

June 27, 2002

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

1. Item Page -2002 **AS AMENDED**  
(Intro. 4-6)  
**FISHER, PEOPLES, SWANICK, DUSZA & HOLT**

WHEREAS, the victims of domestic violence are often the subject of violent acts over an extended period of time; and

WHEREAS, the current N.Y. Penal Law definitions of "physical injury" and "serious physical injury" have hampered law enforcement and prosecutors from obtaining convictions for assault in cases where the injuries would seem self-evident; and

WHEREAS, convictions for assault would at least carry misdemeanor or felony penalties; and

WHEREAS, these inadequate definitions have forced law enforcement and prosecutors to charge abusers with a lesser offense like harassment which is only a violation; and

WHEREAS, a number of convictions for harassment are not citable in court if future domestic violence occurs; and

WHEREAS, there is legislation currently pending in the NYS Legislature (A.4403/S.95) which would redefine "physical injury" to mean the impairment of physical condition or physical pain, illness or the presence of a palpable contusion, laceration, scalding, or wound; and

WHEREAS, physical injury under this new definition could be established by victim testimony only and evidence of physical pain could be established in light of common experience; and

WHEREAS, the above referenced legislation also redefines "serious physical injury" to mean physical injury which creates a risk of death or which causes death or impairment of health or loss or impairment of the function of any bodily organ or member, or the loss or impairment of any mental faculty, or extreme physical pain; and

WHEREAS, evidence of a serious physical injury could be established by proof that the victim required surgery, or medical treatment, or physical rehabilitation, or was admitted to a hospital as a patient for medical treatment; and

WHEREAS, these changes in the definitions of "physical injury" or "serious physical injury" would better allow law enforcement to charge abusers with appropriate crimes and seek tougher penalties; and

WHEREAS, this legislation is supported by the New York State District Attorney’s Association; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby renews its commitment to the reduction of instances of domestic violence in Erie County; and be it further

RESOLVED, that certified copies be sent to governor George Pataki, to the local delegations to the New York State Assembly and the New York State Senate, to the Executive director of the Erie County Commission on the Status of Women Clotilde P. Dedecker, and to the Erie County Social Services Commissioner Deborah Merrifield.

Fiscal Impact: None for Resolution.  
(5-0)

2. Item Page -2002 (Comm. 13E-11)  
**SHERIFF**

WHEREAS, Sheriff’s Patrol Vehicle #11 was involved in a traffic accident on October 7, 2001 resulting in a total loss of the vehicle and police equipment it contained, and,

WHEREAS, the M & W Agency of Angola has made reimbursement in the amount of \$28,142.99 to the County of Erie for this loss.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office is hereby authorized to accept these funds and utilize them to replace the vehicle and equipment it lost, and be it further,

RESOLVED, that the following budgetary transactions are hereby authorized:

**ERIE COUNTY SHERIFF’S OFFICE – DEPARTMENT 150**

REVENUE

SFG ACCOUNT

521	Other Unclassified Revenue	\$28,143
	TOTAL REVENUE	<u>\$28,143</u>

APPROPRIATIONS

SFG ACCOUNT

930	Motor Vehicles	<u>\$28,143</u>
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TOTAL APPROPRIATIONS \$28,143

and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance and the Comptroller's Office and the Office of the Sheriff for implementation.  
(5-0)

3. Item Page -2002 (Comm. 13E-12)

**SHERIFF**

WHEREAS, the U.S. Department of Justice has approved the extension of the COPS Domestic Violence Test Site Grant until August 31, 2002 and,

WHEREAS, a transfer of funds is needed to meet the financial obligations of this grant until the end of the contract period.

NOW, THEREFORE, BE IT

RESOLVED, that COPS Domestic Violence Test Site Grant period be extended to August 31, 2002

and be it further,

RESOLVED, that the following budget amendments are hereby authorized:

**COPS DOMESTIC VIOLENCE TEST SITE – GRANT #522**

<u>APPROPRIATION</u>	<u>Decrease</u>
<u>SFG Account</u>	
830 0735 Contractual Services – Haven House	<u>\$8,000</u>
Total Appropriation Decrease	8,000

<u>APPROPRIATION</u>	
<u>SFG Account</u>	
830 0119 Contractual Services – Crisis Services	<u>\$8,000</u>
Total Appropriation Increase	8,000
Net Appropriation	<u>\$ 0</u>

and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Office of the Sheriff for Implementation.

(5-0)

4. Item Page -2002 (Comm. 13E-18)

**COUNTY EXECUTIVE**

**WHEREAS**, Erie County has been awarded a grant from the New York State Governor's Traffic Safety Committee for Drunken Driving enforcement, and

**WHEREAS**, Erie County has been awarded additional funds for operation of sobriety checkpoints called Police Lifesaver Patrols, and

**WHEREAS**, the County budget must be amended to include the approved State grant award, and

**WHEREAS**, the City of Tonawanda has agreed to administer payments to the various police agencies that participate in the Lifesaver Patrol Operations,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following transactions are hereby authorized in order that the 2002 STOP-DWI budget will include the State grant award:

**ERIE COUNTY STOP-DWI**

**Project #683**

**1/1/02 -12/31/02**

<u>Appropriations</u>	<u>Increase</u>
Acct. 810 Office Supplies	\$ 800
Acct. 826 Other Expense	3,050
Acct. 830 Contractual Services City Of Tonawanda, PLP	<u>28,314</u>
Total Appropriations	\$ 32,164
<u>Revenue</u>	
Acct. 592 State Aid Dept. of Transportation	<u>\$ 32,164</u>
Total Revenue	\$ 32,164

and be it further

**RESOLVED**, that the County Executive is hereby authorized to enter into contract with the Governor's Traffic Safety Committee (GTSC) for the purpose of receiving the grant, and be it further

**RESOLVED**, that the County Executive is hereby authorized to enter into contract with the City of Tonawanda to administer payments to participating police agencies, and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Office of the Comptroller and the Erie County STOP-DWI Office.

(5-0)

5. Item Page -2002 (Comm. 13E-21)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Probation Department is an agency involved in Community Corrections, and

WHEREAS, the Erie County Probation Department believes that Community Corrections should take place within the various communities within Erie County that it serves, and

WHEREAS, in order to effect positive behavioral change and reduce the rates of recidivism, it is essential that the Erie County Probation Department partner with various service providers and community resources, and

WHEREAS, Child and Family Services, a long established counseling agency, has agreed to help facilitate the presence of the Erie County Probation Department within its service community by providing office space at no cost to the County, and

WHEREAS, the office space would be located at 2470 Walden Avenue, Cheektowaga, New York, 14225, and

WHEREAS, the location would provide the Erie County Probation Department with a unique opportunity to service their client population in that area within their own community without imposing additional financial burdens (transportation, parking, etc.), and

WHEREAS, The Erie County Probation Department's presence at 2470 Walden Avenue, Cheektowaga, New York will not only strengthen the counseling mandates as imposed by the various courts but will enhance visibility of the Erie County Probation Department within the respective community, and

WHEREAS, without this approach, the Erie County Probation Department will be forced to continue its "fortress" style supervision from its downtown location with very little community involvement.

NOW, THEREFORE, BE IT

**RESOLVED**, that the Erie County Probation Department be allowed to enter into a "hold harmless" contractual agreement with Child and Family Services for the purposes of establishing a satellite office of Erie County Probation Department at said address, and be it further

**RESOLVED**, that said contractual relationship be continued on a month to month basis with either party having the right to terminate this lease upon thirty (30) days written notice to the non-terminating party, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the Erie County Probation Department and the Department of Law.

(5-0)

6. Item Page -2002 (Comm. 13E-29)

**COUNTY EXECUTIVE**

WHEREAS, the funds have been awarded from the Federal Emergency Management Agency (FEMA) through the New York State Emergency Management Office (SEMO), and

WHEREAS, the funds awarded for the Third Terrorism Consequence Grant will be used to purchase needed supplies, hire a student intern to update the Domestic Preparedness Annex and the emergency resource lists, and

WHEREAS, the funds will also be utilized to retain a current full time Health Department employee on a fee for service basis, to develop a Medical Pharmaceutical Stockpile Addendum to the Comprehensive Emergency Management Plan (CEMP),

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to revise the third Terrorism Consequence Grant with the \$11,000.00 in funding awarded from FEMA through SEMO, and be it further

RESOLVED, that the following transactions are authorized for the purchase of supplies, to hire a student intern to update the Domestic Preparedness Annex and the Emergency Resource lists, and retain a current full-time Health Department employee on a fee for service basis, to develop a Medical Pharmaceutical Stockpile Addendum.

Department of Emergency Services  
Third Terrorism Consequence Grant

Revenue

SFG 684	Federal Revenue - Other	<u>\$11000.</u>
	Total Revenue	\$11000.

Appropriations

SFG810	Office Supplies	\$ 2000.
SFG821 Sub 119	Dues and Fees - Health	\$ 5000.
SFG826	Other Expenditures	\$ 1000.
SFG830	Contractual	<u>\$ 3000.</u>
	Total Appropriations	\$11000.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law, the Department of Health and the Department of Emergency Services.

(5-0)

7. Item Page -2002 **AS AMENDED**  
(Comm. 13E-43)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 7, 2002, for the Erie County Fire Training Academy, Addition & Alterations, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Erie County Fire Training Academy, Addition and Alterations, as follows:

GENERAL CONSTRUCTION WORK

The Hadala Corp.

Base Bid	\$647,000	
Alternate Bid G1	\$ 15,500	
Alternate Bid G2	\$ 17,300	
Alternate Bid G4	\$ 15,200	
Alternate Bid G5	\$ 35,000	
Alternate Bid G7	<u>\$ 1,400</u>	
Total		\$ 731,400

ELECTRICAL WORK

O'Connell Electric Co.

Base Bid	\$129,950	
Alternate Bid E1	\$ 3,990	
Alternate Bid E2	\$ 9,348	
Alternate Bid E3	\$ 10,192	
Alternate Bid E4	\$ 3,316	
Alternate Bid E5	<u>\$ 29,400</u>	
Total		\$ 186,196

MECHANICAL WORK

Northeast Mechanical, Inc.

Base Bid	\$ 63,000	
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Alternate Bid H1	\$ 5,400	
Alternate Bid H2	\$ 1,400	
Alternate Bid H3	\$ 6,100	
Alternate Bid H4	<u>\$ 1,900</u>	
Total		\$ 77,800

### PLUMBING WORK

#### H&M Plumbing & Mechanical Contracting Co.

Base Bid	\$ 31,580	
Alternate Bid P1	\$ 12,917	
Alternate Bid P4	<u>\$ 28,488</u>	
Total		\$ 72,985

### FIRE PROTECTION WORK

#### Advance Safety Systems, Inc,

Base Bid	\$ 21,565	
Alternate Bid FP1	\$ 997	
Alternate Bid FP2	\$ 498	
Alternate Bid FP3	\$ 498	
Alternate Bid FP4	\$ 2,345	
Alternate Bid FP5	<u>\$ 10,622</u>	
Total		\$ 36,525

### AUDIO VISUAL WORK

#### Weydman Electric, Inc.

Base Bid	\$ 85,000	
Alternate Bid AV-1	\$ 10,900	
Alternate Bid AV-2	<u>\$ 10,900</u>	
Total		<u>\$ 106,800</u>

Total of all contracts: \$1,211,706

and be it further,

RESOLVED, that the sum of \$120,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,



RESOLVED, that additional Architectural/Engineering design fees, including full-time site construction inspectors and reimbursables, be increased in an amount not to exceed \$95,000, and be it further,

RESOLVED, that commissioning fees for energy evaluation and compliance be allocated in the amount of \$22,000, and be it further,

RESOLVED, that the sum of \$20,000 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that all these authorizations are contingency upon the funds being made available, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following accounts:

---	FTA Addition, Project 260, Fund 410	\$1,348,706
---	Partial Reconstruction of Various County Buildings, Project 293, Fund 410	\$ 60,000
---	Partial Reconstruction of Exterior Building Rehabilitation, Project 290, Fund 410	<u>\$ 60,000</u>
		\$1,468,706

and be it further,

RESOLVED, that two copies of this resolution be sent to the department of Public Works, Office of the Commissioner; one copy of the division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Emergency Services.

(5-0)

**JEANNE Z. CHASE**  
**CHAIRPERSON**