

ERIE COUNTY LEGISLATURE
MEETING NO. 7
APRIL 14, 2016

The Legislature was called to order by Chair Mills.

All members present.

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

The Pledge of Allegiance was led by Ms. Miller-Williams.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 6 from 2016. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. BURKE presented a resolution Congratulating the 40th Anniversary of Murray Roofing Company.

Item 6 – MR. BURKE, MS. DIXON & MR. RATH presented a resolution Recognizing the First Global Meetings Industry Day.

Item 7 – MR. HARDWICK presented a resolution Congratulating John Bender on Receiving the 2016 Service to Youth Award from the City of Tonawanda Youth Board.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Memorial Proclamation Honoring the Life of Jan Peters.

Item 9 – MS. MILLER-WILLIAMS presented a resolution Proclaiming March 27 to April 2, 2016 as the "Week for Young Audiences in Erie County".

Item 10 – 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 Life of Paul Kearns, Korean War Veteran, Retired Decorated Buffalo Firefighter and South Buffalo Pillar of the Community.

Item 11 – MR. MILLS, MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MORTON & MR. RATH presented a resolution Honoring the Volunteer Firefighters of Erie County and

Encouraging Participation in RecruitNY on April 23-24, 2016 to Raise Awareness for the Need to Recruit New Members of the Fire Service.

Item 12 – MR. MILLS presented a resolution Honoring Cradle Beach Camp for its Commitment to the Community.

MR. LORIGO moved for consideration of the above eight items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above eight items by adding one miscellaneous resolution for MR. RATH & MR. LOUGHRAN, and to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above nine items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 4 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 21 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

April 7, 2016	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
---------------	---------------------------------------------------

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 5E-20 (2016)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health Tuberculosis Prevention and Control Program provides front-line services to find, treat, and prevent the spread of Tuberculosis; and

WHEREAS, the Tuberculosis Prevention and Control Program is a 70% grant funded program from the New York State Department of Health; and

WHEREAS, the New York State Department of Health provides a 2.0% annual Direct Care Cost of Living Adjustment to cover annual increases in expense; and

WHEREAS, in order to receive said funding, the State requires that the governing board of the county approve a resolution memorializing how the Direct Care Cost of Living Adjustment funding will be allocated.

NOW, THEREFORE, BE IT

RESOLVED; that the Erie County Legislature agrees to accept the New York State Department of Health DC COLA of 2%, as applied to salary and fringe expenditures, for those employees determined by the New York State Department of Health to be eligible to receive the bonus; and be it further

RESOLVED; that This funding will be distributed solely to those eligible employees at the rate of 2.0% as applied to actual salary and fringe expenditures incurred during the award period; and be it further

RESOLVED; that the funding received for any DC COLA will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals, clinical staff, and eligible foster parents and adoptive parents; and be it further;

RESOLVED; that this action is conducted pursuant to Subdivision 3-d of section 1 of part C of chapter 57 of the laws of 2006, as added by L. 2014, chapter 60, Part I, Section 2 (paragraph (i)) and the applicable standards issued by DOH; and be it further

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

RESOLVED, that certified copies of this resolution shall be transmitted to the Erie County Executive, Commissioner of Personnel, Director of Budget and Management, County Comptroller, County Attorney and the Commissioner of Health.

(6-0)

LYNNE M. DIXON
CHAIR

Item 22 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

April 7, 2016	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
---------------	----------------------------------------------

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 6E-12 (2016)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling \$1,455,129 to the County for the provision of indigent defense services, and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$1,455,129 over three years from January 1, 2016 to December 31, 2018 to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three year subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services from January 1, 2016 to December 31, 2018; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
ILS Quality Improvement D6 Grant
Grant Fund 281 160QID6ILS1618
January 1, 2016 to December 31, 2018

Revenue	Increase
Account 409000 - State Aid Revenue	\$1,455,129
Appropriation	Increase
Account 516601 - Legal Aid Bureau	\$727,566
Account 516602 - EC Bar Association	<u>727,563</u>
Total Appropriation	\$1,455,129

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

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

(5-0)

KEVIN R. HARDWICK
CHAIR

Item 23 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

April 7, 2016	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
---------------	------------------------------------------------

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-11 (2016)
COMPTROLLER: "Report on Sales Tax Collections Correlation with Gasoline Prices"
(6-0)
 - b. COMM. 6D-7 (2016)
COUNTY ATTORNEY: "Follow-Up Information Regarding Assistant County Attorney
Position Assigned to ECC"
(6-0)

2. COMM. 1D-9 (2015)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 216077 through 216089, 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	2016	Petition No.	216,077.00
	ASSESSOR	Cancel	\$35,866.10
S-B-L	80.09-1138	4067 Harlem	142289 AMHERST
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$35,866.10 Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$35,866.10

RPTL 550(2): Incorrect special district charge

New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 216,078.00

 ASSESSOR Refund \$557.81
S-B-L 114.06-2-30.1 32 Rowley Holw 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$557.81 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$557.81
 Relevy School \$557.81 143001 CHEEKTO.

CENTRAL

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Susan Gworek.

FISCAL YEAR 2014 Petition No. 216,079.00

 ASSESSOR Refund \$862.00
S-B-L 91.05-1-30 100 Mafalda Dr 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$862.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$862.00
 Relevy School \$862.00 143003 CHEEK. UNION #3

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Frank Guglielmo

FISCAL YEAR 2015 Petition No. 216,080.00

 ASSESSOR Cancel \$8,558.00
S-B-L 92.04-1-18.2 255 Sonwil Dr 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$8,558.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$8,558.00

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 216,081.00

ASSESSOR Cancel \$7,015.63
S-B-L 92.04-1-18.2 255 Sonwil Dr 143089 CHEEKTOWAGA
Acct. No. 112 \$0.00 County
Acct. No. 132 \$7,015.63 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$7,015.63

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,082.00

ASSESSOR Cancel \$685.00
S-B-L 207.00-1-1.11 2103 Shadagee Rd 144000 EDEN
Acct. No. 112 \$0.00 County
Acct. No. 132 \$685.00 Town/SpecialDist/School
40046 WATER DISTRICT 5 A \$685.00
Charge To : 144000 EDEN \$0.00

RPTL 550(2): Incorrect special district charge.
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,083.00

ASSESSOR Cancel \$300.00
S-B-L 129.00-11-20 S601 Two Rod Rd 145400 MARILLA
Acct. No. 112 \$0.00 County
Acct. No. 132 \$300.00 Town/SpecialDist/School
Charge To : 145400 MARILLA \$300.00

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,084.00

ASSESSOR Cancel
S-B-L 53.14-3-1.1 3939 Delaware Ave 146489 TONAWANDA
Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School

Charge To : 146489 TONAWANDA

RPTL 550(2): Error in special district charge
New tax bill to be issued.

FISCAL YEAR 2016 Petition No. 216,085.00

 ASSESSOR Refund \$237.60
S-B-L 143.08-6-24 51 Willowdale Dr 146800 WEST SENECA

 Acct. No. 112 \$96.08 County
 Acct. No. 132 \$141.52 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$141.52

RPTL 550(2): Failed to apply veterans exemption
Refund to be issued to Frank & Lora Grzechowiak

FISCAL YEAR 2014 Petition No. 216,087.00

 ASSESSOR Refund \$5,260.00
S-B-L 92.18-9-7 67 Lydia Ln 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$5,260.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$5,260.00
 Relevy School \$5,260.00 143002 CHEEK. UNION #2

RPTL550(2): Failed to apply basic STAR exemption
Refund to be issued to David Hashimi

FISCAL YEAR 2015 Petition No. 216,088.00

 ASSESSOR Refund \$533.12
S-B-L 92.18-9-7 67 Lydia Ln 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$533.12 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$533.12
 Relevy School \$533.12 143002 CHEEK. UNION #2

RPTL550(2): Failed to apply basic STAR exemption
Refund to be issued to David Hashimi

FISCAL YEAR	2015	Petition No.	216,089.00
	ASSESSOR	Refund	\$533.12
S-B-L	92.17-12-28	79 Santin Dr	143089 CHEEKTOWAGA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$533.12 Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$533.12
	Relevy School		\$533.12 143002 CHEEK. UNION #2

RPTL550(2): Failed to apply Basic STAR exemption
Refund to be issued to Raymond Espinosa
and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 1D-9 (2015)

EC REAL PROPERTY TAX SERVICES AS AMENDED

WHEREAS Level 3 Communications, LLC and Broadwing Communications (collectively “Level 3”) have submitted applications for Correction of Multiple Parcel Errors under cover dated June 3, 2013 on form 556-b pursuant to Real Property Tax Law Section 556-b for the 2010, 2011 and 2012 tax years (collectively, the “Applications”) relative to parcels located throughout Erie County and affecting multiple taxing jurisdictions, and

WHEREAS, the Applications were initially denied, and

WHEREAS, Level 3 commenced a hybrid action for declaratory judgment and a proceeding pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court of the State of New York under Erie County Index No. 2014-00064 seeking, among other things, to annul the determinations denying the Applications, and

WHEREAS, the petition/complaint in the hybrid Article 78 / declaratory judgment action was dismissed by the Commercial Division Decision and Order of the Supreme Court of the State of New York, County of Erie (Timothy J. Walker, A.J.), entered November 7, 2014 (the “Decision and Order”), and

WHEREAS, Level 3 appealed from the Commercial Division Decision and Order, and

WHEREAS, the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, reversed the Decision and Order, annulled the determinations denying the Applications, and remitted the matter to the affected taxing jurisdictions for further consideration of the Applications, and

WHEREAS, the Erie County Real Property Tax Director (Director) has investigated the validity of such Applications, and

WHEREAS the Director has transmitted a written report of such investigation and his recommendations for action thereon, and

WHEREAS the Director has determined that the Applications are without merit and recommends that the Applications be denied for multiple reasons, and

WHEREAS the Director recommends that the Applications be denied for the following specific reasons:

1. The fiber optic cable constitutes taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:
 - A. Fiber optic cable has been interpreted and taxed as real property for more than thirty years and should continue to be taxed as real property;
 - B. The fiber optic cable meets the definition of real property pursuant to Real Property Tax Law Section 102(12)(i) and is taxable under that Section;
 - C. The fiber optic cable constitutes property for the distribution of light and is taxable real property pursuant to Real Property Tax Law 102(12)(f);
 - D. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102(12)(b) of the Real Property Tax Law;
 - E. The Real Property Tax Law does not provide any tax exemption for fiber optic cable;
 - F. Real Property Tax Law Section 102 does not contain any express or implied exclusion for fiber optic cable from the definition of taxable real property;
 - G. The legislative history of Real Property Tax Law Section 102 does not support Level 3's position that fiber optic cable does not constitute taxable real property and is not subject to real property taxation;
 - H. The research articles submitted by Level 3 in the prior court case have no foundation, are not authoritative, were written many years after the New York State Legislature enacted the language contained in Real Property Tax Law Section 102 and there is no evidence the New York State Legislature considered those articles when the Legislation was enacted; and
 - I. The RCN case, which Level 3 references in its Applications, is factually and legally distinguishable from the circumstances involving Level 3's property located in Erie County. The RCN case involved property in New York City in a building, and not underground cables connected to taxable fiber optic cable in the right of way, as is the situation in Erie County. In addition, the RCN case is in a different department and is not binding on the Courts in the

Appellate Division, Fourth Judicial Department, to which the instant Level 3 litigation in Erie County is pending.

2. The Applications contain only conclusory allegations with respect to fiber optic cables and fail to contain detailed and sufficient evidence with respect to the identity, location, composition and usage of Level 3's property and lines. The Applications fail to contain any information from any engineer, expert, person or employee with personal knowledge with respect to the cable lines in question.
3. The Applications are procedurally improper. The Applications fail to establish a clerical error, unlawful entry or an error in essential fact as those terms are defined by Section 550 of the Real Property Tax Law. Numerous Town tax assessors have also analyzed Level 3's claims and confirmed my analysis that Level 3's allegations do not constitute an "unlawful entry" as that term is defined in Real Property Tax Law Section 550(7). There was no entry of assessed valuation on an assessment roll or tax roll made by an unauthorized person or body.
4. Form RP 556-b is wholly inapplicable to Level 3's Applications and claims.
 - A) Real Property Tax Law Section 556-b is applicable only to four specific types of clerical errors, none of which exist or apply with respect to Level 3's claims.
 - B) There was no "mistake in the determination or transcription of a special assessment" or "charges based on units of service provided by a special district."
 - C) There was no mathematical error or real property located entirely outside the boundaries of the assessing unit.
 - D) The Appellate Division, Third Judicial Department, has previously ruled that Level 3 incorrectly used RPTL Section 556-b to apply for the relief it seeks. *Level 3 Communications, LLC v. Essex County*, 129 A.D.3d 1255, 1257 (3rd Dept., 2015).
5. Level 3's proper remedy is to bring a *tax certiorari* proceeding under Article 7 of the Real Property Tax Law challenging the assessments prospectively. The Applications improperly seek retroactive tax refunds under inapplicable sections of the Real Property Tax Law.
6. The RP 556-b Applications are time barred and untimely on the basis that they were filed after the expiration of the tax warrants. See RPTL Section 554; *Level 3 Communications v. Essex County*, Supreme Court, Essex County, Hon. T. Buchanan, decided May 29, 2014.

7. The RP 556-b Applications are also time-barred and untimely because they were not filed within three years from the annexation of the warrants for such taxes as required by Real Property Tax Law, Section 556(1)(a).
8. The Applications are untimely and barred by the four-month statute of limitations because they were filed more than four months after the assessment rolls became final and binding. *See Press v. County of Monroe*, 50 N.Y.2d 695 (1980).
9. Level 3 failed to pay the taxes under protest. The Voluntary Payment Doctrine bars Level 3 from recovery of taxes paid without protest. *See City of Rochester v. Chiarella*, 65 N.Y.2d 92, 98 (1985); *City of Rochester v. Chiarella*, 98 A.D.2d 8, 9, 12 (4th Dept., 1983) aff'd 63 N.Y.2d 857 (1984).
 - A) Level 3's argument that Real Property Tax Law Section 556 allows recovery without protest is without merit since Section 556 does not state or provide an affirmative right to recover taxes without protest. *Level 3 Communications, LLC v. Essex County*, 129 A.D.3d 1255 (3rd Dept., 2015); *Community Health Plan v. Burkard*, 3 A.D.3d 724, 725 (3rd Dept., 2004).
10. The Applications should be denied on public policy grounds because Level 3 voluntarily deferred its challenges to the public assessments for multiple years and exposed the municipalities and school districts to unnecessary retroactive disruption of their budgets. *Press v. County of Monroe*, 50 N.Y.2d 695 (1980); *Solnick v. Whalen*, 49 N.Y.2d 224 (1979), and

WHEREAS the Erie County Legislature has carefully considered and fully agrees with the investigation and recommendations of the Director, and

NOW, THEREFORE, BE IT

RESOLVED, that all of the Level 3 Applications for Correction of Multiple Parcel Errors on Form 556-b submitted under cover dated June 3, 2013 (see attached listing) are hereby denied in their entirety for the reasons set forth above and based upon the recommendation of the Director of Real Property Tax Services; and be it further

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

(6-0)

JOSEPH C. LORIGO
CHAIR

Item 24 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

April 7, 2016	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
---------------	------------------------------------------------

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 6D-6 (2016)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Notice of Payment Terms and Conditions for Lease Agreement - Former Dog Control Property, 3789 Walden Ave, Lancaster”
(6-0)

2. COMM. 6E-6 (2016)
COUNTY EXECUTIVE

WHEREAS, the Buffalo Niagara Riverkeeper was provided grant funding by Greenway Ecological Standing Committee (GESC) to administer the professional design and construction of approximately 550 linear feet of shoreline and in-water habitat restoration and enhancements along the north bank of Ellicott Creek, located within Ellicott Creek Park; and

WHEREAS, work may include the removal of undesired trees and other vegetation at the shoreline, invasive species management and will help reduce shoreline erosion; and

WHEREAS, the habitat and shoreline restorations and enhancements will be performed at no cost to the County of Erie; and

WHEREAS, without the necessary agreement in place between Buffalo Niagara Riverkeeper and the County of Erie, Buffalo Niagara Riverkeeper will be unable to perform any habitat and shoreline restorations and enhancements needed at Ellicott Creek Park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with Buffalo Niagara Riverkeeper for habitat and shoreline restorations and enhancements at Ellicott Creek Park; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and the Assistant County Attorney, Kristen Walder, of the Law Department.
(6-0)

3. COMM. 6E-7 (2016)
COUNTY EXECUTIVE

WHEREAS, National Grid has programmed a project to install three (3) new supporting poles, guy wires and anchors on the west side of River Road to shore up and straighten poles on the east side of River Road ; and

WHEREAS, as part of this construction National Grid is requesting an easement from the County at Isle View Park to perform the necessary work; and

WHEREAS, after being reviewed by the Erie County Advisory Review Committee (ARC) this proposed work is supported by the Erie County Parks Master Plan; and

WHEREAS, there is no cost to the County for granting said easement to and National Grid; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an easement with the National Grid for the necessary repairs and work related to their improvements at Isle View Park; and be it further

RESOLVED, that the Clerk of the Legislature shall forward two certified copies of this Resolution to the Erie County Comptroller's Office, the Commissioner of the Department of Parks, Recreation and Forestry, Daniel J. Rizzo; and Assistant County Attorney, Kristen M. Walder.
(6-0)

TED B. MORTON
CHAIR

Item 25 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

April 7, 2016	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
---------------	------------------------------------------------

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-2 (2016)
CITY OF LACKAWANNA: "Town Resolution Regarding Bethlehem Steel Site Clean Up Toxic Waste"
(6-0)
 - b. COMM. 6M-4 (2016)

NFTA: "Jan. 28, 2016 Board Minutes"
(6-0)

2. **COMM. 6E-5 (2016)**

COUNTY EXECUTIVE

WHEREAS, design engineering services are necessary for the annual Bridge Preservation Program project PIN 5761.30,5761.31,5761.32,5761.33; and

WHEREAS, the contract was awarded to CHA Consulting Inc. of Buffalo, New York via Comm.7E-5 (2015) of April 23, 2015 from Fund 420, SAP Project B.15006, 2015 Preservation of Bridges & Culverts Design Program; and

WHEREAS, it has been determined a change in scope requires an increase to the professional engineering services contract with CHA Consulting, Inc. of Buffalo, New York in the amount of \$35,695.

NOW, THEREFORE, BE IT

RESOLVED, that the initial, estimated Project phase authorization of \$125,000 be increased by the amount of \$35,695 which is available from capital account Fund 420, SAP B.00191, 2008 Preservation of Bridge and Culverts Program; and be it further

RESOLVED, that the County Executive be authorized to execute negotiated change orders in the amount not to exceed the allowable Project total between the County of Erie and design engineer CHA Consulting, Inc. of Buffalo, New York for a change in work scope; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

3. **COMM. 6E-15 (2016)**

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works intends to purchase a truck with a telescopic boom in order to perform maintenance, repair and installation work on various County-owned roads and buildings; and

WHEREAS, in order to effectuate this purchase, it is necessary to transfer funds to the appropriate account, BA 123, Fund 210, account 561440, Motor Vehicles in the 2016 operating budget; and

WHEREAS, funding for the equipment is available in BA 123, Fund 210, account 506400, Highway Supplies, in the 2016 operating budget; and

WHEREAS, transferring \$140,000 will allow a truck to be purchased from the proper account.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are authorized in the 2016 operating budget: BA 123, Fund 210, Cost Center 1231010:

Expense Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
506400	Highway Supplies	\$ 4,421,000	(\$140,000)	\$ 4,281,000
561440	Motor Vehicles	\$ 0	\$ 140,000	\$ 140,000
TOTAL EXPENSES		\$ 4,421,000	\$ 0	\$ 4,421,000

; and be it further

RESOLVED, that authorization is provided for the future transfer of funds in an amount not to exceed \$70,000 from the Office of Sheriff from Telephone funds to the Department of Public Works, BA 123, Fund 210, Cost Center 1231010 as revenue for this purpose; and

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, Office of the Sheriff (c/o Chief of Administration John Greenan), and the Office of the Comptroller. (6-0)

EDWARD A. RATH, III
CHAIR

Item 26 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

April 7, 2016	PUBLIC SAFETY COMMITTEE REPORT NO. 5
---------------	-----------------------------------------

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-29 (2015)

SHERIFF AS AMENDED

WHEREAS, procedures have been established by resolution and legislative direction for allocation of the Seized Asset Forfeiture and Telephone Revenue funds; and

WHEREAS, the Erie County Sheriff's Office needs additional funds for necessary for range improvements, SWAT tactical vehicle, development and implementation of a mobile device application and furniture purchases; and

WHEREAS, the original contract awarded to TRS Services, Inc. did not include a Construction Contingency Fund for unforeseen conditions and utility company service costs; and

WHEREAS, after approval of this resolution sufficient funds will be available to fund a Construction Contingency Fund for unforeseen conditions and utility company costs; and

WHEREAS, the current SWAT tactical vehicle is ten years old, with anticipated expensive engine and mechanical maintenance or replacement, as well as repairs to the vehicle's armor after receiving fire during a stand-off incident in 2014; and

WHEREAS, the balance of the funds for the SWAT tactical vehicle have been accepted as part of a Homeland Security Grant for \$100,000.00; and

WHEREAS, funds are need to complete the final stages of construction at the Erie County Sheriff's Office Firing Range; and

WHEREAS, additional air cards are needed for the five newly deployed K9 units within the Police Services' platoons; and

WHEREAS, Telephone Revenue funds will be used to develop and implement a mobile device application that will provide greater access for individuals without computer or internet service to make bail payments, deposit funds into inmate accounts, and check an inmate's custody status from a mobile device therefore eliminating travel to a county detention facility; and

WHEREAS, funds will be used to replace furniture that is old, broken and unusable; and

WHEREAS, there will be no impact on county tax dollars with the appropriation of the Seized Asset Funds and the Jail Telephone Revenue funds.

NOW, THEREFORE, BE IT

RESOLVED, that up to \$243,973.00 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that \$156,568.95 in available Telephone Revenue Funds is hereby transferred to the appropriate Erie County Sheriff's Office accounts; and be it further

RESOLVED, that \$200,000.00 in available Interfund Revenue funds is hereby transferred to the appropriate Capital Projects account, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program		
<u>REVENUE</u>		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$ 243,973.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
561440	Motor Vehicle	\$ 165,973.00
515000	Utility Charges	\$ 3,000.00
570000	Interfund Transfer Subsidy	\$ 75,000.00
	Total Revenue	<u>\$ 243,973.00</u>
Jail Management		
<u>REVENUE</u>		<u>DECREASE</u>
415622	Jail Telephone Revenue funds	<u>\$ 156,568.95</u>
<u>SHERIFF APPROPRIATION</u>		
570000	Interfund Transfers Subsidy	\$ 125,000.00
516020	Professional Services & Fees	\$ 13,000.00
561420	Furniture	\$ 18,568.95
	Total Appropriations	<u>\$ 156,568.95</u>
BA122, Fund410 Project A.14076		
<u>REVENUE</u>		<u>DECREASE</u>
486000	Interfund Revenue Subsidy	<u>\$ 200,000.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
Capital Projects	Capital Project Expenditure	<u>\$ 200,000.00</u>

; and be it further

RESOLVED, that designated Seized Asset Fund expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, the sum of \$75,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the County Executive be authorized to enter into Agreements with the various utility companies for their costs associated with providing their respective utility service to the project site.

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to the Asset Forfeiture Trust account or Telephone Revenue account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff Office for implementation.

(6-0)

2. COMM. 6E-13 (2016)

COUNTY EXECUTIVE

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has agreed to provide funding to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the current paging system has come to end of life and requires substantial upgrades; and

WHEREAS, new technology exists to enhance delivery of emergency paging for first responders; and

WHEREAS, implementation and annual costs of this new technology will help reduce operational costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an agreement beginning April 1, 2016 with Emergency Services Marketing Corp., Inc. for the purchase of "I Am Responding" technology for the purposes of providing paging to the first responders of Erie County in the amount of \$80,465 annually for an initial contract length of five years; and be it further

RESOLVED, that the Department of Emergency Services, Division of Budget and Management and Office of Comptroller are hereby authorized to make all necessary budgetary and other entries to effectuate this action; 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 Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

3. COMM. 6E-14 (2016)

SHERIFF

WHEREAS, the Erie County Sheriff's Office provides televisions in safe locations within inmate housing units for viewing and entertainment purposes; and

WHEREAS, television viewing privileges promote good behavior among the inmates which relates to a safer environment for the deputies assigned to housing units; and

WHEREAS, the existing aging and damaged cables are causing low picture quality and limited channel reception; and

WHEREAS, a wireless television service will eliminate the cost of repairing or replacing thousands of feet of cables in both facilities, and

WHEREAS, the sheriff's office has requested quotations from the leading television providers and DISH Property Solutions was the lowest quote; and

WHEREAS, DISH Property Solutions' installation quote of \$43,903.69 covers the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the installation and monthly access fees, \$11.00 per month for 116 months, will be paid for from the inmate commissary account which is designated for inmate welfare expenditures; and

WHEREAS, authorization is required from the Erie County Legislature so the County Executive can enter into a contract for television services for the inmates.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with DISH Property Solutions for wireless television services within the Erie County Holding Center and the Erie County Correctional Facility; and be it further

RESOLVED, Certified copies of this resolution will be forwarded to the County Executive, the County Attorney, Director of Purchasing, the Erie County Comptroller's Office and the Erie County Sheriff's Office.
(6-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 27 – MR. LORIGO presented the following resolution and moved for consideration.
MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

RE: Support for State Legislation Regarding
Disability Benefits Received by
Disabled Volunteer Firefighters
(INTRO. 7-1)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS

BURKE, MILLS, LORIGO, LOUGHRAN, MILLER-WILLIAMS,
GRANT, HARDWICK, RATH, MORTON & DIXON

WHEREAS, volunteer firefighters in Erie County and across New York State put themselves in life-threatening situations without reservations at a moment's notice to protect our communities; and

WHEREAS, sometimes, while answering the call of duty, these brave men and women fall victim to serious injuries that can leave these volunteer emergency first responders disabled and unable to provide for their families; and

WHEREAS, as of March of 2015, New York State had a total of 38 volunteer firefighters who are permanently disabled and dependent on volunteer firefighter disability benefits, which have no cost of living adjustment provision under the rules of the Workers' Compensation Board of New York State; and

WHEREAS, New York State Senator Richard Funke and Assemblyman Joseph Morelle have introduced companion bills in the State Legislature to adjust the benefits received by disabled volunteer firefighters, which would occur on the first of February of each year, based on the consumer price index.

NOW, THEREFORE, BE IT

RESOLVED, with the brave men and women who protect our communities in mind, the Erie County Legislature adds its support to S.1000a Funke/A.5133 Morelle; and be it further

RESOLVED, this Honorable Body calls on its fellow County governments across New York State to add their support; and be it further

RESOLVED, that certified copies of this resolution be sent to the Honorable Mark Poloncarz, Erie County Executive; State Senator Richard Funke; State Assemblyman Joseph Morelle; the Honorable Members of the State Legislative Delegation from Erie County; and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 28 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded. MR. BURKE voted in the negative.

CARRIED 10-1.

RESOLUTION NO. 61

RE: Transfer of Surplus Property to Village

of Gowanda
(INTRO. 7-2)

A RESOLUTION TO BE
SUBMITTED BY CHAIR MILLS

WHEREAS, officials from the Village of Gowanda recently requested a transfer of property from the County's surplus warehouse and have identified surplus items that would be of tremendous use to the Village; and

WHEREAS, these items no longer serve a purpose for the County of Erie and representatives of the Department of Purchase have indicated that the request is proper therefore the selected items could be transferred to the Village of Gowanda.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items is hereby transferred from the County of Erie to the Village of Gowanda:

Asset #	Description
514247	1 Black Desk
2263	1 Black Desk
N/A	1 Black Desk
N/A	10 Blue Chairs
279354	Large Beige Cabinet
279355	Large Beige Cabinet
279356	Large Beige Cabinet
N/A	Large open Beige Cabinet
458167	3 Small Metal Storage Shelves
458242	1 Large Metal Storage Shelve
N/A	1 Stainless Steel Table

and, be it further

RESOLVED, that these items are to be used for a purpose related to the operations of the Village of Gowanda; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the Village of Gowanda, and any part deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

RE: Encouraging Walmart to Allow NFTA
Bus Service onto its Property for the
Safety of Customers and Employees of
its New Store in Cheektowaga

(INTRO. 7-3)

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

WHEREAS, the Walmart store currently under construction on Walden Avenue in Cheektowaga is struggling with a decision to allow public bus service onto its property - even after publically stating management was "receptive" of the idea, and after extensive planning efforts offered by the Niagara Frontier Transportation Authority to make such an endeavor work for both the store and NFTA; and

WHEREAS, unfortunately, stakeholders including Walmart customers and employees are caught in the middle and are placed in serious jeopardy if an agreement cannot be reached, and thus, would have to cross six lanes of traffic on Walden Avenue, where on average 25,000 vehicles travel daily, in order to gain access to the store; and

WHEREAS, Walmart has constructed a reinforced access road on the eastern side of the property to accommodate heavy delivery trucks which could be used by NFTA Metro Bus; and

WHEREAS, Erie County has a stake in the outcome of this decision not only under its obligation to protect the citizens who live and work here, the County also is a major source of funding for the NFTA; and

WHEREAS, Erie County provides the NFTA with significant financial support in the form of Sales Tax and Real Property Transfer Tax funds of more than \$23,000,000 for 2016, together with naming a member for consideration to the governor for appointment to the NFTA Board of Commissioners; and

WHEREAS, the NFTA appropriately has expanded Metro Bus service, including extensive weekend additions to their No. 46 Route which would provide service onto the Walmart property if an agreement can be reached, in order to facilitate access to businesses along Walden Avenue in Cheektowaga; and

WHEREAS, residents of Buffalo's East Side who have expressed a strong intent in shopping at the new store, and all who use the No. 46 route deserve safe access to Walmart; and

WHEREAS, the shortsightedness of barring NFTA Metro Bus service from the Walmart property brings to mind the horrific death in 1995 of Cynthia N. Wiggins, whose death was wholly preventable but for the installation of sidewalks along busy Walden Avenue adjacent to the Walden Galleria Mall, where Cynthia worked; and

WHEREAS, the proposal to allow bus service onto the Walmart property has the strong support of Cheektowaga town officials concerned about pedestrian safety, vehicle accidents that could ensue in the area when people cross the busy roadway, and liability issues when there is a solution on the table and that is easily workable for both Walmart and the NFTA; and

WHEREAS, allowing NFTA bus service onto the Walmart property is a common sense solution in order to provide for pedestrian safety for those who wish to access the new Walmart store in Cheektowaga.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record encouraging Walmart executives to authorize access of NFTA Metro Bus service onto the property at their new store located in Cheektowaga to ensure for the safety of customers and store employees; and be it further

RESOLVED, that this Legislative Body joins New York State Senator Tim Kennedy, Cheektowaga Supervisor Diane Benczkowski, and Buffalo Common Council President Darius Pridgen in calling on Walmart to go forward with NFTA's plans to add a bus stop at the new Walden Avenue store; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward certified copies of this resolution to the County Executive Mark Poloncarz; Buffalo Mayor Byron Brown; Senator Kennedy; Assemblymember Crystal Peoples Stokes; Council President Pridgen; Walmart's Corporate Office (Jason Klipa, Director of Public Affairs and Government Relations, Bentonville, AR), Cheektowaga Walmart (2500 Walden Ave, Cheektowaga, NY 14225); Kimberley Minkel, Executive Director of the NFTA, and to NFTA Metro (181 Ellicott St, Buffalo, NY 14203).

Item 30 – CHAIR MILLS directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 7-4 from LEGISLATOR LOUGHRAN. Calling on the County Executive to Address the Upgrade of North Forest Road in Amherst NY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 31 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 6E-9. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Opioid Crisis Response Plan
(COMM. 6E-9, 2016)

WHEREAS, the Erie County Departments of Health and Mental Health have noted a sustained and growing number of opioid addicted person in our community identifying a public health crisis; and

WHEREAS, the Erie County Medical Examiner's Office has confirmed 2015 to be the year with the greatest number of opioid related fatalities on record with well over 200 deaths; and

WHEREAS, if not for the distribution of Naloxone to first responders and widespread training in its use the number of opioid related fatalities would have been significantly higher; and

WHEREAS, the opioid crisis affects nearly every part of Erie County be it urban, rural or suburban; and

WHEREAS, a need a dedicated service to provide police agencies, physicians, and families with a single coordinating entry point to get opiate-addicted individuals into treatment has been identified; and

WHEREAS, Crisis Services is uniquely and solely situated to provide this critical service and has the expertise and staff to manage this complex operation and has a decades long track record of providing similar services to the Erie County Department of Mental Health; and

WHEREAS, the Erie County Department of Health seeks to provide robust coordination of community wide addiction harm reduction service through a dedicated unit.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Public Health Educator JG 8, Step 0 (\$35,025 annual salary) in the CSEA bargaining unit (B-100 #8651); and be it further

RESOLVED, that the Erie County Legislature herby authorizes the creation of on full time position of Account Clerk JG 4 Step 0 (\$26,749 annual salary) in the CSEA bargaining unit (B-100 #8652); and be it further

RESOLVED, that the Erie County Legislature herby authorize the expansion of Crisis Service contract # 16-177-MH to add Substance Abuse and Addiction Screening, Information, and Referral Line services in an amount not to exceed \$301,467; and be it further

RESOLVED, that authorization is hereby provided to transfer in 2015 an amount totaling \$375,595 to expense designated for the Health Department and Mental Health Department and then to reappropriate such funding into the 2016 Budget as follows:

Fund 110 - 2016 Budget
12700 – Health Division

<u>Expense Accounts</u>	<u>Increase</u>
500000 Full Time Salaries	\$46,330
502000 Fringe Benefits	<u>27,798</u>
Total	\$74,128

Fund 110 - 2016 Budget
12410– Mental Health Program Administration

<u>Expense Accounts</u>	<u>Increase</u>
517818 Suicide Prevention and Crisis Service OMH	<u>\$301,467</u>
Total	\$301,467

; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to establish designations in 2015 for the amounts indicated above and to reappropriate said funds into 2016, and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and Department of Personnel to make the necessary budgetary and personnel adjustments to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, Department of Mental Health and Department of Health.

MR. LORIGO moved to amend the item. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

Amend COMM. 6E-9 (2016) to include the following resolved clauses:

RESOLVED, that the Erie County Executive shall appear in front of the Erie County Legislature at the last Health & Human Services committee session in September 2016 with a summative evaluation, submitted in time for the preceding session date, regarding the implementation, efficacy, and impact of the abuse hotline; and, be it further

RESOLVED, in all circumstances any continuation of this program shall be made through the 2017 budget and shall be determined after the presentation of the summative evaluation; and, be it further

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 32 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-32 from the SHERIFF. Re: Livescan Equipment Grant Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 33 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-33 from the SHERIFF. Re: DEA Law Enforcement Heroin/Fentanyl Training Seminar

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 34 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-34 from the COMPTROLLER. Re: 2016 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 35 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-35 from the SHERIFF. Re: NYS Canal Corporation Marine Patrol Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 7D-6 from the OFFICE OF THE COUNTY EXECUTIVE. Re: Letter to Legislator Lorigo Regarding Purchase of Reusable Bags

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 7M-8 from ERIE COMMUNITY COLLEGE. Re: Corrective Action Plan
Regarding NYS Comptroller Audit of ECC

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 38 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Department of Parks - Grover Cleveland
Golf Course Concession Agreement
(COMM. 7E-1)

WHEREAS, The Erie County Department of Parks, Recreation and Forestry has contracted with an outside vendor for a number of years to operate the concession area at Grover Cleveland Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, Mali Foods, Inc. of Cheektowaga, NY provided the only proposal for service, as well as a proposing a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is authorized to enter into an agreement with Mali Foods, Inc. for operation of the concession stand at Grover Cleveland Golf Course; and be it further

RESOLVED, the Erie County Parks Department will receive \$4,250.00 in revenue annually from Mali Foods, Inc. for the length of the contract; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry, the Division of Budget and Management and the Erie County Department of Law.

FROM LEGISLATOR LOUGHRAN

Item 39 – (COMM. 7E-2) Minority Caucus Appointment to Visit Buffalo Niagara Board of Directors

Received, filed and printed.

April 7, 2016

Hon. Karen M. McCarthy
Clerk of the Erie County Legislature
92 Franklin St.
Buffalo, N.Y. 14202

Dear Ms. McCarthy,

I write to you today concerning the Visit Buffalo Niagara Board of Directors, where pursuant to their bylaws, the Minority membership of the Erie County Legislature shall appoint one individual to the Board.

Lesley Haynes is the current appointee of the Minority Caucus, having been appointed in September 2014. Ms. Haynes has served in this capacity with energy and enthusiasm and has expressed an interest in continuing to serve as a board member.

Accordingly, please see the attached petition re-designating Ms. Haynes as Minority Caucus appointee to the Visit Buffalo Niagara Board of Directors. I have also attached Ms. Haynes' resume.

Should you have any questions, please don't hesitate to contact me.

Thank you.

Sincerely,
THOMAS A. LOUGHRAN
Thomas A. Loughran
Minority Leader
5th District Legislator

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature, do hereby designate Lesley Haynes (155 Prospect Ave., Buffalo NY 14201) as the Minority Caucus appointment to the Board of Directors of Visit Buffalo Niagara, pursuant to their organization bylaws.

BARBARA MILLER-WILLIAMS
Barbara Miller-Williams
1st District

BETTY JEAN GRANT
Betty Jean Grant
2nd District

PETER J. SAVAGE III
Peter J. Savage, III
3rd District

THOMAS A. LOUGHRAN
Thomas A. Loughran
Minority Leader, 5th District

PATRICK B. BURKE
7th District

Lesley Haynes

155 Prospect Avenue

Buffalo NY 14201

716-856-6024

Work History:

- Manager -International Students House Great Portland Street, London England
- Social Worker: Protective Services and Congregate Site Supervisor. Elder Abuse Specialist and Crisis Intervention Specialist. LSW.
- Crisis Intervention Services for youth gangs, sex-workers, domestic violence and drug rehabilitation.
- Commissioner of Human Relations (8 years) Springfield MA.
- Hampden County Sheriffs Dept. Springfield MA- Mentorship Program Coordinator 'Behind the Walls and After Incarceration Support Systems'.
- Currently retired.

Faith Based:

- Ordained Elder in the Presbyterian Church
- Missionary with Presbyterian USA Worldwide Missions - Reconciliation and Mission Volunteer- Christian Missionary: Served in El Milagros, El Salvador, Central America. Delhi, India. New Orleans, LA.
- Hampden MA County Jail- held weekly Christian services for inmates - 12 years
- Graduate of Niagara University Urban Ministry Program- Inner City Outreach.
- Current - Street ministry and Mentor to several persons who were formerly incarcerated.

Current activity and membership:

- N.A.AC.P - Executive Committee Member - Life Member
- Visit Buffalo Niagara - Board Member
- Visit Buffalo Niagara - Destination Development Committee
- B.U.I.L.D Buffalo - Board Member
- Stop the Violence Coalition - Board Member
- Erie County/Buffalo- Safe Neighborhood Task Force Committee
- Community Mission Outreach - 1st Presbyterian Church Buffalo NY
- Erie County Prisoner's Rights Coalition
- Interfaith Peace Network
- Graduate of Buffalo Citizen's Participation Academy
- Graduate ofNFTA Transit Authority Police Department Citizens Academy
- Supporter of Michigan Street African American Heritage Corridor Commission
- Member of Friends of Broderick Park
- Member of Greater Buffalo Recycling Alliance
- Contracts Compliance Review Board - Board Member

Item 40 – (COMM. 7E-3) Appointment to ECMCC Board of Directors – Non-Voting Member

Received, filed and printed.

March 17, 2016

Douglas H. Baker, Secretary
Erie County Medical Center Board of Directors
462 Grider St.

Buffalo, NY 14215

RE: Appointment of Non-Voting Member to the Erie County Medical Center Corporation Board of Directors

Dear Mr. Baker:

Pursuant to Public Authorities Law, Section 3628 (Erie County Medical Center Corporation), there shall be four non-voting representatives to the ECMCC board of directors, with one non-voting member appointed by the Minority Leader of the Erie County Legislature.

Accordingly, as Minority Leader of the Erie County Legislature, I hereby appoint William A. Pauly as a non-voting member to the Erie County Medical Center Corporation board of directors effective immediately.

Thank you.

Sincerely,
THOMAS A. LOUGHRAN
Thomas A. Loughran
5th District Legislator

Cc: Sharon L. Hanson, Chair of the Board
Karen M. McCarthy, Clerk of the Erie County Legislature
Patty Chase, Administrative Assistant to the ECMCC Board

William A. Pauly
9 Halwill Drive
Amherst, NY 14226
716-839-6717 or 716-435-5261

EDUCATION

State University of New York at Buffalo	
Doctorate Program, Policy Studies	
2 semesters	1976-1977
New York State Certificate, Counselor Education	1973
Ed.M. Counselor Education	1971
B.A., Geography	1967

MILITARY SERVICE

United States Air Force, Honorable Discharge	1958-1963
----------------------------------------------	-----------

OCCUPATIONAL EXPERIENCE

The Erie County Legislature	1976-2001
-----------------------------	-----------

Served thirteen two year terms as Erie County Legislator, 14th District. This responsibility is similar to that of a member of the Board of Directors of a large public service delivery corporation with a billion dollars of expenditures and 6800 employees. A legislator allocates local government

resources in order to implement state mandates and participatees in setting the level and range of nonmandated governmental services for all of Erie County. A legislator is involved in the oversight of every aspect of the operations fo County government. Assignments invluded membership and chairmanship of Public Health, Energy & Environment, Regionalism and the Personal Ad Hoc committees.

Medaille College 1987-2004

Responsibilites as an adjunct included teaching a variety of courses in both the evening and weekend college including Urban History, Public Administration, Political Science, Social Problems, American Government and the Mental Health System of Erie County.

Adjunct Professor, Management Department, Cedaille College Spring 2001

Researched and developed a configuration of seven masters level courses to be utilized in several capacities invluding a New York State Certificate in Policy Studies, a concentration in Policy Studies, an M.S. in Applied Social Science, and an elective component in the MBA program. Taught 4 of these courses on a directed study basis.

Erie Community College, Adjunct Professor 2005-2012

Teaching courses in American Government, Sociology, Geography, and the Teacher Preparation Curriculum.

The Buffalo Public School System 1967-1976

Involved in urban education with 5 years as a school counselor and 4 years as a classroom teacher in inner city schools of Buffalo with a focus on strengthening basic academic skills and providing general education experiences that would assist disadvantaged students in attaining higher education and successfully competing in mainstream society.

Contract Negotiator 1969-1970

Negotiated teacher contracts a s field representative for the New York State Teacher Association.

SOME PAST RESEARCH ACTIVITIES AND INTERESTS

Educational Arena 1976-2001

Member of the Community Enrichment Committee overseeing educational programs and activities at Erie Community College.

Environmental Arena 1993-2007

Coordinator of Clean Communities of Wester New York, and United States Department of Energy Clean City initiative to reduce dependence on foreign imported oil. Clean Communities is a partner in securing approximately 1 million dollars to support the constrction of two alternative fuel compressed natural gas vehicle refueling states in Erie County. One is located on the maintenance facility footprint of the Erie County Medical Center and the other on the footprint of the maintenance facility at the North Campus of the University of New York at Buffalo. Currently President of the Board of Directors of the 110 stakeholder member non profit which educates fleets and the public about alternatives to conventional transportation fuels and systems.

Health Arena 1976-2003

Member and past Chairman of the Public Health Committee overseeing the development and implementation of health, mental health and substance abuse policy for Erie County. Researched, drafted and sponsored passage fo Local Law #4 of 1980 which prohibited the prossession, manufacture, delivery or sale of drug paraphernalia and prohibited the sale of smoking accessories to minors. Worked with the Action for Mental Health community support non profit self help group to reorganize user driven organization for growth in services.

Financial Arena 1985 Creation of Chief Fiscal Officer Law
Researched, drafted, and sponsored and organized votes to assure passage of Local Law #2-1985, which fully empowered the Comptroller as the Chief Fiscal Officer of Erie County.

Economic Development 1997-2001
Co-chairman of Erie-Niagara Regional Partnership spearheading the Regional Economic Database Project. Recommended a bi-county Produce Quick Cool Program to help farmers increase market share and become more competitive. Added Niagara County to the Regional Cultural Tourism Project and facilitated approval of funding through the Erie County Legislature to partner with Niagara and Orleans counties in 2001 Fish Odyssey tournament. Worked bi-county to allow electronic permitteing, joint county brochures, joint marketing of workforce development, combating urban sprawl and bi-county planning. Also served as Co-chairman Erie County Regionalism Committee which reviewed a study of the 'Who Does What Commission' focusing on consolidation and regionalization of local government services.

PROFESSIONAL AND COMMUNITY SERVICE

Clean Communiities of WNY President, Board of Trustees	2000-present
Erie County Board of Health	1994-2001
Coordinated Care Management, Board Member	1983-1996
Alcoholism Services of Erie County, Board Member	1984-1991
Health Systems Agency of WNY, Board Member	
New York, Sub Area Council	1981-1987
In-Home Support Services, Board Member	1978-1981
Erie County Mental Health Corp II, Board Member	1978-1980
Buffalo Area Council on Alcoholism, Board Member	1979

AWARDS AND RECOGNITION

AFL-CIO Council Government Service Award	2001
Action for Mental Health Community Leadership Award	1995
Buffalo Federation of Neighborhood Centers "Canier of the Torch"	1994
Coordinated Care Community Leadership Award	1992
University Heights Community Civil Servant of the Year	1992
Buffalo Columbus Hospital Citation in Recognition of Support for Health and Hospital Care	1987
Home Health Care Award for Legislative Leadership	1985
Western New York Pharmacy Association Leadership Award	1982
Crisis Services Distinguished Service Award	1979
Buffalo Schoolmasters Service Award	1976

PUBLIC POLICY CONFERENCES

The Center for Working Families Energy and Jobs Conference Syracuse, NY	April 2007
New York State Energy Research and Development Hydrogen Roadmap Seminar, Rochester, NY	May 2005
Clean Cities Washington Day Clean Fuels Seminars Washington, DC	March 2003
Statewide Rail/Economic Development Conference Syracuse, NY	March 2001
United States Department of Energy Clean City Conference Philadelphia, PA	May 2001
National Association of Counties Washington, DC	March 2001 March 2000
New York State Association of Counties Lake Placid, NY	September 1999
Computer Telephony Conference New York City, NY	October 1999
Clean Fueled Public Transit Cleveland, OH	April 1999
National Clean Cities Conference Louisville, KY	May 1999
EBA-NYS Conference to Promote NYS Tax Incentives To grow the Alternative Fuels Industry, NYC, NY	October 1998
National Association of Counties Portland, OR	July 1998
New York State Association of Counties Albany, NY	February 1998
United States Department of Energy Clean Cities Conference Long Beach, CA	June 1997
Local Government & Electric Industry Restructuring Conference Arlington, VA	June 1997

FROM CHAIR MILLS

Item 41 – (COMM. 7E-4) Letter to Clerk of the Legislature Calling a Public Hearing Regarding Appropriations for 2016 Road Projects

Received, filed and printed.

April 1, 2016
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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

- the appropriation of \$10,800,000 of Transfer Tax from the Erie County Road Repair Reserve Fund (budgeted 2016 revenue) for road and bridge repairs in 2016; and
- the appropriation of \$2,200,000 of prior year surplus Transfer Tax from the Erie County Road Repair Reserve Fund for road and bridge repairs in 2016.

Accordingly, pursuant to Rule 1.01 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Public Hearing to be held on Wednesday, April 13, 2016 at 11:00 o'clock in the morning of that day in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, NY.

Thank You for your attention to this matter.

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

Item 42 – (COMM. 7E-5) Letter to County Executive Regarding Legislature Committee Meetings

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 43 – MR. LORIGO presented the following item and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: EC Sewer District Nos. 1-5 - Out of
District Sewer Extensions - EC Sewer
Agency Reports

(COMM. 7E-6)

MR. LORIGO moved to amend the item with text of EC Sewer Agency Reports. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS directed that the item as amended be received and filed.

GRANTED.

FROM THE COMPTROLLER

Item 44 – (COMM. 7E-7) Audited Financial Statements and Management Letter for ECC for FY Ended Aug. 31, 2015

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 45 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: 2016 Highway Projects - Authorization
to Appropriate Funds and Enter Into
Contracts
(COMM. 7E-8)

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects and commence projects as soon as possible, including taking advantage of the short construction season and the availability of lower pricing by contractors by early bidding; and

WHEREAS, due to the condition of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway construction, design and testing contracts and to appropriate funds for 2016 highway and related work.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite 2016 highway work, the award of 2016 highway construction, design and testing contracts as designated by the Commissioner of Public Works for projects listed in Exhibit A and any other necessary projects added to the 2016 road list by the Commissioner of Public Works are hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2016 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidders and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2016 highway project contracts, as designated by the Commissioner of Public Works and noted on the attached Exhibit A document, and shall not exceed an aggregate total of \$26,807,000 from the following funding sources:

2016 Approved Capital Budget/Division of Highways Budget (bond proceeds, federal aid and 2016 budgeted pay-as-you-go funds):	\$19,607,000
Surplus Prior Year Transfer Tax Revenue:	\$2,200,000
2015 Re-appropriation to 2016:	\$5,000,000

and be it further

RESOLVED, that the appropriation of Transfer Tax revenue may only occur following a public hearing by the Erie County Legislature which has taken place on April 13, 2016; and be it further

RESOLVED, that the following adjustments are hereby authorized:

2016 Fund 210	Account	Increase/ (Decrease)
<u>Highway Fund 210 – Expense and Revenue Adjustments</u>		
Revenue		
123	Highways (DPW)	
	486000 Inter-fund Revenue Subsidy	5,000,000
	Highways (DPW) Total	5,000,000
Expense		
123	Highways (DPW)	
	570000 Inter-fund Transfer Subsidy	3,000,000
123	561440 Motor Vehicles	2,000,000
	Highways (DPW) Total	5,000,000
	Net - Fund 210 - Revenue less Expense	0

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to adjust revenue and expense items in order to increase the 2015 Highways Capital Overlay Program

by \$3,000,000 from the original pay-as-you-go budgeted amount of \$6,750,000 to \$9,750,000; and be it further

RESOLVED, that the re-appropriation of \$5,000,000 from 2015 into the 2016 Budget will be further memorialized and authorized within the annual Budget Balancing Amendments resolution; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for road projects based on requests from the Department of Public Works from the above-noted funding sources or related sources of funds made available in 2016; and be it further

RESOLVED, that periodic informational reports shall be filed with the Legislature by the Department of Public Works indicating awarded 2016 highway project contracts and contractors; and be it further

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

MR. LORIGO moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Amend COMM. 7E-8 (2016) to include the following resolved clause before the final resolved clause:

RESOLVED, that there shall be no deletion from the list presented without prior legislative approval; and, be it further

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

CHAIR MILLS directed that a roll call vote be taken.

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

CARRIED.

Item 46 – (COMM. 7E-9) Emergency As Directed Bridge Services, Various Locations

Item 47 – (COMM. 7E-10) November 2014 Winter Snow Storm - FEMA Contract Amendments & Purchase Order Increases

Item 48 – (COMM. 7E-11) Award of Construction for Rehabilitation of Bullis Rd Bridge Over Buffalo Creek, Town of Elma

Item 49 – (COMM. 7E-12) Site Infrastructure Agreement for Bethlehem Steel
Redevelopment

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

Item 50 – (COMM. 7E-13) Household Hazardous Waste Collection Project - State
Assistance Application & Contract Execution

Item 51 – (COMM. 7E-14) Receipt of Grant Funding from US Fish & Wildlife Service and
Purchase of Real Property Adjacent to EC Seneca Bluffs Natural Habitat Park

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

Item 52 – (COMM. 7E-15) Granting Niagara Mohawk Power Corporation a Perpetual
Easement on County Owned Land in the City of Tonawanda

Item 53 – (COMM. 7E-16) Authorization to Designate 2015 Funds into 2016 for Gasboy
Camera System and Automatic Vehicle Locator System

Item 54 – (COMM. 7E-17) 2015 Year-End Budget Balancing Amendments and
Designations

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

FROM THE COMPTROLLER

Item 55 – (COMM. 7E-18) Report for Apportionment and Distribution of Net Collections
from the 4.75% Sales and Compensating Use Tax for Dec. 2015, Jan. and Feb. 2016

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 56 – (COMM. 7E-19) OPEN ITEM: Risk Retention Fund Reporting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 57 – (COMM. 7E-20) Department of Law Risk Retention Fund Spending 2012-2016

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 58 – (COMM. 7E-21) Letter to County Executive Regarding Purchase of Reusable Bags

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (COMM. 7E-22) Letter Regarding Purchase of Reusable Bags

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 7E-23) EC Polling Sites Improvements and ADA Upgrades - A/E Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 61 – (COMM. 7E-24) Documents Regarding Sherman L. Walker Community Center, Buffalo

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 62 – (COMM. 7E-25) Authorization to Accept Donated Funds

Item 63 – (COMM. 7E-26) Department of Social Services - Commercial Real Estate Brokerage Services

Item 64 – (COMM. 7E-27) Department of Social Services - Youth Services - Personnel Adjustment

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

FROM THE SHERIFF

Item 65 – (COMM. 7E-28) Department of Emergency Services - Software Consulting Services - Globalquest Staffing Solutions Inc

Item 66 – (COMM. 7E-29) Department of Emergency Services - Swift Water Rescue Teams - Evans Emergency Equipment Inc Service Contract

Item 67 – (COMM. 7E-30) Department of Central Police Services - NYS DCJS Forensic Laboratory 2016 Grant

Item 68 – (COMM. 7E-31) Youth Detention Security Enhancements

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 69 – (COMM. 7D-1) Notice of Public Hearing Regarding Appropriations for 2016 Road Projects

Received, filed and printed.

NOTICE OF PUBLIC HEARING/MEDIA ADVISORY

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held in the Chambers of the Legislature, located at Old County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 13th day of April, 2016, at 11:00 o'clock a.m., prevailing time, pursuant to Tax Law §1432 and General Municipal Law §6-d, for the purpose of conducting a public hearing to hear public comment on:

- the appropriation of \$10,800,000 of Transfer Tax from the Erie County Road Repair Reserve Fund (budgeted 2016 revenue) for road and bridge repairs in 2016; and
- the appropriation of \$2,200,000 of prior year surplus Transfer Tax from the Erie County Road Repair Reserve Fund for road and bridge repairs in 2016.

By order of the County Legislature of the County of Erie, New York.

Dated: Buffalo, New York
April 1, 2016

By: Karen M. McCarthy
Clerk, County Legislature

Item 70 – (COMM. 7D-2) NYS DEC Documents Received

Received and filed

FROM THE COMPTROLLER'S OFFICE

Item 71 – (COMM. 7D-3) Notice of Audit of Accounts Payable Unit for Period Apr. 1, 2015 - Mar. 31, 2016

Received and filed.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 72 – (COMM. 7D-4) Vacancy Report for First Quarter 2016

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 73 – (COMM. 7D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS

Item 74 – (COMM. 7M-1) Certification of Inclusion of Predominantly Viable Agricultural Land

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 75 – (COMM. 7M-2) Financial Statements and Supplementary Information for Years Ended Aug. 31, 2015 & 2014, and Other Information

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & EC NAVAL & MILITARY PARK

Item 76 – (COMM. 7M-3) Mar. 24, 2016 Board of Directors Agenda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 77 – (COMM. 7M-4) Feb. 25, 2016 Board Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE GREATER EAST AURORA CHAMBER OF COMMERCE

Item 78 – (COMM. 7M-5) Position Statement Regarding Minimum Wage Increase

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF HEALTH

Item 79 – (COMM. 7M-6) Agenda for Apr. 19, 2016 Meeting and Minutes from Previous Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ECMC CORPORATION

Item 80 – (COMM. 7M-7) 2015 Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 81 – CHAIR MILLS announced the committee schedule for April 21, 2016 has been distributed.

Item 82 – CHAIR MILLS announced there are numerous meetings of the full Erie County Charter Revision Commission and its' committees, and the full schedule of meetings is available on the Legislature website.

Item 83 – CHAIR MILLS announced the next regularly scheduled legislative session is April 28, 2016.

MEMORIAL RESOLUTIONS

Item 84 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Mark J. Colmerauer and Joyce C. Shuttleworth.

Item 85 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Cecilia B. Barnaby and James F. Hatch.

Item 86 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Edward W. Guzdek Sr and Paul T. Wietig.

Item 87 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Jan Peters.

Item 88 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Sheryl Stelzle.

Item 89 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Edward W. Guzdek Sr, William F. "Radar" Riley IV and H. Ward Wettlaufer.

ADJOURNMENT

Item 90 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, April 28, 2016 at 2:00 p.m. Eastern Standard Time. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, April 28, 2016 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE