelessness in EC"
(5-0)
 - b. COMM. 9M-9 (2012)
ECMCC: "Proposed Agenda & Materials for Meeting Held 4/24/2012"
(5-0)

2. COMM. 9E-20 (2012)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Senior Services has been functioning with an acting commissioner (the Commissioner of Mental Health) since January 1, 2012; and

WHEREAS, the County Executive wishes to appoint a new commissioner with significant governmental, private sector and non-profit experience to oversee this department which performs vital services to our senior citizens; and

WHEREAS, the salary for the position of Commissioner of Senior Services is budgeted for 2012 at job group 17, step 5, with an annualized salary of \$91,466; and

WHEREAS, the administration wishes to fill the position with a talented candidate from outside of the county government at step 3, which is budget-neutral.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a variable minimum for the position of Commissioner of Senior Services at job group 17, step 3 (\$82,416 annualized salary), in the Department of Senior Services; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2012 Budget of the Department of Senior Services for this position; and be it further

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

(5-0)

3. COMM. 9E-21 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the State Transportation (AAATRAN) grant for the period April 1, 2011 to March 31, 2012; and

WHEREAS, the Department contracts with the Center for Transportation Excellence (CTE) to provide wheelchair and other rides for frail elderly individuals ineligible for other transportation, and the contract amount needs to be increased to cover all such trips authorized by the Department; and

WHEREAS, the current CTE contract is for \$34,050 and is budgeted for in account #516020, Professional Service Contracts and Fees; and

WHEREAS, the AAATRAN1112 grant budget needs to be revised; and

WHEREAS, AAATRAN1112 is a 100% state funded program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the AAATRAN1112 contract with the Center for Transportation Excellence to \$44,322; and be it further

RESOLVED, that the budget for the 163AAATRAN1112 grant, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516020	Pro Ser Cnt and Fees	\$34,050	+\$10,272	\$44,322
916390	ID Senior Services Grants	18,087	- 10,272	7,815
TOTAL CHANGE			\$0	

and be it further

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

(5-0)

4. COMM. 9E-22 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the AAATRAN grant for the period April 1, 2012 to March 31, 2013, and the FREEDOM grant for the period September 30, 2010 to September 29, 2013; and

WHEREAS, AAATRAN1213 is a 100% state funded program, and FREEDOM1013 is a 100% federal funded program; and

WHEREAS, increase demand for contracted wheelchair and other rides for frail elderly ineligible for other transportation, is expected to increase costs above what was initially budgeted for in both grants; and

WHEREAS, the department desires to continue contracting with the Center for Transportation Excellence and also contracting with Western New York Independent Living Inc. for wheelchair and other rides, thereby increasing flexibility and reducing costs; and

WHEREAS, \$27,687 in payroll and fringe benefit costs for the Senior Services' Senior Dispatcher, initially budgeted for in the AAATRAN1213 grant's account #916390 can be reclassified and remain in the department's III-B2012 grant and paid for from vacancy savings in III-B, thereby freeing up AAATRAN monies to pay for rides; and

WHEREAS, \$7,296 in payroll and fringe benefit costs for the Senior Services' Senior Dispatcher, initially budgeted for in the FREEDOM1013 grant's account #916390 can be reclassified and remain in the department's III-B2012 grant and paid for from vacancy savings in III-B, thereby freeing up FREEDOM1013 monies to pay for rides; and

WHEREAS, the AAATRAN1213 grant and FREEDOM1013 grant budgets need to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that subject to the availability of funding in the AAATRAN1213 & FREEDOM1013 grants, the County Executive is hereby authorized to enter into contracts and amendments to these contracts with the Center for Transportation Excellence and Western New York Independent Living Inc. to provide wheelchair and other rides for frail elderly as part of the Senior Services Going Places Transportation Program, for the periods covered by the grants, in an aggregate amount not to exceed the amounts budgeted for in the grants' Professional Services Contracts and Fees account (#516020); and be it further

RESOLVED, that \$27,687 in Senior Dispatcher salary and fringe benefit costs initially budgeted for in the AAATRAN1213 grant be paid out of the IIIB-2012 grant; and be it further

RESOLVED, that \$7,296 in Senior Dispatcher salary and fringe benefit costs initially budgeted for in the FREEDOM1013 grant be paid out of the IIIB-2012 grant; and be it further

RESOLVED, that the budget for the 163AAATRAN1213 grant, be revised as follows:

CURRENT		AMENDED
BUDGET	CHANGES	BUDGET

APPROPRIATIONS

Account	Description			
516020	Pro Ser Cnt and Fees	\$24,450	+\$27,687	\$52,137
916390	ID Senior Services Grants	\$27,687	-27,687	\$0
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the 163FREEDOM1013 grant, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET	
APPROPRIATIONS				
Account	Description			
516020	Pro Ser Cnt and Fees	\$107,380	+\$7,296	\$114,676
916390	ID Senior Services Grants	\$8,240	7,296	\$944
TOTAL CHANGE			<u>\$0</u>	

and be it further

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

(5-0)

5. COMM. 9E-28 (2012)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Social Services is seeking approval to execute contracts with community providers for the 2012 Summer Primetime program; and

WHEREAS, the availability of local share funding provided in the 2012 Adopted Budget enable this program implementation; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute contracts with the following providers for Operation Primetime from available 2012 funds in Fund Center 12530, Account 517749 (Operation Primetime) in the Youth Bureau:

Agency Name	Amount
Access of WNY	\$10,000
African American Cultural Center	\$5,000
Back to Basics	\$5,000
Be A Friend	\$10,000
Bob Lanier Center	\$5,000
Boys & Girls Club of East Aurora	\$8,000
Boys & Girls Club of Eden	\$5,000
Boys & Girls Club of Holland	\$3,500
Boys & Girls Clubs of the Northtowns	\$10,000
Buffalo Museum of Science	\$7,500
Buffalo Prep	\$5,000
Buffalo Urban League	\$7,500
Butler Mitchell Association	\$10,000
Child & Adolescent Treatment Services	\$10,000
Community Action Organization	\$7,500
Computers for Children	\$7,500
Concerned Ecumenical Ministries	\$10,000
Cradle Beach Camp	\$10,000
Elim Community Corporation	\$7,500
Erie Regional Housing Development Corp - Belle Center	\$6,000
Firsthand Learning	\$10,000
FLARE	\$7,500
Girls Sports Foundation	\$10,000
Greater Niagara Frontier Council-Boy Scouts	\$8,000
Jericho Road Ministries	\$10,000
Justice Lifeline	\$5,000
King Urban Life Center	\$9,000
Lackawanna Sports & Education	\$7,500

Making Fishers of Men & Women	\$9,000
National Inner City Youth Opportunities	\$10,000
North Buffalo CDC	\$6,000
Northwest Buffalo Community Center	\$10,000
Old First Ward Community Association	\$5,000
PBBC Matt Urban Center	\$10,000
Peace of the City	\$5,000
Police Athletic League	\$5,000
Schiller Park Community Center	\$10,000
Seneca Babcock Community Association	\$6,000
Seneca Street Community Development	\$8,000
Town of Tonawanda Recreation Department	\$8,000
UB Liberty Partnership	\$7,500
University District CDC	\$6,000
Urban Christian Ministries	\$7,500
Valley Community Association	\$10,000
Westminster Community Charter School	\$5,000
Westside Community Center	\$10,000
Willie Hutch Jones Sports & Education	\$10,000
WNY United Against Drugs & Alcohol Abuse	\$10,000
Young Audiences	\$7,500
Community Action Organization (Detention)	\$7,500
Firsthand Learning (Detention)	\$5,000
Willie Hutch Jones Sports and Education (Detention)	\$5,000
Total	\$400,000

and be it further

RESOLVED, that after contracts are executed and filed, the Department of Social Services, Division of Budget and Management and Office of the Comptroller are authorized to effectuate future 2012 payments for these agencies for providing Operation Primetime services; and be it further

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

(5-0)

6. COMM. 9E-30 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to EC Youth Services Board for a term expiring 12/31/2012:

Susan Lumadue
148 Sterling Ave.
Buffalo, NY 14216

William Conrad III
198 Abbington Ave.
Buffalo, NY 14223

(5-0)

7. COMM. 9E-36 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointments of the following individuals to EC Senior Services Advisory Board for a term expiring 12/31/2014:

Mr. Ryan Snyder
4055 Big Tree Road
Hamburg, NY 14075

Ms. Rose Marie Hall
1032 Tifft Street
Buffalo, NY 14220

Ms. Amy Carroll Ziegler
Principal Law Clerk
Honorable Fredrick Marshall
Part 33 – 9th Floor
50 Delaware Avenue
Buffalo, NY 14202

(5-0)

THOMAS J. MAZUR
CHAIR

Item 19 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

May 15, 2012	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6M-3 (2012)
LANGSTON HUGHES INSTITUTE: “2012 Cultural Organization Data Response Sheet”
(5-0)
 - b. COMM. 6M-8 (2012)
BURCHFIELD PENNEY ART CENTER: “2012 Cultural Organization Data Response Sheet”
(5-0)

- c. COMM. 6M-12 (2012)
COLORED MUSICIANS CLUB OF BUFFALO: “2012 Cultural Organization Data Response Sheet”
(5-0)
- d. COMM. 6M-17 (2012)
POLISH ARTS CLUB OF BUFFALO: “2012 Cultural Organization Data Response Sheet”
(5-0)
- e. COMM. 6M-20 (2012)
CORNELL COOPERATIVE EXTENSION: “Copy of Program Goals for 2012”
(5-0)
- f. COMM. 7M-5 (2012)
LANGSTON HUGHES INSTITUTE: “Legislature Arts & Cultural Organizations Allocation – Program Services Description & Budget”
(5-0)
- g. COMM. 8E-6 (2012)
COUNTY EXECUTIVE: “Appointments to Visit Buffalo Niagara Board of Directors”
(5-0)
- h. COMM. 8M-3 (2012)
IRISH CLASSICAL THEATRE COMPANY: “Letter to Legislator Marinelli Regarding Receipt of Cultural Funding Granted in the 2012 Cultural Services Contract with EC”
(5-0)
- i. COMM. 9E-9 (2012)
GRANT: “Copy of E-Mail Transmission Concerning Latest News at Botanical Gardens”
(5-0)
- j. COMM. 9M-2 (2012)
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting Held 4/19/2012”
(5-0)
- k. COMM. 9M-17 (2012)
SPRINGVILLE CENTER FOR THE ARTS: “Copy of 2012-2017 Strategic Plan”
(5-0)

LYNN M. MARINELLI
CHAIR

Item 20 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

May 15, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 9D-6 (2012)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)
- b. COMM. 9M-6 (2012)
ASSIGNED COUNSEL PROGRAM: "Copy of Quarterly Report for the 1st Quarter of 2012"
(5-0)
- c. COMM. 9M-18 (2012)
EC BAR ASSOCIATION: "Letter to Legislature Concerning Closing Room Dedicated in Memory of Joseph C. Vispi"
(5-0)

2. COMM. 9E-29 (2012)
COUNTY EXECUTIVE

WHEREAS, the County Clerk is assigned as an agent for the New York State Department of Motor Vehicles; and

WHEREAS, the Erie County Auto Bureau provides services for approximately 650,000 motorists locally; and

WHEREAS, quality and efficient customer service is a primary goal of the Erie County Auto Bureau at all of its offices, including the office currently maintained at Erie Community College South Campus; and

WHEREAS, the addition of a high speed, broadband line at the ECC South office will improve operations at no cost to the county.

NOW, THEREFORE, BE IT

RESOLVED, that Time-Warner Cable, Inc. is granted Right of Access at ECC South to install and maintain broadband service to that Auto Bureau office; and be it further

RESOLVED, that the Erie County Executive is authorized to execute a Right of Entry Agreement with Time-Warner Cable, Inc. to facilitate said access; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Attorney, the Department of Public Works and Erie Community College South Campus, attention Tony Nesci.

(5-0)

3. COMM. 9E-32 (2012)
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with the operation of local Auto Bureaus; and

WHEREAS, the Erie County Auto Bureau has operated a satellite branch at the Eastern Hills Mall, 4545 Transit Road, Clarence, New York, since 2008; and

WHEREAS, the current lease expired December 31, 2011; and

WHEREAS, the County Clerk's Office has negotiated with Glenmont MDC Eastern Hills LLC for a certain lease for space to continue operation at this location; and

WHEREAS, the terms of this lease are favorable to the County and adequate funding for all associated costs for 2012 is available in the 2012 Erie County Clerk Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an agreement between the County of Erie and Glenmont MDC Eastern Hills LLC for the lease of approximately 2,110 square feet of space at the Eastern Hills Mall in Clarence, New York; and be it further

RESOLVED, that the County Auto Bureau's tenancy of the premises provided in this lease shall be at the rate not to exceed \$2,600 per year payable in equal monthly installments for a three-year term beginning January 1, 2012 through December 31, 2014, with an option for one additional three-year term; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.

(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 21 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

May 15, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27M-4 (2011)
PRESIDENT OF NYSAC: "Letter to Chair of Legislature Concerning NYS Land Bank Act"
(5-0) Chair Grant not present for vote.
 - b. COMM. 9M-10 (2012)
NFTA: "Minutes of Meeting Held 3/26/2012"
(5-0) Chair Grant not present for vote.

2. COMM. 9E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, the Library Board of Trustees has authorized the Library Director, in cooperation with the Erie County Department of Public Works to proceed with the asbestos abatement project on the second floor, west wing of the Buffalo and Erie County Central Library; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Watts Architecture & Engineering, P.C. for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Watts Architecture & Engineering, P.C. for providing design and construction documents services for an asbestos abatement project at the Erie County Central Library.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Watts Architecture & Engineering, P.C. for providing professional design and construction document services for the asbestos abatement project at the Buffalo & Erie County Central Library for an amount not to exceed \$25,000.00; and be further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account F.00007 - 2003 Central Library Asbestos Abatement; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Kenneth Stone, CFO of the Buffalo & Erie County Public Library, and the Office of the Comptroller.
(5-0) Chair Grant not present for vote.

3. COMM. 9E-17 (2012)
COUNTY EXECUTIVE

WHEREAS, the existing roof system at the Erie Community College's City Campus, 45 Oak Street building, is 30 plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture and Planning for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from the Legislature to issue an Agreement Amendment to Advanced Architecture and Planning for providing design and construction documents services for the roof replacement project at Erie Community College's City Campus, 45 Oak Street building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Advanced Architecture and Planning for providing professional design and construction document services for the Erie Community College's City Campus, 45 Oak Street building for an amount not to exceed \$25,000.00; and be further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account E.11003- 2011 Erie Community College- Roofs Collegewide (Countywide) for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0) Chair Grant not present for vote.

4. COMM. 9E-18 (2012)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Capital Project for the 2012 Culvert Group 1 (Allen Road BR 27-6, Scherff Road BR 371-3 and Hayes Hollow Road BR 397-3A), in the Town of Sardinia, Orchard Park and Concord, respectively, on March 29, 2012, with the lowest responsible bidder being DiPizio Construction Company, at a low bid amount of \$299,998; and

WHEREAS, a change order for construction engineering and construction inspection services for the above noted project to the engineering firm of Clough Harbour Associates, is required at a cost not to exceed \$30,898.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Project No. FM 27/371/397-12 for the 2012 Culvert Group 1 Project (Allen Road BR 27-6, Scherff Road BR 371-3 and Hayes Hollow Road BR 397-3A), between the County of Erie and DiPizio Construction Company, at a low bid amount of \$299,998; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a change order with Clough Harbour Associates for construction engineering and inspection services in the amount of \$30,898; and be it further

RESOLVED, that an additional amount of \$30,000 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 \$30,000; and be it further

RESOLVED, that the total project budget of \$360,896 be allocated from available funds in the following SAP Capital Accounts:

B.20921.1: 2009 FEMA 1857-NY Program, \$45,388.00

B.21027.5: 2010 Preservation of Bridges and Culverts Construction Program, \$250,000.00

B.11026.1: 2011 Preservation of Bridges and Culverts Construction Program, \$65,508.00

and be it further

RESOLVED, that when any of the expenditures of the approved project be eligible for FEMA or FHWA reimbursement, the budget will be adjusted by the increasing federal or state revenue accordingly; 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 Division of Budget and Management, and the Office of the Comptroller.

(6-0)

5. COMM. 9E-19 (2012)
COUNTY EXECUTIVE

WHEREAS, when Eden-Evans Center Road and Beach Road was reconstructed about 40 years ago, slag was used as a sub-base material which at the time, it was thought that slag was an acceptable material for this purpose; and

WHEREAS, long stretches of this road have been heaving in the winter months making the road difficult to drive in those months due to the wicking of water in the sub-base; and

WHEREAS, over the years, the Department of Public Works has tried several solutions to mitigate the heaving with no success; and

WHEREAS, the only solution is to fully remove the slag sub-base and replace it with gravel material and new pavement; and

WHEREAS, before construction can commence, these roads are in need of design; and

WHEREAS, funds exist in SAP Project number B.21001 (2010 Capital Overlay Program) for work on Eden-Evans Center Road (CR 221)/Beach Road (CR32); and

WHEREAS, the Department of Public Works desires to use these funds to begin design work on this roadway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract for engineering services for the design of the rehabilitation of Eden-Evans Center Road (CR 221) and Beach Road (CR32), in the Town of Evans with DiDonato Associates for an amount not to exceed \$180,000.00; and be it further

RESOLVED, SAP Project B.21001, Capital Overlay Program, will be utilized to perform the necessary study and design of the project; and be it further

RESOLVED, that the Clerk of the Legislature 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 Division of Budget and Management, and the Office of the Comptroller.

(6-0)

THOMAS A. LOUGHRAN
CHAIR

Item 22 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

May 15, 2012	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, all items are hereby tabled.

BETTY JEAN GRANT
CHAIR

Item 23 – MR. McCracken presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

May 17, 2012	ENERGY & ENVIRONMENT
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COMMITTEE REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-10 (2011)
NATIONAL FUEL ACCOUNTABILITY COALITION: "Letter to Chair Miller-Williams Concerning National Fuel Gas Conservation Incentive Program"
(6-0)
 - b. COMM. 9E-25 (2012)
COUNTY EXECUTIVE: "ECSD No. 4 - Professional Services Agreement with CRA - Infrastructure & Engineering, Inc. - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades"
(6-0)
 - c. COMM. 9D-4 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Copy of SEQR Application for Site Known as USCG Property Along the Buffalo River - 1 Fuhrman Boulevard, Buffalo, NY"
(6-0)
 - d. COMM. 9D-5 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Geneva Road Sanitary Sewer Extension - SEQR Notification"
(6-0)
 - e. COMM. 9D-8 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Aurora Street Pump Station Elimination Project - SEQR Notification"
(6-0)
 - f. COMM. 9M-3 (2012)
NYSDEC: "Fact Sheet: Draft Investigation Work Plan for Brownfield Site Known as 4630 River Road - Tonawanda, NY"
(6-0)
 - g. COMM. 9M-5 (2012)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning EC Agricultural District No. 14"
(6-0)
 - h. COMM. 9M-8 (2012)
NYSDEC: "Fact Sheet: Cleanup Action Completed at State Superfund Site Known as Polymer Applications - Tonawanda, NY"
(6-0)

- i. COMM. 9M-15 (2012)
NYSDEC: "Fact Sheet: Draft Investigation Work Plan for Brownfield Site Known as 129 Holden Street Development, Buffalo, NY"
(6-0)
2. INTRO 9-9 (2012)
MAZUR, HOGUES, LOUGHRAN,
McCRACKEN & LORIGO
WHEREAS, the United States Surgeon General has determined that there is no safe level of secondhand smoke; and

WHEREAS, waste from tobacco use – including cigarette butts – is one of the largest sources of litter in our community, casting blight on public areas such as sidewalks and adding to the level of solid waste contaminating our water supply through run-off; and

WHEREAS, the outdoor environment is shared by smokers and non-smokers alike, necessitating the development of a public policy that protects Erie County residents from secondhand smoke -- whether they are in indoor or outdoor public spaces; and

WHEREAS, recently, New York State government took the bold step of declaring playgrounds and recreations areas in the State parks system to be smoke-free; and

WHEREAS, there is ample precedent for local governments in Erie County to move in the direction of a healthier, less polluted community, as demonstrated by smoke-free initiatives launched by the city of Lackawanna; towns of Alden, Amherst, Clarence, Eden Colden, Lancaster, Orchard Park and Tonawanda; the villages of Angola, East Aurora, Kenmore, North Collins, Springville and Williamsville; and

WHEREAS, it is fitting and proper for the Erie County Legislature to encourage the designation of the parks, beaches, playgrounds, golf courses and other recreation areas owned by Erie County government to be smoke-free and family-friendly.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for a smoke-free environment throughout the Erie County system of parks and recreational areas; and be it further

RESOLVED, that representatives of the Erie County Department of Parks and Recreation, the Department of Environment & Planning, the Erie County Health Department, and the Tobacco-Free Coalition of Roswell Park Cancer Institute be invited to attend an upcoming meeting of the Health & Human Services Committee to discuss the next steps for Erie County to proceed in addressing this very important public health issue; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to convey certified copies of this resolution to the above listed stakeholders, as well as the Erie County Executive.
(5-1) Chair Grant voted in the negative.

3. COMM. 9E-24 (2012)
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 Joseph Fiegl, 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 County Attorney.
(6-0)

4. COMM. 9E-31 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Environmental Management Council for a term expiring 5/31/2013:

Tim Kelly
89 Church Road
Lancaster, NY 14086

(6-0)

TERRENCE D. McCracken
CHAIR

MR. LOUGHRAN moved to approve item Number 2. MR. MILLS seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: CHAIR GRANT. (AYES: 10; NOES: 1)

CARRIED.

Item 24 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

May 17, 2012	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 9E-6 (2012)

MILLS: “Appointment to the EC Bar Association's Aid to Indigent Prisoners Society, Assigned Counsel Program Board of Directors”
(6-0)

2. INTRO 7-2 (2012)

RATH, MILLS, DIXON,
HARDWICK & LORIGO

WHEREAS, New York State General Municipal Law currently prohibits emergency rescue and first aid squads created under General Municipal Law from charging a fee for transporting sick or injured individuals to a hospital for medical treatment; and

WHEREAS, private ambulance companies providing similar services are allowed to charge fees, which are frequently paid by an insurance carrier; and

WHEREAS, a number of volunteer emergency rescue and first aid squads have expressed an interest in establishing a fee schedule, to allow for recovery from insurance companies for services provided; and

WHEREAS, such permission would result in less need for tax dollars paid by taxpayers in the districts covered by the emergency rescue and first aid squads; and

WHEREAS, several local emergency rescue and first aid squads have established or are establishing separate not-for-profit 501(c)(3) corporations in order to seek reimbursement from insurance companies; and

WHEREAS, these not-for-profits, upon collecting reimbursement from insurance companies, do not seek co-payments from individuals receiving services or from those without insurance; and

WHEREAS, the New York State Comptroller has recently questioned the propriety of establishing separate not-for-profit entities to provide emergency services in conjunction with local fire companies; and

WHEREAS, New York State Senate Bill 4856 and Assembly Bill 7291 would allow for a fee schedule to be created by emergency rescue and first aid squads; and

WHEREAS, signing the bills into law would allow emergency services provider to bill insurance companies for services provided, thus reducing the need for tax dollars, and obviate the need for separate not-for-profit first aid squads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as supporting New York State Senate Bill 4856 and Assembly Bill 7291, which would amend General Municipal Law to allow emergency rescue and first aid squads to establish fee schedules; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo and the Western New York Delegation of the New York State Senate and Assembly.
(6-0)

3. INTRO 8-1 (2012)
DIXON

WHEREAS, New York State Vehicle and Traffic Law §1144-a, more commonly known as the “Move Over” law, requires motorists on parkways or controlled access highways to move from a lane in which an emergency vehicle displaying a red or amber flashing light, or from a lane immediately adjacent to the shoulder which is occupied by such an emergency vehicle; and

WHEREAS, the law does not include emergency vehicles displaying blue lights; and

WHEREAS, fire police vehicles typically display blue lights; and

WHEREAS, as such, New York State’s “Move Over” law does not apply to fire police vehicles; and

WHEREAS, fire police frequently find themselves in dangerous and intense traffic situations; and

WHEREAS, fire police should be afforded similar protections as police and tow truck operators.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests that the New York State Legislature amend New York State Vehicle and Traffic Law §1144-a to include emergency vehicles displaying blue lights; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo and the Western New York Delegation of the New York State Senate and Assembly.
(6-0)

4. COMM. 9E-23 (2012)

COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$2,323,000 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization from the Erie County Legislature is required for the County Executive to enter into a contract with the NYS Department of Homeland Security to accept \$2,323,000 in grant funding to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$2,323,000 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions from existing Department of Emergency Services Homeland Security grants to SHSP FY 2011 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Emergency Services
FY 2011 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$2,323,000
Appropriations	Increase
Account 500000 Full Time Salaries	\$350,575
Account 502000 Fringe Benefits	170,900
Account 516020 Professional Contracts & Fees	64,203
Account 561410 Equipment (Lab & Tech)	1,129,076
Account 510100 Travel	15,322
Account 516030 Maintenance Contracts	<u>592,924</u>
Total Appropriations	2,323,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Health c/o Tracy Chalmers, the County Comptroller, and the County Attorney.
(6-0)

TIMOTHY R. HOGUES
CHAIR

Item 25 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

May 17, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-1 (2012)
COUNTY EXECUTIVE: “Copy of Letter to Legislator Lorigo Concerning Bee News Column on Approved 2012-2015 Four-Year Financial Plan”
(5-0) Legislator Marinelli not present for vote.
 - b. COMM. 9E-35 (2012)
COMPTROLLER: “Copy of Financial Report for Period Ended 3/31/2012”
(5-0) Legislator Marinelli not present for vote.
 - c. COMM. 9D-3 (2012)
DIRECTOR OF BUDGET & MANAGEMENT: “Copy of Budget Monitoring Report for Period Ending March 2012”
(5-0) Legislator Marinelli not present for vote.
 - d. COMM. 9D-7 (2012)
DIRECTOR OF EC REAL PROPERTY TAX SERVICES: “Letter to Clerk of Legislature Concerning Persons with Disabilities & Limited Income”
(5-0) Legislator Marinelli not present for vote.
 - e. COMM. 9M-16 (2012)
ECFSA: “Copy of Analysis of the EC 2012-2015 Financial Plan”
(6-0)

2. COMM. 1D-7 (2012)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 212128 through 212139, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2011	Petition No.	212,128.00
	ASSESSOR	Refund	\$2,348.73

S-B-L 42.04-3-10

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,348.73	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$2,348.73	
	Relevy School	\$2,348.73	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ALVIN PANAHON

FISCAL YEAR	2012	Petition No.	212,129.00
	ASSESSOR	Refund	\$1,477.41

S-B-L 42.04-3-10

142289 AMHERST

	Acct. No. 112	\$679.06	County
	Acct. No. 132	\$798.35	Town/SpecialDist/School
	22030 EAST AMHERST FD	\$79.63	
<u>Charge To :</u>	142289 AMHERST	\$718.72	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ALVIN & NORMA C PANAHON

FISCAL YEAR	2011	Petition No.	212,130.00
	ASSESSOR	Refund	\$2,189.64

S-B-L 55.17-10-3

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,189.64	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$2,189.64	
	Relevy School	\$2,189.64	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: SHANBHAG-PANAHON INC

FISCAL YEAR 2012 Petition No. 212,131.00

ASSESSOR Refund \$1,120.40

S-B-L 55.17-10-3 142289 AMHERST

	Acct. No. 112	\$514.88	County
	Acct. No. 132	\$605.52	Town/SpecialDist/School
	22020 EGGERTSVILLE DIST #6	\$132.14	
<u>Charge To :</u>	142289 AMHERST	\$473.38	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: SHANBHAG-PANAHON INC

FISCAL YEAR 2011 Petition No. 212,132.00

ASSESSOR Refund \$3,466.74

S-B-L 55.17-10-4 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,466.74	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$3,466.74	
	Relevy School	\$3,466.74	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: SHANBHAG-PANAHON, INC

FISCAL YEAR 2012 Petition No. 212,133.00

ASSESSOR Refund \$1,773.87

S-B-L 55.17-10-4 142289 AMHERST

	Acct. No. 112	\$815.18	County
	Acct. No. 132	\$958.69	Town/SpecialDist/School
	22020 EGGERTSVILLE DIST #6	\$209.22	
<u>Charge To :</u>	142289 AMHERST	\$749.47	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: SHANBHAG-PANAHON, INC

FISCAL YEAR 2012 Petition No. 212,134.00

 ASSESSOR Refund \$556.05

S-B-L 80.20-11-2 143089 CHEEKTOWAGA

 Acct. No. 112 \$79.47 County
 Acct. No. 132 \$476.58 Town/SpecialDist/School
 30035 EXEMPTION REMOVAL \$333.61
Charge To : 143089 CHEEKTOWAGA \$142.97

RPTL 550920; FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: MAYS LAUREN A

FISCAL YEAR 2010 Petition No. 212,135.00

 ASSESSOR Refund \$491.58

S-B-L 134.20-4-22.121 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$491.58 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$491.58
 Relevy School \$491.58 146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: JANIS D HARMON

FISCAL YEAR 2011 Petition No. 212,136.00

 ASSESSOR Refund \$499.29

S-B-L 134.20-4-22.121 146600 WALES

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$499.29 Town/SpecialDist/School
Charge To : 146600 WALES \$499.29
 Relevy School \$499.29 146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: JANIS D HARMON

FISCAL YEAR 2010 Petition No. 212,137.00

 ASSESSOR Refund \$333.93

S-B-L 182.15-5-8 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$333.93	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$333.93

Relevy Village \$333.93 Village of HAMBURG
RPTL 550(2): FAILED TO APPLY A COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: JOSEPH TRAPP

FISCAL YEAR	2011	Petition No.	212,138.00
	ASSESSOR	Refund	\$338.90

S-B-L 182.15-5-8 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$338.90	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$338.90

Relevy Village \$338.90 Village of HAMBURG
RPTL 550(2): FAILED TO APPLY A COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: JOSEPH TRAPP

FISCAL YEAR	2012	Petition No.	212,139.00
	ASSESSOR	Cancel	\$347.90

S-B-L 182.15-5-8 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$347.90	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$347.90

Relevy Village \$347.90 Village of HAMBURG
RPTL 550(2): FAILED TO APPLY A COMBAT VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: JOSEPH TRAPP

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(5-0) Legislator Marinelli not present for vote.

3. COMM. 9E-33 (2012)
COMPTRROLLER

To update the Comptroller's recommended policy for managing fund balance components resulting from the County's Implementation of Governmental Accounting Standards Board ("GASB") Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. Nonspendable Fund Balance – consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items and long-term portions of loans receivable.
- b. Restricted Fund Balance – consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- c. Committed Fund Balance – consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority (i.e., the Erie County Legislature) before the end of the fiscal year, and that require the same level of formal action to remove the constraint.
- d. Assigned Fund Balance – consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority (i.e., the Erie County Legislature). The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund, assigned fund balance represents the positive residual amount of fund balance (although amounts for specific purposes may be established and segregated). The portion of fund balance appropriated to balance the following year's budget will also be classified as assigned fund balance.
- e. Unassigned Fund Balance – the positive or negative residual balance in the general fund, or if applicable the negative residual fund balance in non-general funds; and

WHEREAS, fund balance measures the net financial resources available to finance expenditures of future periods; and

WHEREAS, in consideration of unanticipated events that could adversely affect the financial condition of the County and jeopardize the continuation of necessary public services, the Comptroller recommends a fund balance policy as an effort to ensure that the County maintains adequate fund balances and reserves in order to provide sufficient cash flow for daily financial needs; secure and maintain investment grade bond ratings; offset significant economic downturns or revenue shortfalls, and provide funds for unforeseen expenditures related to emergencies; and

WHEREAS, the last three changes to the County's Fund Balance Policy occurred (1) in November 2001 when the Comptroller prescribed that the establishment of fund balance designations will only occur based on a formal request by the County Executive and the approval of the County Legislature by resolution; (2) in April 2002 when the Comptroller prescribed a sunset provision of one fiscal year for all fund balance designations; and (3) in 2006 with the adoption of Local Law No. 3-2006 amending the Erie County Charter that in part requires the County Executive

to maintain a balance in all funds established in the budget equal to or greater than five percent of the amount contained in the budget of each fund in the immediately preceding fiscal year; and

WHEREAS, the Governmental Accounting Standards Board has adopted Statement 54 ("GASB #54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010; and

WHEREAS, GASB #54 requires disclosure of the County's fund balance classification policies; and

WHEREAS, GASB #54 requires approval via resolution defining the level of authority and the process to establish committed or assigned fund balance; and

WHEREAS, GASB #54 recommends a policy regarding the order in which restricted, committed, assigned, and unassigned amounts are spent.

NOW, THEREFORE, BE IT

RESOLVED, the County elects to implement GASB #54 requirements, and to apply such requirements to its financial statements beginning with the fiscal year ended December 31, 2011; and be it further

RESOLVED, the establishment of the amount of committed fund balance will only occur based on a formal request by the County Executive and the approval of the County Legislature by resolution; and be it further

RESOLVED, amendments or modification to the committed fund balance must also be approved by formal action of the County Legislature; and be it further

RESOLVED, committed fund balance will not lapse at year-end; and be it further

RESOLVED, the establishment of the amount of assigned fund balance will only occur based on a formal request by the County Executive and the approval of the County Legislature by resolution; and be it further

RESOLVED, the County Comptroller's Accounting Policy is to provide a sunset provision of one fiscal year for all assigned fund balance that is established or segregated for a specific purpose; and be it further

RESOLVED, that in circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Budget Director, County Attorney and Comptroller.

(5-0) Legislator Marinelli not present for vote.

TIMOTHY R. HOGUES
CHAIR

LEGISLATOR RESOLUTIONS

Item 26 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 10-1 from HOGUES. Expressing Support for NYS Assembly Bill A. 9601-A/NYS Senate Bill S. 6085-A to Limit Direct Access to OTC Medicine Containing Dextromethorphan.

Item 27 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 10-2 from LORIGO, RATH, DIXON & HARDWICK. Opposing Increased Fee Frequency by NYS for Certain Firearms.

Item 28 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 10-3 from LORIGO, RATH, DIXON & HARDWICK. Supporting Prevention of Illicit Drug Use by Social Service Recipients.

Item 29 – CHAIR GRANT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 10-4 from LORIGO. Supporting the Location of a National Cemetery in Knox Farm State Park.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

RE: Supporting the Proposal Advanced by Congressman Brian Higgins for the NFTA to Transfer Its Ownership of Outer Harbor Property to the Erie Canal Harbor Development (INTRO 10-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS GRANT, MAZUR, HOGUES, MARINELLI,
LOUGHRAN, McCracken & Dixon**

WHEREAS, the Great Lakes contain 20% of the world's supply of fresh water, and acres of waterfront land in Erie County that are adjacent to Lake Erie – one of the five Great Lakes – have been under the jurisdiction of the Niagara Frontier Transportation Authority (NFTA) for 58 years; and

WHEREAS, this property is known as the “Outer Harbor” and is widely viewed by the citizens of Erie County as an example of lost opportunity; and

WHEREAS, there is no compelling public interest served by the NFTA continuing its stewardship of this community resource, as the core mission of the Authority is public transportation – including airport development and maintenance as well as support for the Metro bus and light rail system; and

WHEREAS, failure to strategically develop the aforementioned public resource had inhibited the access and utilization of the Outer Harbor by the citizens of Erie County and has depressed private sector investment; and

WHEREAS, the demonstrated success of the early stages of Inner Harbor Development by the Erie Canal Harbor Development Corporation (ECHDC) has been met with accolades by the general public and more than \$80 million in private investment to date; and

WHEREAS, it is critically important for our region to leverage private sector investment along the shores of this world-renowned freshwater resource, and this can best be accomplished by handing over the stewardship of the Outer Harbor to ECHDC; and

WHEREAS, it is fitting and proper for the Erie County Legislature to convey its support for a cohesive approach to waterfront development that will marry the success of the Inner Harbor to the potential of the Outer Harbor; and

WHEREAS, Buffalo's waterfront should be viewed as a regional, state and national asset that should not be limited to the jurisdiction of any one local government; and

WHEREAS, the highest and best use of this waterfront resource can be achieved by ECHDC, which has made both passive and active recreational access by the public to the Inner Harbor a top priority that encourages private investment; and

WHEREAS, this Honorable Body fully supports the transfer of control of the Outer Harbor property from the NFTA to the ECHDC for the sum of \$1; and

WHEREAS, this transfer will trigger more than \$11 million in improvements to the Outer Harbor, including but not limited to: 1) clean-up and greening of the land, 2) creation of a sand beach at Gallagher Beach, 3) breakwall rehabilitation that includes bike and pedestrian path extension, 4) decorative lighting and benches, and, 5) dredging of the waterway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of the proposal advanced by Congressman Brian Higgins for the Erie Canal Harbor Development Corporation (ECHDC) to assume full control of the approximate 384 acres of property known as the "Outer Harbor;" and be it further

RESOLVED, in accordance with the Higgins' proposal, that this transfer of property from the Niagara Frontier Transportation Authority (NFTA) to ECHDC shall be accomplished for a payment of \$1 to the NFTA; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Congressman Brian Higgins, the Erie Canal Harbor Development Corporation, the Niagara Frontier Transportation Authority, Erie County Executive Mark Poloncarz and all other parties deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MILLS

Item 31 – (COMM. 10E-1) Letter to Clerk of Legislature Concerning Abstention from Vote on COMM. 3E-12 (2012)

Received, Filed and Printed.

May 10, 2012

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: Abstention on COMM. 3E-12(2012)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, my abstention to the above referenced communication was due to being named in the communication to serve on the Erie County Sewer District No. 3 Board of Managers.

Sincerely,

John J. Mills
Erie County Legislator - 11th District

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 10E-2) Appointment of EC Commissioner of Senior Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 33 – (COMM. 10E-3) Letter of Response to County Clerk Concerning Review of County Clerk's Registrars Position

Received and Filed.

FROM THE COUNTY CLERK

Item 34 – (COMM. 10E-4) Letter to Comptroller Concerning Comptroller Review of County Clerk's Registrars Position

Received and Filed.

FROM LEGISLATOR MARINELLI

Item 35 – (COMM. 10E-5) Copy of Buffalo Zoo Update on "The Bear Necessities Campaign"

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR MILLS

Item 36 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: Minority Leader's Appointment to the
EC Community Corrections Advisory
Board
(COMM. 10E-6)

MR. MAZUR moved to amend the item. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Add the Following to COMM. 10E-6:

RESOLVED, that the Erie County Legislature hereby appoints Joseph Sacco to serve on the Erie County Community Corrections Advisory Board for the remainder of the term of the individual who serves upon the recommendation of the Minority Leader of the Erie County Legislature with subsequent approval by the Erie County Legislature.

MR. MAZUR moved to approve the item as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 10E-7) Beach Road & Eden Center Road from Delamater Road to Erie Road Rehabilitation - Phase 3 - Town of Evans

Item 38 – (COMM. 10E-8) ECC, North Campus - Air Conditioning Project for Buildings K & B

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

Item 39 – (COMM. 10E-9) Authorization to Enter Into Contract with Rainbow Preschool

Item 40 – (COMM. 10E-10) EC Correctional Health Services Management

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

FROM LEGISLATOR RATH

Item 41 – (COMM. 10E-11) Letter to Clerk of Legislature Concerning Abstention from Vote on COMM. 6E-13 (2012)

Received, Filed and Printed.

May 10, 2012

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: Abstention on COMM. 6E-13(2012)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, my abstention to the above referenced communication was due to my private sector employment and to avoid any possible conflict of interest.

Sincerely,

Edward A. Rath, III
Erie County Legislator - 6th District

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 10E-12) Grant Personnel & Budget Adjustments

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 43 – (COMM. 10D-1) Notice of Claim

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF EC EEO

Item 44 – (COMM. 10D-2) Copy of Minority/Women Vendor Report for 2011

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

FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING

Item 45 – (COMM. 10D-3) Letter to Legislator McCracken Concerning EC Farmland & Agricultural Protection Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 46 – (COMM. 10D-4) Letter to EC Sheriff Concerning Commissary Fund

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF'S DEPARTMENT

Item 47 – (COMM. 10D-5) Letter of Response to Deputy Comptroller - Audit Concerning Commissary Fund

Item 48 – (COMM. 10D-6) Letter to Chair of Legislature Concerning Request for JMD Commissary & Telephone Funds

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE PRESIDENT OF ECC

Item 49 – (COMM. 10M-1) Copy of Preliminary 2012 - 2013 ECC Budget

Received and referred to the the COMMUNITY ENRICHMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 50 – (COMM. 10M-2) Copy of 2012 1st Quarter Report

Received and referred to the the COMMUNITY ENRICHMENT COMMITTEE.

FROM MICHAEL J. LOMBARDO

Item 51 – (COMM. 10M-3) Letter to Legislature Concerning Closing Room Dedication in Memory of Joseph C. Visipi

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 52 – (COMM. 10M-4) Copy of Proposed Agenda for Meeting Held 5/17/2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 53 – (COMM. 10M-5) Notice of Issuance & Filing of Certificate of Completion for Site Known as 230 Maple Road, Amherst, NY

Item 54 – (COMM. 10M-6) Fact Sheet: Draft Remedial Investigation/Interim Remedial Measures Work Plan Available for Public Comment for Site Known as 125 Main Street, Buffalo, NY

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

FROM THE OSWEGO COUNTY LEGISLATURE

Item 55 – (COMM. 10M-7) Copy of Resolution Opposing the Memorandum of Understanding Between NYS & Federal Government to Speed Development of Wind Towers in Lake Ontario's Eastern Basin

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECFSA

Item 56 – (COMM. 10M-8) Letter to Chair of Legislature Concerning Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE PRESIDENT OF ECC

Item 57 – (COMM. 10M-9) Letter of Response to Legislator Marinelli Concerning Student Enrollment & Retention Information

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE FULTON COUNTY BOARD OF SUPERVISORS

Item 58 – (COMM. 10M-10) Copy of Resolution Calling Upon the Governor's Mandate Relief Council to Submit a Package of Mandate Relief Proposals to State Legislators

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SAMMIE DAVIS JR.

Item 59 – (COMM. 10M-11) Letter to Clerk of Minority & Women Business Enterprise Committee Concerning County Contracts for Business

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

FROM THE NYSDEC

Item 60 – (COMM. 10M-12) Notice of Deletion of Site from Registry - Site Known as Wide Beach Community - Brant, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 61 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 62 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Margaretmary Dobmeier and Charlotte Mrkall.

Item 63 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of his father, James J. Mills.

Item 64 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Carol M. Coppola.

Item 65 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Joseph R. Trzybinski.

Item 66 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of all those who were slain in the month of May in the City of Buffalo.

Item 67 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of everyone who served our country in times of war and lost their lives.

ADJOURNMENT

Item 68 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, June 7, 2012 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, June 7, 2012 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**