

ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 22, 2010

The Legislature was called to order by Chair Miller-Williams.

All members present.

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

The Pledge of Allegiance was led by Mr. Mazur.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 13 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a memorial resolution Honoring the Life of Ranney A. Dozier.

Item 6 – MR. MAZUR presented a resolution Congratulating Anthony D. Lewandowski Upon the Occasion of His 100th Birthday.

Item 7 – MR. MAZUR presented a resolution Honoring the Polish Union of America Upon the Occasion of Their 120th Anniversary, and 37th Quadrennial Convention at St. John Gualbert's Roman Catholic Church.

Item 8 – CHAIR MILLER-WILLIAMS presented a resolution Welcoming Jazz Legend Herbie Hancock to Buffalo when He Performs on August 6th at the Erie Canal Harbor.

Item 9 – MS. DIXON presented a resolution Honoring Diana A. Cafferty for Her Dedication to Her Friends, Family & Community, and Her Commitment to Public Service.

Item 10 – MR. RATH presented a resolution Congratulating the Town of Amherst for Being Named One of the Best Places to Live by CNN Money Magazine.

Item 11 – MS. MARINELLI, MS. WHYTE, MR. MILLS, MR. WALTER, MR. FUDOLI, MS. BOVE, MR. HARDWICK, MS. DIXON and MR. RATH presented a Memorial Resolution

Honoring & Remembering the Life of N.Y. Yankees Owner George M. Steinbrenner III, and Many Fond Memories of the Times He Spent & the Friends He had in EC.

MS. WHYTE moved for consideration of the above seven items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above seven items by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above seven items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

Item 13 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 19 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

July 15, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 13M-2 (2010)
ECMCC: “Minutes from Meeting Held 6/1/10”
(5-0)

2. COMM. 12E-18 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received an revised grant award from the New York State Department of Health, Bureau of Community Environmental Health and Food Protection, Center for Environmental Health in the amount of \$812,239 for implementing the “Erie County Lead Poisoning Primary Prevention Pilot Program”; and

WHEREAS, the purpose of the Lead Poisoning Primary Prevention Pilot Program is to identify and address lead hazards in high risk zip codes in Erie County in order to prevent at-risk children from becoming lead poisoned; and

WHEREAS, this will be accomplished through neighborhood surveys, home paint inspections and lead risk assessments, provision of services, distribution of intervention products for hazard control, and education and training for property owners, tenants and volunteers in Erie County; and

WHEREAS, the County desires to subcontract with the Community Foundation of Greater Buffalo for an amount not to exceed \$90,000 for the period 10/1/09 to 9/30/10 for the purposes of administering a lead safe work practices on-the-job training program with not-for-profit

organizations, such as WNY AmeriCorps, and providing assistance with community outreach and a continuing lead awareness ad campaign; and

WHEREAS, the EPA Renovators, Remodelers and Painters Rule (RRP) has replaced 'lead safe work practices' training and applies to property owners in the surveyed neighborhoods, and the Erie County Lead Poisoning Primary Prevention Pilot Program wishes to assist property owners by providing this course; and

WHEREAS, the County desires to establish a fee schedule for providing the EPA 'Renovators, Remodelers and Painters Rule' training classes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with the Community Foundation of Greater Buffalo for an amount not to exceed \$90,000 for the period 10/1/09 to 9/30/10 for the purpose of administering a lead safe work practices on-the-job training program with not-for-profit organizations, such as WNY AmeriCorps, and providing assistance with community outreach and a continuing lead awareness ad campaign; and be it further

RESOLVED, that the subcontract with the Community Foundation of Greater Buffalo, is a special service which must be provided immediately and continuously and was originally proposed to the granting agency and is now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived; and be it further

RESOLVED, that the Fee Schedule for training classes provided by the County for the EPA Renovators, Remodelers and Painters (RRP) course shall be:

Property Owner / Designated Handyman /tenant	\$150.00 each person
Property Owner/Designated Handyman (under Notice & Demand)	\$110.00 each person
Local or Tribal Government housing staff	\$75.00 each person
Not-For- Profit Agency volunteers	\$75.00 each person
Not-For-Profit Agency staff	exempt

Note: Only 'do it yourself' property owners and designated 'handymen' or tenants approved to do work by the property owner will be eligible. No licensed contractors.

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, 9th Floor Rath Building.

(5-0)

3. COMM. 13E-13 (2010)

COUNTY EXECUTIVE

WHEREAS, the approved 2010 Erie County budget provides funding under Title III-C-1 of the Older Americans Act to operate the Stay Fit Dining Program supplying nutritious noonday meals to persons 60 years of age and over in senior centers, housing complexes and community centers throughout the County; and

WHEREAS, some seniors are not able to cook healthy meals on weekends or do not have transportation to go grocery shopping; and

WHEREAS, the Stay Fit Dining Program is not in a position to offer all participants fresh-cooked meals seven days a week; and

WHEREAS, the Department of Senior Services wishes to pilot test the delivery of frozen meals for weekend use to determine the potential for this method to meet the needs of disadvantaged seniors; and

WHEREAS, a survey was conducted among senior housing complexes to gauge the need for such frozen meals and the housing organizations' ability to distribute them; and

WHEREAS, \$30,000 is available in the approved 2010 County budget (163III-C-12010, account 516027) to offer a pilot program of frozen weekend meals to senior residents of three housing complexes in the County; and

WHEREAS, no additional County funds are required for this pilot project.

NOW, THEREFORE, BE IT

RESOLVED, that existing 2010 contracts with the following organizations be amended to allow for the preparation and distribution of frozen weekend meals:

Sodexo America LLC
272-280 Linwood Avenue, Inc. (dba Baptist Manor Senior Apartments)
Maryvale East Management Corporation
Town of Hamburg

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 and the Department of Senior Services.

(5-0)

4. COMM. 13E-14 (2010)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services recently received Legislative authorization to accept funds for a special project entitled Disproportionate Minority Representation which examines the disproportionate numbers of minority children in foster care; and

WHEREAS, the activities of the project will include, training, technical assistance, focus groups and public relations and will involve Family Court, Probation, Mental Health, Health and Social Services as well as community based partners; and

WHEREAS, the Department conducted two separate Requests for Proposals to identify contractors to facilitate focus groups development and a public relations planning and single proposals were received to each request from Diversity STAT, and each proposal meets the terms of the respective RFP; and

WHEREAS, there is no local share to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute one or more agreements with Diversity STAT for focus group development and public relations planning; and be it further

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

(5-0)

5. COMM. 13E-20 (2010)
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 2010 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>
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Buffalo State College (CDHS) degrees (Master's/ Bachelor's)	09/01/10- 08/31/11	\$437,400	\$157,464	\$279,936
Buffalo State College (CDHS) (In-service Training and Organizational Development)	09/01/10- 08/31/11	\$839,600	\$302,256	\$537,344
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	09/01/10- 08/31/11	\$396,829	\$119,049	\$277,780
Empire State College (In-Service Training)	09/01/10- 08/31/11	\$579,292	\$173,788	\$405,504
SUNYAB – School of Social Work (Master's of Social Work)	09/01/10- 08/31/11	\$309,965	\$108,487	\$201,478
Erie Community College (In-Service Training)	10/1/09- 9/30/10	\$138,398	\$49,823	\$88,575

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**

MS. MARINELLI moved to approve item Number 2. MR. MAZUR seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS.

MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CAIRRIED UNANIMOUSLY.

Item 20 – MR. KENNEDY presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

July 15, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21E-23 (2009)
WALTER: “Letter to Commissioner of Public Works Regarding a Traffic Study at the Intersection of County and Strickler Roads, Clarence”
(5-0)
 - b. COMM. 11M-2 (2010)
NFTA: “Minutes from Meeting Held 4/26/2010”
(5-0)
 - c. COMM. 13M-5 (2010)
NFTA: “Copy of Financial Statements for Fiscal Year Ended 3/31/10”
(5-0)
 - d. COMM. 13M-7 (2010)
NFTA: “Minutes of Meeting Held 5/24/10”
(5-0)
 - e. COMM. 13M-8 (2010)
NFTA: “Copy of Annual PARIS Report”
(5-0)
 - f. COMM. 13M-9 (2010)
NFTA: “Copy of Annual 17A Report”
(5-0)
2. COMM. 13E-21 (2009)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Public Works, Division of Highways works closely with many of the towns and villages throughout Erie County; and

WHEREAS, many times, the local municipalities require the services of Erie County and vice versa; and

WHEREAS, it is cost effective for Erie County to work jointly with the local municipalities; and

WHEREAS, an executed Intermunicipal Agreement between the local municipality and Erie County should be in effect before these cooperative services are undertaken.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute no cost Intermunicipal Agreements with various municipal entities within Erie County whereby the Division of Highways may exchange services with such municipalities; and be it further

RESOLVED, that the Erie County Legislature receive a copy of all Intermunicipal Agreements entered into with various municipalities and Erie County involving the no cost exchange of services with the Division of Highways and municipal entities; and be it further

RESOLVED, that two 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 the Erie County Attorney, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

3. INTRO 5-2 (2010)
KENNEDY, MILLER-WILLIAMS, AS AMENDED
BOVE & MARINELLI

WHEREAS, the County of Erie (the "County") recognizes and respects the Seneca Nation of Indians (the "Nation") as an independent and sovereign nation, recognized by treaties entered into with the United States government such as the Treaty of Canandaigua of 1794 and the Treaty of Buffalo Creek of 1842; and

WHEREAS, the County recognizes that the 1794 Treaty recognizes the Nation's inherent right to the "free use and enjoyment" of its lands and that the 1842 Treaty precludes the application on Nation lands of "all taxes, and assessments for roads, highways, or any other purpose"; and

WHEREAS, the Nation has two territories located within the County of Erie, including the Cattaraugus Territory and the Buffalo Creek Territory, which are occupied by thousands of Senecas and hundreds of Nation-owned and privately-owned businesses; and

WHEREAS, the Nation has contributed greatly to the economy of Western New York, employing over 6,000 people, generating \$1.1 billion in economic impact in 2007, and playing an important role in the economic development of the region; and

WHEREAS, the Nation as a distinct society of indigenous people have contributed greatly to the cultural heritage of Western New York; and

WHEREAS, the Nation and the County have in the recent past developed and maintained a respectful relationship, and that the County seeks to maintain that relationship into the future; and

WHEREAS, the State of New York and the Nation are currently at odds over several issues, including the imposition of State taxes on commerce taking place on the Nation's territories; and

WHEREAS, given the Nation's sovereignty and its recognition by federal laws and treaties, the State must respect the Nation's sovereignty and treaty rights and cease and desist from taking any measures to impose its taxes on commerce taking place within the Nation's territories now or in the future.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls for New York State to acknowledge and abide by the treaties recognizing and protecting the sovereign rights of the Seneca Nation of Indians that are currently in place; and be it further

RESOLVED, that this Legislative Body believes that said treaties preclude the application of any New York State taxes within the Nation's territories for any purpose whatsoever; and be it further

RESOLVED, that this Legislative Body believes that a process of negotiation and open dialogue between the State of New York and the Seneca Nation of Indians should be employed to address outstanding disputes; and be it further

RESOLVED, that copies of the resolution be forwarded to Governor Paterson, the State Senate and Assembly Finance Committees, the State Department of Taxation and Finance, and the Seneca Nation of Indians.

(3-2) Legislators Walter & Rath voted in the negative.

4. COMM. 11E-7 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Towns of West Seneca and Hamburg for the purpose of obtaining funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, the Erie County HOME Consortium has been awarded a HOME grant of \$1,195,159 for fiscal year 2009 and \$1,192,338 for fiscal year 2010 by the U. S. Department of Housing and Urban Development; and

WHEREAS, a minimum of fifteen percent of said funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant and Town of Hamburg/Erie County HOME Consortia is hereby authorized to enter into all necessary agreements with New Opportunities (CHDO) to develop affordable rental housing for low-income households in the Village of Alden; and be it further

RESOLVED, that said agreement shall provide for the transfer of an amount not to exceed \$250,000 to New Opportunities; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing projects.
2. Completion of all necessary subsidy layering analyses as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that all Community Housing Development Corporations within the HOME Consortium were informed regarding the availability of HOME funds and a summary of the selection process is included as Attachment B to this resolution; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(5-0)

5. COMM. 12E-20 (2010)
COUNTY EXECUTIVE

WHEREAS, the County of Erie, pursuant to Comm. 12E-11 dated July 12, 2007, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a two year agreement with local municipalities for such purposes; and

WHEREAS, the said agreement expires August 31, 2010 at a lane mile reimbursement rate of \$2,931.11; and

WHEREAS, it would be in the best interests of Erie County to extend the agreement at a lane mile reimbursement rate increasing five percent each year for an additional three year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes such extension of the said Snow and Ice Control Agreement, as modified and updated, at a lane mile reimbursement rate increasing five percent each year for an additional three year period, to expire August 31, 2013, payable from adopted Division of Highways O & M budgets, indicated below:

September 1, 2010 through August 31, 2011	\$3,077.67 per lane mile
September 1, 2011 through August 31, 2012	\$3,231.55 per lane mile
September 1, 2012 through August 31, 2013	\$3,393.13 per lane mile

and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized and directed on behalf of Erie County to execute an agreement effecting such extension and modification; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit four (4) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney and the Office of the Comptroller. An additional thirty-five (35) certified copies are required for distribution by the Department of Public Works to the participating local municipalities.

(5-0)

6. COMM. 12E-23 (2010)
COUNTY EXECUTIVE

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, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing professional design services for the 2010 – Phase III projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment with DiDonato Associates to provide design work for the Phase III of the capital improvements for an amount not to exceed \$140,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project accounts A.20901 – 2009 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$140,000.00; and be it further

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

(5-0)

7. COMM. 12E-24 (2010)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Lauer-Manguso, PC for providing professional design services on Erie County projects; and

WHEREAS, Lauer-Manguso, PC has the necessary expertise and manpower to perform the design services for the Clock Tower Steeple Roof and Window Replacement Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Lauer-Manguso, PC for providing Professional Architectural/Engineering Services for the Clock Tower Steeple Roof and Window Replacement Project for Old County Hall for an amount not to exceed \$40,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00327 – 2008 – Exterior Waterproofing of Old County Hall for an amount not to exceed \$40,000.00; 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 and Management, and the Office of the Comptroller.
(5-0)

8. COMM. 12E-25 (2010)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Wendel Duchscherer for providing professional design services on Erie County projects; and

WHEREAS, New York State has approved the above project and will reimburse the County for 50% of the total costs; and

WHEREAS, Wendel Duchscherer has the necessary expertise and manpower to provide professional design services for the roof replacement and HVAC upgrades; and

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

WHEREAS, RCS Architecture, Architectural Resources, ANPRA Architecture, PLLC, Left Coast Design Studio, McGuire Group and Caley & Company Architects 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.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Wendel Duchscherer for providing Professional Architectural/Engineering Services

for replacing the HVAC Equipment and Roofing System for the Erie Community College Burt Flickinger Athletic Center for an amount not to exceed \$270,000.00; and be it further

RESOLVED, that the firms of RCS Architecture, Architectural Resources, ANPRA Architecture, PLLC, Left Coast Design Studio, McGuire Group and Caley & Company Architects be added to this department's Architectural/Engineering list of Term Agreements; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project E.00073 – 2008 – ECC – Flickinger Athletic Facility – Roof Replacement and HVAC Upgrades for an amount not to exceed \$270,000.00; 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 and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

(5-0)

9. COMM. 12E-26 (2010)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with the firm of Watts Architecture & Engineering, PC for providing professional design services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Watts Architecture & Engineering, PC for providing design services for the ECC – North and South Campus Elevator Upgrade Project; and

WHEREAS, New York State has approved the above project and will reimburse the County for 50% of the total costs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement Amendment with the firm of Watts Architecture & Engineering, PC to provide design work for ECC – North and South Campus Elevator Upgrade 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 E.00064 – 2006 – ECC Elevator Safety Upgrades 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 and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

(5-0)

10. COMM. 13E-10 (2010)

COUNTY EXECUTIVE

WHEREAS, The Buffalo and Erie County Public Library desires to conduct a use analysis of the Central Library, which is the necessary step for Central Library Rehabilitation; and

WHEREAS, in 2009 the Library submitted an Erie County Capital request to allow this project; and

WHEREAS, the County approved the request in 2009 in the amount of \$200,000; bonded the funds earlier this year and made funds available for this project in SAP project # F.20901; and

WHEREAS, the Library is ready to commence work on the project.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County, pursuant to the request of the Buffalo and Erie County Public Library, authorize the Director of Budget and Management and the Erie County Comptroller to make any budget and accounting adjustments required to allocate \$200,000 in the capital funds in SAP project #F.20901 for this use to be administered by the Library; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget and Management, Buffalo and Erie County Public Library Director, and the County Attorney.
(5-0)

11. COMM. 13E-11 (2010)

COUNTY EXECUTIVE

WHEREAS, Erie County is desirous of using monies from the New York State Affordable Housing Corporation for a home improvement/housing rehabilitation project within the Lake Erie Beach neighborhood in the Town of Evans and the First Ward area in the City of Lackawanna; and

WHEREAS, said neighborhoods have been identified as target areas for community revitalization within the 2010-14 Erie County/Town of Hamburg Community Development Consolidated Plan as so submitted to the United States Department of Housing and Urban Development on February 14, 2010; and

WHEREAS, the AHC monies will be matched with \$120,000 (J.00101) in federal Community Development Block Grant funds administered by the Erie County Department of Environment and Planning, thereby allowing the rehabilitation of 20 residential structures.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute all necessary contracts/agreements for an amount not to exceed \$180,000 with the New York State Affordable Housing Corporation and/or related organizations under their Housing Rehabilitation/Home Improvement Program; and be it further

RESOLVED, that authorization is hereby provided to establish a grant for the period September 15, 2010 to September 14, 2012, in Project J.00101, as follows:

Revenue:

New York State Affordable Housing Corporation	\$180,000
GL 409000 SA Revenues	
Total Revenue:	\$180,000

Appropriations:

Housing Contractor Services	\$180,000
CDBG Exp.	
Total Appropriations:	\$180,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

12. COMM. 13E-16 (2010)
COUNTY EXECUTIVE

WHEREAS, the Holtz Drive and Aero Drive Intersection Improvements Project will be bid and ready for award of construction contract to the responsible low bidder during Legislative recess; and

WHEREAS, your honorable body will be on Legislative recess during the month of August when it will be necessary to award this work in order to meet deadlines during the short construction season; and

WHEREAS, funding for this project was approved in the 2010 Capital budget and is available in 2010 Capital Overlay Program (B.21001).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a Contract for the Holtz Drive and Aero Drive Intersection Improvements Project between the County of Erie and the lowest responsible bidder, in an amount not to exceed \$500,000.00 including construction contingency; and be it further

RESOLVED, that the funds for the Holtz Drive and Aero Drive Intersection Improvements Project be allocated from the 2010 Capital Overlay (B.21001) in an amount not to exceed \$500,000.00 including construction contingency; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Holtz Drive and Aero Drive Intersection Improvements 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 and Management, and the Office of the Comptroller.

(5-0)

13. COMM. 13E-18 (2010)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of Buffalo Engineering, P.C. to provide Professional Design Services on County building projects; and

WHEREAS, Buffalo Engineering, P.C. has the necessary expertise and manpower to provide Professional A/E Design Services for the primary electrical upgrades at the Erie Community College North Campus; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Buffalo Engineering, P.C. to provide Professional A/E Design Services for this project; and

WHEREAS, New York State has approved the above project and will reimburse the County for 50% of the total costs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Buffalo Engineering, P.C. for providing Professional A/E Services for the Erie Community College North Campus Primary Electrical Service Upgrades for an amount not to exceed \$70,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project E.21003 – 2010 – ECC Electrical Upgrades; and be it further

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

(5-0)

14. COMM. 13E-19 (2010)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids on June 18, 2010 for the Emery Park – 2010 – Ski Lodge Roof Replacement; and

WHEREAS, the Erie County Division of Real Estate and Asset Management, along with the project consultant, Stievater + Hearn: Architects, is recommending award of Contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a Contract with Grove Roofing, Inc. for the Emery Park – 2010 – Ski Lodge Roof Replacement as follows:

GENERAL CONSTRUCTION CONTRACT

Base Bid	
Grove Roofing, Inc.	\$160,800.00
Add Alternate G-2 for Replacing Tow House Roof	\$16,500.00
Total Award of Contract Not to Exceed	\$177,300.00

and be it further

RESOLVED, that the sum of \$25,700.00 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.20913 – 2010 – Countywide Parks 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 and Management, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.

(5-0)

15. COMM. 13E-21 (2010)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with BHNT Architects, P.C. for providing Professional Design Services on Erie County projects; and

WHEREAS, BHNT Architects, P.C. has the necessary expertise and manpower to provide Professional A/E Design Services for the Kitchen Renovation and Equipment Replacement Project; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of BHNT Architects, P.C. to provide Professional A/E Design Services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of BHNT Architects, P.C. for providing Professional Architectural/Engineering Services for the Kitchen Renovation and Equipment Replacement Project for the Erie County Correctional Facility for an amount not to exceed \$80,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.21008 – 2010 Jail Management Division Food Services & Equipment for an amount not to exceed \$80,000.00; 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 and Management, and the Office of the Comptroller.
(5-0)

16. COMM. 13E-22 (2010)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized a Professional Term Agreement with the firm of Empire-Geo Service, Inc. for testing and inspections services on County projects; and

WHEREAS, the New York State Building Code, Chapter 17, Structural Tests and Special Inspections requires the testing of building construction and materials; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Empire Geo-Services, Inc. for providing the required special inspections and testing on County projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Empire Geo-Services, Inc. for an amount not to exceed \$35,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00309 – 2007 Code Compliance; and be it further

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

17. COMM. 13E-23 (2010)

COUNTY EXECUTIVE

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, multiple firms were selected having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

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

Bergmann Associates	Allen Road Bridge (BR 27-2) Town of Sardinia	\$139,162.00	B.21029
C & S Engineers	Goodrich Road Bridge (BR 216-3) Town of Clarence	\$130,000.00	B.21029
Clark Patterson Lee	Chestnut Ridge Park Bridge (PK - 13) Town of Orchard Park	\$149,906.00	B.21036
Erdman Anthony	Warner Gulf Road Culvert (BR405-2) Town of Sardinia	\$841.43 \$109,158.57	B.21029 B.00191
Fisher Associates	North Creek Road Culvert (BR 467-1) Town of Hamburg	\$39,000.00	B.21029
Foit-Albert Associates	Pontiac Road Bridge (BR 490-2) Town of Evans	\$149,679.00	B.21029
FRA	Akron Park Valley Bridge (PK-2) Town of Newstead	\$151,040.00	B.21036
Greenman-Pedersen, Inc.	Trevett Road Bridge (BR 420-3) Town of Boston	\$100,165.00	B.21029
Hatch Mott MacDonald	North Ellicott Creek Road Bridge (BR 232-1) Town of Amherst	\$236,161.57	B.21029

LiRo Engineers	Four Rod Road Culvert (BR 356-5) Town of Marilla	\$83,700.00	B.21029
Nussbaumer & Clarke, Inc.	Ketchum Road Bridge (BR 501-1) Town of Collins	\$150,335.00	B.21029
Wm. Schutt & Associates Eng & Land Surveying, PC	Emery Park Culvert (PK-20) Town of Aurora	\$75,946.00	B.00191
		\$24,054.00	B.21036
TVGA Consultants	Four Rod Road Bridge (BR 356-1) Town of Marilla	\$195,000.00	B.21029
Urban Engineers	Lake Shore Road Culvert (BR127-5) Town of Hamburg	\$19,951.00	B.21029
Urban Engineers	Springville Boston Road Culvert (BR 228-13) Town of Concord	\$50,545.00	B.21029
Watts Architecture & Engineering, PC	Heise Road Bridge (BR283-1) Town of Clarence	\$155,500.00	B.21029
Wendel Duchscherer	Lake Shore Road Culvert (BR 111-8) Town of Evans	\$49,960.00	B.21029
TOTAL OF ALL CONTRACTS NOT TO EXCEED		<u>\$2,010,104.57</u>	

and be it further

RESOLVED, that the fees for the contracts to the above noted Engineering firms have been 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 funding for such services is identified separately for each such project that is to be accomplished; and be it further

RESOLVED, that fees will be appropriated from B.00191, 2008 Preservation of Bridges, Culverts and Dams, B.21029, 2010 Preservation of Bridges & Culverts (Design), and 2010 Parks Bridges and Culverts (Design) in individual amounts which will not exceed the total within these accounts of \$185,104.57, \$1,500,000.00 and \$325,000.00, 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 each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

18. COMM. 13E-24 (2010)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Capital Project for the Rehabilitation of George Urban Boulevard Bridge, in the Town of Cheektowaga, on June 24, 2010, and the low bidder was Nichols, Long and Moore Construction Company, of Lancaster, New York at a low bid amount of \$182,795.00; and

WHEREAS, a Contract for construction design and construction inspection service for the above noted project to the engineering firm of PB Americas, of Buffalo, New York is required at a cost not to exceed \$30,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR 316-2-09 for the Rehabilitation of George Urban Boulevard Bridge, between the County of Erie and the low bidder, Nichols, Long and Moore Construction Company, of Lancaster, New York at a low bid amount of \$182,795.00; and be it further

RESOLVED, that an amount of \$182,795.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191), and an additional amount of \$20,000.00 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 \$20,000.00, also to be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191); and be it further

RESOLVED, that an amount of \$30,000.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191) for a Contract for construction design and construction inspection services with PB Americas, Inc., of Buffalo, New York; 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 Division of Budget and Management, and the Office of the Comptroller.
(5-0)

**TIMOTHY M. KENNEDY
CHAIR**

MR. KENNEDY moved to approve item Number 3. MS. BOVE seconded.

MR. LOUGHRAN moved to return item Number 3 to committee for further consideration. MS. GRANT seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken on the motion to send item Number 3 to committee for further consideration.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MR. KOZUB, MR. LOUGHRAN and MR. MAZUR. NOES: MS. BOVE, MR. KENNEDY, MS. MARINELLI, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 10; NOES: 5)

CARRIED.

Item 21 – MR. LOUGHRAN presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

July 15, 2010	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21D-6 (2009)
ECC: “Copy of Letter Concerning Financial Impact to ECC from 2010 Tentative Erie County Budget”
(6-0)
 - b. COMM. 9D-6 (2010)
ECC: “Copy of 2010 - 2011 ECC Budget”
(6-0)
 - c. COMM. 9D-10 (2010)
ECC: “Community Enrichment Committee Meeting Follow-up”
(6-0)
 - d. COMM. 10M-1 (2010)
AFRICAN AMERICAN CULTURAL CENTER INC.: “Letter to Clerk of Community Enrichment Committee Concerning 2009 EC Funding”

(6-0)

- e. COMM. 11D-7 (2010)
ECC PRESIDENT: "Letter to Legislator Marinelli Concerning Requested ECC 2010-2011 Budget Information"

(6-0)

- f. COMM. 12M-4 (2010)
BUFFALO & EC PUBLIC LIBRARY: "Agenda Items for Meeting Held 6/17/2010"

(6-0)

2. COMM. 12E-14 (2010)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie Community College Board of Trustees:

NAME AND ADDRESS

TERM EXPIRATION

Michelle Mazzone
94 Pontiac Street
Buffalo, NY 14206

June 30, 2017

Dennis P. Murphy
300 International Drive
Buffalo, NY 14221

June 30, 2017

(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

MR. LOUGHRAN moved to amend item Number 2. MS. WHYTE seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MR. MAZUR and CHAIR MILLER-WILLIAMS. NOES: MS. MARINELLI and MS. WHYTE.
(AYES: 13; NOES: 2)

CARRIED.

Attach the Following to the Communication:

WHEREAS, the County Executive has pursuant to Erie County Charter Section 1607, and pursuant to Erie County Community College Bylaws, Section 4 appointed Michelle Mazzone to a term expiring June 30, 2017 to the Erie Community College Board of Trustees; and

WHEREAS, the Erie County Legislature has reviewed the qualifications of the appointee during a meeting of the Community Enrichment Committee held on July 15, 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does confirm the appointment of Michelle Mazzone, 94 Pontiac Street, Buffalo, New York 14206 to the Erie County Community College Board of Trustees for a term expiring June 30, 2017.

MR. LOUGHRAN moved to further amend item Number 2. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Attach the Following to the Communication:

WHEREAS, the County Executive has pursuant to Erie County Charter Section 1607, and pursuant to Erie County Community College Bylaws, Section 4 appointed Dennis P. Murphy to a term expiring June 30, 2017 to the Erie Community College Board of Trustees; and

WHEREAS, the Erie County Legislature has reviewed the qualifications of the appointee during a meeting of the Community Enrichment Committee held on July 15, 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does confirm the appointment of Dennis P. Murphy, 300 International Drive, Buffalo, New York 14221 to the Erie County Community College Board of Trustees for a term expiring June 30, 2017.

Item 22 – MR. KOZUB presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

July 15, 2010	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-9 (2010)
COMPTROLLER: “Energy Efficiency & Conservation Grant - US Department of Energy Comptroller Investigation into Whistleblower Reports”
(6-0)

- b. COMM. 9M-10 (2010)
NYSDEC: “Additional Investigation Activities to Begin Around the Leica Site in Town of Cheektowaga”
(6-0)
- c. COMM. 11E-4 (2010)
COUNTY EXECUTIVE: “ECSD No. 5 Engineer Term Agreement - Greenman-Pederson, Inc. - Work Order GPI - 5”
(6-0)
- d. COMM. 11M-1 (2010)
US ENVIRONMENTAL PROTECTION AGENCY: “Air Quality Study & Evaluation of the Tonawanda Coke Facility”
(6-0)
- e. COMM. 11M-5 (2010)
NYSDEC: “Cleanup Completed at Superfund Portions of the Spaulding Composites Site in Tonawanda”
(6-0)
- f. COMM. 12E-17 (2010)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineer Term Agreement - DiDonato Associates”
(6-0)
- g. COMM. 12E-29 (2010)
COUNTY EXECUTIVE: “ECSD No. 4 - Professional Services Agreement with CRA Infrastructure & Engineering, Inc. - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades - Change Order No. 3”
(6-0)
- h. COMM. 12M-2 (2010)
NYS DEC - DIVISION OF FISH, WILDLIFE & MARINE RESOURCES, REGION 9:
“Region 9 Fish & Wildlife Monthly Highlights, 3/16 to 4/15”
(6-0)
- i. COMM. 12M-3 (2010)
PARTNERSHIP FOR THE PUBLIC GOOD: “Testimony of Megan Connelly for the Energy & Environment Committee, Concerning EC Sustainability Planning: Urgent Need, Great Benefits”
(6-0)
- j. COMM. 12M-5 (2010)
CHEEKTOWAGA SUPERVISOR HOLTZ: “Letter to Legislature Expressing Appreciation for Storm Sewer Construction Project”
(6-0)

- k. COMM. 12M-6 (2010)
NYS DEC: "Fact Sheet Concerning Environmental Investigation & Cleanup Alternatives at Former Buffalo China Site (Brownfield Cleanup Program)"
(6-0)
- l. COMM. 12M-7 (2010)
NYS FISH & WILDLIFE MANAGEMENT BOARD: "Region 9 FWMA Board Meeting Minutes for 6/3/10"
(6-0)
- m. COMM. 13D-4 (2010)
CLERK OF ENERGY & ENVIRONMENT COMMITTEE: "Letters to Legislature in Relation to Supporting Renewable Energy in EC"
(6-0)
- n. COMM. 13M-4 (2010)
NYS DEC: "Fish & Wildlife Monthly Highlights 4/16/10 - 5/15/10"
(6-0)
- o. COMM. 13M-6 (2010)
NYSDEC: "Report on Environmental Investigation & Cleanup Activities at Niagara Transformer Site"
(6-0)
- 2. INTRO 18-3 (2009)
KOZUB AS AMENDED
(6-0)
- 3. COMM. 12E-15 (2010)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry desires to receive and disburse additional funds from the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2009-2010 snowmobile season in the amount not to exceed \$20,770.00; and

WHEREAS, the sum of \$708.00 is to be received as additional state revenue for the Department of Parks, Recreation & Forestry snowmobile development; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to

exceed \$20,770.00 as pertains to snowmobile trail maintenance performed during the 2009-2010 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into amended contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$20,062.00 for the purpose of snowmobile trail maintenance on club trails during the 2009-2010 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$2,210.00
Eden Trail Blazers Inc.	\$1,354.00
Grand Island Snowmobile Club Inc.	\$ 672.00
Hamburg Snowmobile Club Inc.	\$2,118.00
Holland Sno-Rascals Inc.	\$2,384.00
Marilla Sno-Mob Inc.	\$1,824.00
Northern Erie Snowseekers Inc.	\$2,292.00
Pioneer Sno-Surfers Inc.	\$1,112.00
Southern Tier Snowdrifters Inc.	\$2,480.00
WNY Snowmobile Club of Boston Inc.	<u>\$3,616.00</u>
	\$20,062.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$20,770.00, an increase in appropriations in the amount of \$20,062.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the Office of the Erie County Comptroller and Assistant County Attorney, Stephanie Calhoun, of the Law Department.

(6-0)

4. COMM. 12E-16 (2010)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Legislature on June 10, 2010 authorized the County to accept the State Historic Preservation Grant (SHPO) (Grant No. EPF-4v 6050-N5 / C406050) and the in-kind matching funds from the Botanical Gardens Society (BGS) for an amount not to exceed \$400,000.00; and

WHEREAS, the County will not receive approval of the construction documents from SHPO until after the last legislative session before summer recess, thus not allowing for the normal award process for a construction contract; and

WHEREAS, the work needs to be completed during warm weather months and the Grant will expire on December 31, 2010; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award a contract to the lowest responsible bidder so the work can proceed during the prime summer months of the construction season, including construction contingency, for an amount not to exceed \$400,000.00; 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 contract 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 SAP Project A.21018 – Botanical Gardens – Restoration to Houses #2 and #3 for an amount not to exceed \$400,000.00; 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 and Management, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.

(6-0)

5. COMM. 12E-22 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning assists in the administration and direction of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, a major responsibility of the Agricultural and Farmland Protection Board is the protection of agriculture and farmland in Erie County; and

WHEREAS, funding has been secured through the New York State Department of Agriculture and Markets to produce an Erie County Agricultural and Farmland Protection Plan; and

WHEREAS, Erie County is desirous of engaging the American Farmland Trust to complete said Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to sign any and all agreements with the New York State Department of Agriculture and Markets for an amount not to exceed \$67,500 of which \$17,500 will be provided as a cash match from the federal Community Development Block Grant Program and \$50,000 from the New York State Municipal Agricultural and Farmland Protection Planning Grant Program, with said funds being used for the preparation of an Erie County Agricultural Farmland Protection Plan; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all agreements with American Farmland Trust in an amount not to exceed \$67,500 for the purpose of preparing the Erie County Agricultural and Farmland Protection Plan; and be it further

RESOLVED, that authorization is hereby provided to establish a grant account in the Department of Environment and Planning: Business Area 162, Fund 281 as follows:

Erie County Agricultural and Farmland Protection Plan Grant
(Grant Period: 10/1/10 – 9/30/11)
SAP Grant Account: 162ECAAFPP1011

Revenue		
409000	State Aid Revenue	\$50,000
	Total Revenue	\$50,000

Appropriations		
516020	Professional Services	
	Contractual: Fees	\$50,000
	Total Appropriations	\$50,000

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 federal and state funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

**DANIEL M. KOZUB
CHAIR**

MR. KOZUB moved to return item Number 2 to committee for further consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 23 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

July 20, 2010	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-1 (2010)
COMPTROLLER: “NYS Early Retirement Incentive”
(6-0)
 - b. COMM. 13E-3 (2010)
COMPTROLLER: “Effects of NYS Budget Impasse on EC”
(6-0)
 - c. COMM. 13D-3 (2010)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
2. COMM. 12E-28 (2010)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved Communication 7E-36 (2010) which transferred responsibility for the Erie County Records Management function from the Office of the County Clerk to the Division of Information and Support Services and authorized the Director of Real Estate and Asset Management to enter into a lease agreement; and

WHEREAS, the Division of Information and Support Services will be required to pay monthly lease, utility and security services, along with the cost of moving records from the current location; and

WHEREAS, funding has been identified in available balances within the Health Departments 2010 Budget from payments no longer required to ECMC and to be transferred to the Division of Information and Support Services.

NOW, THEREFORE, BE IT

RESOLVED, that the following Budget adjustments are hereby authorized in order to obtain and manage the temporary Records Storage location:

Fund 110

Health Department - Fund Center 127

Appropriations	Decrease	
Fund Ctr 12700 Health Division		
516050 Dept Payments to ECMC	140,000	
Fund Ctr 12730 Public Health Lab		
516050 Dept Payments to ECMC	<u>151,406</u>	
		\$291,406
Revenues	Decrease	
Fund Center 12700 Health Division		
405540 State Aid-Article VI/Public Health Work (36% reimbursement rate)	50,400	
Fund Center 12730 Public Health Lab		
406560 State Aid-Article VI Public Health (36%)	<u>54,506</u>	
		<u>\$104,906</u>
Net County Share		\$186,500

Division of Information and Support Svcs - Fund Center 105

Appropriations	Increase	
515000 Utilities (Phone/Water)	3,150	
516020 Professional Services (Moving & Security)	88,200	
545000 Rental Charges	81,450	
575040 Interfund Expense Utility Fund(Gas/Electric)	<u>13,700</u>	
		\$186,500

Fund 140

Fund Center 12110 - Utilities Fund (DPW)

Revenues	Increase	
450000 Interfund Revenue - Non-Subsidy	13,700	

Appropriations

515000 Utility Charges

13,700

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make DISS interdepartmental billing budget adjustments as required to implement this request; and be it further

RESOLVED, that certified copies of this resolution be sent to the Chief Information Officer (DISS), the Director of Real Estate, the Health Department, the Director of Purchase, the County Attorney, the Director of Budget and the Comptroller.

(6-0)

3. COMM. 13E-15 (2010)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, as a result of the retirement of the an Assistant County Attorney for Labor Relations, it is necessary to reorganize the Labor Relation's and Law Departments; and

WHEREAS, under the current Labor Relations Department structure, the individual assisting the Director of Labor Relations is actually budgeted in an Assistant County Attorney position in the Law Department; and

WHEREAS, it is deemed more efficient and effective to have a Deputy Director of Labor Relations budgeted within that department and report directly to the Director of Labor Relations; and

WHEREAS, it is in the best interest of good labor relations between Erie County's workforce and its administration to address this issue and fill the vacant position with the appropriate candidate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the elimination of one Assistant County Attorney (Position #350 – B-100 #5545) in Business Area 160, and deleted from Cost Center 1601050, Department of Law; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one Deputy Director of Labor Relations JG 15 (B-100 #5546) in Business Area 103, and added to Cost Center 1031010, Labor Relations; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Labor Relations, the Department of Law, Commissioner of Personnel, Director of Budget & Management and County Executive's Office.

(6-0)

4. COMM. 13E-17 (2010)

COUNTY EXECUTIVE

WHEREAS, the County leases space for Social Services operations at 43 Court Street under a lease that will expire on July 12, 2010, and the Department is in discussions with the landlord regarding terms of a lease extension; and

WHEREAS, this resolution extends the term of the previous lease for maximum of five (5) years in order to enable payment under a lease extension for a total of 31,040 of space at \$13.00 per square foot per year; and

WHEREAS, funding for the initial year extension is included in the 2010 Adopted Budget and there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the County executive is authorized to execute a lease for a maximum of five years for a maximum of 31,040 square feet of space at 43 Court Street; and be it further

RESOLVED, section 19.08 of the County Code requirement for a Request for Proposals is waived based on the immediate need for a lease extension; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.
(6-0)

BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE

LEGISLATOR RESOLUTIONS

Item 24 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

MR. KENNEDY moved to send the resolution to committee for further consideration. MS. BOVE seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and MR. KOZUB. NOES: MS. GRANT, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

CHAIR MILLER-WILLIAMS directed that the resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 14-1 from WHYTE, GRANT, LOUGHRAN, MARINELLI & MAZUR RE: Re-Establish an EC Community Corrections Advisory Board

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Encouraging the Passage of the
Travel Regional Investment
Partnership (TRIP) Act by
Congress
(INTRO 14-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, FUDOLI,
BOVE, HARDWICK & RATH**

WHEREAS, travel and tourism is a major economic driver in the Buffalo and Erie County area; and

WHEREAS, the current economic downturn has created the most difficult economic environment for the travel and tourism industry throughout the Country including Erie County since September 11, 2001; and

WHEREAS, the domestic tourism economy has fallen by nearly 4.5 percent during 2009, twice the rate of the overall economy of the United States; and

WHEREAS, Erie County hosts a number of tourism attractions that are important in a regional and domestic tourism market such as the Darwin Martin House, the Theodore Roosevelt Inaugural National Historic Site, many beaches along Lake Erie and the network of historic Olmstead Parks throughout Erie County; and

WHEREAS, public-private partnerships have been underutilized in the promotion of travel and tourism and are a dynamic tool in creating new domestic tourism markets and promoting domestic regional tourism growth; and

WHEREAS, New York's U.S. Senators Charles Schumer and Kirsten Gillibrand are co-sponsoring a bill before the U.S. Senate entitled "Travel Regional Investment Partnership" (TRIP) Act (S.3225) and there is a companion House Bill (H.R. 4676), that would establish a competitive grant program to promote domestic regional tourism; and

WHEREAS, the TRIP Act will reinvigorate domestic tourism and create jobs by allowing local tourism promotion organizations, such as convention and visitors' bureaus, to partner with other regional tourism entities such as parks or resorts to put together a proposal for a matching grant to market their destination throughout the United States.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as strongly supporting S.3225 and H.R. 4676 "Travel Regional Investment Partnership" Act currently before the U.S. Congress and urges the Western New York Delegation to work for its swift passage; and be it further

RESOLVED, that Certified Copies of this Resolution be sent to Senator Charles Schumer, Senator Kirsten Gillibrand, Representative Brian Higgins, Representative Louise Slaughter, Representative Chris Lee, the Erie County Convention and Visitors Bureau, and the Darwin Martin House Restoration Corporation.

MS. WHYTE moved to amend the resolution by adding CHAIR MILLER-WILLIAMS, MR. MILLS, MR. KOZUB, MS. DIXON and MR. RATH as Co-Sponsors, and by attaching the federal legislation to the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the resolution as amended. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

INTRO 14-3 from MILLER-WILLIAMS, WHYTE, LOUGHRAN, MAZUR, MARINELLI, BOVE, KOZUB, KENNEDY & GRANT RE: Legal Action Regarding Improper Impounding of ECC 2010 Appropriation

MS. WHYTE moved to enter the Legislature into recess. MS. MARINELLI seconded. MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE and MR. KENNEDY voted in the negative.

FAILED. (7-8)

CHAIR MILLER-WILLIAMS moved the previous question and directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE and CHAIR MILLER-WILLIAMS. (AYES: 7; NOES: 8)

FAILED.

Item 27 – MS. MARINELLI moved to send INTRO 14-4 to committee for further consideration. MR. LOUGHRAN seconded. MS. DIXON, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE and MR. KENNEDY voted in the negative.

CARRIED. (8-7)

INTRO 14-4 from BOVE, WHYTE, WALTER, FUDOLI, HARDWICK, MARINELLI, DIXON & RATH RE: Support of the Next Generation 911 Preservation Act of 2010

CHAIR MILLER-WILLIAMS directed that the resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

MR. FUDOLI moved to reconsider INTRO 14-4. MR. WALTER seconded. MR. LOUGHRAN, MS. MARINELLI and MS. WHYTE voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 178

RE: Support of the Next Generation
911 Preservation Act of 2010
(INTRO 14-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BOVE, WHYTE, WALTER, FUDOLI,
HARDWICK, MARINELLI, DIXON & RATH**

WHEREAS, national Legislation has been introduced to upgrade America's 911 call system technology nationwide; and

WHEREAS, the Next Generation 911 Preservation Act of 2010 reauthorizes key grants and programs to ensure continued funding for the nation's 6,000 911 centers and programs; and

WHEREAS, our 911 call centers are the first point of contact for Americans in an emergency situation; and

WHEREAS, 911 call centers receive more than 650,000 distress calls from across the nation every day and are primarily funded through state taxes imposed on telephone bills.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the Next Generation 911 Preservation Act of 2010 which will reauthorize a five year federal grant program to support 911 services to improve technology to ensure that emergency personnel have the tools they need to keep people safe and provide assistance to those in need; and be it further

RESOLVED, that the Erie County Legislature also supports improvements to the national E911 Implementation Coordination office which helps states to upgrade technology and to create and maintain a coordinated approach to 911 response technology on a nationwide level; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward copies of this resolution to President Barack Obama, Senator Charles Schumer, Senator Kirsten Gillibrand, Congresswoman Louise Slaughter and Congressmen Brian Higgins and Christopher Lee and to all other deemed necessary and proper.

MR. KOZUB moved to amend the resolution by adding MR. KOZUB and CHAIR MILLER-WILLIAMS as Co-Sponsors. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to further amend the resolution to attach the federal legislation to the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. WALTER moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 28 – MR. WALTER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 10E-3 (2010). MS. GRANT seconded. MS. MARINELLI and MS. WHYTE voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 179

RE: ECMCC - 462 Grider Street –
Demolition of Buildings 5A, 5B, 5D,
5E, 8, 10, 12 & 15
(COMM. 10E-3, 2010)

MR. WALTER moved to amend the item. MR. MILLS seconded. MS. MARINELLI and MS. WHYTE voted in the negative.

CARRIED. (13-2)

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

WHEREAS, as a result of the negotiations between ECMCC and Erie County, Honorable John M. Curran, JSC, issued a “So Ordered” Settlement Agreement on December 30, 2009 outlining the agreed upon settlement of the two Parties. As part of the Settlement Agreement, Erie County must demolish several buildings at the ECMCC campus (462 Grider Street) and as more fully described in the Settlement Agreement as buildings 5A, 5B, 5D, 5E, 8, 10, 12 and 15 by November 30, 2010; and

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the ECMCC – Multi-Building Demolition at 462 Grider Street on July 7, 2010; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of the contract to the lowest responsible bidder, along with the engineer; and

WHEREAS, the Erie County Division of Real Estate and Asset Management will be receiving proposals in the near future for air monitoring services during the asbestos abatement portion of the project and the County Executive is requesting authorization to execute a contract with the lowest responsible respondent during the Legislature's summer recess.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder, Apollo Steel Corp., for the ECMCC – Multi-Building Demolition at 462 Grider Street, general construction work for an amount to exceed \$2,534,000.00; and be it further

RESOLVED, that the County Executive be authorized to enter in a contract during the Legislature's summer recess with the lowest responsible respondent for air monitoring and testing services for the asbestos abatement portion of the demolition work for an amount not to exceed \$55,000.00; and be it further

RESOLVED, that the sum of \$515,900.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.21015 – 2010 – Demolition of ECMCC Buildings for an amount not to exceed \$3,104,900.00; 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 ECMCC, the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

MR. WALTER moved to approve the item as amended. MR. KENNEDY seconded. MS. MARINELLI and MS. WHYTE voted in the negative.

CARRIED. (13-2)

Item 29 – MR. WALTER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 10E-4 (2010). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: EC Courts - 2010 - Exterior Site Work
– Old County Hall & EC Court

Building
(COMM. 10E-4, 2010)

MR. WALTER moved to amend the item. MR. KOZUB seconded. MS. MARINELLI voted in the negative.

CARRIED. (14-1)

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

WHEREAS, the Erie County Division of Real Estate received bids for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building on July 1, 2010 ; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Abate Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Abate Associates for providing additional professional design and construction services for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building project as follows:

GENERAL CONSTRUCTION WORK

Patrick Development	Base Bid	\$689,000.00
	Add Alternate #1	\$20,700.00
	Deduct Alternate #2	(\$1,200.00)
	Add Alternate #3	<u>\$3,700.00</u>
	TOTAL BID	\$712,200.00

and be it further

RESOLVED, that the sum of \$105,000.00 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 County Executive be authorized to issue an Agreement Amendment with the firm of Abate Associates to provide additional design work for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project accounts as follows:

A.00260	2005 – Exterior Sidewalk	\$160,000.00
A.20919	2009 – Exterior Waterproofing and Site Work	\$682,200.00
TOTAL PAYMENTS NOT TO EXCEED		\$842,200.00

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 and Management, and the Office of the Comptroller.

MR. WALTER moved to approve the item as amended. MR. RATH seconded. MS. MARINELLI voted in the negative.

CARRIED. (14-1)

Item 30 – MR. WALTER moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 11E-9 (2010). MR. KOZUB seconded. MS. GRANT, MS. MARINELLI and MS. WHYTE voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 181

RE: Department of Emergency Services
Acceptance of FY09 Hazmat Grant
Program
(COMM. 11E-9, 2010)

WHEREAS, the New York State Office of Homeland Security has agreed to provide funding in the amount of \$90,000.00 in State assistance to purchase six Chemical Hand-Held Detectors; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$90,000.00 in State resources to provide funding for these detectors; and

WHEREAS, the New York State Office of Homeland Security has an agreement on the use and maintenance of the Chemical Hand-Held Detectors with Erie County, Niagara County and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Office of Homeland Security in order to receive \$90,000.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that the following budgetary accounts be established in the Grant Fund in order to complete the above task:

Erie County Department of Emergency Services
Grant Fund
Hazmat Grant Program

Revenue	Increase
Account 409000 State Aid	\$90,000
Appropriations	Increase
Account 561410 Equipment (Lab & Tech)	\$90,000

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 sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, and the County Comptroller, and the County Attorney.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 31 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-23 from MR. MAZUR Re: Letter to EC Health Commissioner in Relation to the Application for the EC Sodium Reduction Initiative

Received and referred to HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WHYTE

Item 32 – (COMM. 14E-1) Letter to CEO of American Red Cross Blood Services: NY-Penn Region Concerning the Relationship Between Labor & the American Red Cross

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR MILLER-WILLIAMS

Item 33 – (COMM. 14E-2) Letter to Mayor Brown in Response to His Letter Sent to the EC Legislature Concerning the New Voting Process

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR WHYTE

Item 34 – (COMM. 14E-3) Letter to Clerk of Legislature Re: Absence From Mid-Year Budget Hearings, as Well as Committee Meetings Scheduled for 7/15/2010

Received and Filed.

FROM THE COMPTROLLER

Item 35 – MR. WALTER presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

RE: Amending Bond Resolution –
Demolition of Properties at
ECMCC
(COMM. 14E-4)

RESOLUTION NO. 182-2010

BOND RESOLUTION DATED JULY 22, 2010

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MARCH 25, 2010, AUTHORIZING DEMOLITION OF VARIOUS COUNTY-OWNED BUILDINGS AT THE ECMCC GRIDER CAMPUS, AT THE ESTIMATED COST OF \$3,250,000.

(Introduced) July 22, 2010

(Adopted) July 22, 2010

Recitals

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the demolition of various County-owned buildings at the Erie County Medical Center Corporation Grider Campus (the "Project"), at the estimated maximum cost of \$2,500,000, which amount was appropriated therefore pursuant to Resolution No. 67-2010 duly adopted on March 25, 2010, and it has now necessary to increase the appropriation for such project by \$750,000 in order to complete the Project;

NOW THEREFORE, BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

Section (A). The bond resolution of said County duly adopted by the County Legislature on March 25, 2010, entitled:

"RESOLUTION NO. 67-2010
BOND RESOLUTION DATED MARCH 25, 2010
BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
AUTHORIZING THE DEMOLITION OF VARIOUS COUNTY-OWNED
BUILDINGS AT THE ECMCC GRIDER CAMPUS, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000, APPROPRIATING
SAID AMOUNT THEREFOR, INCLUDING \$1,250,000 TO BE PAID BY THE
ERIE COUNTY MEDICAL CENTER CORPORATION, AND AUTHORIZING
THE ISSUANCE OF \$1,250,000 BONDS OF THE COUNTY TO PAY THE COST
THEREOF

is hereby amended to read as follows:

"RESOLUTION NO. 182-2010
BOND RESOLUTION DATED MARCH 25, 2010 AND AMENDED JULY 22, 2010
BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE
DEMOLITION OF VARIOUS COUNTY-OWNED BUILDINGS AT THE ECMCC GRIDER
CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,250,000,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING \$1,625,000 TO BE PAID BY
THE ERIE COUNTY MEDICAL CENTER CORPORATION, AND AUTHORIZING THE
ISSUANCE OF \$1,625,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) July 22, 2010

(Adopted) July 22, 2010

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to demolish various County-owned buildings at the Erie County Medical Center Corporation Grider Campus, including the costs of a demolition contractor and any sub contractors hired to deconstruct the buildings, remediate any necessary environmental hazards in said various buildings, relocate utilities, hauling and site remediation expenses; all pursuant to an agreement dated December 30, 2009 between the County and the Erie County Medical Center Corporation (the "ECMCC"). To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2010 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,250,000 and said amount is hereby appropriated therefor, including the expenditure of \$1,625,000 in funds expected to be paid by the ECMCC (the "ECMCC Funds"). The plan of financing for such specific object or purpose includes the expenditure of the \$1,625,000 ECMCC Funds and the issuance of \$1,625,000 bonds of the County to finance the balance of said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$1,625,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$1,625,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 12-a (b) of the Law, is ten (10) years.

Section 4. The County intends to finance and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and

relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.”

Section (B). The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). This Resolution shall take effect immediately.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 14E-5) Appointments to the EC Environmental Management Council for a Term Expiring 5/31/2011

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 – (COMM. 14E-6) Re-Appointment to the Buffalo & EC Public Library Board of Directors for a Term Expiring 12/31/2014

Item 38 – (COMM. 14E-7) Acceptance of Efficiency Grant for Implementation of a Radio Frequency Identification System for Library Material Handling at the Buffalo & EC Public Library

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 39 – (COMM. 14E-8) Request Authorization to Accept Efficiency Grant Funds - Replacement Vehicles - Year Two, Three & Four

Item 40 – (COMM. 14E-9) Request Authorization to Accept Efficiency Grant Funds - Six-Sigma Staffing & Training

Item 41 – (COMM. 14E-10) Request Authorization to Accept Efficiency Grant Funds - Automatic Vehicle Locators - Round 2

The above three items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 42 – MR. WALTER presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

RE: Department of Emergency
Services - Acceptance of FY09
Multi Hazard Mitigation Grant
Program
(COMM. 14E-11)

WHEREAS, the U.S. Department of Homeland Security the Federal Emergency Management Agency (FEMA) has agreed to provide funding in the amount of \$56,250 in Federal assistance to update the current Multi Hazard Mitigation Plan, which is required by FEMA to be updated every five (5) years; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$56,250 in Federal resources to provide funding to hire a contractor and allow Emergency Services personnel to update the current Multi Hazard Mitigation Plan required by FEMA; and

WHEREAS, the Division of Budget and Management is authorized to set up the following accounts to receive this funding to update the current Multi Hazard Mitigation Plan required by FEMA; and

WHEREAS, a Request for Proposal for updating the current Erie County Multi Hazard Mitigation Plan will be reviewed in compliance with Section 1908 of the Erie County Administrative Code and will be available for public inspection during regular business hours; and

WHEREAS, a committee appointed by the Commissioner of Emergency Services will review proposals and recommend whom to award the contract to; and

WHEREAS, the contract will provide services as required by the terms of the grant; and

WHEREAS, the contracts will be managed by the Erie County Department of Emergency Services staff; and

WHEREAS, the Department of Emergency Services goals and objectives are to update the current 2004 Multi Hazard Mitigation Plan, which is required to be updated every five (5) years in order to have all 44 communities eligible to apply for Hazard Mitigation Grant funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract and receive \$56,250 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, that these funds will be utilized to update the current Multi Hazard Mitigation Plan; and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Department of Emergency Services
FY 2009 Multi Hazard Mitigation Grant Program

Revenue	Increase
Account 409000 State Aid	\$56,250
Appropriations	Increase
Account 516020 Professional Contracts & Fees	\$56,250

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 the Erie County Legislature hereby authorizes the County Executive to enter into contract with the recommended contractor by the appointed committee for updating the current Multi Hazard Mitigation Plan; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

RE: Contract with Clinton Brown Company
Architecture, PC - Community
Development Block Grant –
Commercial Improvement Program –
Architectural Services
(COMM. 14E-12)

WHEREAS, Erie County has undertaken a Commercial Center Improvement Program through the federally funded Community Development Block Grant; and

WHEREAS, the objective of the Program is to financially assist owners of commercial properties operating retail/business establishments within city, village, and hamlet retail centers located in Erie County Community Development Consortium communities; and

WHEREAS, in order to successfully carry out the Program professional architectural services are required to complete certain technical components of the Commercial Center Improvement Program.

NOW, THEREFORE, BE IT

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project J.00510, Commercial Center Improvement Program; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute a contract with Clinton Brown Company Architecture, P.C. for commercial façade architectural services in an amount not to exceed \$45,000; and be it further

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

Item 44 – (COMM. 14E-13) Cemetery Road Bridge Replacements Over the Norfolk Southern Railroad & Plum Bottom Creek - Town of Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: Department of Emergency Services
Acceptance of FY09-11 SAFER Grant
Funds
(COMM. 14E-14)

WHEREAS, the Erie County Department of Emergency Services-Division of Fire Safety, in partnership with the Erie County Fire Chiefs Mutual Aid Organization, Inc. (ECFCMAO) wrote and secured a Staffing for Adequate Fire and Emergency Response (SAFER) grant from the US Department of Homeland Security for the recruitment and retention of volunteer firefighters; and

WHEREAS, the Erie County Legislature should authorize the County Executive to accept \$498,800.00 in Federal resources to provide funding for personnel (part time); the purchase of necessary services, supplies and equipment; and the payment of related expenses to enhance the ability of Erie County and its 94 volunteer fire departments to recruit and retain volunteer firefighters and first responders; and

WHEREAS, the Office of Budget, Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County's 94 volunteer fire departments to recruit and retain volunteer firefighters and first responders.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract to receive \$498,800.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, executed and managed under the Department of Emergency Services, will meet the program goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County and its 94 volunteer fire departments to recruit and retain volunteer firefighters and first responders; and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Erie County Department of Emergency Services
Staffing for Adequate Fire and Emergency Response (SAFER) grant

Revenue	Increase
Account 409000 State Aid	\$498,800.00
Appropriations	Increase

Account 500000 Personnel Costs	\$ 55,000.00
Account 516020 Professional Contracts & Fees	425,000.00
Account 561410 Equipment (Lab & Tech)	<u>18,800.00</u>
Total Appropriations	\$498,800.00

and be it further

RESOLVED, that the Director of Budget, Management and Finance 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 sent to the County Executive's Office, the Division of Budget, Management and Finance, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

Item 46 – (COMM. 14E-15) Amend Senior Aides Program Grant Budget

Item 47 – (COMM. 14E-16) Establish Consolidated Appropriations Act (CAA) - Senior Aide Program Grant Budget

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

RE: Levy of the 2010 - 2011 School Tax Budget
(COMM. 14E-17)

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 Services Department of Erie County; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend 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 Services 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 Services 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 Services 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 Services 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.

Item 49 – (COMM. 14E-18) ECSD No. 4 Engineer Term Agreement - Greenman-Pederson, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 50 – MR. WALTER presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

RE: Award of EAP Contract
(COMM. 14E-19)

WHEREAS, Erie County is required to provide EAP services to county employees; and

WHEREAS, the county has undertaken the necessary RFP process to select the best qualified firm to provide these services; and

WHEREAS, the selection process has determined that Prism Quality EAP, the County's current provider, is the most appropriate firm to continue, to provide these services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with Prism Quality EAP for the provision of EAP services in the amount of \$13.15 per employee per year; and be it further

RESOLVED, that Erie County is authorized to contract for these services on behalf of the Erie County Medical Center Corporation and Erie Community College with appropriate billing to the respective entities; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, Director of Budget & Management, Comptroller and County Executive's Office.

FROM CHAIR MILLER-WILLIAMS

Item 51 – MR. WALTER presented the following resolution and moved for immediate consideration. MR. KOZUB seconded. CHAIR MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 188

RE: Lease Agreement for Legislative Office
Space
(COMM. 14E-20)

MR. WALTER moved to amend the item. MS. DIXON seconded. CHAIR MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

Insert the Following Resolution:

RESOLVED, the Erie County Executive is hereby authorized to sign a 6-Month Lease Agreement with Towne Gardens, LLC for Legislative office space for Barbara Miller-Williams, located at 427 William St., Buffalo, New York for a monthly rate of \$745.

MR. WALTER moved to approve the item as amended. MR. KOZUB seconded. CHAIR MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

FROM THE DISTRICT ATTORNEY

Item 52 – MR. WALTER presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

RE: Operation IMPACT VII Grant
(COMM. 14E-21)

WHEREAS, the District Attorney through the Operation IMPACT Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Operation IMPACT Grant Budget in Book B for 2010; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes positions and funding levels different from the adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that effective July 1, 2010, the Erie County Legislature does hereby provide authorization to reallocate funds within the Operation IMPACT Grant to match authorized state funding levels, to be adjusted as follows:

OPERATION IMPACT GRANT
114IMPACT1011
July 1, 2010 – June 30, 2011

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
409000 State Revenue	\$ 546,356	\$ (13,221)	\$ 533,135
479000 County Share Contribution	<u>113,135</u>	<u>- 0 -</u>	<u>113,135</u>
Total Revenue	<u>\$ 659,491</u>	<u>\$ (13,221)</u>	<u>\$ 646,270</u>
	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 436,336	\$ 4,604	\$ 440,940
502000 Fringe Benefits	220,655	(42,825)	177,830
510100 Out of Area Travel	2,500	- 0 -	2,500
911400 ID DA Services	<u>- 0 -</u>	<u>25,000</u>	<u>25,000</u>
Total Appropriations	<u>\$ 659,491</u>	<u>\$(13,221)</u>	<u>\$ 646,270</u>

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate the following appropriations to the 2010 Adopted Budget:

District Attorney (114)
2010
Fund 110, Fund Center 11400

<u>501000 Overtime</u>	<u>\$ 25,000</u>
<u>911400 ID District Attorney Services</u>	<u>(25,000)</u>

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing appropriations; and be it further

RESOLVED, that any unspent balance relating to the Fund 110 appropriations in 2010, be re-appropriated to the 2011 budget in order to properly coincide with the grant fiscal year; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller and the Director of Budget and Finance.

Item 53 – MR. WALTER presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Erie Crime Analysis Grant
(COMM. 14E-22)

WHEREAS, Erie County District Attorney's Office has been awarded funds by the New York State Division of Criminal Justice Services to help administer a Crime Analysis Center grant in the amount of \$270,147; and

WHEREAS, the Erie Crime Analysis Center provides a centrally located unit which is responsible for conducting in depth analysis of all county crime incident data; and

WHEREAS, the compilation of this data allows law enforcement agencies to make more informed decisions about strategic planning and tactical deployment; and

WHEREAS, Erie County has previously accepted this grant for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$270,147 from the New York State Division of Criminal Justice Services; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the District Attorney's Erie Crime Analysis Grant as follows:

Erie Crime Analysis Grant
July 1, 2010 to June 30, 2011
Fund: 281, Cost Center: 1140050, Grant: 114ECAC1011

Revenues

409000 State Revenue	\$ 270,147
<u>Total Revenues</u>	<u>\$ 270,147</u>

Appropriations

516010 Contractual	\$ 270,147
<u>Total Appropriations</u>	<u>\$ 270,147</u>

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with The Research Foundation of SUNY on behalf of the University at Buffalo to provide the Erie Crime Analysis Center with four full-time Crime Analysts at a cost of \$270,147; and be it further

RESOLVED, that the Director of Budget & 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 District Attorney.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 54 – (COMM. 14D-1) Letter to the EC Legislature Concerning the County Executive's Determination to Opt Out of the Early Retirement Incentive Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 55 – (COMM. 14D-2) 2010 Early Retirement Incentive

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF SIX SIGMA

Item 56 – (COMM. 14D-3) Six Sigma Quarterly Status Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CHIEF JUDGE, UNITED STATES DISTRICT COURT

Item 57 – (COMM. 14M-1) Copy of Order Approving Stipulated Settlement Agreement Concerning Suicide Prevention & Related Mental Health Issues

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO OLMSTED PARKS CONSERVANCY

Item 58 – (COMM. 14M-2) Copy of Annual Report for 2009

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO RIVER RESTORATION PARTNERSHIP

Item 59 – (COMM. 14M-3) Newsletter Entitled "Planned Projects Will Revitalize Buffalo River Corridor"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE PUBLIC ACCOUNTABILITY INITIATIVE

Item 60 – (COMM. 14M-4) Letter to Legislator Whyte Concerning Bass Pro & Attached Report Entitled "Fishing for the Taxpayer Cash"

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 61 – (COMM. 14M-5) Copy of Resolution Entitled "Exploring New Ways to Deal with Buffalo's Problem Property Crisis"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF CHEEKTOWAGA SUPERVISOR

Item 62 – (COMM. 14M-6) Letter to Clerk of Legislature Concerning the Town Assessor Whom was Recommended by the EC Office of Real Property Tax Services

Received and Filed.

FROM ECMCC

Item 63 – (COMM. 14M-7) Minutes from Meeting Held 7/6/2010

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMUNICATIONS WORKERS
OF AMERICA LOCAL 1168

Item 64 – (COMM. 14M-8) Letter to Legislator Mazur Concerning the Closure of Kaleida Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 65 – (COMM. 14M-9) Minutes of Meeting Held 7/15/2010

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 66 – (COMM. 14M-10) Testimony for the Community Enrichment Committee on the Proposed Citizens Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ECIDA

Item 67 – (COMM. 14M-11) Copy of 2009 Annual Audited Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 68 – CHAIR MILLER-WILLIAMS announced that on Wednesday, August 25, 2010, at 10:30 A.M., the Buffalo Niagara Convention and Visitors Bureau will be conducting a tour of progress of the Buffalo Niagara Convention Center construction project, for the CVB Board of Directors, the County Executive and members of the County Legislature.

Item 69 – CHAIR MILLER-WILLIAMS also announced that the New York State Assembly Standing Committee on Children and Families, and the Standing Committee on Oversight, Analysis and Investigation, will be conducting a Public Hearing on ‘Adult Protective Services,’ to examine the effectiveness of adult protective services in responding to the needs of vulnerable adults. The Public Hearing is scheduled for Tuesday, August 3, 2010, at 10:00 A.M., at Erie Community College’s Minnie Gillette Auditorium, 121 Ellicott St., Buffalo, N.Y.

Item 70 – LEGISLATOR KOZUB announced that on Labor Day, Monday, September 6, 2010, beginning at 12:00 Noon, there will be a Labor Day Parade in South Buffalo, beginning at the corner of Abbott and Stevenson. All are invited to attend.

Item 71 – LEGISLATOR RATH announced a reminder that the Niagara Erie Regional Coalition (NERC) meeting is scheduled for July 29, 2010, from 3:00 until 5:00 P.M., at Dick & Jenny’s, located at 1270 Baseline Rd., Grand Island.

MEMORIAL RESOLUTIONS

Item 72 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Dr. Mohsen Lachaal.

Item 73 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Virginia Hanley, Thomas Luby, James J. Higgins, and James T. Walsh.

Item 74 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Jay R. Ralph, former City of Tonawanda Fire Chief.

Item 75 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Ranney A. Dozier.

Item 76 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Henry E. Weisenborn and Beatice Keenan DeGasper.

Item 77 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Al Callins.

Item 78 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Thelka V. (Truehart) McCall.

ADJOURNMENT

Item 79 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, September 16, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, September 16, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE