

**ERIE COUNTY LEGISLATURE  
MEETING NO. 14  
JULY 9, 2009**

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Whyte.

An Invocation was held, led by Mr. Rath, accompanied by Pastor Daryl Bennett of the Williamsville United Methodist Church.

The Pledge of Allegiance was led by Mr. Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 13 from 2009. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. IANNELLO presented a resolution Congratulating McMahon's Family Restaurant on Grand Island on Their 7th Anniversary.

Item 6 – MS. IANNELLO presented a Memorial Resolution for Francis B. Pritchard.

Item 7 – MS. IANNELLO presented a resolution Honoring Jackie James-Creedon of the Clean Air Coalition of WNY.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Honoring the Successful Completion of the St. John Baptist Church Fruit Belt Development Corporation's Phase 1 Project.

Item 9 – MR. REYNOLDS presented a resolution Honoring the Dedication of the Welch Farm Museum for Preserving the Town of Eden's Agricultural Heritage.

Item 10 – CHAIR MARINELLI presented a resolution in recognition of the 26th Annual Taste of Buffalo Food Festival.

MR. MAZUR moved for consideration of the above six items. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above six items by adding one for CHAIR MARINELLI, one for MS. MILLER-WILLIAMS & MS. GRANT, and also by including Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above eight items as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 11 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – MR. MAZUR moved to remove Local Law No. 8 (Print #1) 2009 from the table. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 8 - 2009

LOCAL LAW NO. \_\_\_\_ - 2009

A LOCAL LAW to amend the Erie County Charter and Erie County Administrative Code relative to the Department of Youth Services merging into the Department of Social Welfare and placing Youth Detention in the Department of Social Welfare.

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

**Section 1.** LEGISLATIVE INTENT. Realignment of the Youth Bureau into the Department of Social Services, Division of Youth Services under the purview of the Deputy Commissioner of the Division of Youth Services will integrate the Bureau into the continuum of Juvenile Justice Human Services. This integration, both from a physical location and organizational standpoint, provides logical accountability and chain of command as well as offers additional administrative, fiscal and clerical support to what has been a three person stand alone operation. This consolidation offers cross-training and integration of duties for coverage of brief absences and at the same time maintains the segregation of duties required for preparation of expense claims to respective funding streams. While offering these enhancements to the Youth Bureau, the plan maintains the distinct identity of the Youth Bureau in both function and funding.

**Section 2.** Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 12 of the Erie County Charter is hereby amended to read as follows:

**ARTICLE 12  
DEPARTMENT OF SOCIAL WELFARE**

- Section 1201. Department of social welfare; commissioner; welfare act repealed.
1202. Powers and duties of the commissioner.
1203. Welfare advisory board.
1204. Division of Youth Services.
1205. Youth Bureau Board.
1206. Executive Director of Youth Bureau.

Section 1201. Department of social welfare; commissioner; county welfare act repealed. There shall be a department of social welfare headed by a commissioner who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county social welfare act, being chapter twenty eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1202. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of social welfare shall:

- a. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law.
- b. REPEALED by Local Law No. 9 1989.
- c. Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.
- d. Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency telephone service shall be available on a twenty four hour basis for medical, psychiatric and non medical crises.
- e. Perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 6 1975.

Section 1203. Welfare advisory board. There shall be in the department a welfare advisory board of seven members appointed by the county executive for five year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department or involving social welfare.

Section 1204. Division of Youth Services. There shall be within the department of social welfare a division of youth services, headed by a deputy commissioner. In addition to all other duties prescribed by local law, ordinance or resolution of the Legislature or by the commissioner of social welfare, the deputy commissioner of the division of youth services shall have charge of youth detention services and the youth bureau.

Section 1204 added by Local Law No. 3-2006.

Section 1205. Youth Bureau Board. There shall be established a youth bureau board to the division of youth services of the department of social welfare.

Section 1206. Executive Director of Youth Bureau. There shall be an executive director of the youth bureau within the division of youth services of the department of social welfare. The executive director shall be appointed by the county executive subject to confirmation by the county legislature.

Article 12 was formerly numbered Article XI.

Article 17 of the Erie County Charter entitled DEPARTMENT OF YOUTH SERVICES is hereby repealed in its entirety as depicted below:

**ARTICLE 17**  
**DEPARTMENT OF YOUTH SERVICES**

~~Section 1701. Department of youth services; commissioner~~  
~~1702. Powers and duties~~  
~~1703. Youth services board~~

~~Section 1701. Department of Youth Services; commissioner. There shall be a department of youth services, hereinafter to be known as the "Erie County Youth Bureau", the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the~~

~~pleasure of the county executive. The commissioner may, within the appropriations provided therefore, appoint to serve at his or her pleasure, such deputies, assistant deputies and other employees as he or she may deem necessary for the performance of his or her duties.~~

~~Amended by Local Law No. 6 2001.~~

~~Section 1702. Powers and duties. The commissioner of the department shall:~~

- ~~a. — Act as a local administrative officer for planning, coordination, and management of services for youth in cooperation with the county executive and county legislature;  
Amended by Local Law No. 6 2001~~
- ~~b. — Serve as an advocate in order to make existing service systems more effective and accessible to youth;~~
- ~~c. — Assess the future needs of youth to insure the continuance of beneficial programs and to implement additional services according to need and demographics, including mentally and physically handicapped and disabled youth;~~
- ~~d. — Apply for such federal and state funds and grants as may be beneficial to youth;~~
- ~~e. — Improve coordination among county agencies and between cities towns, and villages within the county which are involved in the provision of services to youth, especially those youth who are at risk of involvement in the juvenile and criminal justice system, in order to assure more effective planning, program development, and administration of services which are provided on behalf of these youngsters;~~
- ~~f. — Gather and disseminate information relating to the needs of youth and inform the public of the services and facilities available to youth;~~
- ~~g. — Initiate and monitor programs to preserve the safety of youth with respect to handicapped youth transportation and education services, and juvenile delinquency prevention;  
Amended by Local Law No. 2 1989.~~
- ~~h. — Perform such further duties as may be prescribed or directed by the county executive or the county legislature.~~

~~Section 1703. Youth services board. There shall be established a youth services board to the department of youth services.~~

~~Added by Local Law No. 3 1983.~~

~~Article 17 was formerly numbered Article XI F\*.~~

~~\* See also, former article XI F, Office for the Disabled, Added by Local Law No. 4 1983, and REPEALED by Local Law No. 3 2006.~~

Articles 18 through 31 and their respective sections shall be renumbered as follows:

Article 18	Office of Public Advocacy
Article 19	Comptroller
Article 20	County Clerk
Article 21	District Attorney
Article 22	Sheriff
Article 23	Other County Boards, Offices, Institutions and Functions
Article 23-A	Erie County Environmental Management Council
Article 23-B	Citizens Salary Review Commission
Article 23-C	Erie County Community Coordinating Council on Children and Families
Article 24	Autonomous Institutions

Article 254	Service Relationships with Local Municipalities
Article 265	Financial Procedures
Article 276	General Provisions
Article 287	Application of Charter; When and How Operative and Effective
Article 298	Sunset Provision
Article 3029	Renumbered Articles
Article 340	Repealed Articles

**Section 3.** Erie County Local Law No. 1-1960, as amended, constituting the Erie County Administrative Code, is hereby amended to read as follows:

Article 11 of the Erie County Administrative Code is hereby amended to read as follows:

**ARTICLE 11  
DEPARTMENT OF SOCIAL WELFARE**

Section	11.01	Department of social welfare; commissioner.
	11.02	Powers and duties.
	11.03	Reports.
	11.04	Deputy commissioners
	11.05	Bond of commissioner.
	11.06	Disposition of unclaimed personal property.
	11.07	Welfare rates and charges.
	11.08	Welfare advisory board.
	11.09	<u>Youth bureau board.</u>

Section 11.01 Department of social welfare; commissioner. The department of social welfare shall be headed by a commissioner. He/ she shall be appointed on the basis of his/ her administrative experience and his/ her qualifications for the duties of his office consistent with NYS Social Services Law.

Section 11.02 Powers and duties. a. The commissioner of social welfare shall have all the powers and duties heretofore or hereafter lawfully conferred or imposed upon him/ her by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not inconsistent with the county charter or this code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county commissioner of public welfare under the social welfare law or any other applicable law. Subsection 11.02(b) **REPEALED** by Local Law No. 9-1989.

Section 11.03 Reports. The commissioner of social welfare shall:

- a. make such reports and furnish such information to the state department of social welfare with respect to the work of the county public welfare district as are required by the social welfare law and by the state department of social welfare;
- b. make an annual report to the county executive and county legislature concerning the work of the county public welfare district and additional reports at such times and covering such matters as the county executive or the county legislature may require;

- c. file copies of any report made by the commissioner pursuant to the provisions of this section with the county executive, the clerk of the county legislature and the welfare advisory board.

Section 11.04 Deputy commissioners. The commissioner of social welfare shall, within the limits of the appropriations provided therefore, have the power to appoint such deputies, officers, assistants and employees as he/she may deem necessary for the performance of his/her duties. The deputy commissioners shall perform such duties as the commissioner may prescribe. The commissioner shall designate in writing filed in the Erie county clerk's office the order in which such deputies shall exercise the powers and duties of the office in the event of a vacancy or in the absence of the commissioner from the county or his/her inability to perform the duties of his office.

Section 11.05 Bond of commissioner. The commissioner of social welfare and such of his/her deputies, assistants or employees as the county legislature or the county executive shall require shall each give a surety bond to the county in a sum to be fixed by the county legislature conditioned for the faithful performance of his/her duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

Section 11.06 Disposition of unclaimed personal property. All monies and articles of personal property belonging to a discharged or deceased person in any institution now or hereafter under the jurisdiction of the commissioner of social welfare shall, if unclaimed by such discharged person, or the legal representative of such deceased person, for a period of one year after the discharge or decease of such person, be deemed abandoned, and shall be inventoried and turned over to the ~~commissioner of finance~~ Office of the Comptroller. The commissioner shall forthwith pay any monies so unclaimed to the ~~county commissioner of finance~~ Office of the Comptroller who shall place the same to the credit of the county. Any personal property, other than money, remaining so unclaimed shall be sold at public sale by the ~~commissioner of finance~~ Office of the Comptroller and the money derived therefrom shall be credited to the county.

Section 11.07 Welfare rates and charges. The commissioner of social welfare shall when submitting the estimate of revenues and expenditures for the department of social welfare to the budget director include therein recommendations for rates to be paid by the county to hospitals, institutions for the aged, institutions for children, nursing homes, correctional institutions and foster homes and such other rates as may be necessary or required to be paid by the county for services rendered to and the care and maintenance of persons for whom the department of social welfare is responsible under the requirements of the social welfare law or any other applicable law. The recommendations of the county executive as to such rates shall be included in the tentative budget submitted by ~~him~~ the county executive to the county legislature pursuant to the provisions of article 18 of this code. The county legislature shall by resolution and as part of the budget procedure determine, fix and establish the rates to be paid by the county for such services.

Section 11.08 Welfare advisory board. The county executive shall appoint a welfare advisory board of seven members, at least one of whom shall be a physician licensed to practice in the state of New York. Such board shall have and exercise the powers and duties conferred or imposed on such board by the county charter or this code. The welfare advisory board shall, at the request of the commissioner of social welfare and may on its own initiative, make recommendations and suggestions relative to the qualifications and duties of any of the deputies, officers or employees of the department. The welfare advisory board shall elect annually a chairman, vice-president and a

secretary from among its members. Meetings of the welfare advisory board shall be held at the call of the commissioner of social welfare or the chairman of such board on three days<sup>1</sup> written notice mailed to the last known address of such board members. Members of the welfare advisory board shall be appointed for a term of five years, except that of those first appointed, two shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, two for a term expiring December thirty-first, nineteen hundred sixty-two, one for a term expiring December thirty-first, nineteen hundred sixty-three, one for a term expiring December thirty-first, nineteen hundred sixty-four, and one for a term expiring December thirty-first, nineteen hundred sixty-five. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

Section 11.09 Youth bureau board. The county executive shall appoint twenty one persons to serve without compensation on a youth bureau board for the department of social welfare to advise on matters relating to youth in the county. Membership shall be proportionately representative of the geographical areas within the county. The term of office of members of the board shall be two years. Officers of the board shall be selected by the membership thereof.

Article 11-F of the Erie County Administrative Code entitled DEPARTMENT OF YOUTH SERVICES is hereby repealed in its entirety as depicted below:

**ARTICLE 11-F**  
**DEPARTMENT OF YOUTH SERVICES**

~~Section 11 F 01 Department established.~~  
~~11 F 02 Commissioner; powers and duties.~~  
~~11 F 03 Youth services board.~~

~~Section 11 F 01 Department established. There shall be a department of youth services as established by the Erie county charter.~~

~~Section 11 F 02 Commissioner; power and duties. There shall be a commissioner of the department of youth services to be appointed with powers and duties pursuant to provisions of the Erie county charter.~~

~~Section 11 F 03 Youth services board. The county executive shall appoint twenty one persons to serve without compensation on a youth services board for the department of youth services to advise on matters relating to youth in the county. Membership shall be proportionately representative of the geographical areas within the county. The term of office of members of the board shall be two years. Officers of the board shall be selected by the membership thereof.~~

~~Added by Local Law No. 3 1983.~~

~~\*See also, article 11 F, "Office for the Disabled."~~

Article 16, Section 16.06 of the Erie County Administrative Code is hereby amended to read as follows:

Section 16.06. Department of Probation. There shall be a Department of Probation headed by a commissioner who shall be appointed by the county executive, subject to confirmation by the county Legislature. and Youth Detention; director. The Department of Probation and Youth Detention shall be headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The director shall have and exercise all the powers and



~~duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, or by any other applicable law, not inconsistent with the county charter or this code. The director shall appoint, to serve at his pleasure, a deputy director of the Probation Division and a deputy director for the Youth Detention Division.~~

- a. ~~Probation Division. The Probation Division shall be headed by a deputy director of probation who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The deputy director of probation shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive and/or the director of probation and youth detention, by article twelve A of the executive law as head of a county probation department, and by any other applicable section thereof or by any other applicable law, not inconsistent with the county charter or this code.~~
- b. ~~Youth Detention Division. The Youth Detention Division shall be headed by a deputy director of youth detention who shall be appointed on the basis of his experience and his qualifications for the duties of his office. The deputy director shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive and/or the director of probation and youth detention, or by any other applicable law, not inconsistent with the county charter or this code.~~

Amended by Local Law No. 6-2001.

Amended by Local Law No. 2 1987.

#### **Section 4.**

EFFECTIVE DATE. This Local Law shall take effect immediately.

#### **Section 5.**

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

**SPONSORED BY  
LEGISLATOR THOMAS J. MAZUR  
LEGISLATOR BARBARA MILLER-WILLIAMS  
LEGISLATOR BETTY JEAN GRANT  
LEGISLATOR ROBERT B. REYNOLDS  
LEGISLATOR LYNN M. MARINELLI  
LEGISLATOR RAYMOND W. WALTER**

MR. MAZUR moved to approve Local Law No. 8 (Print #1) 2009. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 17 – CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 18 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

July 6, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 12E-4 (2009)  
COMPTROLLER: “Letter to Legislature Concerning Erie County's Medicaid Anti-Fraud Initiatives”  
(5-0)
  - b. COMM. 12D-7 (2009)  
COUNTY ATTORNEY: “Notice of Public Hearing to be Held 7/1/09 Concerning LL INTRO 2-2009”  
(5-0)
  - c. COMM. 12M-4 (2009)  
CATHOLIC CHARITIES - PROJECTRUTH: “Letter Requesting the Retention of Funding”  
(5-0)
2. COMM. 12E-32 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services for Older Adults (PSA) program for the period January 1, 2009 to December 31, 2009; and

WHEREAS, PSA is a Title XX mandated service and is experiencing steadily increasing caseloads; and

WHEREAS, PSA investigated 121% more allegations of mistreatment, neglect, and financial exploitation in 2008 compared to 2002 (265 in 2002; 585 in 2009); and

WHEREAS, the number of new cases opened for ongoing intervention in 2008 was more than double that of 2002 (101 in 2002; 203 in 2008); and

WHEREAS, the New York State Office of Child and Family Services recommends PSA staffing guidelines “for workers responsible for both PSA intakes and undercare cases, a combined total of up to 18 intakes and undercare cases per month” (85-INF-9); and

WHEREAS, current combined caseload size stands at 33, or 83% higher than recommended; and

WHEREAS, based on census data and projected demographic makeup of the region, the number of PSA cases is expected to continue rising; and

WHEREAS, the Department of Senior Services desires to create a Case Manager position, job group 7, in PSA, effective June 1, 2009; and

WHEREAS, these position changes are reflected in the SAP system on B-100 Control number 4746; and

WHEREAS, the PSA budget has sufficient appropriations to cover the related payroll costs.

NOW, THEREFORE, BE IT

RESOLVED, that a Case Manager position be created in the PSA program effective June 1, 2009; 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 Departments of Personnel and Senior Services.

(5-0)

3. COMM. 13E-24 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP), selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has the responses, evaluation and selection material available; and

WHEREAS, these contracts will enable employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting Departmental operations; and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts; and

WHEREAS, there is no fiscal impact to the 2009 Adopted Budget based on this resolution and no additional County local share funds are necessary because the existing appropriation in Account 516040, DSS Training and Education, is sufficient to cover these contract renewals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contracts to New York State mandated State University of New York (SUNY) institutions as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) degrees (Master's/ Bachelor's)	09/01/09-08/31/10	\$455,369	\$163,933	\$291,436
Buffalo State College (CDHS) (In-service Training and Organizational Development)	09/01/09-08/31/10	\$991,927	\$357,094	\$634,833
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	09/01/09-08/31/10	\$396,778	\$142,834	\$253,944
Empire State College (In-Service Training)	09/01/09-08/31/10	\$588,369	\$176,510	\$411,859
SUNY-Millard Fillmore College (Bachelor's Degrees in Social Science)	8/29/09-8/28/10	\$97,526	\$34,134	\$63,392
SUNYAB – School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	09/01/09-08/31/10	\$325,189	\$113,816	\$211,373
SUNYAB Institute for Addictions	10/01/09-09/30/10	\$284,617	\$99,616	\$185,001

Studies and  
Training  
(In-Service  
Training)

Erie Community College (In-Service Training)	10/1/09- 09/30/10	\$150,591	\$54,213	\$96,378
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and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.  
(5-0)

**THOMAS J. MAZUR  
CHAIR**

Item 19 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

July 6, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9D-9 (2009)  
ECC PRESIDENT: “2009-2010 ECC Budget”  
(5-0)
  - b. COMM. 12M-5 (2009)  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: “Agenda Items for Board of Trustees Meeting Held 6/18/09”  
(5-0)
2. RESOLVED, the following item is hereby received, filed and referred to the Energy & Environment Committee:
  - a. COMM. 12M-1 (2009)

NIAGARA ERIE REGIONAL COALITION: “Legislature Budget Accountability Act Report”  
(5-0)

**BETTY JEAN GRANT**  
**CHAIR**

Item 20 – MR. KENNEDY presented the following report, moved to separate item Numbers 6, 11 and 16, and moved to approve the balance of the report. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

JULY 6, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 6-13 (2008)  
IANNELLO: “Requiring All Contractors in Erie County to Prove All Employees' Legal Working Status”  
(5-0)
  - b. COMM. 7M-1 (2009)  
NFTA: “NFTA Five Year Plan”  
(5-0)
  - c. COMM. 11E-22 (2009)  
COUNTY EXECUTIVE: “Old County Hall - 2009 - Clock Tower & Exterior Window Improvements - Architectural/Engineering Fee”  
(5-0)
  - d. COMM. 11D-6 (2009)  
DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING: “State Environmental Quality Review - Botanical Gardens Cistern Installation Project”  
(5-0)
  - e. COMM. 11D-7 (2009)  
DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING: “State Environmental Quality Review - Erie County Highways Cistern Installation Project”  
(5-0)
  - f. COMM. 11M-6 (2009)

STATE OF NY PUBLIC SERVICE COMMISSION: “Notice Soliciting Comments - Re: Proceedings to Evaluate a Standardized Facility & Equipment Transfer Program (SAFE-T)” (5-0)

- g. COMM. 12M-13 (2009)  
ASSEMBLYMAN HOYT: “Copy of Letter to James Finamore Concerning Workforce Investment Board Meeting” (5-0)
- h. COMM. 13M-1 (2009)  
NFTA: “Audited Financial Statements for Fiscal Yr. Ended 3/31/09” (5-0)
- i. COMM. 13M-3 (2009)  
NFTA: “Annual 17A Report” (5-0)
- j. COMM. 13M-4 (2009)  
NFTA: “Agenda Items & Minutes from NFTA Board Meeting Held May 26, 2009” (5-0)
- k. COMM. 13M-5 (2009)  
PARTNERSHIP FOR THE PUBLIC GOOD: “Copy of Letter to the Legislature Concerning Conference Held at Buffalo State College” (5-0)
- 1. COMM. 13M-6 (2009)  
BUFFALO & EC WORKFORCE INVESTMENT BOARD: “Copy of Letter Regarding WIB Program” (5-0)

2. COMM. 11E-11 (2009)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 2, 2009 for the Emery Park – 2009 – Ski Lodge Roof Replacement; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, your honorable body has previously approved a term agreement for professional services with the firm of Stievater & Associates Architects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Stievater & Associates Architects for providing professional design services for an amount not to exceed \$18,000.00; and be it further

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$132,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20913 – 2009 – County Wide Parks Improvements in an amount not to exceed \$150,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.  
(5-0)

3. COMM. 11E-12 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 2, 2009 for the Chestnut Ridge Park – 2009 – Casino Building Roof Replacement & Exterior Facade Work; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, your honorable body has previously approved a term agreement for professional services with the firm of Stievater & Associates Architects.

NOW, THEREFORE, BE IT



RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Stievater & Associates Architects for providing professional design services for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$674,638.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00322 – 2008 – Improvements to Chestnut Ridge Park Casino in an amount not to exceed \$694,638.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.  
(5-0)

4. COMM. 11E-13 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids for the Buffalo & Erie County Botanical Gardens 2009 – New Growing House project on July 2, 2009; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, the building will be a landmark for the County being that it is the first building that will achieve the “Silver” standard of the LEED rating system for buildings, thereby making the building energy efficient and compliant with Local Law No. 5 – 2007, Green Buildings Act; and

WHEREAS, your honorable body has previously authorized a Term Architectural/Engineering Agreement for professional services with the firm of Foit-Albert Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season, for a total of all contracts, including construction contingency, not to exceed \$4,265,000.00; and be it further

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to Foit-Albert Associates for additional professional design services for an amount not to exceed \$35,000.00; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following SAP Projects:

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00032	2001 – Botanical Gardens Dome & Miscellaneous Reconstruction	\$49,873.00
A.00080	2003 – Botanical Gardens Master Plan Reconstruction	\$6,246.00
A.00224	2004 – Botanical Gardens Energy Improvements	\$26,059.00
A.00234	2004 - Botanical Gardens Master Plan Reconstruction	\$77,780.00
A.00291	2006 – Botanical Gardens Master Plan Reconstruction	\$170,176.00
A.00305	2007 – Botanical Gardens Master Plan Reconstruction	\$1,996,370.00
A.00319	2008 – Botanical Gardens Master Plan Reconstruction	\$998,185.00
A.20902	2009 – Botanical Gardens Master Plan Reconstruction	<u>\$975,311.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$4,300,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.

(5-0)

5. COMM. 11E-14 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 13, 2009 for the Rath Building – 2009 – Parking Garage Improvements; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$600,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

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

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00047	2002 – Partial Reconstruction of Various County Buildings	\$54,667.00
A.00043	2002 – Partial Reconstruction – Rath Building Parking Garage	\$150,000.00
A.00024	2001 – Rehabilitation of Rath Building & Site	\$40,772.00
A.00025	2001 – Code Compliance	\$7,631.00

A.00309	2007 – Code Compliance	<u>\$346,930.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$600,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

6. COMM. 11E-15 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 13, 2009 for the Rath Building – 2009 – Parking Garage Improvements; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$600,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

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

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
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A.00047	2002 – Partial Reconstruction of Various County Buildings	\$54,667.00
A.00043	2002 – Partial Reconstruction – Rath Building Parking Garage	\$150,000.00
A.00024	2001 – Rehabilitation of Rath Building & Site	\$40,772.00
A.00025	2001 – Code Compliance	\$7,631.00
A.00309	2007 – Code Compliance	<u>\$346,930.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$600,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

7. COMM. 11E-19 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 1, 2009 for the Erie County Correctional Facility - 2009 – Roof, Exterior & Security Improvements; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$3,541,273.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following SAP Projects:

SAP PROJECT	PROJECT TITLE	TOTAL AMOUNT
A.00315	2007 – Roof Replacement – Correctional Facility	\$2,343,451.00
A.00316	2007 – Security Improvements – Correctional Facility	\$199,637.00
A.00329	2008 – Roof Replacement – Correctional Facility	<u>\$998,185.00</u>
TOTAL AMOUNT NOT TO EXCEED		\$3,541,273.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

8. COMM. 11E-20 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 1, 2009 for the Dr. Gajewski Human Services Center – 2009 – Roof Replacement; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$350,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00227 – 2004 – Roof Replacement & Waterproofing in an amount not to exceed \$350,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

9. COMM. 11E-21 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, your honorable body has previously authorized the County Executive to enter into a term agreement with the firm of BHNT Architects for providing professional Architectural/Engineering services to the County; and

WHEREAS, the County Executive is requesting authorization for entering into an Agreement Amendment with the firm of BHNT Architects for providing professional design services for designing the upgrades to the Buffalo Niagara Convention Center including, but not necessarily limited to, renovating the exhibition hall, kitchen, marquee sign, building exterior and other miscellaneous work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment with the firm of BHNT Architects for providing professional design services for the Buffalo Niagara Convention Center upgrades for an amount not to exceed \$250,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00306 – 2007 – Convention Center Renovations & Improvements; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

10. COMM. 11E-23 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management will be receiving bids on July 6, 2009 for the Erie County Court Building – 2009 – Roof Replacement; and

WHEREAS, the last Legislative meeting before their summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award contracts to the lowest responsible bidders so the work can proceed during the prime summer months of the construction season for a total of all contracts, including construction contingency, not to exceed \$695,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00326 – 2008 – Roof Replacement & Waterproofing – County Wide in an amount not to exceed \$695,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

11. COMM. 12E-12 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Dingens Street Drainage Project is necessary to eliminate long outstanding drainage and flooding concerns along Dingens Street (CR 315) and the local roads in the Town of Cheektowaga; and

WHEREAS, the County of Erie and the Town of Cheektowaga have joint responsibilities and obligations to address the drainage problems in this area; and



WHEREAS, the County of Erie and the Town of Cheektowaga have agreed to enter an intermunicipal agreement to address the necessary drainage work on Dingens Street; and

WHEREAS, the drainage work on Dingens Street is currently estimated at \$300,000.00 with funds being available in SAP Account B.20917; and

WHEREAS, in order to advance the work it is necessary to enter into an Intermunicipal Agreement (IMA) with the Town of Cheektowaga.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Dingens Street Drainage Project; and be it further

RESOLVED, the County Erie shall enter an intermunicipal agreement with the Town of Cheektowaga whereby the County of Erie shall provide funding in an amount not to exceed \$300,000.00; and be it further

RESOLVED, that the Erie County portion of the work in the amount not to exceed \$34,000.00 shall be appropriated from B.20917 – Dingens Street Drainage, and made available to cover the costs of participation in the above work; and be it further

RESOLVED, the County of Erie and Town of Cheektowaga will enter an IMA to advance this important work; and be it further

RESOLVED, that the Clerk of the Legislature forward fifteen (15) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the Town of Cheektowaga; and also, one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.  
(5-0)

12. COMM. 12E-13 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, bids were taken for the 2009 Capital Overlay Contract A, in the Towns of Hamburg and Evans, and the Village of Angola, New York, and for the 2009 Capital Overlay Contract B, in the Towns of Concord, Sardinia and Wales, New York on June 25, 2009. The low bidder was Amherst Paving, Inc., of Amherst, New York, for both Contracts, at low bid amounts of \$2,084,003.11 and of \$2,384,106.36, respectively; and

WHEREAS, it is also necessary to enter into an agreement with the engineering firm of DiDonato Associates, P.E., P.C., of Buffalo, New York for construction inspection services for these overlays; and

WHEREAS, the 2009 Capital Overlay Contract C may be bid and ready for award of construction contract to the responsible low bidder in the next month; and

WHEREAS, your honorable body will be on summer recess during the period when it may be necessary to award this work to complete this construction season; and

WHEREAS, funds for these projects will be taken from the appropriate Capital Bond Fund Accounts including 2008 Preservation of Roads (B.00190) and 2009 Capital Overlay Program (B.20901).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Projects 2009 Capital Overlay A and 2009 Capital Overlay B between the County of Erie and the low bidder, Amherst Paving Inc., of Amherst, New York at low bid amounts of \$2,084,003.11 and \$2,384,106.36, respectively; and be it further

RESOLVED, that amounts of \$2,084,003.11 and \$2,384,106.36 be allocated from 2008 Preservation of Roads (B.00190) and additional amounts of \$208,400.00 and \$238,400.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the previously stated amounts, also to be allocated from 2008 Preservation of Roads (SAP Account B.00190); and be it further

RESOLVED, that an amount of \$60,000.00 be allocated from the 2008 Preservation of Roads (SAP Account B.00190) for a contract with DiDonato Associates, P.E., P.C., of Buffalo, New York for construction inspection services; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract and enter into an agreement and contract as necessary for Erie County Project 2009 Capital Overlay C between the County of Erie and the lowest responsible bidder, within the approved budget funding limits established and in an amount not to exceed \$1,200,000.00 for construction and \$120,000.00 for contingency; and be it further

RESOLVED, that the County Executive will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for 2009 Capital Overlay C; and be it further

RESOLVED, that the funds for the 2009 Capital Overlay C be taken from the 2009 Capital Overlay program (B.20901) in an amount not to exceed \$1,200,000.00 for construction with \$120,000.00 for contingency; 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, Management and Finance, and the Office of the Comptroller.  
(5-0)

13. COMM. 12E-17 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, bids were taken for the Reconstruction of Groth Road (C.R. 422), in the Town of Concord, on June 25, 2009, and the lowest responsible bidder was New Frontier Excavating and Paving, Inc. of Eden, New York at a low bid amount of \$198,426.59.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. FM 422-1-09, FEMA PW 714, for the Reconstruction of Groth Road, between the County of Erie and the low bidder, New Frontier Excavating and Paving, Inc. of Eden, New York at a low bid amount of \$198,426.59.00; and be it further

RESOLVED, that an amount of \$198,426.59 be allocated from SAP Account B.00193, FEMA Construction, and an additional amount of \$27,800.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$27,800.00, also to be allocated from SAP Account B.00193; and be it further

RESOLVED, that the Reconstruction of Groth Road (C.R. 422), SAP B.00193 revenues and appropriations be equally increased by the amount of \$226,226.59 for the purposes of this project; 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, Management and Finance, and the Office of the Comptroller.

(5-0)

14. COMM. 12E-18 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Erie County desires to reconstruct a portion of Blakeley Corners Road and a portion of Zoar Valley Road under the FEMA PWs noted; and

WHEREAS, Right-of-Way (ROW) is required for that construction to take place; and

WHEREAS, it is necessary to obtain ROW in a timely manner in order to meet FEMA's deadline for completion of construction and retain SEMO and FEMA funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with D&S Realty Consultants, Inc. to negotiate for the required ROW; and be it further

RESOLVED, that the agreement with D&S Realty Consultants, Inc. is not to exceed the sum of \$11,000.00 to be appropriated from SAP B.00062 – Purchase of Permanent Rights; and be it further

RESOLVED, that two (2) certified copies of this resolution be sent 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, Management and Finance, and the Office of the Comptroller.

(5-0)

15. COMM. 12E-19 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, a Project for the Reconstruction of the CR 276, Harris Hill Road at Wehrle Drive (CR 275) and CR 161, Pleasantview Drive Intersection, in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, that the Design and Right of Way phases of the Project have increased to \$276,000.00 of which a sum of \$225,000.00 was previously authorized via County Resolution No. 7E-30 adopted May 25, 2006 from the 2002 Harris Hill/Wehrle/Pleasantview Intersection Design Program B.00042 and made available to cover the cost of participation in the above phases of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design V & VI), Right of Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.47.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of Preliminary Engineering (Scoping and Design V-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project increase of \$51,000.00 (\$2,545.00 Erie County's local share) be appropriated from 2009 Harris Hill/ Wehrle/Pleasantview ROW only Federal Aid Design Right-of-Way B.00197; and be it further

RESOLVED, that the Project budget be equally increased in revenue and appropriation to represent this agreement; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design V & VII), Right-of-Way Incidentals and Right-of-Way Acquisition Phase exceeds the amount appropriated, and/or 100% of the Full and Non-Federal shares of the cost of the Project (\$276,000.00), the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursements requests for Federal Aid and/or Marchiselli aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and

permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance.

(5-0)

16. COMM. 13E-12 (2009)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, in 2002 the County of Erie and the Empire State Development Corporation (ESDC) agreed to participate in a redevelopment plan for the Buffalo waterfront, including development of public amenities with the intent of supporting heritage tourism and economic development; and

WHEREAS, in 2005 ESDC created the Erie Canal Harbor Development Corporation (ECHDC) which has acted as the prime New York State entity in the development of the Buffalo waterfront; and

WHEREAS, the County of Erie has issued Fourteen Million Dollars (\$14,000,000) of general obligation bonds to assist in the development of public improvements related to the Buffalo waterfront development; and

WHEREAS, the County of Erie entered into a contract with the Erie Canal Harbor Development Corporation on December 21, 2007 for the purpose of providing \$7 million in Erie County bond funds toward the removal of asbestos and hazardous materials from Memorial Auditorium; and

WHEREAS, of the \$7 million contract with ECHDC, approximately \$5.7 million has been expended for asbestos and hazardous material removal, leaving a balance of approximately \$1.3 million available for reprogramming; and

WHEREAS, of the original \$14 million bond issue in 2005, Project No.: A.00289 2005 Erie Canal Harbor – Waterfront, approximately \$7 million remains available for this project, for which the debt service will be paid by Erie Canal Harbor Development Corporation; and

WHEREAS, Erie County and the Erie Canal Harbor Development Corporation desire to use all the remaining balances of the original \$14 million issue for general demolition and site preparation costs, including: building demolition, site drainage, earthwork and sheet piling, engineered excavation support system, excavation and legal disposal of material, pile cap removal, access control and fencing, maintenance and protection of traffic and utility relocation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements and other documents with the Erie Canal Harbor Development Corporation for demolition and site preparation costs for activities including: building demolition, site drainage, earthwork and sheet piling, engineered excavation support system, excavation and legal disposal of material, pile cap removal, access control and fencing, maintenance and protection of traffic and utility relocation; and be it further

RESOLVED, that the agreement shall provide that the County obligation shall not exceed available balances from the original fourteen million dollar (\$14,000,000) bond issue from 2005; and be it further

RESOLVED, that the original \$7 million currently under contract will continue to be grant funds to the Memorial Auditorium site project and the second \$7 million (or available balance) will be a loan with the Erie Canal Harbor Development Corporation making annual debt service payments to Erie County; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

**TIMOTHY M. KENNEDY  
CHAIR**

MR. KENNEDY moved to amend item Number 6. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

WHEREAS, your honorable body has previously authorized Architectural/Engineering Term Agreements for several Architectural/Engineering firms; and

WHEREAS, Ram-Tech Engineers and Trautman Associates have recently submitted qualifications complying with this department's Term Agreement and this department is requesting these firms be added to the term list of Architectural/Engineering firms for providing professional Architectural/Engineering services; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the firm of Ram-Tech Engineers for providing Architectural/Engineering design services for the Rath Building Low Rise Elevator Modernization project.

NOW, THEREFORE, BE IT

RESOLVED, that the firms of Ram-Tech Engineers and Trautman Associates be added to this department's Architectural/Engineering list of Term Agreements; and be it further

RESOLVED, that the County Executive be authorized to enter into an Agreement with the firm of Ram-Tech Engineers for providing professional Architectural/Engineering design services for the Rath Building Low Rise Elevator Modernization project for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00314 – 2007 – Rath Building Low Rise Elevator Modernization for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

MR. KENNEDY moved to approve the item as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to amend item Number 11. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Delete the Third Resolved Clause it its Entirety and Replace with the Following:

RESOLVED, that the Erie County portion of the work in the amount not to exceed \$300,000.00 shall be appropriated from B.20917- Dingens Street Drainage, and made available to cover the costs of the participation in the above work; and be it further

MR. KENNEDY moved to approve the item as amended. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to approve item Number 16. MS. MILLER-WILLIAMS seconded. MS. KONST voted in the negative.

CARRIED. (13-1)

Item 21 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

July 6, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. COMM. 12E-23 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services in responding to emergencies throughout Erie County recognizes the need at times for a Chaplain to provide support to emergency first responders and their families; and

WHEREAS, Father Joseph Bayne, OFM, has been fulfilling these needs since his appointment in 1990; and

WHEREAS, constraints upon Father Joseph Bayne's schedule, and current events dictate that more than one Chaplain is necessary to adequately respond to the needs of victims, their families, and emergency response personnel during time of crisis; and

WHEREAS, the need for additional Chaplains and other counselors can be addressed through a Chaplains Corps under the auspices of the Commissioner of the Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature has previously approved the Chaplain Corps under the auspices of the Commissioner of the Department of Emergency Services; and be it further

RESOLVED, that Reverend Dave Borowiak, is hereby appointed as a Chaplain in the Chaplain Corps; and be it further

RESOLVED, that the Erie County Executive shall have the authority to appoint all Chaplains as may be required, subject to the approval of the Erie County Legislature, and the Erie County Executive is further empowered to designate one Chaplain as Chief Chaplain; and be it further

RESOLVED, that the Department of Emergency Services' Chaplains, shall be included within the coverage provided by the Workers' Compensation Law when engaged in rendering services at the direction of the Commissioner of the Department of Emergency Services or his designee; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Chris Collins, the Erie County Attorney, the County Comptroller, the Erie County Personnel Commissioner and the Commissioner of Emergency Services.

(5-0)

2. COMM. 12E-35 (2009)  
SHERIFF

WHEREAS, procedures have been established by Communication #6E-28 adopted on April 7, 2007; and

WHEREAS, there are adequate funds available in the reserve fund for distribution to the Sheriff's Office from the sale of surplus helicopter parts; and



WHEREAS, the use of these funds will reduce the amount of county tax dollars required for the support and maintenance of the Sheriff's Office Aviation Division.

NOW, THEREFORE, BE IT

RESOLVED, that \$75,000 in available balances in the Appropriated Fund Balance (Reserve for Law Enforcement Purposes) is hereby transferred to the Erie County Sheriff's Office; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

<u>REVENUE</u>		<u>Increase</u>
402190	Appropriated Fund Balance (Reserve for Law Enforcement Purposes)	<u>75,000</u>
	Total Revenue	<u>75,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
505600	Auto, Truck & Heavy Equipment Supplies	20,000
506200	Maintenance & Repair	52,500
561440	Motor Vehicle Equipment	<u>2,500</u>
	Total Appropriations	<u>75,000</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, and the Office of the Sheriff.  
(5-0)

3. COMM. 12E-38 (2009)  
SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994; and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account; and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$115,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>115,000</u>
Total Revenue		<u>115,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
505000	Office Supplies	4,000
506200	Maintenance & Repair	10,000
561410	Lab & Tech Equipment	95,000
561440	Motor Vehicles	<u>6,000</u>
Total Appropriations		<u>115,000</u>

and be it further

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

RESOLVED, that if reimbursement or partial reimbursement is received from the Office of Justice Programs Bullet Proof Vest Partnership Program, any such funds will be returned to the Asset Forfeiture Trust Fund; and be it further

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

4. COMM. 13E-2 (2009)  
SHERIFF

WHEREAS, in 2008 the State of New York Office of Homeland Security awarded \$100,000 to the Erie County Sheriff's Office in LETPP funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, Communication Number 2E-7 was adopted on January 24, 2008 establishing the proper revenues and appropriations of these funds in the Sheriff's 2008 Operating Budget; and

WHEREAS, due to the retirement of the Bomb Squad Commander the purchase and receipt of some of the approved equipment was not completed prior to the end of 2008; and

WHEREAS, in order to complete the purchase of said equipment, funding must be re-established in the Sheriff's Office 2009 Operating Budget; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff's Office – Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
SAP Account 409000 – State Aid Revenues	<u>32,500</u>
TOTAL REVENUE	<u>32,500</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 561410 - Lab & Technical Equipment	2,250
SAP Account 561440 – Motor Vehicles	<u>30,250</u>
TOTAL APPROPRIATIONS	<u>32,500</u>

and it be further

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

5. COMM. 13E-16 (2009)  
COUNTY EXECUTIVE

WHEREAS, Sprint Nextel is proving funding in the amount of \$2,377.26 or greater (up to \$4,000) for Erie County to complete the 800 MHz Re-banding Process as required by the Federal Communications Commission; and

WHEREAS, the Department of Emergency Services wishes to utilize said funds for the completion of the 800 MHz re-banding requirement as set forth by the FCC; and

WHEREAS, in order to meet the compliance requirements of the Federal Communications Commission 800 MHz Re-banding Directive.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive is hereby authorized to enter into agreement to accept up to \$4,000 from Sprint Nextel as reimbursement to reconfigure the Department of Emergency Services 800 MHz radio equipment from Wide-Band to Narrow-Band as required by the Federal Communications Commission; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the following budget adjustments in the 2009 operating and capital fund of the Department of

Emergency Services so as to utilize said funds in project A.20907, Public Safety 400 MHz Communication systems, to complete the 800 MHz Re-banding process:

Fund 110 – Department of Emergency Services

Revenue		<u>Increase</u>
480020	Sale of Materials	\$2,377.26
Expense		
570000	Interfund Transfer Subsidy	\$2,377.26

Fund 410 - Department of Emergency Services Project A.20907

Revenue		
486000	Interfund Rev Subsidy	\$2,377.26
Expense		
	Capital Project Expense	\$2,377.26

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make similar adjustments to the 2009 budget in order to appropriate any additional funding that may be received, up to \$4,000, in the event that the final payment from Sprint Nextel is greater than indicated above; 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, County Comptroller, and the County Attorney.

(5-0)

6. COMM. 13E-19 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Federal and State governments have provided Homeland Security funding to Erie County to implement programs that enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the County wished to provide prompt delivery of Homeland Security service objectives and also meet State and Federal financial requirements; and

WHEREAS, in order to provide prompt delivery of Homeland Security service objectives and also meet State and Federal financial requirements it is required to adjust County budget documents to match grantor approved funding levels in a timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust existing Homeland Security Grant items of appropriations and revenues to comply with approved

State and Federal grantor awards, provided there are no changes to authorized personnel levels and no additions of county share funding; 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, the Department of Central Police Services, the Health Department, County Comptroller, and the County Attorney.  
(5-0)

**TIMOTHY M. WROBLEWSKI**  
**CHAIR**

Item 22 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

July 6, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 14-1 (2008)  
LOUGHRAN: “Resolution to Hold a Public Referendum to Reduce the Size of the EC Legislature from 15 to 9 Members”  
(5-0)
  - b. COMM. 12D-4 (2009)  
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”  
(5-0)
  - c. COMM. 12D-8 (2009)  
COUNTY ATTORNEY: “Transmittal of New Claim Against Erie County”  
(5-0)
  - d. COMM. 13D-1 (2009)  
COUNTY ATTORNEY: “Transmittal of New Claim Against Erie County”  
(5-0)
  - e. COMM. 13D-3 (2009)  
COUNTY ATTORNEY: “Transmittal of New Claim Against Erie County”  
(5-0)

f. COMM. 13M-2 (2009)  
SAM MAGAVERN: "Copy of Letter to Legislator Whyte Concerning the Proposed Downsizing of the EC Legislature"  
(5-0)

2. COMM. 11E-25 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Division of Fleet Services within the Department of Public Works currently has two (2) Automotive Mechanics (JG 07) being position numbers 51002692 and 51002693 and one (1) Junior Automotive Mechanic – Highways (JG 7) being position number 51007345; and

WHEREAS, two of those positions are now vacant and one has the incumbent on Leave-Without-Pay to a different position within the County; and

WHEREAS, the Division of Fleet Services has been working with the Highway Division to consolidate repairs of all vehicles and it has been found to be beneficial to have all repairs performed at the Highway garages where they can handle both small and large vehicles; and

WHEREAS, the Department of Public Works desires to move the Automotive Mechanics (JG 07) and Junior Automotive Mechanic – Highways (JG 7) from the Division of Fleet and change their title to Junior Automotive Mechanic – Highways (JG 7) within the Division of Highways; and

WHEREAS, B-100's have been created to accomplish this deletion and addition being B-100 numbers 4762, 4763 and 4764.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the deletion of two (2) positions of Automotive Mechanic (JG 7) and one (1) Junior Automotive Mechanic – Highways (JG 7) within the Division of Fleet; and be it further

RESOLVED, that the Erie County Legislature authorizes the creation, within the Division of Highways of two (2) Junior Automotive Mechanic – Highways (JG 7) immediately; and be it further

RESOLVED, that the Erie County Legislature authorizes the addition of an Automotive Mechanic (JG 7) within the Division of Highways until it is no longer encumbered at which time it will be changed to a Junior Automotive Mechanic – Highways (JG 7); and be it further

RESOLVED, that this position transfer will become effective July 4, 2009; and be it further

RESOLVED, to fund this budgetary change, \$59,759.00 be moved from SAP Fund 110, Fund Center 10710 Account 500000 to SAP Fund 210, Fund Center 123, Account 500000 to cover salaries; and \$29,880.00 be moved from SAP Fund 110, Fund Center 10710 Account 502000 to SAP Fund 210, Fund Center 123, Account 502000 to cover fringe benefits; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to the Director of Budget Office to make all required budgetary adjustments to accommodate this request,

including interfund adjustments and interdepartmental billings which will serve to charge County departments for the services provided by Fleet Services and Highways; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, and one certified copy to the Commissioner of Personnel, the Comptroller, and the Director of Budget and Management.

(5-0)

3. COMM. 12E-20 (2009)  
COUNTY EXECUTIVE

WHEREAS, County Executive Collins has called for changes to the proposed operational effectiveness and adopted budgets within the departments and agencies within the County, requiring the operational processes be transparent, quantitatively explicit in terms of outcome measures and detailed in accounting for all costs and revenue sources for each area of service delivery; and

WHEREAS, in connection with this initiative the County requires a Director of Six Sigma to facilitate projects, reporting and cost-savings initiatives; and

WHEREAS, the ECFSA in Resolution 09-32, dated May 9, 2009, approved additional funding for the Director of Six Sigma for fiscal year 2010 in an amount not to exceed \$163,334; and

WHEREAS, to ensure the implementation of Six Sigma, the Director of Six Sigma issued a RFP to solicit proposals for "Professional Training, Consultation and Assistance in Implementation of Lean/Six Sigma Methodologies;" and

WHEREAS, the ECFSA funded a pilot program via ECFSA Resolution 08-43 on April 11, 2008 and approved additional funding for training via Resolution 08-63, September 15, 2008; and

WHEREAS, based upon the success of the efforts to date the ECFSA has approved additional funding for future waves of Six Sigma training via Resolution 09-32, dated May 9, 2009; and

WHEREAS, the University at Buffalo Center for Industrial Effectiveness was previously selected to conduct the Lean/Six Sigma Training and Canisius College to conduct the Change Management portion of the training.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA to fund the Six Sigma Director position for 2010 in an amount not to exceed \$163,334; and be it further

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA for on-going Six Sigma training in an amount not to exceed \$152,662; and be it further

RESOLVED, that the County Executive is authorized to enter into agreement with the University at Buffalo Center for Industrial Effectiveness and Canisius College for Six Sigma training and education; 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 certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget and Management, Director of Six Sigma and the County Attorney.  
(5-0)

4. COMM. 12E-28 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Real Property Tax Service Department did receive a request from Glenn Speidel who owns property adjoining the above County owned parcel of land to purchase this land; and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Glenn Speidel, 1133 Center Road, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00)

All that tract or parcel of land, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot 212, Township 10, Range 7 of Ebenezer Lands and according to a map of Ebenezer Terrace Extension filed in Erie County Clerk's Office under Cover No. 1289 are known and distinguished as part of subdivision lots number One (1), Two (2) Three (3) and Four (4) in Block R.

Further described on Erie County Tax Map as Section, Block and Lot No. 135.62-1-25. Intending to convey land acquired by Erie County in a deed filed in the Erie County Clerk's Office under Liber 3352 Page 213 on February 18, 1943. This parcel was listed as part of a highway dedication filed on April 19, 1944 under Liber 3524 Page 529 for purpose of maintaining a ditch for drainage purposes and this restriction hereby imposed upon the said premise shall be binding upon all subsequent grantees, their heirs, executors, administrators, successors and assigns; and be it further

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 properties to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the County Attorney and Department of Real Property Tax Service.  
(5-0)

5. COMM. 13E-11 (2009)



COUNTY EXECUTIVE

WHEREAS, The Erie County Veterans Service Agency has been approached by the New York State Division of Veterans Affairs to enter into an agreement whereby the DVA will provide its Power of Attorney (POA) accreditation, training and access to its computer network free of charge to the County.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorizes the Director of the Department of Veterans' Services to accept the resources and support provided by the New York State Division of Veterans Affairs; and be it further

RESOLVED, that the DVA will provide access to its computer network via the "Vet Cop" application residing in its server; and be it further

RESOLVED, that the Erie County Veterans Service Agency will thus include accredited veterans service representatives with New York State Division of Veterans' Affairs Power of Attorney (POA); and be it further

RESOLVED, that certified copies of this resolution be delivered to the Director of Veterans' Services Patrick W. Welch and the County Executive.

(5-0)

6. COMM. 13E-17 (2009)

COUNTY EXECUTIVE

WHEREAS, Erie County has undertaken an extensive review of the way in which Erie County utilizes space and maintains their buildings in an effort to more efficiently manage county owned buildings and leases; and

WHEREAS, this initiative requires a position to facilitate projects and incorporate industry standard real estate construction and facilities management practices to County government; and

WHEREAS, the County was awarded an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to fund a position in County government to coordinate the Space Utilization Initiative for fiscal year 2009 and beyond; and

WHEREAS, in connection with that award, continued funding of the position is required and has been requested; and

WHEREAS, the ECFSA in Resolution 09-29, dated May 9, 2009, approved funding for a position to coordinate the Space Utilization Initiative for the fiscal year 2010 in an amount not to exceed \$160,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA to fund staffing the Space Utilization Initiative for 2010 in an amount not to exceed \$160,000; and be it further

RESOLVED, that quarterly 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 certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget and Management, Department of Public Works, and the County Attorney.

(5-0)

**BARBARA MILLER-WILLIAMS  
CHAIR**

Item 23 – MR. KOZUB presented the following report, moved to separate item Number 6, and moved to approve the balance of the report. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

July 6, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8M-26 (2009)  
SAM MAGAVERN: “Report - "Missing the Target: How Economic Dev. Programs Have Failed to Revive Buffalo's Most Challenged Neighborhoods"”  
(6-0)
  - b. COMM. 10E-2 (2009)  
COUNTY EXECUTIVE: “Veto Message Concerning Local Law Intro. 1-1, "The Strategic Development Act””  
(6-0)
  - c. COMM. 11M-19 (2009)  
NYSDEC: “Copy of Notice of Public Meeting to be Held 6/12/09 - Tonawanda Community Air Quality Study”  
(6-0)
  - d. COMM. 12E-21 (2009)

- COUNTY EXECUTIVE: "ECSD #3 Engineering Term Agreement - CHA Work Order"  
(6-0)
- e. COMM. 12E-34 (2009)  
COUNTY EXECUTIVE: "ECSD #2, 3 & 6 - Engineering Service Agreement"  
(6-0)
- f. COMM. 12M-2 (2009)  
NYSDEC: "Fish and Wildlife Monthly Highlights - 3/16/09 - 4/15/09"  
(6-0)
- g. COMM. 12M-3 (2009)  
NYSDEC: "Fact Sheet – Tecumseh Phase II Site - Available for Public Comment – Lackawanna"  
(6-0)
- h. COMM. 12M-8 (2009)  
ASSOCIATION OF ERIE COUNTY GOVERNMENTS: "Copy of Town of Brant Resolution Opposing EC Planning Board"  
(6-0)
- i. COMM. 12M-9 (2009)  
NYS FISH & WILDLIFE MANAGEMENT BOARD: "Agenda Items for Region 9 Board Meeting Held 6/4/09"  
(6-0)
- j. COMM. 12M-10 (2009)  
NY DEPARTMENT OF STATE: "Copy of Letter to Legislator Whyte Concerning the Establishment of an EC Planning Board"  
(6-0)
- k. COMM. 12M-12 (2009)  
PUSH BUFFALO PEOPLE UNITED FOR SUSTAINABLE HOUSING: "Copy of Letter to Legislator Whyte Concerning "Healthy Neighborhood Concept Plan""  
(6-0)
1. COMM. 13D-2 (2009)  
COMMISSIONER OF ENV. & PLANNING: "Project Description - Negative Declaration of Replacement of Vanderbilt Pump Station - Depew"  
(6-0)
2. COMM. 11E-7 (2009)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 2, Lake Street and Point Breeze Pumping Station Project, Contract Nos. 79A, 79B, and 79D at 3:00 P.M. on June 25, 2009.

Contract

Lowest Responsible Bidder

Amount Bid

Contract 79A General/Mechanical	LPCiminelli Construction Corp. 2421 Main Street Buffalo, N.Y. 14214	\$5,533,000.00
Contract 79B HVAC	MLP Plumbing & Mechanical Inc. 3198 Union Road Cheektowaga, N.Y. 14227	\$251,000.00
Contract 79D Electrical	O'Connell Electric Co. Inc. 929B Ransom Road Lancaster, N.Y. 14086	\$464,300.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Lake Street and Point Breeze Pumping Stations Project, Contract Nos. 79A General/Mechanical, 79B HVAC and 79D Electrical be awarded as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 79A General/Mechanical	LPCiminelli Construction Corp. 2421 Main Street Buffalo, N.Y. 14214	\$5,533,000.00
Contract 79B HVAC	MLP Plumbing & Mechanical Inc. 3198 Union Road Cheektowaga, N.Y. 14227	\$251,000.00

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 79D Electrical	O'Connell Electric Co. Inc. 929B Ransom Road Lancaster, N.Y. 14086	\$464,300.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$6,248,300.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00004 for Contract Nos.79A, 79B, and 79D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, Director of Budget, Comptroller's Office, Eric Ziobro, Assistant County Attorney and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.

(6-0)

3. INTRO 12-3 (2009)  
MILLS, KOZUB, WALTER, KONST, REYNOLDS & RATH  
WHEREAS, agriculture is the largest industry in New York State; and

WHEREAS, currently, due to its seasonal nature, New York State farms are not subject to mandatory overtime pay and unemployment insurance; and

WHEREAS, New York State Senate Bill S. 5212 would impose time and a half pay for overtime and unemployment insurance on farms; and

WHEREAS, passing the bill would greatly increase labor costs and greatly increase the need for migratory workers, which would have the effect of further burdening the already limited H2A visa system; and

WHEREAS, such a measure would prevent farmers from getting all of their produce to market, increasing a reliance on produce grown outside of New York State and outside of the United States, where the USDA has limited monitoring authority.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to oppose Senate Bill S. 5212 and any companion bill in the New York State Assembly; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, the Senate Majority Leader and the local delegation to the New York State Legislature.

(6-0)

4. COMM. 12E-25 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Parks, Recreation and Forestry purchased boat docks in 1988; and

WHEREAS, the docks never achieved the desired amount of usage envisioned and were taken out of service several years ago; and

WHEREAS, the EC Parks Department has been trying for more than a year to find a user interested in purchasing these docks without success; and

WHEREAS, the City of Buffalo has a use for boat docks and has expressed an interest in acquiring the docks at Isle View Park; and

WHEREAS, the City of Buffalo has agreed to remove the docks from Isle View Park at no cost to the County; and

WHEREAS, the docks are currently of no use to the EC Parks Department, and have served as nothing but an eyesore for many years; and

WHEREAS, the docks are of little or no value to the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Executive is authorized to gift up to six docks currently located at Isle View Park to the City of Buffalo; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance, the Division of Purchase and the Erie County Department of Law.

(6-0)

5. COMM. 12E-29 (2009)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a request for qualifications from energy service companies interested in completing energy performance contracts to implement facility improvement measures for the County; and

WHEREAS, the selected performance contractors will evaluate assigned facilities and determine programs in which capital improvements may be fully funded by the savings derived from those improvements; and

WHEREAS, per New York State Energy Law Article 9, said savings are guaranteed; and

WHEREAS, a review committee was established that evaluated the responses to the request for qualifications and has rated two firms, Siemens Building Technologies and Wendel Energy Services, as the most qualified to complete energy performance contracting services for the County; and

WHEREAS, the review committee recommends retaining Siemens Building Technologies and Wendel Energy Services to complete general energy performance contracting services for projects identified by the various County Departments/ Divisions.

NOW, THEREFORE, BE IT,

RESOLVED, that the Siemens Building Technologies and Wendel Energy Services be retained to complete general energy performance contracting services for the County; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228 and Wendel Energy Services, LLC, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228 to complete general energy performance contracting services for the County, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that cost and funding information for specific energy performance projects identified by County Departments/ Divisions shall be submitted for review and approval by the Erie County Legislature; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Michael Quinn, P.E., Department of Environment and Planning and Gerard Sentz, P.E., Department of Public Works, and one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Eric Ziobro, Assistant County Attorney.

6. COMM. 13E-6 (2009)  
COUNTY EXECUTIVE

WHEREAS, through American Recovery and Reinvestment Act of 2009, the United States Department of Energy (USDOE) will provide over \$2.7 billion to U.S. states, territories, local governments, and Indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

WHEREAS, through the allocation formula established for EECBG, the USDOE has made \$2,903,000 available to Erie County government to develop an Energy Efficiency and Conservation Strategy and implement projects that will reduce energy use and green house gas emissions within county operations and the community; and

WHEREAS, the Erie County Departments of Environment and Planning (DEP) and Public Works (DPW) have collaborated to develop priority County initiatives and projects that are eligible for funding, compiled these projects using the prescribed federal format and forms and submitted an application to the USDOE requesting the \$2,903,000 in available funding to meet its June 25, 2009 deadline; and

WHEREAS, Ecology and Environment, Inc., an internationally recognized environmental consultant with headquarters based in Erie County, has extensive experience assisting communities nationwide in adopting and implementing energy conservation and greenhouse gas reduction efforts. Its environmental consulting services are available to the County through the New York State Office of Government Services (OGS) Contract # PS59746. It has assisted with the EECBG application process, and will be provided a contract to assist with the development of the overall strategy and implementation of several of the program initiatives; and

WHEREAS, C. J. Brown Energy, P.C., a locally based energy performance contractor that has done extensive work performing energy audits and upgrades on Erie County facilities and whose services are available to the county through authorization DPW received from the Erie County Legislature by resolution (Comm14E-19) passed July 17, 2008 to engage the professional services of

several consultants, will be provided a contract to coordinate the specific energy conservation studies on Erie County buildings that will be funded through the EECBG; and

WHEREAS, the funding available for personnel services and fringe benefits will cover the services of three existing environmental staff members in the Department of Environment and Planning, whose funding from existing grants will expire by the end of 2009; and

WHEREAS, the new grant resources would also enable the Department of Environment and Planning to add six additional hours per week to the existing part time schedule (currently 24 hrs/week) of an existing County line Environmental Compliance Specialist RPT (JG 12) to enable her to assist with this new grant effort over the next three years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the USDOE to accept and implement the Erie County Energy Efficiency and Conservation Block Grant Program (grant period: 09/01/09 to 09/30/12) in an amount not to exceed \$2,903,000 in grant resources; and be it further

RESOLVED, that upon receipt of a formal award letter and contract from the U.S. Department of Energy the County Executive is authorized to enter into the necessary agreements with Ecology and Environment, Inc. to provide consultant services consistent with the terms of the existing New York State OGS Contract #PS59746 to assist with the development and implementation of the Erie County Energy Conservation Strategy in an amount not to exceed \$250,000 in grant resources; and be it further

RESOLVED, that upon receipt of a formal award letter and contract from the U.S. Department of Energy the County Executive and Department of Public Works is authorized to enter into the necessary agreements with C. J. Brown Energy, P.C., to provide consultant services in an amount not to exceed \$950,000; and be it further

RESOLVED, that the revenue from the Erie County Energy Efficiency and Conservation Block Grant Program is hereby appropriated in the Department of Environment and Planning, Business Area 162, Fund 281, as follows:

REVENUE:            Grant: 162EECBG ENE0912

414000	Federal Aid	<u>\$2,903,000</u>
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TOTAL REVENUE		\$2,903,000
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APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Full-Time Salaries	312,000
500020	Regular Part Time Salaries	124,800
502000	Fringe Benefits	210,144



510000	Local Travel and Mileage	1,100
510200	Training and Education	5,000
530000	Other Expenses	19,793
506200	Maintenance and Repair Supplies	28,000
516020	Contractual Services	270,000
575000	InterFund Expense – Non Subsidy	1,900,000
916200	ID Dept. Environment and Planning Services	32,163

TOTAL APPROPRIATIONS: \$2,903,000

and be it further

RESOLVED, that upon receipt and final approval from the granting agency the Budget Director has the authority to establish Pay-As-You-Go Projects within the Department of Public Works, Fund 410, in an amount not to exceed \$1,900,000; and be it further

RESOLVED, that the following three positions will be created in the newly established Erie County Energy Efficiency and Conservation Block Grant Budget:

Solid Waste Recycling Specialist (JG 12) (1) Position  
B100 Number: 0000004806  
Budgeted Annual Salary: \$62,400

Jr. Environmentalist (JG 7)  
(2) Positions – one Full Time and one RPT  
B100 Number: 0000004808  
Budgeted Annual Salary: \$41,600

and be it further

RESOLVED, that the authorizations provided by this resolution are contingent upon receipt of an award letter and contract from the U.S. Department of Energy; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of the Division of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator – Pollution Prevention Program; the Commissioner of Public Works, the County Comptroller; the Commissioner of Personnel; and the County Attorney.  
(6-0)

7. COMM. 13E-7 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) coordinates the activities of the Western New York Stormwater Coalition (WNYSC); and

WHEREAS, the DEP has assumed the role of lead agency and has pursued grant funding to support the work of the WNYSC since its inception; and

WHEREAS, the New York State Department of Environmental Conservation granted DEP \$479,200 to assist 43 municipal entities in Erie and Niagara Counties in their efforts to comply with the state's Phase II Stormwater requirements; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation and establish the existing grant budget (Comm. 20E-10 dated November 15, 2007); and

WHEREAS, it is necessary to revise the existing budget in accordance with the current project workplan and contractual requirements set forth by the granting agency; and

WHEREAS, the grant funding available for personnel services and fringe benefits will cover the services of an existing Solid Waste Recycling Specialist (JG 12); and

WHEREAS, the required County match will be met through in-kind expense contributions from Erie County staff and the WNYSC membership.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Western New York Stormwater Coalition: MS4 Assistance Project is hereby revised in the Department of Environment and Planning, Business Area 162 (fund 281, SAP Grant #162WNYSCPEIDP0810) as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	<u>\$479,200</u>
TOTAL REVENUE		\$479,200

APPROPRIATIONS:

Account	Description	Current Budget	Revisions	Revised Budget
500000	Personnel Services	\$60,000	\$60,000	120,000
502000	Fringe Benefits	\$22,800	\$27,000	\$49,800
505000	Office Supplies	\$130,000	(\$125,500)	\$4,500
10000	Local Travel & Mileage	\$0	\$500	\$500
530000	Other Expenses	\$0	\$2,000	\$2,000
561410	Lab and Technical	\$1,400	\$1,100	\$2,500
516020	Professional Service Contract	<u>\$265,000</u>	<u>\$34,900</u>	<u>\$299,900</u>
		\$479,200	\$0	\$479,200
	TOTAL APPROPRIATIONS			\$479,200

and be it further

RESOLVED, that the following position will be transferred to the new grant from the Illicit Connection Trackdown and Evaluation Project grant (Fund 281; SAP Grant #162ILLICITCONN0708) upon consumption of the current budget:

Solid Waste Recycling Specialist (JG 12) Position  
B-100 No. 0004752  
Budgeted Annual Salary: \$59,266

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Holly Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator –Pollution Prevention Program; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(6-0)

8. COMM. 13E-9 (2009)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature confirms the appointment of the following individual to the ECSD No. 3 Board of Managers for the terms stated:

<u>Name</u>	<u>Term Expires</u>
Mr. Jerry Kapsiak 6100 S. Park Ave. Hamburg, NY 14075	December 31, 2009

(6-0)

9. COMM. 13E-18 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Hamburg Master Pumping Station Wet Well Ventilation System and Stairway Replacement Project, Contract 38PS, at 2:00 P.M. on June 26, 2009.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 38PS	Hohl Industrial Services, Inc. 770 Riverview Boulevard Tonawanda, NY 14150	\$98,728.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Hamburg Master Pumping Station Wet Well Ventilation System and Stairway Replacement Project, Contract 38PS be awarded to Hohl Industrial Services, Inc., in the not-to-exceed amount of \$98,728.00; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the Contract with the aforementioned lowest, responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Bond Account C.00062; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$98,728.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00062 for Contract 38PS; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.  
(6-0)

**DANIEL M. KOZUB**  
**CHAIR**

MR. KOZUB moved to amend item Number 6. MS. IANNELLO seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (11-3)

Insert the Following Between the Third and Fourth Whereas Clauses:

WHEREAS, the Administration has proposed the establishment of a "Green Team" which would have responsibility to implement green initiatives involving such things as energy conservation, environmental purchasing, alternative vehicles, and waste reduction along with the responsibility for doing community outreach and raising public awareness about these green initiatives; and

WHEREAS, the Erie County Legislature has established a Green Actions Community Committee which is in fact, an active working "Green Team" currently involved in community outreach and community awareness and the promotion of green initiatives throughout Erie County; and

Delete the Fifth Resolved Clause in its Entirety and Insert the Following:

RESOLVED, that upon receipt and final approval from the granting agency the Budget Director has the authority to establish Pay-As-You-Go-Projects within the Department of Public Works, Fund 410, in an amount not to exceed \$1,900,000 and shall report to the Erie County Legislature as these projects are established; and be it further

RESOLVED, that the "Green Team" established to implement these initiatives shall include the members Erie County Legislature's Green Actions Community Committee; and be it further

Delete the Eighth Resolved Clause in its Entirety and Insert the Following:

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; Chair of the Green Actions Community Committee; the Director of the Division of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; Tom Hersey, Coordinator-Pollution Prevention Program; the Commissioner of Public Works; the Commissioner of Personnel; and the County Attorney.

MR. KOZUB moved to approve the item as amended. MS. IANNELLO seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS and MR. WROBLEWSKI. NOES: MR. MILLS and MR. RATH. (AYES: 12; NOES: 2)

CARRIED.

### **LEGISLATOR RESOLUTIONS**

Item 24 – CHAIR MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 14-1 from GRANT Expressing Support for President Obama's Initiative to Simplify FAFSA (Free Application for Federal Student Aid) and Increase Access to Higher Education, Including ECC.

Item 25 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Supporting the Creation of a  
Regional Girls Varsity Ice  
Hockey League  
(INTRO 14-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR IANNELLO**

MR. MAZUR moved to amend the resolution. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, it is estimated that roughly 900 girls ages 18 and under play ice hockey on community recreation teams in Western New York; and

WHEREAS, girls with strong ability are allowed to play on school sponsored boys varsity teams; and

WHEREAS, girl hockey players are overlooked for scholarships and miss out on locker room camaraderie; and

WHEREAS, girls playing boys hockey have a greater chance of being hurt because boys hockey allows checking while girls hockey does not; and

WHEREAS, a Girl's Ice Hockey Development Committee has been spearheaded by Williamsville Athletic Director James Rusin; and

WHEREAS, the Girl's Ice Hockey Development Committee includes Administrators from athletic programs in Williamsville, Amherst, Clarence, Kenmore Town of Tonawanda, Sweet Home, Niagara Wheatfield, West Seneca, Lancaster, Orchard Park and the Monsignor Martin Athletic Association; and

WHEREAS, two districts have committed to each fielding a team in 2010-11, but a minimum of five teams are necessary to make a viable league; and

WHEREAS, the committee has estimated that it would cost each participating school district \$24,500.00 to field a team; and

WHEREAS, attempting to launch a new regional varsity team at a time when the New York State Public High School Athletic League is directing the schools to slash the number of athletic competitions in all sports is a tough sell; and

WHEREAS, if a full-scale league is not possible by 2010-11, the Girl's Ice Hockey Development Committee recommends the continuation of lower level, school sponsored ice hockey opportunities for girls as well as the formation of a club program.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, the Erie County Legislature, goes on record to support the creation of a Regional Girl's Varsity Hockey League; and be it further

RESOLVED, that this honorable body suggests if the league is created that its administrators apply for funding through Erie County Youth Services, a division of the Social Services Department and additionally, seek any and all private or public sponsorships in their respective districts; and be it further

RESOLVED, that certified copies be sent to the County Executive, Supervisor of Youth Services within the Erie County Department of Social Services, the Administrators for Athletic programs of Williamsville, Amherst, Clarence, Ken-Ton, Sweet Home, Niagara Wheatfield, West Seneca, Lancaster, Orchard Park and Monsignor Martin High Schools.

MR. MAZUR moved to approve the resolution as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 26 – MR. MAZUR moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 12E-24 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Amend III-C-1 Grant Budget  
(COMM. 12E-24, 2009)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (III-C-1) grant for the period January 1, 2009 to December 31, 2009; and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of the final federal allocation; and

WHEREAS, the Department reviewed the program budgets and service objectives and desires to allocate the additional federal funds to improve the quality of meals at the congregate dining sites and to serve additional seniors throughout Erie County; and

WHEREAS, Nutrition Education services are required at all dining site locations for all participants 60 years of age and older, and Individual Nutrition Counseling Assessments are required for all participants who have special diets; and

WHEREAS, these services are required to be performed by qualified Dieticians and have historically been performed on a consultant basis; and

WHEREAS, the Nutrition program has experienced frequent turnover of consultants over the last few years the last of which occurred in April; and

WHEREAS, the Department will not be able to meet quality assurance and monitoring standards as established by the State Office for the Aging if these services are not performed; thereby jeopardize funding; and

WHEREAS, the Department of Senior Services desires to create two part time Dietician Consultant, job group 11, positions, effective July 6, 2009 to ensure required nutrition counseling and education services are provided; and

WHEREAS, these positions will be 90% federally reimbursable and are reflected in the SAP system on B-100 Control number 4783; and

WHEREAS, the Department anticipates opening additional dining sites during 2009 which will also necessitate additional nutrition counseling and education needs; and

WHEREAS, the Department desires to amend the contracts with the Salvation Army of Buffalo, the Town of Amherst and the Stay Fit Dining site sponsors to reflect a \$.25 per meal reimbursement rate (a \$.03 increase), effective 7/1/09; and

WHEREAS, the Department desires to purchase food service supplies and carriers to ensure the safety of meals, and to upgrade the tray sites to bulk sites; and

WHEREAS, the III-C-1 grant budget needs to be revised; and

WHEREAS, the additional local match will be provided by dining site sponsors.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be and is hereby authorized to amend the contracts with the Salvation Army of Buffalo, the Town of Amherst, and Stay Fit Dining site sponsors to reflect the \$.25 per meal reimbursement; and be it further

RESOLVED, that the III-C-1 grant (163III-C-12009) be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
414000 Federal Aid	\$1,359,950	\$80,093	\$1,440,043
417000 Contributions-Participants	787,750	18,756	806,506
466320 Subcontractor Match	6,896	8,899	15,795
TOTAL REVENUES		<u>\$107,748</u>	
<b>APPROPRIATIONS</b>			
500010 Part Time - Wages	\$10,413	\$27,266	\$37,679
502000 Fringe Benefits	228,646	7,962	236,608
505400 Food & Kitchen	1,380	5,781	7,161
510000 Local Mileage Reimbursement	18,500	4,000	22,500
516020 Professional Services-Food Prep	1,346,055	8,899	1,354,954
516030 Maintenance Contracts	500	20,000	20,500



530000	Other Expenses	900	4,500	5,400
561420	Furniture & Fixtures	0	<u>29,340</u>	29,340
	TOTAL APPROPRIATIONS		<u>\$107,748</u>	

and be it further

RESOLVED, that two part time Dietician Consultant positions, Job Group 11 (B-100#: 4783), be created within the Nutrition Program, Grant Number: 163III-C-12009; 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, the Department of Law, the Department of Personnel and the Department of Senior Services.

MR. MAZUR moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. MAZUR moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 12E-30 (2009). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: Authorization to Allow EC Dept. of Mental Health to Contract with Pride Center of WNY, Inc. to Provide Substance Abuse Prevention and Intervention Services (COMM. 12E-30, 2009)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has provided \$50,000 in 100% state aid funding to provide substance abuse prevention and intervention services for methamphetamine use and dependency in Erie County in 2009; and

WHEREAS, the NYS OASAS has identified the Pride Center of Western New York, Inc., as the recipient of this funding; and

WHEREAS, the Erie County Department of Mental Health has been designated to provide the contract and oversight responsibilities for this funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract agreement with the Pride Center of Western New York, Inc., (GL516010) for the period January 1, 2009 through December 31, 2009, in an amount not to exceed \$50,000, in order to provide substance abuse prevention and intervention services for methamphetamine use and dependency in Erie County; and be it further

RESOLVED, that the Division of Budget, Management and Finance establish a Funds Reservation in GL516010 for the Pride Center of Western New York, Inc., for the period January 1, 2009 through December 31, 2009, in an amount not to exceed \$50,000; and be it further

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

MR. MAZUR moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 12E-14 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Cedar St. Bridge Construction - Niagara County Intermunicipal Agreement – Committee Agenda Placeholder (COMM. 12E-14, 2009)

MR. MAZUR moved to amend the item. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, a Project for the Replacement of Cedar Street Bridge (261-4) over Tonawanda Creek, BIN 332660 in the Town of Newstead, Erie County, PIN 5757.21 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionments of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the Bridge that is the subject of the Project is jointly owned by the County of Niagara and the County of Erie with the dividing line being the centerline of Tonawanda Creek as such, the County of Erie and the County of Niagara are both eligible to be “Sponsors” for the replacement; and

WHEREAS, the County of Niagara and the County of Erie have agreed to enter an inter-municipal agreement that the County of Niagara shall take the lead and be the “Sponsor” for the Project; and

WHEREAS, the Construction and Construction Inspection Phases of the Project is estimated at \$3,588,000.00 and the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction and Construction Inspection Phases of the Project PIN 5757.21; and

WHEREAS, in order to advance the Project it is necessary to provide a joint commitment to the Project's non-Federal share costs for the Construction and Construction Inspection Phases of the project PIN 5757.21 of which County of Erie's portion of the local share is \$34,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject Project; and be it further

RESOLVED, the County Erie shall enter an intermunicipal Project agreement with the County of Niagara whereby the County of Niagara shall pay the first instance 100% of the Federal and Non-Federal shares of the costs of the Construction and Construction Inspection Phases of the Project or portions thereof with the County of Erie reimbursing Niagara County for our share of the costs; and be it further

RESOLVED, that the Erie County's portion of local share in the amount of \$34,000.00 shall be appropriated from B.00191, Preservation of Bridges and made available to cover the costs of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the costs of the projects the Construction and Construction Inspection Phases exceeds the amount appropriated above, and/or 100% of the full Federal and Non-Federal shares of the costs of the Construction and Construction Inspection Phases \$340,000.00, the County of Erie and the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation; and be it further

RESOLVED, the County of Niagara and County of Erie agree that Niagara County will execute all necessary agreements, certifications or reimbursement requests in accordance with Federal and/or State funding requirements with New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations; and be it further

RESOLVED, that the Clerk of the Legislature forward fifteen (15) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and County of Niagara, by attaching it to any necessary Agreements in connection with the Project; and also, one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

MR. MAZUR moved to approve the item as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 12E-15 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: EC Capital Bridge and Culvert Project  
Consultant Design - Committee Agenda  
Placeholder  
(COMM. 12E-15, 2009)

MR. MAZUR moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, there is a need for Bridge and Culvert Engineering Services performed by firms specializing in the provision of such services; and

WHEREAS, after careful review of each firm's capabilities, by the Department of Public Works, several firms were selected having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that your honorable body authorize the County Executive to enter into an agreement with each of the following firms to provide Bridge and Culvert Engineering Services for the following projects:

Abate Associates Engineering &, P.C.  
Surveying, P.C.

Emery Road Bridge (BR 67-1)  
Town of Aurora

Bergmann Associates

Allen Road Bridge (BR 27-3)  
Town of Sardinia

Clough Harbour & Associates, LLP

Cayuga Creek Road Culvert (BR 165-1)  
Town of Cheektowaga

DiDonato Associates, P.E., P.C.

Jamison Road Bridge (BR 574-3)  
Town of Elma

Foit-Albert Associates

Rapids Road Bridge (BR 43-1)  
Town of Clarence  
Duerr Road Culvert (BR 463-1)  
Town of Orchard Park

FRA	Burdick Road Bridge (BR 258-1) Town of Newstead
Greenman-Pedersen, Inc.	Seneca Creek Culvert (BR 325-1) Town of West Seneca
Hatch Mott MacDonald	Girdle Road Bridge (BR 336-1) Town of Elma
Nussbaumer & Clarke, Inc.	Newton Road Bridge (BR 110-2) Town of Orchard Park
Parsons Brinckerhoff	George Urban Blvd Bridge (BR 316-2) Town of Cheektowaga
Wm. Schutt & Associates Engineering & Land Surveying, P.C.	Rapids Road Culvert (BR 42-1A) Town of Newstead
TVGA Consultants	Brooklyn Street Bridge (BR PK-1) Town of Newstead Center Street Culvert (BR 33-1) Town of Aurora
Watts Architecture & Engineering, P.C.	Alden-Crittenden Road Bridge (BR1-1) Town of Alden  Ellicott Creek Road Culvert (BR 580-1) Town of Amherst

and be it further

RESOLVED, that the fees for the contracts to the above noted Engineering firms will be negotiated with a not to exceed amount placed on the work; and be it further

RESOLVED, that the contract duration will be for one year, with a clause to renew the contract for one additional year at the discretion of the Commissioner of Public Works; and be it further

RESOLVED, that the Engineering fees will be paid to the selected consultants on a project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works; and be it further

RESOLVED, that funding for such services be identified separately for each such project that is to be accomplished; and be it further

RESOLVED, that the fees will be appropriated from B.00191, 2008 Preservation of Bridges, Culverts & Dams, and B.20920, 2009 Preservation of Bridges & Culverts (Design), in individual amounts which will not exceed the total within these accounts of \$1,250,000.00 and \$990,000.00, respectively; and be it further

RESOLVED, that three (3) copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy to the Office of the Comptroller, Office of Budget, Management & Finance, and Office of County Executive.

MR. MAZUR moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 12E-16 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Aero-Youngs Federal Aid Intersection  
Project - NYSDOT Construction  
Agreement - Committee Agenda  
Placeholder  
(COMM. 12E-16, 2009)

MR. MAZUR moved to amend the item. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, a Project for the Reconstruction of the CR 554, Youngs Road and CR 324, Aero Drive Intersection, in the Town of Cheektowaga, Erie County, PIN 5756.46 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design V & VI), Right of Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.46, via previously authorized County Resolution No. 9E-57 adopted May 22, 2003 from the 2002 Youngs/Aero Intersection Design Program B.00043 and No. 14E-16 (2008) adopted July 17, 2008 from the 2008 Unanticipated Federal Aid Design & Right-of-Way Program and made available to cover the cost of participation in the above phases of the Project; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5756.46 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$1,120,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of Preliminary Engineering (Scoping and Design V-VI), Right-of-Way Incidentals and Right-of-Way Acquisition and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project increase of \$1,120,000.00 (\$56,000.00 Erie County's local share) be appropriated from 2007 Youngs @ Aero Construction Program (B.00175); and be it further

RESOLVED, that the Project budget be equally increased in revenue and appropriation to represent this agreement; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design V & VII), Right-of-Way Incidentals and Right-of-Way Acquisition and Construction and Construction Inspection Phase exceeds the amount appropriated, and/or 100% of the Full and Non-Federal shares of the cost of the Project (\$1,306,500.00), the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursements requests for Federal Aid and/or Marchiselli aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner.

MR. MAZUR moved to approve the item as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 12E-31 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: Highway Fuel Tank Spill Prevention  
Control and Countermeasure (SPCC)  
Plans - Wendel Duchscherer  
(COMM. 12E-31, 2009)

WHEREAS, Erie County must comply with 40 CFR, Part 112 (Code of Federal Regulations) regarding Spill Prevention Control and Countermeasure (SPCC) to determine what corrective measures are needed to meet current codes, standards, and measures to provide a safe working environment; and

WHEREAS, your honorable body has previously authorized Wendel Duchscherer as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008; and

WHEREAS, the County Executive is requesting authorization from your honorable body to execute an Agreement with Wendel Duchscherer for providing Professional Services to site specific Spill Prevention Control and Countermeasure (SPCC) plans.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement with Wendel Duchscherer for providing Professional Services to site specific Spill Prevention Control and Countermeasure (SPCC) plans for an amount not to exceed \$34,100.00; and be it further

RESOLVED, that the payment for the above agreement be allocated from SAP Project B.00057 – 2003 – County-wide Highway and DPW Fuel Tank Program for an amount not to exceed \$34,100.00; and be it further

RESOLVED, that three certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

MR. MAZUR moved to approve the item. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 12E-33 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Leasing of EC Owned Rail Lines to the  
EC Industrial Development Agency  
(COMM. 12E-33, 2009)



WHEREAS, the County of Erie holds an ownership interest in a railroad right-of-way in the Town of Cheektowaga and the Villages of Depew and Lancaster through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said right-of-way being designated line 1242; and

WHEREAS, the County of Erie holds an ownership interest in a railroad right-of-way between the City of Buffalo and the Village of Gowanda through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said railroad right-of-way being designated a line 1246; and

WHEREAS, the County of Erie has leased these rail lines under a management agreement since 1985; and

WHEREAS, the most recent of the aforementioned lease agreements will expire by its own terms on September 15, 2009; and

WHEREAS, it is the desire of the County and the Erie County Industrial Development Agency to continue the operating relationship for Rail lines 1242 and 1246 for an additional five years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements and other documents with the Erie County Industrial Development Agency for the leasing and ongoing operation for railroad rights-of-way being designated Lines 1242 and 1246, the term of which shall extend from September 15, 2009 to September 15, 2014; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning and the County Attorney.

MR. MAZUR moved to approve the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 13E-20 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

RE: Transfer of Mitigation Funds - Wehrle  
Dr. Reconstruction - Amherst  
(COMM. 13E-20, 2009)

WHEREAS, the County of Erie is currently undertaking the reconstruction of Wehrle Drive (CR 290) from Transit Road to Ellicott Creek in the Town of Amherst, Project Number FA-290-07; and

WHEREAS, the intersections of Wehrle Drive (CR 290) at Youngs Road (CR 554), and Youngs Road (CR 554) at College Parkway (commercial roadway), will receive turning lane and/or traffic signal improvements as part of the reconstruction as a result of traffic volume increases; and

WHEREAS, a portion of these intersection improvements are being constructed as mitigation for traffic impacts created by the College Park Office Development constructed by Zaepfel Development Company; and

WHEREAS, Zaepfel Development Company contributed \$50,000.00 as agreed in an executed Memorandum of Understanding dated October 9, 1997, and also contributed a payment of \$15,000.00 towards an identified but not limited to sum of \$75,000.00 as agreed in an executed Memorandum of Understanding dated November 16, 2001; and

WHEREAS, the \$65,000.00 sum of payments received by the Erie County Department of Public Works was deposited into a highway mitigation account identified as project 420/786 in the SFG accounting system now known as account B.08999 in the current SAP accounting system.

NOW, THEREFORE, BE IT

RESOLVED, that the Office of the County Comptroller be authorized for the immediate transfer of the aforementioned \$65,000.00 of mitigation payments from account B.08999 to the Wehrle Drive (CR 290) reconstruction project account B.00169; and be it further

RESOLVED, that project SAP account B.00169 revenues and appropriations be equally increased by the amount of \$65,000.00 for the purposes of the reconstruction of Wehrle Drive; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

MR. MAZUR moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-15 (2009). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: Central Police Services - 2009-2010  
Justice Assistance Grant  
(COMM. 13E-15, 2009)

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the New York State Division of Criminal Justice Services; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement computer training services for its project.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to accept funding from the City of Buffalo in the amount of \$13,210; and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

GRANT FUND – SAP 165CPSJAG30910  
Central Police Services 06/01/09 to 09/30/10

<u>Revenue</u>	<u>Increase</u>
479100 Other – Local Source	\$13,210
<u>Appropriation</u>	<u>Increase</u>
505000 Office Supplies	\$ 564
516020 Professional Services Contracts	12,646
<u>Total Appropriation</u>	\$13,210

and be it further

RESOLVED, that authorization is hereby provided to contract with Mary Jane McDonald, a retired CPS information technology specialist and certified trainer, to provide the technical services for this project at a rate of \$20 per hour; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Florence Hollenbeck, 45 Elm Street, Buffalo, New York 14203.

MR. MAZUR moved to approve the item. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 19D-2 (2008). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: Open Item - Finance & Management  
Committee  
(COMM. 19D-2, 2008)

MR. MAZUR moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

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 209169 through 209180, 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	2009	Petition No.	209,169.00
ASSESSOR	Cancel		\$565.79
S-B-L 266.14-1-2		142801 FARNHAM	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$565.79	Town/SpecialDist/School
<u>Charge To :</u>	142801 FARNHAM		\$565.79
	Relevy Village	\$565.79	Village of FARNHAM

RPTL 550(2): FAILED TO APPLY AN AGED STAR  
NEW TAX BILL TO BE ISSUED TO: RAYMOND H & LORRAINE DUNKEL

FISCAL YEAR	2008	Petition No.	209,170.00
ASSESSOR	Refund		\$564.71
S-B-L 67.73-2-7		142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$564.71	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$564.71

Relevy School \$564.71 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC  
REFUND TO BE ISSUED TO: CHARLES K DIPASQUALE

FISCAL YEAR 2008 Petition No. 209,171.00

ASSESSOR Refund \$1,271.34

S-B-L 113.13-1-4.21 143001 SLOAN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,271.34 Town/SpecialDist/School  
Charge To : 143001 SLOAN \$1,271.34  
Relevy School \$1,271.34 143009 SLOAN UNION #9

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT TOWN OWNED  
NEW TAX BILL TO BE ISSUED TO: TOWN OF CHEEKTOWAGA

FISCAL YEAR 2009 Petition No. 209,172.00

ASSESSOR Refund \$640.69

S-B-L 113.13-1-4.21 143001 SLOAN

Acct. No. 112 \$249.73 County  
Acct. No. 132 \$390.96 Town/SpecialDist/School  
Charge To : 143001 SLOAN \$390.96

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT TOWN OWNED  
NEW TAX BILL TO BE ISSUED TO: TOWN OF CHEEKTOWAGA

FISCAL YEAR 2008 Petition No. 209,173.00

ASSESSOR Refund \$2,243.41

S-B-L 113.01-1-23.12 143001 SLOAN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$2,243.41 Town/SpecialDist/School  
Charge To : 143001 SLOAN \$2,243.41  
Relevy School \$2,243.41 143009 SLOAN UNION #9

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT TOWN OWNED  
NEW TAX BILL TO BE ISSUED TO: TOWN OF CHEEKTOWAGA

FISCAL YEAR 2009 Petition No. 209,174.00

ASSESSOR Refund \$1,130.56

S-B-L 113.01-1-23.12 143001 SLOAN

Acct. No. 112 \$440.67 County  
Acct. No. 132 \$689.89 Town/SpecialDist/School

Charge To : 143001 SLOAN \$689.89

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT TOWN OWNED  
NEW TAX BILL TO BE ISSUED TO: TOWN OF CHEEKTOWAGA

FISCAL YEAR 2009 Petition No. 209,175.00

ASSESSOR Refund \$59.64

S-B-L 235.15-1-16 144401 ANGOLA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$59.64 Town/SpecialDist/School

Charge To : 144401 ANGOLA \$59.64

Relevy Village \$59.64 Village of ANGOLA

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION  
REFUND TO BE ISSUED TO: JOSEPH A & VIRGINIA A PALMERTON, JR

FISCAL YEAR 2009 Petition No. 209,176.00

ASSESSOR Cancel \$522.84

S-B-L 235.11-5-5 144401 ANGOLA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$522.84 Town/SpecialDist/School

Charge To : 144401 ANGOLA \$522.84

Relevy Village \$522.84 Village of ANGOLA

RPTL 550(2): FAILED TO APPLY A COMBAT VET/APPLIED A RPTL 520 IN ERROR  
NEW TAX BILL TO BE ISSUED TO: SAMUEL & IRENE E REINO

FISCAL YEAR 2009 Petition No. 209,177.00

ASSESSOR Cancel \$59.64

S-B-L 235.15-5-21 144401 ANGOLA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$59.64 Town/SpecialDist/School  
Charge To : 144401 ANGOLA \$59.64

Relevy Village \$59.64 Village of ANGOLA

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: BRANDON R & MEGAN A THICKSTUN

FISCAL YEAR 2009 Petition No. 209,178.00

ASSESSOR Cancel \$55.65

S-B-L 555.00-20-10.1 145801 NORTH COLLINS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$55.65 Town/SpecialDist/School  
Charge To : 145801 NORTH COLLINS \$55.65

Relevy Village \$55.65 Village of NORTH COLLINS

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP

FISCAL YEAR 2008 Petition No. 209,179.00

ASSESSOR Cancel \$1,580.64

S-B-L 92.09-4-23 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,580.64 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$1,580.64

RPTL 550(2): CLEAN-UP OF DEBRIS CHARGED IN ERROR  
NEW TAX BILL TO BE ISSUED TO: DONALD G BOYE

FISCAL YEAR 2009 Petition No. 209,180.00

ASSESSOR Cancel \$3,419.36

S-B-L 92.09-4-23 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,419.36 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$3,419.36

RPTL 550(2): CLEAN-UP OF DEBRIS CHARGED IN ERROR  
NEW TAX BILL TO BE ISSUED TO: DONALD G BOYE

and be it further

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

MR. MAZUR moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 13E-27 (2009). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: Levy of the 2009-2010 School Tax  
Budgets  
(COMM. 13E-27, 2009)

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Service Department of Erie County; and

WHEREAS, the Director for said Real Property Tax Service Department has spread and extended said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Service Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Service Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Service Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Service Department in connection with the foregoing is hereby ratified and confirmed; and be it further



RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, Gregory Kammer County Attorney's Office, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

MR. MAZUR moved to approve the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

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

GRANTED.

INTRO 14-3 from MILLER-WILLIAMS Re: Third Dist. Legislative Office Staff Reorganization

MR. MAZUR moved to approve the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

WHEREAS, in order to better serve the residents of the Third District of the Erie County Legislature, a reorganization is necessary of the Legislature's district office personal services budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget adjustments to the Legislature's 2009 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2009:

DELETE one (1) Administrative Clerk Legislature (Full-Time), JG 7 Step 4, Position Number 51006284, Fund Center 100, Cost Center 1005017 District Office Staff, effective July 18, 2009;

REPLACE with one (1) Administrative Clerk Legislature (RPT), JG 7 Step 4; and one (1) Administrative Clerk Legislature (PT), JG 7 Step 4 to Fund Center 100, Cost Center 1005017 District Office Staff, also effective July 18, 2009; and be it further

RESOLVED, that the Clerk of the Legislature is directed to forward certified copies of this resolution to the Director of the Division of Budget, Management & Finance; the Commissioner of the Department of Personnel; and the Executive Director of the Erie County Fiscal Stability Authority.

Item 38 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-10 from the COMPTROLLER Re: Letter to County Attorney Concerning ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-11 from WHYTE Re: Letter of Absence for Session No. 14, July 9, 2009

Received, Filed and Printed.

July 9, 2009

Honorable Lynn M. Marinelli, Chair  
Old County Hall, 4<sup>th</sup> Floor  
92 Franklin Street  
Buffalo, N.Y. 14202

RE: Absence from Session

Dear Chair Marinelli:

I am unable to attend the Legislative Session scheduled for today, Thursday, July 9, 2009. I thank you in advance for your consideration and understanding.

Sincerely,

Maria Whyte

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

GRANTED.

COMM. 14E-12 from REYNOLDS Re: Report Entitled, "Forclosing Erie County" by the WNY Law Center, 2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 41 – (COMM. 14E-1) Apportionment and Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC (March - May 09')

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 42 – (COMM. 14E-2) Authorization for the Buffalo & EC Industrial Land Development Corp. to Issue Bonds

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

RE: Building Management  
Systems/Life Safety Services  
Contracts  
(COMM. 14E-3)

WHEREAS, the 2009 proposed budget requested sufficient funds for the Department of Public Works, Division of Real Estate Asset Management (REAM) to fund building systems / life safety service contracts required under New York State Code Compliance regulations and life safety standards; and

WHEREAS, the 2009 Adopted as Amended Budget has reduced the necessary funds by \$220,000.00; and

WHEREAS, in order to be in compliance with NYS Law and provide compliant facilities for Erie County employees and constituents who receive services in these facilities, funds must be made available to provide life safety contracts deemed necessary for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management be authorized to transfer funds in an amount not to exceed \$140,000.00 from Fund Center 110 Interest-Bond Anticipation Notes Account #550800 to Fund Center 12220 Account #516020 Professional Services; and be it further

RESOLVED, that two (2) certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, and the Office of the Comptroller.

Item 44 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: Ralph Wilson Stadium - 2009 –  
Misc. Improvements - Phase 3  
Painting Contract  
(COMM. 14E-4)

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2009 – Miscellaneous Improvements Phase 3 Work on June 30, 2009; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder, along with the engineer, to OCM Construction, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder, OCM Construction, Inc. for the Ralph Wilson Stadium – 2009 – Miscellaneous Improvements Phase 3 – Painting Work for an amount not to exceed \$130,000.00; and be it further

RESOLVED, that the sum of \$18,000.00 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; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00318 – 2008 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$148,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

Item 45 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Amendment of Omnipoint  
Communications, Inc. (T-  
Mobile) Cell Tower Lease at  
ECC South Campus  
(COMM. 14E-5)

WHEREAS, in 1994 Buffalo Telephone Company (now Cingular) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into an initial five year lease agreement with Erie County which was extended for an additional five year term; and

WHEREAS, Sprint AT&T, Cricket, T-Mobile and Nextel have all since entered into five year lease agreements for available space on the tower, presently paying the college approximately \$20,400 per year; and

WHEREAS, Omnipoint Communications, Inc. wishes to modify its five year lease agreement, dated September 6, 2006, and approved by the Erie County Legislature by resolution dated June 22, 2006, reference Comm. 10E-25, whereby it would pay the college approximately \$6,000.00 additional rent per year during the initial and renewal lease terms for the right to modify its Antenna Facilities, consisting of adding equipment and coaxial cable to the cell tower and adding an additional 5' x 5' concrete pad on the ground in proximity of the cell tower to house a another equipment cabinet; and

WHEREAS, the granting of this amendment to the lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that subject to approval by the Erie Community College Board of Trustees, which approval was granted at its meeting of March 25, 2009, and the approval of the County Attorney, the Erie County Executive is hereby authorized to amend the lease agreement with Omnipoint Communications, Inc. to permit modifications to the ground and microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the additional rent of \$499.00 per month shall to be paid Erie Community College by Omnipoint Communications, Inc., for the desired modifications of the ground and cell tower and shall be for an initial term of five years with options for renewals, subject to Erie County approval, providing rent increases of fifteen percent; and be it further

RESOLVED, that the funds received from this lease are to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.

Item 46 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

RESOLUTION NO. 215

RE: Division of Public Health  
Laboratories - Epidemiology  
Restructuring  
(COMM. 14E-6)

WHEREAS, the Erie County Department of Health's Division of Epidemiology is responsible for providing investigation and surveillance of emerging infections; and

WHEREAS, this is accomplished by monitoring endemic prevalence and epidemic incidence of diseases and potential disease hazards for use in evaluation and planning health care services; and

WHEREAS, these activities allow the Erie County Department of Health to develop and implement programs to prevent community, facility, or special populations' disease outbreaks; and

WHEREAS, the recent emergence of H1N1 (Swine Flu) throughout our community has severely hampered the division's ability to maintain the high levels of surveillance and investigation that are required to protect the public's health and safety; and

WHEREAS, in order to efficiently meet the increased need for epidemiologic investigation and surveillance, it is necessary to implement staffing adjustments within the Division of Epidemiology; and

WHEREAS, to retain a qualified Epidemiologist it is necessary to upgrade that title; and

WHEREAS, the individual the department is recruiting has obtained the educational level of a PhD and has extensive experience in the field of public health; and

WHEREAS, the department is requesting a Variable Minimum, Step 3, for the position of Epidemiologist in order to attract the candidate; and

WHEREAS, fund balances within the departmental budget will be utilized to fund this restructuring request.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the following personnel changes within the Health Department, Public Health Lab, Fund Center 12730:

Delete	Medical Director Epidemiology (RPT), Position #51002706, JG 20 (B100# 4819)
Upgrade	Epidemiologist JG 13, Position #3387, to a JG 15 (B-100 #4820)
Add	Associate Epidemiologist, JG 13 (B100 #4819);

and be it further

RESOLVED, that a Variable Minimum, Step 3, is approved for the position of Epidemiologist; and be it further

RESOLVED, that available balances within the departmental budget will be utilized to fund this request; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Division of Budget and Management, and to Dr. Anthony J. Billittier, IV, Commissioner in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

Item 47 – (COMM. 14E-7) Central Police Services - 2009 Justice Assistance Stimulus Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 48 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: "Project SWAT" Mosquito  
Control Program  
(COMM. 14E-8)

WHEREAS, mosquito borne diseases, such as West Nile Virus, are of public health concern in New York State and the County of Erie; and

WHEREAS, Erie County and many towns and villages in the County have created a successful partnership to cooperatively address mosquito control through a regional program entitled; "Project SWAT;" and

WHEREAS, the goal of "Project SWAT" is to proactively protect County residents by lowering the risk of mosquito borne diseases; and

WHEREAS, this project will be accomplished through the distribution of mosquito larvacide provided by the County of Erie and distributed in risk areas of the County by town and village personnel trained in pesticide application through an Erie County Department of Health and DEC training program; and

WHEREAS, funds are not currently available in the 2009 Health Department budget for purchase of the larvacide needed for successful implementation of "Project SWAT;" and

WHEREAS, these funds will allow municipalities to continue providing larvaciding services for FY2009, with the knowledge that any future funding will need to be provided by the municipality.

NOW, THEREFORE, BE IT

RESOLVED, that a budget modification in the 2009 Budget for the purpose of purchasing larvacide for the "Project SWAT" Mosquito Control Program is hereby authorized; and be it further

RESOLVED, that the following budgetary adjustments are authorized:

	<u>Decrease</u>
Fund Center 170, County Wide	
Account 550800 Interest – BAN	\$70,000
	<u>Increase</u>
Fund Center 1273030, Environmental Wellness	
Account 505800 Medical & Health Supplies	\$70,000

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and the Department of Health to purchase and distribute the "Project SWAT" larvacide to participating towns and villages as deemed necessary; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, M.D., Commissioner of Health, 9<sup>th</sup> Floor Rath Building.

FROM THE COUNTY CLERK

Item 49 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: Acceptance of Proposal to  
Provide Public Service



Information (Audio/Video) to  
Auto Bureau Customers and  
Generate New Revenue for  
County Taxpayers  
(COMM. 14E-9)

WHEREAS, the Erie County Clerk wishes to create a new experience for its customers when they visit the Auto Bureaus to transact business while at the same time generate a new source of revenue for County taxpayers; and

WHEREAS, Audio/Video Public Service Information and Pre-approved Advertising on A/V screens within the Auto Bureaus will enhance the changing image of the Auto Bureaus while providing information and entertainment for customers; and

WHEREAS, there will be no cost to the Erie County Clerk's Office for the equipment and installation and standard content and creation of said advertising; and

WHEREAS, the Erie County Clerk's Office will receive a percentage of the net revenue from advertisers in annual payments; and

WHEREAS, the net cash value to the Erie County Clerk's Office over the term of the agreement period is expected to exceed \$100,000; and

WHEREAS, a Request for Proposal was reviewed and approved by the Division of Purchase and assigned RFP No. 09115VF; and

WHEREAS, RFP No. 09114VF advertisement was duly published in the Buffalo News and other Legislative approved publications for legal notices; and

WHEREAS, the Erie County Clerk recommends the award of the contract to Metrodata Services, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County to enter into a contract with Metrodata Services, Inc. to provide Audio/Video Public Service Information and Pre-Approved Advertising within the Erie County Auto Bureaus for three years at no cost to the County for equipment or installation and standard content; and be it further

RESOLVED, that Metrodata Services, Inc. will provide to the County a minimum of 33% of the net revenue from its advertisers; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Erie County Clerk's Office and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 50 – (COMM. 14D-1) Information Request - Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 51 – (COMM. 14D-2) Transmittal of New Claim Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE ASSOCIATE DEPUTY COMPTROLLER**

Item 52 – (COMM. 14D-3) Copy of Letter to Legislator Konst Regarding Mid-Year Budget Hearings - Attachment of Submission from the Office of Comptroller

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE HEALTH DEPARTMENT**

Item 53 – (COMM. 14D-4) EC WIC Program Transition Team Minutes for April 3, 2009

Item 54 – (COMM. 14D-5) EC WIC Program Transition Team Minutes for April 24, 2009

Item 55 – (COMM. 14D-6) EC WIC Program Transition Team Minutes for May 8, 2009

Item 56 – (COMM. 14D-7) EC WIC Program Transition Team Minutes for May 21, 2009

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

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 57 – (COMM. 14M-1) PARIS Report for Fiscal Year Ending March 31, 2009

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 58 – (COMM. 14M-2) Fact Sheet - Former Bethlehem Steel - Lackawanna - Public Meeting

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 59 – (COMM. 14M-3) ECMCC Agenda Items for Board of Directors Meeting Held 6/17/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ALTERNATIVE CARE SERVICES OF WNY INC.

Item 60 – (COMM. 14M-4) Copy of Letter to Chair Marinelli Expressing Gratitude for Erie County Financial Support

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SURFACE TRANSPORTATION BOARD

Item 61 – (COMM. 14M-5) Copy of Letter to Chair Marinelli and Legislator Iannello Regarding the Reduction in Operations at the CSX Transportation, Inc. Frontier Yard

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 62 – LEGISLATOR KONST announced that the Legislature will be conducting mid-year budget hearings.

Item 63 – LEGISLATOR REYNOLDS announced that the Distressed Real Property Task Force's Intergovernmental Affairs Subcommittee will meet at Cheektowaga Town Hall to discuss the foreclosure process and land banking.

**MEMORIAL RESOLUTIONS**

Item 64 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of former City of Lackawanna Clerk Gerald S. DePasquale, who was also a member of the Erie County Charter Review Commission.

Item 65 – Legislator Kozub requested that when the Legislature adjourns, it also do so in memory of Gerald S. DePasquale, who he described as a “man of many talents,” who served Lackawanna for 28 years as City Clerk, a feat all the more notable as the position is appointed yearly by the City Council.

Item 66 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Rosa Gibson, who she described as a “voice of those who could not speak out for themselves.” She noted that Ms. Gibson was active throughout Erie County and was the organizer of the first local National Night Out.

Item 67 – Legislator Grant requested that when the Legislature adjourns, it also do so in memory of Rosa Gibson, who she described as “one of the greatest advocates for the City of Buffalo.” She recalled how Ms. Gibson organized protests against the City’s garbage user fee, and how she used abandoned materials and tires for neighborhood gardens and other projects.

Item 68 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Francis B. Pritchard.

**ADJOURNMENT**

Item 69 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. LOUGHRAN moved that the Legislature adjourn until Thursday, September 10, 2009 at 2:00 P.M. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, September 10, 2009 at 2:00 P.M. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**