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## ***ERIE COUNTY LEGISLATURE***

**92 Franklin Street - 4th Floor  
Buffalo, New York 14202**

**TO: Members of the Erie County Legislature**

**FROM: Karen M. McCarthy, Clerk**

**DATE: July 6, 2017**

**SUBJECT: Public Hearing Comments on Local Law Intro. 9-1 (2017)**

The attached letters from Charles A. Sickler, P.E., Interim Commissioner Department of Public Works and Daniel D. Duprey Jr. P.E., President and COO Clark Patterson are remarks they wish entered into the record regarding Local Intro. 9-1 (2017) – A Local Law amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to the adjustment of job qualifications for the Erie County Commissioner of Public Works because they were unable to attend the Public Hearing held on July 6, 2017.



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

**CHARLES A. SICKLER, P.E.**  
INTERIM COMMISSIONER

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING 14<sup>TH</sup> FLOOR

TELEPHONE: 716.858.8300  
FAX: 716.858.8228

July 6, 2017

Dear Ms. McCarthy,

I am writing in response to your call for a Public Hearing to hear comments on Local Law 9-1 (2017) with regards to the adjustment of job qualifications for the Erie County Commissioner of Public Works. As the current Interim Commissioner of DPW for nearly the last six months, I am quite familiar with the job duties of this position. I would like to share my thoughts with you and the honorable legislative body on the position and this proposed Local Law (9-1-2017).

The Commissioner has vast management duties as follows with the oversight of the Division of Buildings and Grounds, Division of Weights and Measure, Division of Fleet Management, Division of Highways, Utilities Aggregation Fund, and last but not least is, operations of the Mail Room. Within these Divisions they have various needs and requirements such as, but not limited to:

**Buildings and Grounds:** has responsibility for over 260 buildings with associated problems with roofs, windows, security, mechanical/electrical, HVAC, and at times even bed bugs.

**Highways:** 1,190 centerline miles of roads, 290 bridges and 480 large culverts. We also process hundreds of permits for any work within a County ROW.

**Weights and Measures:** Tests, inspects and certifies the accuracy of all commercial weighing and measuring devices at hundreds of locations across the County.

**Fleet Services:** Responsible for over 200 vehicles not including Sheriffs and Parks Vehicles.

To stay on top of these responsibilities we have 18 regularly scheduled reoccurring job status meetings per month. Discipline hearings are also an important function of the Commissioner, that on one day recently four hearings were held consuming five hours of time. This is a quick overview of some of the duties of a Commissioner, none of which requires the use of a Professional Engineers stamp. What we do have in the DPW Department currently, are seven P.E.'s that oversee important functions in our areas of bridges, traffic safety, permits, engineering, construction project management and buildings. In addition

we have two registered architects. The safety of the public through these professionals is assured accordingly.

Furthermore, I am not aware of any case where the actual P.E. stamps of plans have been issued by the Commissioner or his staff of 7 P.E.'s. Any P.E. stamps that are required on any buildings, roads or bridges for construction come from consultants hired by DPW.

My understanding is that many other NY state municipalities that have a DPW Commissioner do not require the Commissioner to possess a P.E. A good example of this is in the City of Buffalo where the Commissioner, who does a great job, is not a P.E. While the P.E. does give a prequalifying professional credibility to the Commissioner title and whereas efforts were made initially to fill this position with a P.E., the P.E.'s that did apply did not meet the other necessary qualities needed for the job. One should then make the point that the qualities needed go way beyond just having a P.E. Such is the case for the person currently proposed for the position who comes from within the Department, is extremely talented, well qualified to do an excellent job, and my personal choice to do the work. With the L.L. 9-1-2017 as currently written with the sunset provision, which returns to office of the Commissioner to requiring a P.E., this law has my support.

Thanks for the opportunity to comment and offer my thoughts.

Sincerely,



Charles A. Sickler  
Interim Commissioner

## McCarthy, Karen

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**From:** Dan Duprey  
**Sent:** Wednesday, July 05, 2017 2:25 PM  
**To:** McCarthy, Karen  
**Subject:** Local Law Intro No. 9-1-2017

Good afternoon Ms McCarthy,

I am writing to provide comment on the proposed Local Law Intro 9-1-2017 which amends Local Law No. 1-1959. If passed, the amended Local Law would eliminate the requirement for the Commissioner of the Department of Public Works to be licensed as a NYS Professional Engineer. As written, the elimination of this PE requirement will sunset on 12/31/2017.

I agree 100% with this proposal and urge the Erie County Legislature to pass/enact this Local Law. The Legislative Findings (Section 1) accurately points out that the role of the Commissioner is largely an administrative/management role and the DPW department heads below the Commissioner are licensed professionals (either Professional Engineers or Licensed Architects). The Commissioner is never required to affix his Professional Engineering seal to drawings or reports. Many other NYS municipalities and agencies that have DPW Commissioners do not require a PE for this role. As an example, the Public Works Commissioners in Albany, Broome (Binghamton), and Onondaga (Syracuse) Counties do not require a PE. The City of Buffalo's Public Works Commissioner is not a PE. The City of Rochester's Public Works Commissioner is not a PE. The Commissioner of the NYSDOT is not a PE. Yes there are several municipalities that still do require the Commissioner to be a PE but I believe this is an outdated policy that will eventually be eliminated everywhere. Regardless of my belief that the PE requirement is an outdated policy, I like the inclusion of the sunset clause that safeguards the PE requirement in the event this doesn't work out as envisioned.

Thank you for the opportunity to comment.

Regards,

**Daniel D. Duprey, Jr, P.E.**  
President & COO  
Direct: 716-852-2100, ext 1033

**Clark Patterson Lee**  
Office: 800.274.9000  
[www.clarkpattersonlee.com](http://www.clarkpattersonlee.com)