

ERIE COUNTY LEGISLATURE
MEETING NO. 17
SEPTEMBER 1, 2016

The Legislature was called to order by Chair Mills.

All members present.

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

The Pledge of Allegiance was led by Mr. Morton.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 14, Meeting Number 15, and Meeting Number 16 from 2016. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. BURKE presented a resolution Recognizing the Courage and Intelligence of Harmony Watkins.

Item 6 – MR. BURKE presented a resolution Congratulating Bishop Timon High School on Their Seventieth Anniversary.

Item 7 – MR. BURKE presented a resolution Declaring Sept. 5 Through Sept. 11 as "Suicide Prevention Week" in Erie County.

Item 8 – MR. HARDWICK presented a resolution Congratulating Mary K. Walters on Her 100th Birthday.

Item 9 – MR. LORIGO presented a resolution Honoring Isla Stadler for Efforts to Raise Funds and Awareness for The Kidney Project.

Item 10 – MR. LOUGHRAN presented a resolution Congratulating Amherst Public Library on Winning the 2016 Battle of the Books Teen Reading Competition.

Item 11 – MR. LOUGHRAN & MR. RATH presented a resolution Honoring the Buffalo Niagara Heritage Village on Hosting the 2016 Masters World Championship Highland Games.

Item 12 – MS. MILLER-WILLIAMS presented a resolution Congratulating Brandon Barksdale, Boy Scout Troop 139, on Attaining the Rank of Eagle Scout.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Honoring Doreen Woods on Her 37 Years of Dedicated Service to the Buffalo & Erie County Public Library.

Item 14 – MS. MILLER-WILLIAMS presented a resolution Welcoming the International Free & Accepted Modern Masons, Inc. and Order of the Eastern Star District #4 Conference to Erie County.

Item 15 – MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring Dr. John B. Long, Army Staff Sergeant, on Receiving the Chairman's Award at the Buffalo and Erie County Naval and Military Park's 6th Annual Louis R. Palma Veteran Tribute Awards Ceremony.

Item 16 – MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring Mr. Peter Pilc, Retired Master Sergeant, on Receiving the Individual Award at the Buffalo and Erie County Naval and Military Park's 6th Annual Louis R. Palma Veteran Tribute Awards Ceremony.

Item 17 – MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring The Buffalo News' Local News Department on Receiving the Organization Award at the Buffalo and Erie County Naval and Military Park's 6th Annual Louis R. Palma Veteran Tribute Awards Ceremony.

Item 18 – MR. MILLS, MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MORTON & MR. RATH presented a resolution Honoring Anderson's Inc. for 70 Years of Roast Beef and Custard Excellence and a Tradition of Continuous Community Service.

Item 19 – MR. MILLS presented a resolution Honoring Marion L. Ahles on Her 100th Birthday.

Item 20 – MR. MILLS presented a resolution Honoring the Western New York Baseball Hall of Fame 20th Anniversary.

Item 21 – MR. MORTON presented a resolution Honoring Richard B. Solecki as the Erie County Legislature's Citizen of the Month for September 2016.

Item 22 – MR. RATH presented a resolution Honoring Nancy Bechtel on Her Retirement After 40 Years in the Equestrian Field and Her Dedication to the Community.

Item 23 – MR. SAVAGE presented a resolution Honoring The Buffalo Rugby Club on its 50th Anniversary.

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

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above nineteen items to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 24 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLS directed that Local Law No. 4 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 26 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR MILLS directed that Local Law No. 10 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – MR. LORIGO moved to take Local Law No. 11 (Print #1) 2016 off the table. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

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

CARRIED.

RESOLUTION NO. 213

COUNTY OF ERIE
LOCAL LAW No. ____-2016
LOCAL LAW INTRO No. 11-1-2016

A LOCAL LAW TO AMEND LOCAL LAW INTRO 2-4 (2016):
A Local Law Preventing Head Trauma from Concussions in Youth Sports

Be enacted by the Legislature of the County of Erie as follows:

Section 1: LEGISLATIVE INTENT

Contact and collision sports such as football, hockey, soccer and other sports where head trauma can occur have been an integral part of youth development in our community but there is growing evidence that concussions cause negative long-term health consequences. The intent of this legislation is to insure that all minors playing organized contact or collision youth sports that reside and participate in said sports within Erie County are properly supervised and that those who have been entrusted with the safety of minors are sufficiently trained in identifying concussion related symptoms.

Section 2: DEFINITIONS

- a) Organized youth sport is defined as a sport that is formally governed by an institution or organization.
- b) Contact youth sport is defined as a sport in which the participants necessarily come into bodily contact with one another.
- c) Collision youth sport is defined as a sport where athletes purposely, inadvertently, or by unintentional action hit or collide with each other or inanimate objects, including the ground, with great force.
- d) Supervisor of minors playing contact youth sports hereby referred to as "supervisor" is defined as any coach or official who acts in a supervisory or governing capacity on the field of play.
- e) Short Notice is defined as within two weeks.

- f) Hosting body is the team or organization that is based within Erie County that may or may not play teams from outside of Erie County

Section 3: REQUIREMENTS FOR SUPERVISORS

- a) There shall be at least one supervisor of minors playing organized contact or collision sports, who has taken the required concussion training course within the past two years, for each team on the field of play when both teams are based in Erie County. When a team is not based in Erie County then it is the responsibility of the hosting body to ensure the compliance of its supervisors.
- b) Any organization facilitating organized contact or collision youth sports, to the best of their ability, shall maintain a record that shows that those who supervise minors playing organized contact or collision youth sports within their organization have taken a course in concussion safety.
- c) If a new supervisor is needed on short notice, the interim supervisor shall have no more than two weeks from the beginning of their duties to take a course in concussion safety.

Section 4: CONCUSSION SAFETY COURSES

- a) The Erie County Department of Health shall facilitate and or ensure the availability of concussion safety courses either produced departmentally or organized through its network of partners. The content of this course shall include the most commonly used standards for concussion related trainings as well as standards set forth by the Center for Disease Control. The course shall be free of charge for supervisors.
- b) Acceptable alternatives to the aforementioned safety course either produced by the Health Department, in conjunction with its network of partners, or offered through nationally recognized third party providers are, but are not limited to, the Center for Disease Control's HEADS UP to Youth Sports: Online Training or the NFHS Concussion in Sports Course, concussion prevention and or head trauma training offered to any supervisor through registration with a sport's international, national, statewide, or regional governing body, or concussion prevention and or head trauma training offered to any supervisor through registration with the United States Olympic Committee.
- c) Any supervisor of which this law effects shall complete an aforementioned approved concussion safety course every two years.

Section 5: ENFORCEMENT

- a) The County Health Department will have the power to enforce this law.
- b) The County Health Department shall notify to the best of their abilities all known youth sports organizations that participate in contact or collision sports that a concussion safety course is required for all supervisors of contact or collision youth sports.
- c) Any organization facilitating contact or collision youth sports, except those organizations and teams that are based outside of Erie County and as more fully described in Section 6 herein that cannot or will not produce records showing their supervisors have completed one of the defined courses on concussion safety upon request from the County Health Department may be issued a \$100 fine, subsequent violations within a calendar year may result in a \$200 fine.

Section 6: EXEMPTION

- a) This law does not apply to teams or supervisors of teams that are based outside of Erie County regardless of whether said team participates in a game or other sporting activity inside Erie County. In scenarios where a team from outside of Erie County participates in any sort of contact or collision youth sport against a team based in Erie County it is the responsibility of the hosting team to adhere to this law. If a team from outside of Erie County should participate in a game or other sporting activity in Erie County against another team based outside of Erie County, this law shall not apply to any of the supervisors in said game or activity.
- b) If a team or organization based in Erie County is affiliated with an international, national, statewide, or regional governing body that has concussion prevention and or head trauma training policy, this law shall not supersede that policy and training offered by such governing body shall be deemed by operation of law as an approved concussion safety course for the purposes of sections 3 and 4 herein.
- c) Teams, their supervisors or the sports organizations the teams or supervisors are associated with have the ability to apply for a waiver of exemption from this law. The waiver would be reviewed and decided upon by the office of the commissioner of health on a case by case basis.

Section 7: EFFECTIVE DATE

This local law shall become effective upon filing with the Secretary of State

Section 8: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORS: Legislator Patrick B. Burke, Legislator Joseph C. Lorigo

MR. LORIGO moved to approve Local Law No. 11 (Print #1) 2016. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH.
NOES: MR. SAVAGE. (AYES: 10; NOES: 1)

CARRIED.

Item 32 – CHAIR MILLS directed that Local Law No. 12 (Print #1) 2016 be received and filed.

GRANTED.

Item 33 – CHAIR MILLS directed that Local Law No. 13 (Print #1) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

Item 34 – CHAIR MILLS directed that Local Law No. 11 (Print #1) 2016 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Support for Erie County E-911 Operator
Shift Changes
(INTRO. 17-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, MILLS, LORIGO, RATH,
HARDWICK, MORTON, MILLER-WILLIAMS & GRANT

WHEREAS, this honorable body is in receipt of a letter signed by 20 county employees in the Department of Central Police Services (CPS) asking for our support and intervention in alleviating scheduling concerns they are having and feel are not being addressed by neither their union nor management; and

WHEREAS, these dispatchers and call takers serve as the first point of contact for our constituents when they dial 911 in order to get help during an emergency; and

WHEREAS, currently, most CPS call takers work a 21 day wheel schedule, consisting of 8 days on working an 8-hour shift; 2 days off; 7 days on working an 8-hour shift; and then 4 days off; and

WHEREAS, a smaller number of employees in the same division are afforded the opportunity to work a traditional 5 days on and 2 days off schedule, a privilege management has denied to others; and

WHEREAS, according to the letter received, the vast majority of call takers believe their current schedule has created personal stress for them, destroyed their work/life balance, and has negatively impacted the staff physically, emotionally, and mentally; and

WHEREAS, this employee morale problem also has the potential to jeopardize the department's core mission of public safety as workers subject to high levels of stress tend to make more mistakes or be absent from work more often; and

WHEREAS, during the Legislature's annual mid-year budget hearings both the Commissioner of Personnel and the Deputy Commissioner of Emergency Services testified on the record that schedule changes implemented for call takers in the Medical Emergency Radio System (MERS) have both increased morale and delivered significant savings in overtime costs; and

WHEREAS, call takers in E-911 are seeking the same 12-hour shifts that have shown to be successful decreasing stress and raising morale and productivity in MERS, according to testimony from the administration; and

WHEREAS, if this honorable body has the opportunity to make a positive impact on the county budget and employee morale, while improving public safety, it should not delay in taking that action.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record supporting the request of the E-911 call takers to have a vote on their schedule; and, be it further

RESOLVED, that we express our support for the schedule that is chosen by the employees through a democratic voting process; and, be it further

RESOLVED, that should a change in schedule lead to a negative impact on the county budget, it should be re-visited by management; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioners of Labor Relations and Personnel and any parties deemed necessary and proper.

Item 36 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Support for Circle of Heroes Project at Buffalo and Erie County Naval and Military Park
(INTRO. 17-2)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
DIXON, MILLS, LORIGO, RATH, HARDWICK,
MORTON, MILLER-WILLIAMS, GRANT & SAVAGE

WHEREAS, as part of the mission to inspire citizens and honor veterans, our Naval and Military Park strives to educate the public about local and regional military heroes who have served America and the cause of freedom, and

WHEREAS, the Naval and Military Park is ideally suited as a location and venue to honor our most revered and respected service people who have put the interests of our nation above their own, and

WHEREAS, it is fitting for the Park to undertake such a project, and to include among the first inducted into the Circle of Heroes, C. Wade McClusky, who was a native of Buffalo and graduate of South Park High School, and became one of the best naval aviators in the history of the U.S.; and

WHEREAS, as a naval aviator and air group commander onboard the USS Enterprise, McClusky led his men in the attack on two Japanese aircraft carriers during World War II's Battle of Midway on June 4, 1942; and

WHEREAS, despite being low on fuel and going beyond the point of no return, McClusky's attack resulted in the total destruction of a critical element of Japan's naval forces; and

WHEREAS, McClusky's bravery and courage, coupled with his leadership, intelligence and flying skills, was instrumental in bringing about a desperately needed American victory, thus turning the tide in the war of the Pacific and saving Western Civilization; and

WHEREAS, Admiral Chester Nimitz stated at the time that McClusky's actions, "decided the fate of our carrier task force and our forces at Midway;" and

WHEREAS, McClusky is arguably one of Buffalo's greatest military heroes of all time, and yet, there has been no permanent recognition or memorial that honors him

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature proudly supports the efforts of the Buffalo & Erie County Naval & Military Park to construct The Circle of Heroes at Canalside to honor our local and regional heroes who have served and protected our freedoms; and, be it further

RESOLVED, that Buffalo's native son, C. Wade McClusky, justly deserves to be included in the Circle of Heroes with a memorial that will be dedicated on the 75th Anniversary of the Battle of Midway on June 4, 2017; and, be it further

RESOLVED, that we encourage individuals, businesses, organizations and foundations to support the project since the Circle of Heroes and McClusky memorial will be located on the Buffalo River and will further enhance and promote Buffalo and Western New York's vital contributions in America's military campaigns, while strengthening our national reputation and illustrious heritage.

MR. LORIGO moved to reconsider the previous motion. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the item to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: Majority Caucus Personnel
Reorganization
(INTRO. 17-3)

A RESOLUTION TO BE
SUBMITTED BY CHAIR MILLS

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

WHEREAS, two (2) positions within the majority staffing budget will be deleted and one (1) position will be added.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2016 adopted department budget, which will result in additional savings to taxpayers in 2016:

DELETE One (1) Executive Assistant-RPT-Legislature (Position Number 51010777, JG 12 Step 1); and One (1) First Administrative Assistant-Legislature (Position Number 51011831, JG 9 Step 5); and

REPLACE with One (1) Executive Assistant-Full Time-Legislature (JG 12 Step 3);

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

Item 38 – CHAIR MILLS directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 17-4 from LEGISLATORS BURKE, MILLER-WILLIAMS & GRANT. Opposing a Nuclear Waste Dump on the Shores of Lake Huron.

Item 39 – MR. LORIGO presented the following resolution and moved for consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: Calling for an Official Investigation into the Price Gouging of EpiPens (INTRO. 17-5)

**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
BURKE, MILLER-WILLIAMS, GRANT & SAVAGE**

WHEREAS, Epinephrine is a life-saving drug for those with severe allergies, most commonly distributed in EpiPens produced by the pharmaceutical company Mylan; and

WHEREAS, in 2007, when Mylan took over the sales of the product, the EpiPen cost \$57 a shot, and has since risen by an astronomical 400% - now costing people more than \$600 for a pack of two auto-injectors; and

WHEREAS, an EpiPen expires after just one year, requiring consumers to buy new doses annually, and with the cost at exorbitant levels, many cannot afford new doses and risk being without Epinephrine during an allergic reaction; and

WHEREAS, when it comes to the health of a child, a family should not have to choose between making their home payment and the prescription that is so desperately needed in an emergency situation where action must be taken at a moment's notice and without delay; and

WHEREAS, in the United States, our system of Capitalism encourages companies to sell the best products they can at a price at which they make a profit, but there comes a time when the incentive to be greedy overruns a company and they engage in a zero-sum situation with consumers who rely on their product; and

WHEREAS, it is clearly unconscionable to put a financial roadblock in front of people by unjustifiably raising the price of a life-saving product such as EpiPen, especially at a time when this drug is becoming more and more understood and embraced by patients, their family members, institutions such as schools and sports facilities, and the general population as a whole.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body condemns the actions of Mylan in raising the price of EpiPen to levels that average consumers simply cannot afford; and be it further

RESOLVED, that the Erie County Legislature request that the New York State Attorney General conduct a thorough and comprehensive investigation of the clear price gouging of the life-saving EpiPen by Mylan; and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Attorney General Eric T. Schneiderman; Erie County Executive Mark C. Poloncarz; and any other party deemed necessary and proper.

MR. LORIGO moved to add MR. LORIGO as co-sponsor. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve the item as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

INTRO. 17-6 from LEGISLATORS MILLS, LORIGO & DIXON. Re: Support for ECMC's Hospital Public Safety Officers

RESOLUTION NO. 218

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

WHEREAS, Erie County Medical Center Corporation (ECMCC) employs the Hospital Public Safety Officers (HPSO) to protect and secure the Erie County Medical Center (ECMC) Campus, which is often the first drop off location for victims of violent crimes throughout the city of Buffalo including gang and drug related crimes; and

WHEREAS, the high level of stress accompanied by the dangerous nature of the task of protecting ECMC has led to a high turnover among the HPSOs; and

WHEREAS, ECMCC came to an agreement with both the County and AFSCME in December of 2015 to increase the job group for the HPSOs from a group seven to a group ten and in exchange the union conceded overtime and holiday pay benefits and agreed to mandatory call backs for all HPSOs to return to duty at the hospital; and

WHEREAS, the contract signed on December 22, 2015 also offered a six month contract ending in June of the following year with a possible six month extension, subject to a mutual agreement, in the event a successor contract is not signed; and

WHEREAS, the County, AFSCME employees, and ECMC are currently in the second month of the optional six month extension as no new contract was signed and the parties continued operating under the agreement dated December 22, 2015 including payment of the higher job group levels and continuation of the other provisions of the agreement; and

WHEREAS, any cancellation of the above agreement could be considered a breach of contract and open the county and ECMC up to significant liability and further harm the negotiations between the County and AFSCME; and

WHEREAS, the HPSOs have been working under the current agreement for over eight months and as a result have come to rely on their current salary levels in compensation for their current duties and expectations and in the negotiations going forward. Any deviation from the current agreement must be mutually made by all concerned parties not by unilateral action by this County Executive; and

WHEREAS, the agreement at hand is between ECMCC and AFSCME and there is no impact on the county budget for these expenses whatsoever and therefore no real role for the County Executive to play in this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby acknowledges that Erie County is bound by the agreement between AFSCME and ECMCC for the duration of the extension, afforded due to the lack of a new valid contractual agreement and the continuation of the terms of the agreement signed December 22, 2015, based upon mutual implied consent between AFSCME and ECMCC; and, be it further

RESOLVED, that this honorable body believes that any cancellation of the current six month extension would be akin to a breach of contract, and thus open Erie County to liability for damages based upon that breach; and, be it further

RESOLVED, that this honorable body stands with ECMCC's Hospital Public Safety Officers and supports the continuation of the agreement between AFSCME and ECMCC for the duration of the agreement's extension; and, be it further

RESOLVED, that certified copies of this resolution are sent to County Executive Mark Poloncarz, Commissioner of Labor Relations Steven Miller, Richard Canazzi President of AFSCME Local 1095, the ECMCC Vice President of Human Resources Carla DiCanio-Clarke, and any other party deemed necessary and proper.

MR. LORIGO moved for consideration and to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Delete the item in its entirety and replace with the following:

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

WHEREAS, Erie County Medical Center Corporation (ECMCC) employs the Hospital Public Safety Officers (HPSO) to protect and secure the Erie County Medical Center (ECMC) Campus, which is often the first drop off location for victims of violent crimes throughout the city of Buffalo including gang and drug related crimes; and

WHEREAS, the high level of stress accompanied by the dangerous nature of the task of protecting ECMC has led to a high turnover among the HPSOs; and

WHEREAS, ECMCC came to an agreement with both the County and AFSCME in December of 2015 to increase the job group for the HPSOs from a group seven to a group ten and in exchange the union conceded overtime and holiday pay benefits and agreed to mandatory call backs for all HPSOs to return to duty at the hospital; and

WHEREAS, the contract signed on December 22, 2015 also offered a six month contract ending in June of the following year with a possible six month extension, subject to a mutual agreement, in the event a successor contract is not signed; and

WHEREAS, the County, AFSCME employees, and ECMC are currently in the second month of the optional six month extension as no new contract was signed and the parties continued operating under the agreement dated December 22, 2015 including payment of the higher job group levels and continuation of the other provisions of the agreement; and

WHEREAS, any cancellation of the above agreement could be considered a breach of contract and open the county and ECMC up to significant liability and further harm the negotiations between the County and AFSCME; and

WHEREAS, the HPSOs have been working under the current agreement for over eight months and as a result have come to rely on their current salary levels in compensation for their current duties and expectations and in the negotiations going forward. Any deviation from the current agreement must be mutually made by all concerned parties not by unilateral action by this County Executive; and

WHEREAS, the agreement at hand is between ECMCC and AFSCME and there is no impact on the county budget for these expenses whatsoever and therefore no real role for the County Executive to play in this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby acknowledges that Erie County is bound by the agreement between AFSCME and ECMCC for the duration of the extension, afforded due to the lack of a new valid contractual agreement and the continuation of the terms of the agreement signed December 22, 2015, based upon mutual implied consent between AFSCME and ECMCC; and, be it further

RESOLVED, that this honorable body hereby demands the County Executive agree in writing to continue with the agreement and pay scales currently in place for the hospital police officers and to clearly delineate Erie County's role in contract negotiations between AFSCME and ECMCC; and, be it further

RESOLVED, that this body further requests that the County Executive accept a long term agreement between ECMCC and AFSCME and to stop utilizing the Hospital Public Safety officers as leverage in any future negotiations; and, be it further

RESOLVED, that this honorable body stands with ECMCC's Hospital Public Safety Officers and supports the continuation of the agreement between AFSCME and ECMCC for the duration of the agreement's extension; and, be it further

RESOLVED, that certified copies of this resolution are sent to County Executive Mark Poloncarz, Commissioner of Labor Relations Steven Miller, Richard Canazzi President of AFSCME Local 1095, the ECMCC Vice President of Human Resources Carla DiCanio-Clarke, and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

GRANTED.

COMM. 17E-30 from the COMPTROLLER. Re: 2016 Revenue Anticipation Note Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 17E-31 from LEGISLATOR MILLER-WILLIAMS. Re: Letter of Absence from Legislative Session No. 16

Received, filed and printed.

August 30, 2016

Hon. Karen McCarthy
Clerk of the Legislature
92 Franklin Street, Fourth Floor
Buffalo, NY 14202

Dear Clerk McCarthy:

Please be advised that due to a prior commitment that involved a pre-scheduled Medical Surgery Follow up Appointment (Original Surgery Date: August 19, 2016), I was unable to be present at the Special Session held today. All Medical procedures/Appointments were previously scheduled during the Annual Erie County Legislature Recess in the Month to ensure my participation at the next Regular Session in September.

I apologize for my absence from the Special Session that was held today at 1:00 p.m. By copy of this Letter, I have notified the Chairperson of the Erie County Legislature of my unavailability during the aforementioned period.

Sincerely,
BARBARA MILLER-WILLIAMS
Barbara Miller-Williams
Erie County Legislator
District 1

Cc: Legislator John J. Mills, Chair of the Erie County Legislature
Legislator Joseph C. Lorigo, Majority Leader
Legislator Thomas A. Loughran, Minority Leader

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

GRANTED.

COMM. 17E-32 from CHAIR MILLS. Re: Letter to County Executive Regarding Request to Call a Public Hearing Regarding LL Intro. 12-2 (2016)

Received and filed.

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

GRANTED.

COMM. 17E-33 from the COUNTY EXECUTIVE. Re: Rehabilitation of Berg Rd Bridge Over Smokes Creek and Rehabilitation of Berg Rd from Abbott Rd to Orchard Park Rd, Towns of Orchard Park and West Seneca

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

WHEREAS, the Berg Road Bridge over Smokes Creek has received from the State of New York, red structural flags for the poor condition of the pedestrian section of the bridge; and

WHEREAS, the County is now on notice that it must address the subject bridge deficiencies, in a timely manner, or close the bridge to pedestrian traffic and eventually vehicular traffic; and

WHEREAS, the County received bids on August 29, 2016 for the rehabilitation of Berg Road Bridge over Smokes Creek, with the lowest responsible bidder being Oakgrove Construction at its bid of \$1,348,160; and

WHEREAS, in conjunction with the bridge work, Berg Road from Abbott Road to Orchard Park Road is rated a 5 (Poor) and carries over 6,200 vehicles per day; and

WHEREAS, it will be more economically feasible and less disruptive to the public to address both of these projects at the same time; and

WHEREAS, the County desires to continue an agreement with the design engineer for this project, CHA Engineers, in the amount of \$95,000.00 for the construction services of this project; and

WHEREAS, the Department of Public Works in order to successfully implement the project in a timely manner, it will be necessary for the County to execute the construction contract with responsible low bidder, Oakgrove Construction, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency of 15%, for a total amount not to exceed \$1,645,384; and

WHEREAS, Erie County was awarded \$2,019,636 in additional highway aid through the PAVE-NY program; and

WHEREAS, the Department of Public Works wishes to utilize PAVE-NY funds to advance highway projects.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite the bridge rehabilitation, construction, design and testing, contracts will be awarded to CHA Engineers for an amount of \$95,000.00, and establish a contract contingency amount not to exceed 15 percent (\$202,224) as designated by the Commissioner of Public Works and the County Executive, is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that the Commissioner of Public Works has determined the lowest responsible construction bidder to be Oakgrove Construction at their bid amount of \$1,348,160 and authorization is hereby granted to award a contract for this project to Oakgrove Construction; and be it further

RESOLVED, that Erie County is authorized to accept PAVE-NY funding in the amount of \$2,019,636; and be it further

RESOLVED, that the Division of Budget and Management is authorized to adjust the 2016 operating and capital budgets as needed; and be it further

RESOLVED, that the total cost of all contracts for the bridge and road rehabilitation work shall not exceed \$1,645,384; and be it further

RESOLVED, that the following authorized Project funds: BA123, Fund 420, SAP Project B.16050 in the amount of \$1,645,384 be made available for 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 also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

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

GRANTED.

COMM. 17E-34 from the COUNTY EXECUTIVE. Re: Department of Health - Division of Emergency Services - Authorization to Contract with QuickSeries Publishing Inc

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

WHEREAS, the Erie County Department of Health's Division of Emergency Services and the Erie County Department of Emergency Services strive to provide Erie County residents with the tools and information they need to prepare for an emergency; and

WHEREAS, technological changes have made mobile platforms including smartphones and tablets increasingly ubiquitous parts of Erie County residents lives; and

WHEREAS, QuickSeries Publishing Incorporated's 'EOC Ready' app has a proven set of tools to help residents prepare for and respond to emergency situations; and

WHEREAS, 'EOC Ready' is the only app of its kind and will be custom built to Erie County's needs; and

WHEREAS September is officially “Emergency Preparedness Month”; and

WHEREAS, funding is available for this project within account 561410 Lab & Technical Equipment within the Ebola Virus Disease Supplemental Grant (HS127EBOLA1516).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with QuickSeries Publishing Inc.; and be it further

RESOLVED, that the term of this contract shall commence on September 1, 2016 through September 31, 2019 with the County; and be it further

RESOLVED, that as a sole source supplier the request for proposal is hereby waived for this contract; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the Department of Emergency Service, the Division of Information and Support Services and to Dr. Gale R. Burstein, Commissioner of Health.

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

GRANTED.

COMM. 17E-35 from the COUNTY EXECUTIVE. Re: ECC - Authorization to Contract with Create-Learning Team Building & Leadership

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

GRANTED.

COMM. 17E-36 from the COUNTY EXECUTIVE. Re: Department of Social Services - 10-12 Fountain Plaza Lease Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 17E-37 from the COUNTY EXECUTIVE. Re: Department of Mental Health - Request for Job Grade 15 for Director of Fiscal Administration

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 17E-38 from the COUNTY EXECUTIVE. Re: Youth Bureau Additional Programming

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 17D-11 from the COUNTY ATTORNEY. Re: Notice of Public Hearing Regarding LL Intro. 12-2 (2016)

Received and filed.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 51 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

RE: Transfer of Unanticipated Revenue
(COMM. 17E-1)

WHEREAS, the State of New York changed a regulation regarding how long the Comptroller's Office must maintain control of court funds from 5 years to 3 years, and

WHEREAS, when the Comptroller's Office relinquishes control over these accounts and transfers the money to the State Comptroller, a 2% service fee is retained to compensate the work done maintaining the accounts, and

WHEREAS, this revenue is deposited in the "Treasurer Fees" account managed by the Comptroller's Office, and

WHEREAS, this regulation change forced our office to turn over an additional 2 years of court accounts to the state in 2016 which nearly doubled the revenue from the expected 2% transaction fee, and

WHEREAS, this unanticipated revenue can help our office improve our technology and office equipment without having a negative impact on the operating budget of future years, and

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorizes the allocation of the following funds from unanticipated revenues to adjust the Comptroller's 2016 budget as follows:

2016 Budget - County Comptroller, Business Area 112, Fund Center 11200

<u>REVENUE</u>		<u>INCREASE</u>
415050	Treasurer Fees	\$21,540
<u>EXPENSE</u>		<u>INCREASE</u>
561410	Lab & Technical Equipment	\$18,040
505000	Office Supplies	\$3500

And, be it, further

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

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 17E-2) Appointment of Commissioner of the Department of Senior Services

Received, filed and printed.

July 29, 2016

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to the Commissioner of Senior Services

Dear Honorable Members:

Pursuant to Article 16 § 1601 of the County's Charter, I hereby appoint Timothy Hogues to be the Commissioner of the Senior Services beginning August 1, 2016.

Should your Honorable Body require further information, I encourage you to contact my Chief of Staff Jennifer Hi bit. Thank you for your consideration on this matter.

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

Timothy R. Hogues
Buffalo NY 14204

Organizational Leadership • Strategic Planning • Community Service

Tim is an accomplished organizational and community Leader with over 17 years of progressive leadership experience. Each challenging career move has presented itself with plenty of opportunity for learning and growing.

Core Competencies

- Problem Solving
- Service Coordination
- Project Management
- Customer Relations
- Quality Management
- Employee Development

Accomplishments

Organizational Leadership

As Community Planning Coordinator for Erie County Department of Senior Services (ECSS) I worked with Community Connections of New York, Inc. a quality improvement organization to evaluate our Nutrition Services Program associated with congregate dining and our vendor Meals on Wheels for WNY (MOW) to establish highly effective continuous improvement processes to maximize the provision of excellent service to the clients of Erie County. As a result of the project we were able to develop an ongoing Continuous improvement process that allows both MOW and ECSS the ability to objectively review feedback given through our jointly developed Client Complaint form/process. MOW and ECSS now meet on a biweekly basis to review the data and work together to determine and implement corrective action steps needed.

Strategic Planning

Developed and supervised process to recruit, interview, hire and train over 65 new employees in 18 months. My team created the first fully staffed and operational 2nd shift sensor assembly and test team at PCB. Developed a staffing model that showed how many technicians we needed for different levels of production efficiencies. Through the implementation of the 2nd shift team we helped the company improve customer satisfaction and achieve 25% sales growth in 2011.

Community Service

Over the past 10 years I have been dedicated to developing people and communities through mentoring, coaching, teaching, workshops and seminars. Over 90% of the young men that participated in the Boys 2 Men mentoring program have successfully graduated from high school and are active in their communities. As Director of the Boys 2 Men program we have teamed up with Elim for the past three years to meet the needs of over 85 families in the Central Park Plaza neighborhood each year during the Thanksgiving and Christmas time with food, clothing and toy drives. As Vice President of Investors Committed to Excellence we have been able to facilitate over 10 community street cleanup events and we have covered over 700 city blocks and talked to hundreds of people about available services and educational and job opportunities available in WNY, during our ICE Hope community walks. In 2009 I was awarded the General Motors/Eastern United Way Fred Bruski Memorial Award as the Lockport site salaried volunteer campaign

representative. In 2012 I received two awards for community service the Black Achievers award and the N DA Streetz, Inc. service award.

Timothy R. Hogues • Page 2

Professional Experience

Erie County Department of Senior Services, Buffalo, New York

Long Term Care Coordinator

June 2016-Present

Responsible for developing a long term assessment and placement process in line with the goals and procedures of the New York State Point of Entry initiative. Also works with the Erie County NY Connects Planning Team and Long Term Care Council and oversees the development of interagency relationships as groups collaborate to serve the long term care population of Erie County.

Community Planning Coordinator

2014-2016

Responsible for the oversight of home and community-based services and programs, including: Wellness, Case Management, New York Connects, HEAP and Transportation for aging and disabled clients in Erie County; As well as the implementation and evaluation of utilization of services provided by Erie County and its' contracting partners; Monitor procedures for program administration, quality improvement protocols, and quality assurance programs. Supervise recruitment, training and evaluation of Senior Services staff; Also works with staff to ensure program compliance with various regulations and funding source requirements are met.

- Successfully expanded living healthy program throughout Erie County 10 core sites
- Implemented Quality improvement process for congregate dining program (46 sites)
- Worked with the PRIDE Center of WNY to establish onsite office hours to better serve LGBT seniors

Erie County Legislature, Buffalo, New York

Erie County Legislator 1st District 2012-2013

Responsible for ensuring the concerns and issues of citizens living in the 1st Legislative District were properly addressed through community meetings, committee work sessions, proposed legislation/resolutions and the County Budget approval process.

- Selected Chair of Finance and Management and Public Safety Committees in 2012 & 2013
- Successfully facilitated Erie County's \$1.3 Billion mid/end of year departmental budget review sessions, completing Budget work on time in both 2012 & 2013
- Partnered with County Executive to get approval funding for a new health care facility in the 1st District

PCB Piezotronics, Depew, New York

Operations Manager

2010-2012

Responsible for strategic management of a \$100M manufacturing business and leading all Production managers through the implementation of Lean Manufacturing principals - Lead Time Reduction, Right Part / Right Time / Right Qty, Built-In Quality, Capacity Utilization, and Resource Utilization. Direct reports include manufacturing and maintenance. Cross functional influence extends to all corporate functions

- Managed a Layered Process Audit that drives accountability and discipline at all Levels of organization
- Facilitated production review with President of Engineering/Operations and Director of Operations
- Implemented Visual Communication Board system

Delphi Corporation, Lockport, New York
Lead Supervisor/Value Stream Segment Leader 2004-2010
Responsible for managing a \$50M business segment. Provided cross-functional management and general oversight of 130 employees. Managed product and process changes, daily operations, continuous improvement, equipment maintenance, and production planning activities.

Timothy R. Hogues • Page 3

Production Supervisor 1999-2004
Responsible for leading over 25 hourly employees to ensure all customer requirements and delivery schedules were met. I ensured the health and safety of employees by implementing regular training schedules and enforcing the proper adherence to workplace organization guidelines.
- 99% on time delivery to customers
- 75% reduction in lost work day incidents
- 97% First Time Through quality

Roadway Express, West Seneca, New York
City planner/Supervisor 1996-1999
Responsible for directly supervising thirty-five unionized employees ensuring on time quality delivery of products to our customers. As a member of Site Safety Committee I reviewed OSHA requirements and implemented necessary changes to ensure site compliance.
- Successfully completed Incident Commander training for Hazardous Chemical Spills
- Improved the overall efficiency of the shipping operation by standardizing trailer departure times
- Built solid business relationships with customers through honest and proactive customer service

Investors Committed to Excellence, Inc., Buffalo, New York
Vice President 2007-Present
Worked with the Board of Directors to develop the company bylaws, operating structure and business plan. Responsible for setting up and coordinating work group committee structure and ensuring business objectives are met. Developed good working relationships with local government officials, organize and facilitate community workshops (home buying, home maintenance, credit history, credit card pitfalls, community investment, health eating and proper exercise).
- Successfully facilitated in school presentations and talks concerning community involvement and the importance of a quality education with youth throughout Buffalo Public and Charter Schools.
- Oversee all housing renovation projects to ensure projects are finished on time and within budget

Elim Christian Fellowship, Buffalo, New York
Licensed Minister 2012-Present
Facilitate biweekly leadership training sessions for young men between the ages of 12yrs - 21yrs. Prepare and update lesson plans, progress reports, help schedule and document the group's community service assignments and hours. Meet with parents to discuss progress and future action plans. I plan youth field trips and outings. Coordinate with ministry other directors, community outreach and community services programs. Work with area block clubs, and community centers to hold and facilitate informational sessions. Review school report cards of all of the youth, set up tutoring opportunities. Help plan, facilitate and raise money for our annual feed the community Thanksgiving food drive and Christmas Toy give away. Coordinate community HEAP sign up sessions.

Boys 2 Men Mentor/Director

2003-2013

Developed annual program direction, created and submitted budget for approval and developed strategic fund raising activities. Trained mentors on appropriate conduct, health and safety precautions and emergency instructions. Ensured annual mentor security background screenings were completed on time, assigned mentors to their mentees and reviewed progress monthly. I worked with the mentors to develop age appropriate lesson plans and class activities. I facilitated role playing activities to teach the group how to improve their problem solving and conflict resolution skills. We worked with outside agencies to help the young men practice interviewing techniques and teamed up with banking professionals to teach the group about basic banking principals and functions. My team helped plan and facilitate the annual youth end of year graduation and gala event.

Education and Credentials

Bachelor of Science in Business Administration • University at Buffalo, Buffalo, New York

Graduate of the FBI Citizens Academy Program (2012) Black Achievers Award (2012)

N DA Streetz Inc. Community Service Award (2012)

General Motors/Eastern Niagara United Way Fred Bruski Memorial Award (2009) Shainin Red X

Apprentice Certification (2008)

Delphi Corporate Headquarters Situational Leadership (2006) Canisius College Management Certificate Program (2006)

Board Experience

Salvation Army (Advisory Board)

Buffalo Society of Natural Sciences (Board of Managers)

Erie County Central Police Services (Advisory Board)

Buffalo Place (Board of Directors)

Buffalo Academy of Science Charter School (Advisory Board)

Elim Christian Fellowship (Board of Directors)

Investors Committed to Excellence (Board of Directors)

Item 53 – (COMM. 17E-3) Appointment to the EC Citizens' Budget Review Commission

Received, filed and printed.

August 19, 2016
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to the Citizens' Budget Review Commission

Dear Honorable Members:

Pursuant to Article 25 § 2518 of the County's Charter, I hereby reappoint Jud Payne to the Citizens' Budget Review Commission for another 1 year term.

Should your Honorable Body require further information, I encourage you to contact my Chief of Staff Jennifer Hibit. Thank you for your consideration on this matter.

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

FROM CHAIR MILLS

Item 54 – (COMM. 17E-4) Letter Clerk of the Legislature Calling a Public Hearing
Regarding LL Intro. 12-2 (2016)

Received, filed and printed.

August 15, 2016
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 12-2 (2016), A Local Law amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to recommendations made by the Erie County Charter Revision Commission, duly organized pursuant to Local Law No. 5-2015.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 5:30 p.m. on Monday, August 22, 2016 in the Erie County Legislature Chambers, located on the 4th floor of Old County Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

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

Item 55 – (COMM. 17E-5) Letter Clerk of the Legislature Calling a Public Hearing
Regarding LL Intro. 13-1 (2016)

Received, filed and printed.

August 22, 2016
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 13-1 (2016) A Local Law to Amend LL Intro. 2-4 (2016): A LL Preventing Head Trauma from Concussions in Youth Sports.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 5:30 p.m. on Monday, August 29, 2016 in the Erie County Legislature Chambers, located on the 4th floor of Old county Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

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

Item 56 – (COMM. 17E-6) Letter to Comptroller Regarding Cost of Legal Opinions Concerning Status of Legislator Lorigo

Received and filed.

FROM THE COMPTROLLER

Item 57 – (COMM. 17E-7) Response Letter to Chair Mills Regarding Cost of Legal Opinions Concerning Status of Legislator Lorigo

Received and filed.

FROM LEGISLATOR LOUGHRAN

Item 58 – (COMM. 17E-8) Letter to Chair Mills Regarding Request for a Public Hearing Regarding LL Intro. 12-1 (2016)

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 59 – (COMM. 17E-9) EC Sewer District No. 4 - Increase and Improvement of Facilities - EC Sewer Agency Report

Item 60 – (COMM. 17E-10) EC Sewer District No. 6 - Increase and Improvement of Facilities - EC Sewer Agency Report

Received and filed.

Item 61 – (COMM. 17E-11) PILOT Agreement for Lofts at University Heights Project, City of Buffalo - Affordable Housing Development

Item 62 – (COMM. 17E-12) Federal Aid Project Agreement - NYSDOT - Town of Evans Multi-Use Pathway, Phase III - Right-of-Way Incidentals, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection Services

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

FROM CHAIR MILLS & LEGISLATOR RATH

Item 63 – (COMM. 17E-13) Follow-Up Letter to Commissioner of Public Works Regarding Report Utilization of the PAVE NY Fund

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 64 – (COMM. 17E-14) Letter to Commissioner of Public Works Regarding Compliance of LL No. 3 (2004) Requiring Notices of Disrepair Be Sent to the Legislature

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 65 – (COMM. 17E-15) EC Sewer District No. 5 - Contract Close Out - Contract No. 19

Item 66 – (COMM. 17E-16) EC Medical Care Waste Pharmaceutical Disposal Program - Budget Revision

Item 67 – (COMM. 17E-17) EC Sewer District Nos. 2, 3 & 8 - Cured-in-Place Pipe Lining - Opening Bid - Contract No. 76

Item 68 – (COMM. 17E-18) EC Sewer District No. 5 - Eastern Hills Pump Station Upgrades - Contract No. 22

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

FROM THE COMPTROLLER

Item 69 – (COMM. 17E-19) Update on Sales Tax Revenue and ECMCC-IGT Payment Reminder

Item 70 – (COMM. 17E-20) Sales Tax Remains Down Year to Date and ECMCC-IGT Payment Expected to increase

Item 71 – (COMM. 17E-21) Interim Financial Report for Six-Month Period Ended June 30, 2016

Item 72 – (COMM. 17E-22) Erie County 2015 Comprehensive Annual Financial Report

Item 73 – (COMM. 17E-23) Supplement to the EC 2015 Comprehensive Annual Financial Report

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

FROM THE COUNTY EXECUTIVE

Item 74 – (COMM. 17E-24) Appointments & Re-Appointments to the EC Commission on the Status of Women

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR MILLS

Item 75 – (COMM. 17E-25) Letter to Commissioner of Senior Services Regarding Appointment and Request to Attend Health & Human Services Committee Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 76 – (COMM. 17E-26) STOP DWI/Traffic Safety Unit - Traffic Safety Program 2017

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 77 – (COMM. 17E-27) MOU Between the Sheriff's Office and Law Enforcement Agencies for Use of the Firing and Training Range

Item 78 – (COMM. 17E-28) Authorization to Enter Into an Agreement with Tactical electronics for IED Alarm Defeat Training

Item 79 – (COMM. 17E-29) Authorization to Enter Into an Agreement with Yarborough Group for Special SWAT Tactics Training

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 80 – (COMM. 17D-1) Certificate of Appointments to the Erie County Industrial Development Agency (ECIDA)

Received, filed and printed.

CLERK'S CERTIFICATE

I, Karen M. McCarthy, Clerk of the Erie County Legislature, Erie County, New York (the "Legislature"), HEREBY CERTIFY that the attached extract from the minutes of the meeting of the Legislature duly called and held on June 2, 1970, has been compared by me with the original minutes of said meeting as officially recorded in the Minute Book of the Legislature, and said extract is a correct transcript referred to in said extract, and the resolution contained in said extract has been duly adopted and said resolution, as amended, is in full force and effect.

I HEREBY FURTHER CERTIFY that the attached copy of the Certificate of Establishment of the Erie County Industrial Development Agency was duly filed with the Secretary of State on August 5, 1970, and pursuant to Section 856, subdivision 2 of the General Municipal Law, the undersigned hereby certifies that the following persons have been appointed or reappointed and are currently serving as members of the Erie County Industrial Development Agency and that the attached copies of the Certificate of Appointment of said members are true copies of the originals filed with the Secretary of State on the date or dates received thereon:

Diane Benczkowski	Frank B. Mesiah
Bryon W. Brown	John J. Mudie
James F. Doherty	Glenn R. Nellis
Dennis W. Elsenbeck	Mark C. Poloncarz
Joseph H. Emminger	Darius G. Pridgen
Dottie Gallagher-Cohen	Edward A. Rath, III
Richard Lipsitz, Jr.	David J. State
David L. Lowrey	Paul V. Vukelic
Brenda W. McDuffie	Barry A. Weinstein

IN WITNESS WHEREOF, I have hereunto set my hand as aforesaid and affixed the seal of the Erie County Legislature as of July 26, 2016.

(SEAL)

KAREN M. McCARTHY
Karen M. McCarthy

July 25, 2015
HAND DELIVERED
Karen M. McCarthy, Clerk
Erie County Legislature
Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment of David L. Lowrey

Erie County Industrial Development Agency

Dear Ms. McCarthy:

Enclosed is a copy of the filed Certificate of Appointment with the Department of State, Miscellaneous Records.

Also enclosed is a copy of the updated Clerk's Certificate. Please sign and place your seal where indicated. Once completed, please contact me at 200-5136 and I will arrange for pick up from your office. Please note that one position on the Board has yet to be filled.

Please call if you have any questions. Thank you.

Very truly yours,
KATHLEEN A. DRUMM
Kathleen A. Drumm
Administrative Assistant

KAD/ms
Enclosure

CERTIFICATE
OF
APPOINTMENT
AS MEMBER OF
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FOR FILING
WITH
SECRETARY OF STATE
UNDER
GENERAL MUNICIPAL LAW SECTION 856(2)

THIS is to certify that DAVID L. LOWREY has been appointed as a member of ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA"), which has been duly established by Chapter 293 of the Laws of 1970. DAVID L. LOWREY will fill the vacancy created by DR. CAROL NOWAK.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature of the County of Erie this 8th day of July, 2016.

(SEAL)

THE COUNTY LEGISLATURE
THE COUNTY OF ERIE
By: KAREN M. McCARTHY
Karen M. McCARTHY,
Clerk of the Legislature

Item 82 – (COMM. 17D-3) Notice of Public Hearing Regarding LL Intro. 13-1 (2016)

The above two items were received and filed.

FROM THE COUNTY ATTORNEY

Item 83 – (COMM. 17D-4) Notice of NYS Department of State Local Law Filing for Local Law 3 (2016)

Received and filed.

FROM THE COMPTROLLER'S OFFICE

Item 84 – (COMM. 17D-5) Notice of Audit of Department of Public Works Emergency & Standby Power Systems for Period July 2015-June 2016

Received and filed.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 85 – (COMM. 17D-6) Budget Monitoring Report for Period Ending June 2016

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 86 – (COMM. 17D-7) Transmittal of New Claims Against Erie County

Item 87 – (COMM. 17D-8) Transmittal of New Claims Against Erie County

Item 88 – (COMM. 17D-9) Transmittal of New Claims Against Erie County

Item 89 – (COMM. 17D-10) Transmittal of New Claims Against Erie County

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 90 – (COMM. 17M-1) May 26, 2016 Board Minutes

Item 91 – (COMM. 17M-2) 17A Report and Capital Expenditure Reports for 1st Quarter for FY Ending March 2017

The above two items were received and filed.

FROM THE BUFFALO NIAGARA FILM COMMISSION

Item 92 – (COMM. 17M-3) 2016 1st & 2nd Quarter Report

Received and filed.

FROM VISIT BUFFALO NIAGARA

Item 93 – (COMM. 17M-4) 2016 2nd Quarter Report & Financial Statements

Received and filed.

FROM THE BUFFALO & EC NAVAL & MILITARY PARK

Item 94 – (COMM. 17M-5) Board of Directors Meeting Minutes

Received and filed.

FROM THE NYS DEPARTMENT OF TAXATION AND FINANCE

Item 95 – (COMM. 17M-6) 2016 State Class & Equalization Rates - Various Cities and Towns

Item 96 – (COMM. 17M-7) 2016 County Equalization Rates - Various Cities and Towns

The above two items were received and filed.

FROM THE NFTA

Item 97 – (COMM. 17M-8) Letter Regarding Status of NFTA Negotiations with Several Inter-City Bus Carriers

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 98 – CHAIR MILLS announced the committee schedule for September 15, 2016 has been distributed.

Item 99 – CHAIR MILLS announced the next regularly scheduled legislative session is September 22, 2016.

MEMORIAL RESOLUTIONS

Item 100 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Theresa Kinnicutt.

Item 101 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Agnes L. Mulqueen.

Item 102 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of John M. Etienne, Peter J. Kelleher, and Robert A. Schifferli Sr.

Item 103 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Angeline Castronovo.

Item 104 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of R. Stephen Hawley.

ADJOURNMENT

Item 105 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 22, 2016 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, September 22, 2016 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE