

October 7, 2010

GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

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

- a. INTRO 18-2 (2009)  
**MILLS, RATH & WALTER:** “Calling Upon the NYS Legislature to Override Governor Paterson’s Veto of S.5603C/A.8405C “Establishes the NYS War of 1812, 200th Anniversary Commemoration Commission”  
(6-0)
- b. COMM. 5M-10 (2010)  
**PARTNERSHIP FOR THE PUBLIC GOOD:** “2010 Community Agenda”  
(6-0)
- c. COMM. 13D-2 (2010)  
**DIRECTOR OF BUDGET & MANAGEMENT:** “Vacancy Report as of 6/24/10”  
(6-0)
- d. COMM. 14D-1 (2010)  
**DIRECTOR OF BUDGET & MANAGEMENT:** “Letter to the EC Legislature Concerning the County Executive's Determination to Opt Out of the Early Retirement Incentive Program”  
(6-0)
- e. COMM. 14D-2 (2010)  
**COMPTROLLER'S OFFICE:** “2010 Early Retirement Incentive”  
(6-0)
- f. COMM. 14M-5 (2010)  
**BUFFALO COMMON COUNCIL:** “Copy of Resolution Entitled "Exploring New Ways to Deal with Buffalo's Problem Property Crisis"  
(6-0)

- g. INTRO 15-1 (2010)  
**MARINELLI, WHYTE, KOZUB, GRANT, MAZUR & LOUGHRAN:** “Calling for Full Scale Review of EC Health Insurance System”  
(6-0)
- h. COMM. 15D-1 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- i. COMM. 15D-4 (2010)  
**DIRECTOR OF BUDGET & MANAGEMENT:** “Vacancy Report as of 7/29/2010”  
(6-0)
- j. COMM. 15D-5 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- k. COMM. 15D-6 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- l. COMM. 15D-7 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- m. COMM. 15D-8 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- n. COMM. 15D-9 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claim Against EC”  
(6-0)
- o. COMM. 15D-10 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- p. COMM. 15D-11 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)

- q. COMM. 15D-12 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- r. COMM. 15D-13 (2010)  
**DIRECTOR OF BUDGET & MANAGEMENT:** “Vacancy Report as of 8/31/2010”  
(6-0)
- s. COMM. 15D-14 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- t. COMM. 15D-16 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against EC”  
(6-0)
- u. COMM. 15M-6 (2010)  
**NYS PUBLIC SERVICE COMMISSION:** “Order Requiring Additional Mobile Stray Voltage Testing”  
(6-0)
- v. COMM. 15M-8 (2010)  
**INTERCOUNTY ASSOCIATION OF WNY:** “Minutes of Meeting Held 6/18/2010”  
(6-0)
- w. COMM. 15M-13 (2010)  
**ASSIGNED COUNSEL PROGRAM:** “Financial Report, List of Attorneys who are Currently on the Panel & Minutes of Each Meeting Held Between 1/1/10 - 6/30/10”  
(6-0)
- x. COMM. 15M-14 (2010)  
**ASSIGNED COUNSEL PROGRAM:** “Quarterly Report for the Second Quarter of 2010”  
(6-0)
- y. COMM. 16E-10 (2010)  
**WHYTE:** “Letter to Clerk of Legislature Concerning Conference in Cleveland”  
(6-0)

- z. COMM. 16D-2 (2010)  
**COUNTY ATTORNEY:** “Transmittal of New Claim Against EC”  
(6-0)
- 2. COMM. 14E-8 (2010)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, Erie County has undertaken an extensive review of the Erie County fleet and found it to be aging and fuel inefficient; and

WHEREAS, the County was awarded an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to fund replacement of some of the vehicles in the fleet; and

WHEREAS, the ECFSA in Resolution 10-21, dated June 29, 2010, approved additional funding in the amount of \$2,550,000, to fund years two, three, and four of the four-year program.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept additional Efficiency Grant funds in the amount of \$2,550,000, from the ECFSA to fund replacement vehicles during fiscal years 2011, 2012, and 2013; and be it further

RESOLVED, that updates will be submitted to the Legislature and ECFSA that summarize the progress of this initiative; and be it further

RESOLVED, that the budget for grant FS107VEHICLES1013, fund 281, fund center 107, for the purchase of replacement small vehicles, be amended for 2011 as follows:

		<u>INITIAL BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
<b>REVENUES</b>				
<u>Account</u>	<u>Description</u>			
409010	State Aid – Other	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>
	TOTAL REVENUE	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>
<b>APPROPRIATIONS</b>				
561440	Motor Vehicles	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>
	TOTAL APPROPRIATIONS	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>

and be it further

RESOLVED, that the budget for grant FS107VEHICLES1013, fund 281, fund center 107, for the purchase of replacement small vehicles, be increased for fiscal years 2012, and 2013 in the amount of \$850,000 per year, in the same manner as the budget amendment for 2011, resulting in a final amended budget of \$3,400,000 following the increase for fiscal year 2013; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, and one copy each to the Office of the County Executive, the Erie County Fiscal Stability Authority, the Office of the County Comptroller, the Director of Budget and Management, and the Office of the County Attorney.  
(6-0)

3. COMM. 14E-10 (2010)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, Erie County has undertaken an extensive review of the Erie County fleet and found it to be aging and fuel inefficient; and

WHEREAS, the County was awarded an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to the purchase and install Automatic Vehicle Locators in county-owned vehicles; and

WHEREAS, the ECFSA in Resolution 10-20, dated June 29, 2010, approved funding in the amount of \$150,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA to the purchase and install Automatic Vehicle Locators in county-owned vehicles in an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the budget for grant FS107GPS1011, for the purchase and installation of Automatic Vehicle Locators, be established as follows:

REVENUES		INITIAL
<u>Account</u>	<u>Description</u>	<u>BUDGET</u>
409010	State Aid – Other	<u>\$ 150,000</u>

TOTAL REVENUE \$ 150,000

APPROPRIATIONS

561410 Lab & Technical Equipment \$ 150,000  
TOTAL APPROPRIATIONS \$ 150,000

and be it further

RESOLVED, that updates will be submitted to the Legislature and ECFSA that summarize the progress of this initiative; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, and one copy each to the Office of the County Executive, the Erie County Fiscal Stability Authority, the Office of the County Comptroller, the Director of Budget and Management, and the Office of the County Attorney.

(5-1) Legislator Marinelli voted in the negative.

4. INTRO 15-2 (2010)  
**MARINELLI, WHYTE, KOZUB,  
GRANT, MAZUR & LOUGHRAN**

WHEREAS, the Erie County Legislature first enacted a local law on the creation of an Erie County Ethics board in the 1970s, which has been amended several times to include the required filing of annual financial disclosure forms by elected officials, candidates and certain appointed officials; and

WHEREAS, an amended local law in 1989 required the Erie County Legislature to confirm the appointments of the County Executive; and

WHEREAS, the last confirmation was introduced and voted on in 2007, during the previous administration; and

WHEREAS, following ethics laws are good government, created to instill trust in our public systems and asked for by our citizens to ensure proper governing; and

WHEREAS, the law has not been followed in many cases, including some findings from a review conducted by the Erie County Comptroller's office; and

WHEREAS, among those findings were:

- County officials who were required to file Ethics Disclosure forms did not do so and were not sanctioned;
- Ethics Disclosure forms are not being returned timely;
- The Board did not review all forms for 2007, 2008 and 2009;
- County employees and officials are not disclosing their interests in County contracts, as required by code, to the Clerk of the Legislature;
- The Board did not exercise its authority to fine those who did not comply with the Code of Ethics or General Municipal Law;
- The Board has no written by-laws, policies, procedures, manuals or formal guidelines. The board has incomplete minutes for 2007 and 2009 and none for 2008; and

WHEREAS, the Comptroller's report recommends the County Legislature draft a new local law to update the Code and to clarify the powers and authority of the Board to examine potential conflicts of interest and related issues.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls to a meeting of the Government Affairs Committee the Commissioner of Personnel, the constituted Ethics Board members, and the County Attorney to review the report of the Comptroller and offer further discussion, review and findings for the purposes of answering to the report's findings and collectively working to produce a new local law, as necessary; and be it further

RESOLVED, that official certified copies be sent to the County Personnel Commissioner, the County Attorney, the County Comptroller and the members of the Board of Ethics of Erie County.  
(6-0)

5. COMM. 15E-13 (2010)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members to the Erie County Board of Ethics:

Name & Address

Term Expiration

Mr. Chris G. Trapp  
1700 Rand Building  
14 Lafayette Square  
Buffalo, NY 14203

December 31, 2010

Mr. Dominic Telesco  
13 Stonecroft Lane  
Amherst, NY 14226

December 31, 2012

Mr. David Mineo  
5373 Village Station Circle  
Williamsville, NY 14221

December 31, 2014

Brian Liebenow  
95 Franklin St.  
16<sup>th</sup> Floor  
Buffalo, NY 14202

Erie County Employee  
Ex-Officio/Non-Voting  
Member

(6-0)

6. COMM. 15E-31 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, Buffalo ReuseIT, Inc. contacted the County of Erie requesting donation of surplus computer items; and

WHEREAS, Buffalo ReuseIT, Inc. is a not-for-profit organization that seeks to reuse, recycle and refurbish items associated with information technology; and

WHEREAS, the Division of Purchase would like to establish a relationship with Buffalo ReuseIT, Inc. and be provided legislative authorization to donate outdated or obsolete items on a regular basis to assist this community organization; and

WHEREAS, because these items have been deemed surplus by the County of Erie, legislative approval is required providing the authorization to transfer any such surplus item(s) to Buffalo ReuseIT, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Purchase is authorized to donate items on an as-needed basis to Buffalo Reuse IT, Inc.; and be it further

RESOLVED, that the Director of Purchase will provide quarterly reports of all donated items to the Erie County Legislature and Comptroller's Office; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive's Office, the Department of Purchase, Erie County Legislature, Office of the Comptroller and Buffalo ReuseIT, Inc. 255 Great Arrow Avenue, Second Floor, Suite 12, Buffalo, NY 14207.  
(6-0)

7. COMM. 15E-32 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County Department of Public Works, Highway Division has established a good working relationship with towns and villages and whenever possible works towards the common goal of maintaining safe roadways for the taxpayers of Erie County; and

WHEREAS, DPW-Highway has identified a 1967 Galion Motor Grader that is beyond repair and useful life to the County and, as such, would like to be transfer the vehicle to the Erie County Division of Surplus; and

WHEREAS, the Town of North Collins has a same year make and model tractor that is still currently utilized for road repairs in North Collins and Eden; and

WHEREAS, it is becoming increasingly more expensive and difficult to obtain parts to keep the equipment running; and

WHEREAS, the Town of North Collins has made the request, upon the approval and authorization of the North Collins Town Board, to purchase the 1967 Galion Motor Grader for the sum of \$750; and

WHEREAS, legislative approval is required to authorize the sale of the 1967 Galion Motor Grader to the Town of North Collins.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Purchase be authorized to accept the sum of \$750 and therefore transfer ownership of the 1967 Galion Motor Grader Asset # 156983; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive's Office, the Department of Purchase, Department of Public Works - Hamburg Highway District, Office of the Comptroller and the Town of North Collins, Attn: Dave Winter.  
(6-0)

8. COMM. 15E-33 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the Town of Colden contacted the County of Erie requesting assistance in furnishing their government offices; and

WHEREAS, the Town of Colden has identified several items in the County's Surplus Warehouse, currently unused by Erie County, that would be of great value to the Town of Colden; and

WHEREAS, because these items have been deemed surplus for the County of Erie, legislative authorization is required to transfer the following items to the Town of Colden.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items:

(2) File Cabinets- 2 drawer	Aims # 518148 & 225264
(1) Wooden Desk	Aims #255147
(1) Corner Desk	Aims #255090
(1) Table	Aims # 79884
(1) Magazine Rack	Aims # 225265
(1) Book shelf	Aims # 230535
(1) Piano	Aims # 287092/493009 (2 numbers on item)

is hereby transferred from the County of Erie to the Town of Colden for the purpose of furnishing their government office; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the Office of the Comptroller, and Town of Colden Attn: Peggy O'Brien.  
(6-0)

9. COMM. 16E-2 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded \$10,000 for the Performance Outcomes Measures Project (POMP) for the period August 1, 2010 to July 31, 2011; and

WHEREAS, the POMP grant funds will be used to maintain and support the case management system that will compile the POMP statistical results and to cover the cost of POMP-related meetings and conferences coordinated by the New York State Office for the Aging; and

WHEREAS, the POMP grant budget needs to be established; and

WHEREAS, the POMP grant requires no local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the POMP funds from the New York State Office for Aging; and be it further

RESOLVED, that the budget for the POMP grant, 163POMP1011, be established as follows:

		INITIAL BUDGET
<b>REVENUES</b>		
Account	Description	
409000	State Aid	<u>\$10,000</u>
	<b>TOTAL REVENUE</b>	<u><u>\$10,000</u></u>
 <b>APPROPRIATIONS</b>		
510100	Out of Area Travel	\$1,000
561410	Lab & Technical Equipment	<u>9,000</u>
	<b>TOTAL APPROPRIATIONS</b>	<u><u>\$10,000</u></u>

and be it further

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

(6-0)

10. COMM. 16E-4 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Real Property Tax Services received a request from the Town of Evans regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, this parcel will be used by the Town of Evans for future recreational purposes; and

WHEREAS, the Town of Evans understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of the sales.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Town of Evans, 8787 Erie Road, Angola, New York 14006 at no charge; and be it further

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Lot No. 69, Township 8, Range 9 of the Holland Land Company's Survey which according to map titled Sturgeon Point Colony filed in the Clerk's Office of Erie County under Map Cover No. 1232, known and distinguished as Subdivision Lot No. 13 to Subdivision Lot No. 17, inclusive; Subdivision Lot No. 18; excepting that part conveyed to Minnie Burkhardt by deed dated September 11, 1928 and recorded in the Clerk's Office of Erie County in Liber 1965 of Deeds page 536 on January 11, 1929; Subdivision Lot No. 19 to Subdivision Lot No. 22, inclusive; Subdivision Lot No. 31 to Subdivision Lot No. 39, inclusive; Subdivision Lot No. 88 to Subdivision Lot No. 94, inclusive; Subdivision Lot No 175 to Subdivision Lot No. 195, inclusive; Subdivision Lot No. 202 to Subdivision Lot No. 212, inclusive; Subdivision Lot No. 266; Subdivision Lot No. 267; Subdivision Lot No. 431 to Subdivision Lot No. 444, inclusive; excepting Subdivision Lot No. 434; Subdivision Lot No. 446; Subdivision Lot No. 447; Subdivision Lot No. 465 to Subdivision Lot No. 469, inclusive; Subdivision Lot No. 497 to Subdivision Lot No. 503, inclusive.

TOGETHER with all right, title and interest of, in and to any streets and roads abutting the above described premises.

EXCEPTING those portions of the above described Subdivisions conveyed to the Erie County Water Authority by deed dated July 27, 1971 and recorded in the Office of the Clerk of Erie County in Liber 7824 of Deeds page 527 on August 5, 1971.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Lot No. 69, Township 8, Range 9 of the Holland Land Company's Survey which according to map titled Sturgeon Point Colony filed in the Clerk's Office of Erie County under Map Cover No. 1232, known and distinguished as Subdivision Lot No. 515 and Subdivision Lot No. 519, inclusive; Subdivision Lot No. 522 to Subdivision Lot No. 527, inclusive; Subdivision

Lot No. 528 to Subdivision Lot No. 605, inclusive and Subdivision Lot No. 613 to Subdivision Lot No. 637, inclusive.

TOGETHER with all right title and interest of, in and to any streets and road abutting the above described premises.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.  
(6-0)

11. COMM. 16E-5 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Real Property Tax Services received a request from Orchard Grove, LLC regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, this parcel will be used by Orchard Grove LLC to meet the zoning codes of the Town of Orchard Park.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Orchard Grove LLC, 2240 Southwestern Blvd, West Seneca, New York 14224 for the sum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York being part of a sixty-six foot right of way formerly known as Big Tree Road, Township 9, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the north line of Lot No. 31 distant 50.01 feet easterly from the northwest corner of said lot, said north line being also the southerly line of a sixty-six foot right of way formerly known as Big Tree Road; thence northerly parallel with the west line of said lot 33.01 feet;

thence easterly parallel with the north line of said lot 237.24 feet; thence southerly parallel with the west line of said lot 33.01 feet to the south line thereof; thence westerly along the south line of said lot 237.09 feet to the point of beginning, containing 0.180 acre of land more or less.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.  
(6-0)

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