

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 26, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present except Legislator Kennedy.

An invocation was held led by Legislator Reynolds.

The Pledge of Allegiance was led by Legislator Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No minutes of previous meeting for approval.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MARINELLI presented the following resolution In Memory of Justin M. Uku, M.D., Erie County Chief Medical Examiner.

Item 6 – MS. MARINELLI presented the following resolution In Memory of Donald Joseph Wegner, Husband of Former Legislature Employee Patricia Jaworowicz, and a former Cheektowaga Town Councilman.

Item 7 – MR. REYNOLDS presented a resolution Honoring the Southwestern Association of Volunteer Fireman for Making Our Communities a Safer Place for Our Families to Live.

Item 8 – MILLER-WILLIAMS & GRANT presented a resolution Honoring CAO 2nd Annual Rise to Freedom Conference.

Item 9 – MS. MARINELLI presented a resolution Honoring Sister M. Christelle for Her Many Years of Dedicated Service as the Principal of Blessed Sacrament School.

Item 10 – MILLS & KENNEDY presented a resolution Honoring Robert Barrows Upon Induction Into the NYS Public High School Athletic Association's Hall of Fame Class of 2007.

Item 11 – MS. IANNELLO presented a resolution Honoring Local Veteran Patrick Welch for Being Elected to Vietnam Veterans of America National Board.

Item 12 – MILLER-WILLIAMS & GRANT presented a resolution Recognizing the 3rd Annual Colored Musicians Club Queen City Jazz Festival on July 28, 2007.

MS. WHYTE moved to consider the above eight items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eight items for Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above eight items as amended. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – MS. WHYTE presented the following local law and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: 0. (AYES: 15; NOES: 0)

CARRIED.

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 4- 2007
 LOCAL LAW NO. _____ - 2007

A **LOCAL LAW** entitled The Energy Efficient Products Act which mandates that Erie County only purchase electrical products that are Energy Star rated.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. Findings and Purpose

(A) FINDINGS—The Erie County Legislature finds that:

1. The cost of energy is skyrocketing and will likely continue to increase, as such, Erie County's energy bills will continue to increase.
2. Energy use by municipalities contributes substantially to the problems of pollution and global climate change.
3. Energy costs can be reduced by purchasing energy efficient air conditioning, lights and electrical appliances.

(B) PURPOSE—This law is enacted to more efficiently spend public funds and protect the health and welfare of Erie County residents.

SECTION 2. Definitions

DEFINITIONS. In this section,

1. "Erie County" means every County office, board, commission, committee, bureau, department or public institution of higher education.
2. "Energy Star products" means products that are certified by the United States Department of Energy or the United States Environmental Protection Agency as Energy Star or that are certified under the Federal Energy Management Program.

SECTION 3. Procurement Standards

1. Erie County shall purchase Energy Star products when such products are available. The County may include non-Energy Star rated equipment as an alternate in the bid documents to enable lifecycle costing analysis to be performed as part of the analysis of responsive bids. The County shall be required to award a contract that includes the procurement of Energy Star rated equipment unless the agency can demonstrate, in writing, that the interests of the County would be better served by procuring non-Energy Star rated equipment.
2. Prior to initiating a request for procurement of any product, an agency shall review the specifications for such product to determine whether an Energy Star product is available. If an Energy Star product is available, the agency is required to include in its bid specifications the requirement that the product be an Energy Star product unless the agency can demonstrate, in writing, to the satisfaction of the agency head, that a product with an Energy Star rating meets at least 1 of the following criteria:
 - (a) The product is not available competitively,
 - (b) The product is not available within a reasonable time frame, or
 - (c) The product does not meet appropriate performance standards.

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SECTION 4. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 5. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

SPONSORS:

TIMOTHY M. KENNEDY

MARIA R. WHYTE

LYNN MARINELLI

CYNTHIA E. LOCKLEAR

MICHELE M. IANNELLO

BARBARA MILLER-WILLIAMS

ROBERT B. REYNOLDS

DANIEL M. KOZUB

KATHY KONST

BETTY JEAN GRANT

THOMAS A. LOUGHRAN

THOMAS J. MAZUR

Item 20 – MS. WHYTE presented the following local law and moved for immediate consideration and approval. MR. REYNOLDS seconded.

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

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AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: 0. (AYES: 15; NOES: 0)

CARRIED.

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 5- 2007
 LOCAL LAW NO. _____ - 2007

A **LOCAL LAW** entitled **The Green Buildings Act** which adopts LEED standards for the construction or renovation of buildings owned by Erie County.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. Findings and Purpose

FINDINGS—The Erie County Legislature finds that:

1. Energy costs for public buildings are skyrocketing and will likely continue to increase.
2. Energy use by public buildings contributes substantially to the problems of pollution and global climate change.
3. Public buildings can be built and renovated using high-performance methods that save energy costs, preserve the environment, and make workers and students safer and more productive.

(B) PURPOSE—This law is enacted to more efficiently spend public funds and protect the health and welfare of Erie County residents.

SECTION 2. Definitions

DEFINITIONS—In this section:

1. “LEED silver standard” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as silver standard.
2. “Major facility project” means:

- a. A building construction project larger than 2,500 gross square feet of occupied or conditioned space; or
- b. A building renovation project when the cost is greater than 50 percent of the assessed value and the project is larger than 2,500 gross square feet of occupied or conditioned space.
3. "Erie County" means every County office, board, commission, committee, bureau, department or public institution of higher education.

SECTION 3.

GREEN BUILDING STANDARDS

All major facility projects of Erie County shall be designed, constructed and certified to at least the LEED silver standard. This provision applies to major facility projects that have not entered the design phase prior to _____, 2007

SECTION 4. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 5. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

SPONSORS:

TIMOTHY M. KENNEDY

MARIA R. WHYTE

LYNN MARINELLI

CYNTHIA E. LOCKLEAR

MICHELE M. IANNELLO

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BARBARA MILLER-WILLIAMS

ROBERT B. REYNOLDS

DANIEL M. KOZUB

KATHY KONST

BETTY JEAN GRANT

THOMAS A. LOUGHRAN

THOMAS J. MAZUR

Item 21 – MS. LOCKLEAR presented the following local law and moved for immediate consideration and approval. MR. MAZUR seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: 0. (AYES: 15; NOES: 0)

CARRIED.

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 6- 2007
 LOCAL LAW NO. _____ - 2007

A LOCAL LAW, amending Local Law No. 12-1974 known as the “Erie County Hotel Occupancy Tax Law”:

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1: LEGISLATIVE INTENT

The purpose of this Local Law is to amend Local Law No. 12-1974 known as the “Erie County Hotel Occupancy Tax Law”:

This change would add a new Subdivision C of Section 21 to clarify the intent of the confidentiality provisions set forth in Subdivision B of Section 21. This amendment will clarify that the confidentiality provisions of Subdivision B will only be honored so long as any Person or Operator subject to the reporting, filing and payment provisions of the Hotel Occupancy Tax Law is in compliance with the Hotel Occupancy Tax Law’s reporting, filing and payment requirements.

Section 2: AMENDMENT TO ERIE COUNTY LOCAL LAW 12-1974:

NEW SUBDIVISION C OF SECTION 21

(c) In the event that any Person or Operator fails to timely and accurately file a Return and/or collect and remit the tax due and owing to the County, and/or fail(s) to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction on county officers and employees contained in subdivision (b) of this section compelling them to keep certain information secret shall be lifted. Only authorized officers or employees of the Office of Comptroller, Division of Budget and Management, Division of Real Property Tax, and/or Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an Operator, Person or taxpayer's name, including the names of the principals of said Operator and/or taxpayer, and the amount of the delinquency.

Section 3: EFFECTIVE DATE

Immediately.

Section 4: SEVERABILITY

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

SPONSORS:

CYNTHIA E. LOCKLEAR
 LYNN M. MARINELLI
 MARIA R. WHYTE
 TIMOTHY M. KENNEDY
 ROBERT B. REYNOLDS JR.
 KATHY KONST
 BARBARA MILLER-WILLIAMS
 MICHELE M. IANNELLO
 THOMAS J. MAZUR
 DANIEL M. KOZUB
 BETTY JEAN GRANT
 THOMAS A. LOUGHRAN
 MICHAEL H. RANZENHOFER

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BARRY A. WEINSTEIN
 JOHN J. MILLS

Item 22 - CHAIRPERSON MARINELLI directed that Local Law No. 7 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 24 – MR. REYNODLS presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

JULY 11, 2007

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-20 (2007)
ECFSA: 2006 Financial Statement Audit
 (5-0)
 - b. COMM. 8E-2 (2007)
COMPTROLLER: Proposed Borrowings by ECFSA
 (5-0)
 - c. COMM. 10M-2 (2007)
ECFSA: Resolution 07-23 - Calling Upon the County to Refinance Eligible Bonds Through ECFSA
 (5-0)
 - d. COMM. 11E-4 (2007)
COMPTROLLER: Investment Report for FY Ended 12/31/06
 (5-0)

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- e. COMM. 11M-19 (2007)
ECFSA: Copy of Letter to Marinelli Re: RAN Borrowing
(5-0)
- f. COMM. 12E-1 (2007)
COMPTROLLER: Copy of Letter to ECFSA Chairperson Re: Requesting ECFSA
Approval of Erie County RAN Borrowing
(5-0)
- g. COMM. 12D-4 (2007)
BUDGET DIRECTOR: Copy of Letter to ECFSA Chair Re: RFP for Tax Lien Sale
(4-0) Legislator Mills not present.
- h. COMM. 13E-2 (2007)
COMPTROLLER: Certificate of Determination Relative to Authorization, Issuance, Form
and Content, Sale and Award of a \$75 Million RAN
(4-0) Legislator Mills not present.
- i. COMM. 13E-6 (2007)
COMPTROLLER: Apportionment and Distribution of Net Collections From the Local
4.75% Sales and Compensating Use for Erie County for 4/07 - 6/07
(4-0) Legislator Mills not present.
- j. COMM. 13E-7 (2007)
COMPTROLLER: Frank Lloyd Wright Boathouse Project Bond Resolution
(4-0) Legislator Mills not present.
- k. COMM. 13D-4 (2007)
COUNTY ATTORNEY: Property Damage Claims
(4-0) Legislator Mills not present.
- l. COMM. 13D-5 (2007)
HEALTH DEPARTMENT: Special Needs Division of the Health Dept.
(4-0) Legislator Mills not present.
- m. COMM. 13M-1 (2007)
TOWN OF ALDEN: Storm Debris
(4-0) Legislator Mills not present.
- n. COMM. 13M-2 (2007)
TOWN OF LANCASTER: Brush Reimbursement
(4-0) Legislator Mills not present.
- o. COMM. 13M-3 (2007)
TOWN OF NEWSTEAD: Storm Debris

(4-0) Legislator Mills not present.

p. COMM. 13M-6 (2007)
TOWN OF CLARENCE: Storm Debris
(4-0) Legislator Mills not present.

q. COMM. 13M-9 (2007)
ECFSA: Resolution 07-58 - Commenting On and Approving the Issuance of RAN's by Erie County
(4-0) Legislator Mills not present.

2. COMM. 12E-4 (2007)
COUNTY EXECUTIVE
WHEREAS, the following grant programs are included in Book B of the 2007 Adopted Budget, and

WHEREAS, the 2007 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence on July 1, 2007:

Department	Grant Program	2007 Budget Book B Page No.
District Attorney	Crimes Against Revenue Program	15*
District Attorney	Drug Court Program	15
District Attorney	Operation Impact	16
District Attorney	Project Safe Neighborhoods	16

* Begins 8/1/07

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director

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of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2007 and thereafter:

Department	Grant Program	2007 Budget Book B Page No.
District Attorney	BE-SAFE	15
District Attorney	S.T.O.P. Violence Against Women	17
District Attorney	Victim/Witness Assistance Program	17
Probation	Crime Victim Board	42
Probation	Project Safe Neighborhood Grant	42
Probation	Shared Population – Defendants/Offenders With Mental Illness	43
Sheriff	High Impact Incarceration Program (HIIP)	61*
Social Services	Energy Services Packaging Project 07-08	63
Social Services	Home Energy Assistance Program (HEAP)	64
Children With Special Needs	WIC Vendor Management	119
Children With Special Needs	Women, Infants and Children’s Supplemental Nutrition Program (WIC)	119

* Begins 11/1/07

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Probation, Social Services, Children with Special Needs, Law, the Office of the Comptroller and the Division of Budget and Management.

(5-0)

3. COMM. 13E-18 (2007)
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the 2007-2008 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 Department of Real Property Tax Services and;

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

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of Real Property Tax Services, 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 Real Property Tax Services, 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 for the Department of Real Property Tax Services 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 of Real Property Tax Services 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, The Clerk of the Legislature is hereby directed to provide certified copies of this resolution to the County Attorney, the Director of Real Property, the Budget Director and the County Executive.

(4-0) Legislator Mills not present.

**ROBERT B. REYNOLDS
CHAIRMAN**

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Item 25 – MS. LOCKLEAR presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 204

JUNE 28, 2007

HEALTH COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 5E-2 (2007)

LOCKLEAR: 2005 NYS Medicaid Cap Legislation: Sales Tax Intercept Option
 (4-0)

2. COMM. 13E-11 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has been awarded a continuation grant award in the amount of \$247,600 from the New York State Department of Health to enroll persons without insurance into the Child and Family Health Plus or Medicaid insurance programs, and

WHEREAS, the Erie County Department of Health wishes to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$20,400 for the purpose of performing at least 180 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/07 – 12/31/07, and

WHEREAS, this continuation grant award authorizes budgetary and personnel staffing adjustments, and

WHEREAS, the New York State Department of Health has approved the deletion of one vacant Regular Part-Time position of Clerk Typist, JG 1, Step 0, position number 51003351.

NOW, THEREFORE, BE IT

RESOLVED, that one vacant Regular Part Time position of Clerk Typist, JG 1, Step 0, position number 51003351, is hereby deleted from the Facilitated Enrollment Grant Program, as indicated on B100 #2982, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

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FACILITATED ENROLLMENT PROGRAM
1/1/07 – 12/31/07
SAP TITLE: 127FACENROLL2007

SAP ACCOUNT	DESCRIPTION	CURRENT BUDGET	CHANGES	REVISED BUDGET
REVENUE				
409000	State Aid	\$354,904	\$-107,304	\$247,600
479000	County Share Contribution	<u>0</u>	<u>44,859</u>	<u>44,859</u>
	TOTAL	<u>\$354,904</u>	<u>\$- 62,445</u>	<u>\$292,459</u>
EXPENSES				
500000	Full Time Salaries	\$198,766	\$ 0	\$198,766
500020	Regular PT Wages	12,100	-12,100	0
502000	Fringe Benefits	86,771	- 1,743	85,028
505000	Office Supplies	1,500	-800	700
510000	Local Mileage	9,000	-3,206	5,794
510010	Travel – Out of Area	2,000	-1,492	508
516010	Contractual Payments - Non Profit Pur. of Services	35,496	-15,096	20,400
516020	Prof. Svc. Contracts & Fees	500	- 500	0
530000	Other Expenses	5,000	-4,600	400
561410	Lab & Technical Equipment	1,000	-1,000	0
561420	Office Equipment	1,000	-1,000	0
912790	ID Health Grants	-3,229	- 19,672	-22,901
980000	ID DISS Services	<u>5,000</u>	<u>-1,236</u>	<u>3,764</u>
	TOTAL	<u>\$354,904</u>	<u>\$- 62,445</u>	<u>\$292,454</u>

WOMEN'S HEALTH SERVICES PROGRAM
1/1/07 – 12/31/07
SAP Title: 127WOMENHLTH2007

SAP ACCOUNT	DESCRIPTION	CURRENT BUDGET	CHANGES	REVISED BUDGET
REVENUE				
466100	Increase Other Rev – Grant	\$890,250	\$19,672	\$909,922
EXPENSES				
912790	Decrease ID – Health Grants	\$-139,709	\$19,672	\$-120,037

HEALTH

Health Division BD12700

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Decrease 516020 Prof Svc Contracts & Fees	(\$44,859)
Increase 559000 County Share Grants	\$44,859

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$20,400 for the purpose of performing at least 180 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/07 – 12/31/07, and be it further

RESOLVED, that the subcontract with, Healthy Community Alliance 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 certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0) Legislator Marinelli not present.

3. COMM. 13E-19 (2007)

COUNTY EXECUTIVE

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

WHEREAS, the Erie County Department of Mental Health has been awarded a Grant by the New York State Division of Criminal Justice Services (DCJS) to provide housing services and supports for returning offenders and parolees; and

WHEREAS, in a resolution being Communication No. 8E-7, dated May 3, 2007 the Erie County legislature already authorized the acceptance of this grant from the New York State Division of Criminal Justice Services (DCJS)); and

WHEREAS, the Erie County Department of Mental Health has conducted a Request for Proposals (RFP) process to determine a community based provider to provide congregate and scattered site housing with case management services to returning offenders and parolees; and

WHEREAS, Saving Grace Ministries, inc., was selected through the Request for Proposals (RFP) process the best qualified applicant to provide congregate and scattered site housing with case management services to returning offenders and parolees.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive be authorized to enter into a contract agreement with Saving Grace Ministries, Inc., (GL516010) for the period January 1, 2007 through December 31, 2007, in an amount not to exceed \$80,000, in order to provide housing services and supports for returning offenders and parolees; and be it further

RESOLVED, that the Division of Budget, Management and Finance establish a Fund Reservation in GL516010 for Saving Grace Ministries, Inc., for the period January 1, 2007 through December 31, 2007, in an amount not to exceed \$80,000; and be it further

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

(3-0) Legislator Marinelli not present.

4. COMM. 13E-37 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates the WIC Program, under a grant fully funded by the New York State Department of Health, and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant and breastfeeding women, infants and children, and

WHEREAS, we have received a revised grant award from the New York State Department of Health which includes funding for staff adjustments, and

WHEREAS, in order to efficiently meet the needs of the Department and to increase caseload and patient services, it is necessary to create one full time position of Assistant Nutritionist, JG 8, Step 0, and one full time position of WIC Aide, JG 3, Step 0.

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Department of Health has authorized these personnel adjustments, and be it further

RESOLVED, that one full time position of Assistant Nutritionist, JG 8, Step 0, and one full time position of WIC Aide, JG 3, Step 0 are hereby created on B100 control numbers 3061 and 3030 respectively, and be it further

RESOLVED, that sufficient funds are available in the grant budget to cover these costs.

The following personnel detail is hereby submitted:

Title: Assistant Nutritionist

County Share: 0%

JG: 8

Salary Step: 0

Annual Salary: \$32,841

Fringe Benefit Cost: 41.15%

Fiscal Impact on the budget for the

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Remaining portion of the fiscal year: \$10,737

Position to be filled from: (civil service preferred list/civil service list): Civil Service List

Title: WIC Aide

County Share: 0%

JG: 3

Salary Step: 0

Annual Salary: \$24,051

Fringe Benefit Cost: 41.15%

Fiscal Impact on the budget for the
 remaining portion of the fiscal year: \$12,026

Manner in which position will be filled: Non-civil service

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0) Legislator Marinelli not present.

CYNTHIA E. LOCKLEAR
CHAIRPERSON

Item 26 – MS. KENNEDY presented the following report, moved to separate Item No. 6 and approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

JULY 19, 2007

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11D-10 (2007)
COUNTY ATTORNEY: Amendment to Laws of 1982 Chapter 828
 (4-0)
 - b. COMM. 11M-11 (2007)
NIAGARA COUNTY LEGISLATURE: Certified Resolution Re: County Support for Erie-Niagara Initiative for Quick-Cool Produce Facility or Alternative Agricultural Project
 (4-0)
 - c. COMM. 13M-5 (2007)

TOWN OF SARDINIA: Roads in the Town of Sardinia
 (4-0)

- d. COMM. 13M-7 (2007)
LAW OFFICES OF DIFILIPPO & FLAHERTY, P.C.: Erie County Roads - Town of Sardinia
 (4-0)
- e. COMM. 13M-10 (2007)
NFTA: Audited Financial Statements for FY Ended 3/31/07
 (4-0)
- f. COMM. 13M-14 (2007)
NFTA: Annual 17A Report
 (4-0)
- g. COMM. 13M-15 (2007)
NFTA: Annual Public Authority Date Request Questionnaire 2007
 (4-0)

2. INTRO 7-4 (2007) **AS AMENDED**
KENNEDY

WHEREAS, The Buffalo Employment and Training Center (BETC) is a collaboration between workforce development organizations and partner agencies with a primary goal of assisting residents of Buffalo and Erie County to gain employment and assist employers in finding qualified workers in a one-stop environment; and

WHEREAS, The collaborative efforts of the BETC and its partners have developed and implemented a new and innovative One-Stop streamlined approach to conveniently bring employment, training and other workforce services to residents and employers; and

WHEREAS, Complementing this approach has been the creation of One-Stop Service Centers conveniently located throughout Erie County which combine numerous professional services for the job seeker and employers and allows individuals to access the BETC's network of partners at a single convenient physical location; and

WHEREAS, the BETC provides many free job training and placement resources including an initial assessment, job coaching and job search assistance, career counseling, up-to-date labor market information, job vacancy listings, electronic job banks, computer access and financial aid information; and

WHEREAS, The BETC provides specialized career counseling and assessment services such as customized career planning, work skills and training needs assessment, local and national career path exploration, computerized career exploration system assessments of interests, values, aptitude and personality to further career planning and job search; and

WHEREAS, The BETC provides specialized skills training services such as Computer Skills Training, an array of Job Search Workshops including resume writing and interviewing skills, General Equivalency Diploma (GED), occupational skills training in a variety of fields, on-the-job training, re-training for experienced workers, in addition to financial, tuition and child care assistance; and

WHEREAS, The BETC offers free professional services to employers who are looking to advance businesses in the capacity of employee recruitment and screening, customized training programs; and

WHEREAS, The BETC efforts contribute to both the supply and the demand side of the labor market based on research demonstrating that trainees enjoy great job-placement rates, retain their jobs longer, and enjoy substantial gains in earnings; and

WHEREAS, Workforce development is a powerful economic development tool designed to increase momentum and capitalize on future opportunities for economic and business growth; and

WHEREAS, A more versatile workforce development system that works in both urban and rural areas can only be achieved through the process of streamlining job training and employment services in order to nurture innovative approaches to delivering employment services creating; and

WHEREAS, The Western New York region has suffered considerably with both the decrease in total population of young adults in the age group of 25 – 34 years old and the flight of those who are college educated; and

WHEREAS, The Western New York Region is not alone in facing unique workforce development challenges, and in these challenging times regional economic vitality depends on the strength of local businesses; and

WHEREAS, With local economic development organizations devoting considerable effort to attract businesses to this area, it is essential to have dedicated training centers, such as the BETC, to upgrade the skills of displaced workers or to enhance the skills of incumbent workers.

NOW, THEREFORE, BE IT

RESOLVED, That this Honorable Body recognizes the continuation of Buffalo-Niagara's population's decline and slow growth as a result of regional out-migration and the decline in the population of young adults resulting from lack of opportunity; and be it further

RESOLVED, That this Honorable Body recognizes that workforce training is a key element of workforce development and applauds BETC's efforts in improving the skills of the regions workforce; and be it further

RESOLVED, That this Honorable Body applauds the BETC for providing services to assist students and workers find new or better jobs, receive training to be skilled employees, and help the

region's businesses acquire the skilled employees they need to increase productivity to compete in the changing global economy; and be it further

RESOLVED, That this Honorable Body recommends all regional schools utilize and form partnerships with the BETC that capitalize on the value of networks and the collective strength of companies sharing resources and ideas; and be it further

RESOLVED, That these partnerships will help connect college students with employers in the Western New York region in order to retain locally educated college graduates in Erie County, thereby sustaining a robust pipeline of talent for the growing companies; and be it further

RESOLVED, That further collaboration among higher education institutions and the BETC will provide the opportunity for students and workers to improve their lives, increase the strength of our businesses and communities, and provide a collaborative regional approach to increasing the economic prosperity, progressive growth and quality of life in Erie County and Western New York; and be it further

RESOLVED, That this Honorable Body calls for Colleges to form a cooperative committee to develop and implement a plan to incorporate BETC with their career placement practices; and be it further

RESOLVED, That a true copy of this resolution be forwarded to the board of trustees of Erie Community College, SUNY at Buffalo, Buffalo State College, Canisius College, D'Youville College, Daemen College, Hilbert College, Bryant and Stratton, Medaille College, Trocaire College, Villa Maria College; the administration of BETC; the Mayor of the City of Buffalo; and the Erie County Executive.

(4-0)

3. INTRO 9-4 (2007)

KENNEDY & WHYTE

WHEREAS, power generation from polluting non-renewable resources, such as oil and coal, results in serious human impairments, negative impacts on wildlife, plants, and the natural environment, and has become a factor in conflicts over the world's dwindling non-renewable resources; and

WHEREAS, energy conservation alone is insufficient to reduce the serious negative impacts caused by fossil fuels used for energy generation; and

WHEREAS, the use of clean renewable energy sources, such as wind, solar, ocean, geothermal and hydro, has many benefits; minimal environmental impacts, increased income for local producers of such energy sources and dramatic air quality improvement; and

WHEREAS, governments can address this problem by purchasing energy from renewable sources to help reduce pollution and to contribute to the development of the market for renewable energy sources; and

WHEREAS, New York State government, Nassau County and Suffolk County as well as the Towns of Clinton, New Paltz and Fishkill have all set goals to purchase a certain percentage of electricity created by renewable energy within the next several years; and

WHEREAS, the Erie County Legislature wishes to exercise leadership in this most important environmental effort.

NOW, THEREFORE, BE IT

RESOLVED, that it should be the policy of Erie County to improve environmental quality and redirect energy policy, promote energy efficiency, clean energy production and clean renewable energy markets; and be it further

RESOLVED, that Erie County is hereby authorized, empowered, and directed to purchase energy from sources that include a growing proportion of non-polluting renewable energy technologies with a goal of no less than 8% by 2009, 16% by 2011 and 25% by 2013; and be it further

RESOLVED, that the County Executive is further authorized, empowered, and directed to issue an annual report to the County Legislature no later than December 31 of each year updating the progress of achieving the 25% goal, said report to be filed with the Clerk of the County Legislature.

RESOLVED, that a certified copy of this resolution be forwarded to the Erie County Executive.
 (4-0)

4. **COMM. 13E-30 (2007)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, Division of Highways, is planning to reconstruct Wehrle Drive (CR 290) between Youngs Road and Transit Road in the Town of Amherst ("Project"), and

WHEREAS, the Erie County Department of Public Works, Division of Highways, conducted a public hearing on September 12, 2002 to present and take comment on the social, economic and environmental effects of the design alternatives for the Project, and

WHEREAS, the Erie County Legislature has previously approved of the Wehrle Drive reconstruction project and appropriated funds for this public Project in resolutions dated March 6, 2003 (Reference: Comm. 4E-22), and May 25, 2006 (Reference: Comm. 5E-27) in SAP B.00007.1, and

WHEREAS, in a resolution dated April 1, 2004 (Reference: Comm. 7E-42), the Legislature determined that the chosen design alternative would not have any significant adverse environmental, economic or social impacts and authorized the County of Erie to acquire through the payment of just compensation fee and/or easement title in the necessary "Subject Properties" as specifically identified in said resolution, and

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WHEREAS, the County has already acquired most of the Subject Properties at a price that equals the appraised value of such property, and

WHEREAS, the Erie County Legislature has approved the use of certain eminent domain proceedings pursuant to the Eminent Domain Law on or about July 13, 2006 (Reference: Comm. 7E-32), and

WHEREAS, despite considerable negotiations an additional twenty two (22) property owners have refused to convey fee and/or easement title to their properties and have refused to accept all reasonable administrative settlements proposed by the County, and

WHEREAS, the acquisition of the properties are de minimus in nature so that the public interest will not be prejudiced by the construction of the public Project, and

WHEREAS, in order to facilitate the Project, it is necessary for the County to acquire by fee, permanent easement or temporary easement the additional twenty two (22) parcels of real property, as such the Commissioner of Public Works desires that eminent domain proceedings be commenced pursuant to the Eminent Domain Procedure Law against the property owners who have refused to convey fee and/or easement title to their properties.

NOW, THEREFORE, BE IT

RESOLVED, that due to the fact that the owners of the following properties have refused to convey fee and/or easement title to their properties at the properties' appraised value and have refused to accept any reasonable administrative settlements, the Commissioner of Public Works, the County Attorney and/or their authorized representatives, are hereby authorized to acquire the following properties pursuant to the Eminent Domain Procedure Law:

<u>Map #:</u>	<u>Type:</u>	<u>Section-Block-Lot:</u>	<u>Township:</u>
374-1 & 374-2	TE/FEE	81.09-6-44	Amherst
374-24	TE	81.10-5-1	Amherst
374-25	TE	81.10-4-1	Vil. of Williamsville
374-30	TE	81.09-2-5	Vil. of Williamsville
374-32	TE	81.09-2-6	Vil. of Williamsville
374-34 & 374-35	FEE/TE	81.01-1-13	Amherst
374-47 & 374-77	TE/FEE	81.02-3-30	Amherst
374-48 & 374-58	TE/FEE	81.01-1-12.12	Amherst
374-49 & 374-50	FEE/TE (2)	81.02-3-1.1	Amherst
374-61 & 374-62	FEE/TE	81.02-3-5.1	Amherst
374-94 & 374-95	FEE/TE	81.02-3-12.1	Amherst
374-98 & 374-99	FEE/TE	81.12-1-8.1	Amherst
374-101 & 374-102	FEE/TE	81.02-3-14.1	Amherst
374-103 & 374-104	FEE/PE/TE	81.02-3-15.121	Amherst
374-111	TE	81.02-3-1.2	Amherst
374-121 & 374-122	FEE/TE	81.02-2-7.112	Amherst

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374-123 & 374-124	FEE/TE	81.02-3-18	Amherst
374-127 & 374-128	FEE/TE	81.02-3-21	Amherst
374-135 & 374-136	FEE/TE	81.09-7-1	Amherst
374-137 & 374-152	FEE/TE	82.09-1-20	Amherst
374-142 & 374-143	FEE/TE	82.09-2-10	Amherst
374-154 & 374-155	FEE/TE	81.02-2-9.2	Amherst

and be it further

RESOLVED, that the County Attorney or his authorized representative shall prepare, and the County Executive shall be authorized to execute, all appropriate documents relating to acquiring fee and/or easement title to the Subject Properties referenced above; and be it further

RESOLVED, that the expenses of acquiring the Subject Properties referenced above shall be derived from funds previously appropriated by the Erie County Legislature for the Preliminary Engineering, Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Wehrle Drive reconstruction project, such appropriations having been made by resolutions on March 6, 2003 (Reference: Comm. 4E-22), April 1, 2004 (Reference: Comm. 7E-42) May 25, 2006 (Reference: Comm. 5E-27), and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, the Office of the Comptroller, and the Office of the County Attorney.

(4-0)

5. COMM. 13E-32 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for Family Court- Noise Alleviation Work and is recommending award to the lowest responsible bidders, and

WHEREAS, Trason Development Corporation and CIR Electrical Construction Corp. are the lowest responsible bidders for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for Family Court – Noise Alleviation Work with Trason Development Corporation, 7350 Boston State Road, Hamburg NY 14075 and CIR Electrical Construction Corp., 2750 Kenmore Avenue, Tonawanda NY 14150 as follows:

GENERAL CONSTRUCTION WORK

Trason Development Corporation

Base Bid: \$78,564.00

ELECTRICAL CONSTRUCTION WORK

CIR Electrical Construction Corp.

Base Bid:	<u>\$18,900.00</u>
Total Award:	\$97,464.00

and be it further

RESOLVED, that the sum of \$10,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works 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 being returned to the contingency fund, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the Court Facility Improvements, SAP Project A.00157, in an amount not to exceed \$107,464.00, 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 Division of Budget, Management & Finance; and the Office of the Comptroller.
 (4-0)

6. COMM. 13E-33 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for a Window & Door Replacement – School #84 and is recommending award to the lowest responsible bidder, and

WHEREAS, Window Specialist, Inc. is the lowest responsible bidder for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for School #84 – Window & Door Replacement with Window Specialist, Inc., 188 Erie Street, Lancaster, New York, as follows:

GENERAL CONSTRUCTION WORK

Base Bid:	\$198,000.00
Alternate #1	\$ 6,000.00
Alternate #2	<u>(\$ 2,000.00)</u>
Total Award:	\$202,000.00

and, be it further,

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RESOLVED, that the sum of \$20,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works 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 being returned to the contingency fund, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the '03 Roof Replacement & Weatherproofing, Project A.00070 in an amount not to exceed \$222,000.00, and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance; and the Office of the Comptroller.
 (4-0)

7. COMM. 13E-34 (2007)

COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the CR 111, Lake Shore Road Bridge over Delaware Creek, BIN 3-32749-0, in the Town of Evans, Erie County, PIN 5755.66 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie via resolutions Comm. 14E-20, 12E-16, and 17E-34 adopted on July 6, 2000, July 3, 2003, and July 15, 2004, respectively, approved the Project and appropriated funds for the non-Federal share of the costs of the Master and Supplemental Agreements to date, and

WHEREAS, the County of Erie desires to complete the Project by making commitment of 100% of the non-Federal share of the costs of supplemental Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, Construction Inspection and Construction Phases of the Project, PIN 5755.66 increasing the total Project from \$1,309,650.00 to \$1,534,650.00, and thereby the total non-Federal share from \$261,930.00 to \$306,930.00, a difference of \$45,000.00, and

WHEREAS, Parsons Transportation Group was authorized to perform Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, and Right-of-Way Acquisition, and Construction Inspection Phases of the project via County Resolutions Comm. 13D-15, 27E-24 of July 15, 1999, and January 19, 2006, respectively; and

WHEREAS, Donald Braasch Construction, Inc. was awarded Construction via County Resolution Comm. 27E-24 adopted January 19, 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of

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Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, Construction Inspection, and Construction Phases of the Project or portions thereof, and be it further

RESOLVED, that in addition to the \$1,309,650.00 (\$261,930.00 non-Federal Share) previously appropriated for the project's Master and Supplemental Agreements for all Project phases via Erie via resolutions Comm. 14E-20, 12E-16, and 17E-34 adopted on July 6, 2000, July 3, 2003, and July 15, 2004, respectively, that the total project fund SAP B.00089 1996 Federal Aid Projects Program be increased by \$225,000.00, equal to the revenue and appropriations reflecting the increased project cost of \$1,534,650.00, and thereby proportionally increasing the non-Federal share by \$45,000.00, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$306,930.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project Phases exceeds \$1,534,650.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

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

RESOLVED, that the Commissioner of the Department of Public Works be authorized to execute Change Orders with Project engineering consultants, Parsons Transportation Group and General Contractor Donald J. Braasch Construction, Inc. in accordance with the New York State Department of Transportation agreement, and be it further

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

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

(4-0)

8. COMM. 13E-35 (2007)
COUNTY EXECUTIVE

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WHEREAS, contracts were previously authorized for General Architectural/Engineering Services with Trautman Associates, M.E. Engineering, and Robson Woese, Inc. on a project-by-project basis, and

WHEREAS, previously approved Erie County Capital Budgets provided funding for the Erie County Home Boiler Fuel Tank Replacement, Elevator Renovations, and Fire Alarm Upgrades, and

WHEREAS, the Erie County Medical Center Sale/Lease Agreement (S.P.O.A.) designated these projects be funded.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Trautman Associates to prepare design and construction documents for the Erie County Home Elevator Renovations for a fee not to exceed \$56,600.00, and be it further

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to M.E. Engineering to prepare design and construction documents for the Erie County Home Boiler Fuel Tank Replacement for a fee not to exceed \$14,000.00, and be it further

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Robson Woese, Inc. to prepare design and construction documents for the Erie County Home, Fire Alarm Upgrades, for a fee not to exceed \$12,000.00, and be it further

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

- Erie County Home Elevator Renovations, SAP Project H.00003	\$56,600.00
- Erie County Home Boiler Fuel Tank Replacement, SAP Project H.00012	\$14,000.00
- Erie County Home Fire Alarm Upgrades, SAP Project H.00004	
	\$12,000.00

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 Division of Budget, Management & Finance; the Office of the Comptroller; and the Erie County Medical Center, Chief Executive Officer.

(4-0)

9. COMM. 13E-36 (2007)

COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the CR 341, Cemetery Road, Bridge over Erie Road and Conrail, BIN 3-36250-0, in the Town of Lancaster, Erie County, PIN 5755.27 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

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WHEREAS, the County of Erie via resolution Comm. 6D-1999 adopted on April 29, 1999 approved the Project and appropriated funds for the non-Federal share of the costs of the Master Agreement; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of supplemental Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.27 increasing the total Project from \$422,000. to \$732,000., and thereby the total non-Federal share from \$84,400.00 to \$146,400.00, a difference of \$62,000.00, and

WHEREAS, Erdmann Anthony was authorized to perform Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the project via County Resolution Comm. 13D-15 of July 15, 1999.

NOW, THEREFORE, BE IT

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

RESOLVED, that in addition to the \$422,000.00 (\$84,400.00 non-Federal Share) previously appropriated for the project's Master Agreement for Preliminary Engineering (Scoping & Design I-IV) and Right of Way Incidentals phases via County Resolution Comm. 6D-19 adopted on April 29, 1999 that the total project fund SAP B.00007 1999 Federal Aid Projects Program be increased by \$310,000.00, equal to the revenue and appropriations reflecting the increased project cost of \$732,000.00, and thereby proportionally increasing the non-Federal share by \$62,000.00; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$146,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$732,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

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RESOLVED, that the Commissioner of the Department of Public Works be authorized to execute a Change Order with Project engineering consultants, Erdmann Anthony in accordance with the New York State Department of Transportation agreement; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one certified copy to each of the following: Commissioner of Public Works, Office of the County Executive, Division of Budget, Management & Finance, and the Office of the Comptroller.

(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved to approve Item No. 6. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

JULY 19, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-3 (2007)
NYS DEPT. OF AGRICULTURE & MARKETS: Erie County Agricultural District No. 8
 (4-0)
 - b. COMM. 13E-8 (2007)
WHYTE: Citizen's Guide to Parks within the City of Buffalo
 (4-0)
 - c. COMM. 13E-23 (2007)

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COUNTY EXECUTIVE: ECSD No. 5 - Erie County Sewer Agency Report - Town of Clarence Sewer Districts Nos. 2, 6, 7 & 9 - Extension and the Consolidation of ECSD No. 5 and its Extension
 (4-0)

d. COMM. 13E-24 (2007)

COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Woodlawn Sewer District Extension
 (4-0)

e. COMM. 13E-25 (2007)

COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Town of Hamburg Sewer Districts Extension
 (4-0)

f. COMM. 13E-26 (2007)

COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Wanakah Sewer District Extension
 (4-0)

2. COMM. 13E-22 (2007)

COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to lead the effort to revitalize the Buffalo River Urban Canoe Trail and enhance public access to waterfront points of interest; and

WHEREAS, the Buffalo River Water Trail Project will promote public access along the Buffalo River waterfront by offering canoe, kayak, and boating enthusiasts a unique opportunity to experience historical, environmental, and industrial points of interest along the river; and

WHEREAS, the Project complements the River's Greenway Trail, as well as similar efforts to link existing and planned waterfront projects on the Buffalo River with those in the downtown area; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation, through funding made available by the 2007 New York State Environmental Protection Fund and the 2008 Federal Land and Conservation Fund, solicited applications for parks development projects that protect natural resources and enhance environmental infrastructure; and

WHEREAS, the objectives of Buffalo River Water Trail Project meet the criteria for funding through the New York State Office of Parks, Recreation and Historic Preservation, Parks Grant Programs, and an application for funding has been prepared by the Erie County Department of Environment and Planning (ECDEP); and

WHEREAS, the ECDEP will return to the County Legislature to authorize the County Executive to enter into an agreement with the New York State Office of Parks, Recreation and

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Historic Preservation and to approve \$175,000 in matching funds if the project is selected for funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965 in an amount not to exceed \$175,000, and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to this County of Erie for the Buffalo River Water Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

3. COMM. 13E-27 (2007)

COUNTY EXECUTIVE

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

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,192,485 for fiscal year 2005 and \$1,144,739 for fiscal year 2006 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of 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 is hereby authorized to enter into all necessary agreements with People Community Housing Development Corporation (People) to develop the Angola Senior Housing Project in the Village of Angola, New York and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not exceed \$179,973 to People; and be it further

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

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

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; and the Commissioner of the Department of Environment and Planning.

(4-0)

4. COMM. 13E-28 (2007)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County has received \$7,500 in supplemental Tribal Community Reducing Toxic Air Pollutants Project (162TRIBECOMM0507) funding; and

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WHEREAS, the current budget established by Legislative resolution on October 12, 2006, (Comm. 17E-22) requires revision to maintain program continuity and allow the County to most efficiently utilize the additional grant resources.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Erie County SIRG 11 Program will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel/Salaries	\$144,750.00	\$5,000	\$149,750.00
		0		0
502000	Fringe Benefits	65,045.13	2,500	67,545.13
505800	Supplies (Medical and Health)	8,926.87	0	8,926.87
510100	Travel (Local Mileage)	1,075.00	0	1,075.00
516020	Professional Services Dues/Fees	750.00	0	750.00
545000	Rental	250.00	0	250.00
561410	Equipment (Lab & Tech)	700.00	0	700.00
916290	ID DEP Grant	(53,172.00)	(7,500)	(60,672.00)
TOTAL APPROPRIATIONS:		\$168,325.00	0	\$168,325.00
		0		0

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as 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; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

5. COMM. 13E-29 (2007)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

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WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County received notification of award from the NYSDOH on June 4, 2007, for \$131,300 in grant funding for the State Indoor Radon Grant (SIRG) Program 12; and

WHEREAS, the additional grant funding will extend the SIRG Program through June of 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a contract to accept funds in the amount of \$131,300 from the NYSDOH for the SIRG 12 Program, and be it further

RESOLVED, that the grant budget for the Erie County SIRG 12 Program will be established as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
407500	State Aid – New York State DOH	\$131,300
422010	Minor Sales – Radon Testing Kits	5,000
TOTAL REVENUE:		\$136,300

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel/Salaries	\$84,300
502000	Fringe Benefits	43,000
505800	Supplies (Medical and Health)	2,500
516020	Professional Services	2,500
	Dues/Fees	
505000	Office Supplies	1,000
510000	Local Mileage	1,000
510200	Training and Education	1,000
545000	Rental Charges	1,000
TOTAL APPROPRIATIONS:		\$136,300

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as 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; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

6. COMM. 13E-42 (2007)

COUNTY EXECUTIVE

WHEREAS, Title II of the National Affordable Housing Act of 1990, authorizes the Secretary of the United States Department of Housing and Urban Development (HUD) to make grants to units of general local government through the federal HOME Investment Partnership Program (HOME); and

WHEREAS, the Erie County/Town of West Seneca/Town of Hamburg HOME Consortium has been designated a participating jurisdiction for the HOME program by HUD; and

WHEREAS, Erie County has established a First Time Home Buyer Program (FTHB) through funding assistance from the federal HOME Investment Partnership Program; and

WHEREAS, the County desires to enter into an agreement with a preferred lender for the purpose of providing home mortgages and related services to applicants participating in the First Time Home Buyer Program; and

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WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with M & T Mortgage Corporation for the purpose of serving as a preferred home mortgage lender under the Erie County First Time Home Buyer Program; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller and the County Attorney.

(4-0)

7. COMM. 13E-47 (2007)

COUNTY EXECUTIVE

WHEREAS, the County of Erie and Norfolk Southern Railway Company have license agreements for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays these license agreement fees on an annual basis; and

WHEREAS, the County of Erie and Norfolk Southern Railway Company have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and Norfolk Southern Railway Company will amend the license agreements and the County will make a final payment of \$15,770.00.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreements between the County of Erie, on behalf of Erie County Sewer Districts Nos. 1,2,3,4 & 6 in the amount of \$15,770.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the amended license agreements with the Norfolk Southern Railway Company subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED, that the Comptroller be authorized to allocate from Professional Services, Contracts and Fees (516020), SD #1 & 4 (1811010), \$7,770.00, SD #2 (1821010), \$5,000.00, SD #3 (1831010), \$1,500.00, SD #6 (1861010), \$1,500.00, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of

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Environment & Planning; and one certified copy each to the County Executive; the Erie County Comptroller; the Director of Budget, Management and Finance; and Gregory Dudek, Assistant County Attorney.

(4-0)

THOMAS A. LOUGHRAN
CHAIRMAN

Item 28 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

JULY 19, 2007

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. COMM. 13E-40 (2007)
COUNTY EXECUTIVE

WHEREAS, for the past four years, the Counties of Erie and Niagara have been engaged in the creation and implementation of a regional planning initiative known as the Framework for Regional Growth (the “Framework”); and

WHEREAS, in order to insure smooth and efficient implementation of the policies and strategies set forth in the Framework, it is essential that geographic information systems (GIS) mapping data be developed and provided to municipalities involved in land use determinations throughout the bi-county region covered by the Framework; and

WHEREAS, in order to further insure prompt and effective implementation of the broad policies set forth in the Framework, it is essential that a specific policy manual be established for use by County officials involved in land use determinations throughout the bi-county region; and

WHEREAS, Erie County submitted a joint application with Niagara County to the New York State Department of State, under the Quality Communities Grant Program for the purpose of further refining Framework policies and improving GIS mapping elements; and

WHEREAS, New York State approved the application on December 29, 2006 and requires execution of New York State/Erie County grant agreements.

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 State for an amount not to exceed \$65,000 of which \$13,000 will be provided as In Kind Services under the provisions of the Quality Communities

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Grant Program Intermunicipal Growth Program in order to implement the policies and strategies set forth in the Framework for Regional Growth; and be it further

RESOLVED, that authorization is hereby provided to establish a grant for the period of 10/1/07 to 09/30/08 as follows:

<u>Revenue</u>		
409000	State Aid Revenue	\$52,000
	Total Revenue	\$52,000

<u>Appropriations</u>		
516020	Professional Services – Contractual: Fees	<u>52,000</u>
	Total Appropriations	\$52,000

and be it further

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

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive; the Director of the Division of Budget and Management; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
 (4-0)

2. COMM. 13E-45 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (the “State”) has started to acquire property for reconstruction and improvements to Southwestern Boulevard from South Park to Union Road in the Towns of Hamburg and Orchard Park; and

WHEREAS, to accomplish this task, the state must acquire land owned by the County of Erie in the vicinity of Erie Community College, said land being nine feet (9’) wide along the south side of Southwestern Boulevard and being 32,029 ± square feet, and also an additional parcel of land to be used as a catch basin for storm water management constituting 141.275.76 ± square feet, together known as parcels 339, 340, 341, 342 and 396; and

WHEREAS, the State has made the County an offer of \$34,900.00 in full and complete settlement for such taking, said sum being the amount of the State’s highest approved appraisal; and

WHEREAS, Joseph Maciejewski, Deputy Commissioner of Real Property Tax, has made a determination that the offer made by the State is fair market value for the subject properties; and

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WHEREAS, at its meeting on March 30, 2007, the Erie County Advisory Review Committee (ARC) approved the appropriation of said real property by the State for the total compensation as stated above; and

WHEREAS, the total proceeds of such compensation shall be deposited in the General Fund of the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to execute any and all agreements relating to the appropriation by the State of County real property known as parcels 339, 340, 341, 342 and 396 located in the Towns of Orchard Park and Hamburg for consideration in the amount of \$34,900.00 to be paid by the State to the County of Erie for deposit in the County's Department of Parks and Recreation operational fund, to be released upon legislative approval of the department's spending plan; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Deputy Commissioner of Real Property Tax, the Director of the Division of Budget, Management and Finance, the Erie County Comptroller, Erie Community College, the Advisory Review Committee and Assistant County Attorney Gregory Dudek.

(4-0)

MARIA R. WHYTE
CHAIRPERSON

Item 29 – MR. KOZUB presented the following report, moved to separate Item No. 1 and approve the balance of the report. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

JULY 19, 2007

PUBLIC SAFETY COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. COMM. 13E-10 (2007)
COUNTY EXECUTIVE

WHEREAS, in August 2006 the County Executive established a Commission of Regional Law Enforcement to examine options to deliver and fund the delivery of police services within Erie County, and

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WHEREAS, in February 2007 an RFQ was released seeking proposals to conduct this examination, and

WHEREAS, on May 10, 2007, the Commission of Regional Law Enforcement interviewed and then identified the International Association of Chief's Of Police from Alexandria VA as the most qualified to conduct the examination.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the International Chiefs of Police for an amount not to exceed \$250,000 to conduct an examination of the delivery and funding of police services within Erie County, and be it further

RESOLVED, that \$250,000 be transferred from General Ledger Account #516020 in the County Executive's budget to the General Ledger Account #516020 in the Central Police Services budget, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Office of the Sheriff and the Department of Central Police Services.

(3-1)

2. COMM. 13E-12 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Laboratory is in need of an increase in funding to be used for laboratory supplies, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to continue to provide laboratory services to the law enforcement community for the remaining 2007 calendar year.

NOW, THEREFORE BE IT

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

Countywide Budget 14010

<u>Revenue</u>	<u>Increase</u>
400040 – Other Pay/Lieu-Tax	\$80,000

Department of Central Police Services 16510

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<u>Appropriation</u>	<u>Increase</u>
505800 – Medical Supplies	\$80,000
Net Change	<u>\$0</u>

and be it further

RESOLVED, that this funding will be used to purchase laboratory supplies for the remaining calendar year, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, Office of the Comptroller and the Department of Central Police Services.

(4-0)

3. COMM. 13E-15 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Central Police/Emergency Services-Fire Safety Division has received funding in the amount of \$11,000.00 in donations from outside agencies to provide equipment and supplies for the purpose of fire instruction at the Fire Training Academy, and

WHEREAS, Erie County Central Police/Emergency Services-Fire Safety Division needs to update some of the fire instructors personal protective equipment and supplies, and

WHEREAS, the funds will be transferred to the Erie County Central Police/Emergency Services-Fire Safety Division 2007 budget to cover the cost of personal protective equipment and supplies necessary to assist with the safe instruction of fire fighters from the 94 volunteer fire companies in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to appropriate available funds from the Erie County Comptrollers Office Trust and Agency Account to the Department of Central Police/Emergency Services-Fire Safety Division 2007 Erie County Budget, and be it further

RESOLVED, that the proper personal protective equipment and supplies will be covered from the appropriation into the Erie County Central Police/Emergency Services-Fire Safety Division 2007 budget, and be it further

RESOLVED, that the following appropriation is hereby authorized in order to complete the above tasks:

**Erie County Department of Central Police/Emergency Services-Fire Safety Division
2007 Budget**

Revenue

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SAP466000 Miscellaneous Receipts	<u>\$11,000.00</u>
Total Revenue	\$11,000.00

Appropriations:

SAP 505200 Clothing Supplies	\$10,750.00
SAP530000 Other Expenses	<u>\$ 250.00</u>
Total Expenditures	\$11,000.00

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 Central Police/Emergency Services-Fire Safety Division, the County Comptroller, and the County Attorney.
(4-0)

4. COMM. 13E-16 (2007)
COUNTY EXECUTIVE

WHEREAS, it is estimated that 20,000 deaths per year can be prevented by the early arrival and utilization of an Automated External Defibrillators (AED) at the scene of sudden cardiac arrest, and

WHEREAS, Sheriff Road Patrol and County Emergency Medical Response Units are in the community and arrive early to the scene of cardiac arrest events, and

WHEREAS, the AED's currently deployed by the Sheriff's Office do not comply with the 2005 American Heart Association Guidelines for CPR and AED use, and are not capable of being retrofitted to comply with the 2005 Guidelines, and

WHEREAS, the replacement of the AED's will serve to enhance public safety within Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to establish the following funding in order to purchase thirty (30) Automated External Defibrillators (AED's):

County Wide Budget Fund Center 14010	Increase
Revenue	
400010 Exemption Removal Revenue	\$24,960
Division of Emergency Medical Services Fund Center 12720	
405540 SA-Art VI-P H Work	<u>14,040</u>
Total Revenue	\$39,000
Expense	
561410 Lab & Technical Equipment	<u>\$39,000</u>
Net Change	0

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Office of the Sheriff, the Division of Budget and Management, and the Department of Health Emergency Medical Services Division.
(4-0)

5. COMM. 13E-39 (2007)
COUNTY EXECUTIVE

WHEREAS, the New York State Division of Probation and Correctional Alternatives (DPCA) has awarded \$34,372 to the Erie County Probation Department for the purpose of expediting DNA sample collection and to establish a DNA collection policy and program, and

WHEREAS, the funds will be used to establish an ongoing DNA sampling program, establish DNA collection procedures for the Probation Department and to train staff to collect DNA samples to update DNA records for probationers through DNA blitzes conducted after normal work hours, and

WHEREAS, these funds will allow the Probation Department to plan, administer and implement a coordinated response to gun violence and enhanced periods of supervision to all identified gun and gun involved offenders in Erie County and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the New York State Division of Probation and Correctional Alternatives (DPCA) to accept an award of \$34,372, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the operating fund as follows:

**Erie County Department of Probation
Fund 110
Cost Center 1261010**

Revenue

Acct.	Increase
406000 - State Aid Probation Services	<u>\$34,372</u>
Total Revenue	\$34,372

Appropriations

Acct.

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502000 - Overtime	\$32,372
510200 – Training and Education	<u>\$2,000</u>
Total Appropriations	\$34,372

and be it further

RESOLVED, that the Director of Budget, Management and Finance be authorized to adjust the budget as required to comply with state approved funding levels, and be it further

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

6. COMM. 13E-41 (2007)

COUNTY EXECUTIVE

WHEREAS, 211 Western New York, a joint initiative of the United Way of Buffalo & Erie County and Central Referral Service Inc. in order to create a regional telephone information and referral service which will link area residents to health and human services applied for and was awarded, on behalf of 2-1-1 WNY, the use of the 3 digit telephone number 2-1-1 for the Western New York region, and

WHEREAS, the goal of 2-1-1WNY is the creation and maintenance of a comprehensive database of all non-profit agencies, government programs and support groups in the counties of Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming Counties. This regional service will be linked to similar services throughout the state and will work closely with crisis lines, 9-1-1 and emergency service providers, and

WHEREAS, by co-locating 211 WNY in the Public Safety Building, 211 and the County are entering into a relationship with the County that will be mutually beneficial to each party especially during times of crisis or emergency, and

WHEREAS, the County has determined that this Agreement will serve a lawful governmental purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with 211 Western New York and United Way of Buffalo and Erie County to lease space in the Erie County Public Safety Campus, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; Erie County Homeland Security; the Commissioners of Central Police Services, Emergency Services, Health, Mental Health; Public

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Works; the Department of Information and Support Services; the Erie County Comptroller; the Erie County Director of Budget and Management and the Erie County Attorney.
 (4-0)

7. COMM. 13E-43 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Department of Justice Project Safe Neighborhoods grant to be administered via the Rochester Institute of Technology on behalf of the US Attorney Western District of New York; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to expand its capacity to process and analyze evidence submitted from firearm/shooting related cases.

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 \$30,000 with the Rochester Institute of Technology on behalf of the US Attorney Western District of New York, and be it further

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

Grant Fund- SAP 165SAFENB0710
Central Police Services-Department 650
Forensic Laboratory
10/1/2007 to 10/1/2010

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	\$30,000
<u>Appropriation</u>	
Account 5000000 Personnel	\$27,000
Account 502000 Fringe Benefits	<u>\$ 3,000</u>
Total Appropriation	\$30,000

and be it further

RESOLVED, that this funding will be used to create and pay salary and fringe benefits relating to a part-time Evidence Clerk Grade 6 – B100 # 2920 position, to be filled by an employee in a previous grant position at the rate of \$15.643 per hour for 12 hours per week at no cost to the County, in the Department of Central Police Services, 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 Federally approved funding levels, and be it further

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

(4-0)

8. COMM. 13E-46 (2007)

COUNTY EXECUTIVE

WHEREAS, on June 16, 2005 the County Legislature in Communication 10E-39 authorized the County Executive to accept funds and contract with the State of New York under the Urban Areas Security Initiative (UASI) for Federal fiscal year 2005, and

WHEREAS, the Departments of Central Police/Emergency Services, Health, Mental Health, Public Works, the Erie County Sheriff's Office and the Division of Information and Support Services have developed a plan for the use of these funds, and

WHEREAS, a transfer of funds within the grant accounts will enable the departments to better prevent, respond to, and recover from threats or acts of terrorism in this region.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to adjust the grant budget as follows:

Department of Central Police Services
 Grant: HS165UASIF050407

<u>SAP Account</u>	<u>Decrease</u>
515000 – Utility Charges	\$180,000
 <u>SAP Account</u>	 <u>Increase</u>
516020 – Prof. Services Contracts and Fees	\$140,000
561410 – Lab & Technical Equipment	40,000

And be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to facilitate the implementation of this grant, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Central Police Services.

(4-0)

DANIEL M. KOZUB

CHAIRMAN

MR. KOZUB moved to approve Item No. 1. MS. IANNELLO seconded. MR. LOUGHRAN, MR. MILLS, MR. WEINSTEIN and MR. RANZENHOFER voted in the negative.

CARRIED. (11-4)

LEGISLATOR RESOLUTIONS

Item 30 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 14-1 from RANZENHOFER, MILLS & WEINSTEIN Re: Support for Relocation of the Downtown Auto Bureau Into the Rath Building.

Item 31 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 14-2 from LEGISLATOR IANNELLO Re: Resolution Regarding Surplus Wireless Phones

Item 32 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 14-3 from LEGISLATOR IANNELLO Re: Removal of Tolls on Grand Island Bridges.

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: Medicaid Sales Tax Intercept Review and
Request for Further State Medicaid Relief
(INTRO 14-4)

**A RESOLUTION SUBMITTED BY
LEGISLATORS LOCKLEAR, MARINELLI, WHYTE & MAZUR**

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WHEREAS, the 2005 “Medicaid Cap Legislation” enacted by the State Legislature provides a “one-time” option to New York State Counties as an alternative to paying its local share of Medicaid to the state as an annual expense under the Medicaid Cap regime; and

WHEREAS, under this option, if a county elects to swap Medicaid payments for a Sales Tax Intercept, the state will keep a fixed portion (which, based on a complicated formula instituted by the State will, for Erie County be 1.4% of its sales tax revenues), and give the rest back to the county. In turn, the County would no longer make *any* Medicaid payments to the State; and

WHEREAS, the State has put severe limitations and consequences on the Sales Tax Intercept. Once made, the election to opt into the Sales Tax Intercept cannot be rescinded. The “window of opportunity” for evaluating this option and making the election is limited. Counties which determine to elect this option must do so by legislative adoption of a statutorily proscribed resolution which must be received by the NYS Department of Health no later than September 30, 2007. Once that date has expired, the option is no longer available; and

WHEREAS, mindful of the severity of these consequences the Legislature has, through its Health Committee undertaken a detailed review of the financial and economic impacts and forecasts of the impact of the Sales Tax Intercept vs. the known results under the Medicaid Cap; and

WHEREAS, this detailed review has been in collaboration with the Administration’s Budget Director, the Comptroller’s Office and the Erie County Fiscal Stability Authority; and

WHEREAS, the analysis provided to the Legislature from the Administration’s Budget Director had been based on that Department’s intensive work with the State’s Department of Taxation and Finance and the State’s Department of Health; and

WHEREAS, the Budget Director has also been in close collaboration with peer professionals throughout the State and with the New York State Association of Counties; and

WHEREAS, this intensive deliberation has focused on several factors including:

1. The knowledge that this option is most beneficial to counties whose annual rate sales tax growth is at or under 2.7%;
2. That this option penalizes counties whose annual rate of sales tax growth approaches or exceeds 3%;
3. Data showing that Erie County’s own trends in sales tax growth are tending toward 3% and higher;
4. The highly speculative nature of making the Election; and then the questionable result of “hoping” for moribund economic development and sales tax growth to stay under the 2.7% threshold;
5. The escalating costs of Medicaid and the fact that even under the Cap, the County’s share for Medicaid will increase by over \$5 Million each year; and will have increased by over 27% over the Base Year of 2005 by 2014; and
6. The irrevocable nature of the election; and

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WHEREAS, in the course of our investigation we also learned of payment cycle disparities between the Counties of New York State and the State Department of Health which have an adverse effect on the Counties cash flow.

NOW THEREFORE BE IT

RESOLVED, this Honorable Body does hereby confirm its decision to remain under the Medicaid Cap regime; and be it further

RESOLVED, that this Honorable Body does hereby lobby our Western New York State Assembly and Senate leaders to change the counties' weekly payment dates for Medicaid from Wednesday to Tuesday, which change will facilitate the management by all New York State counties of Medicaid expenses in years that have 53 payment cycles; and be it further

RESOLVED, that this Honorable Body further urges our State Assembly and Senate representatives to continue to work toward further and more effective legislation to truly "cap" the local share of Medicaid. In fact, we implore our Western New York Delegation to fight for a "roll back" of the Cap to the amounts paid in the 2005 Base Year, and then the total elimination of the annual 3% growth factor which accumulates and adds over \$5 Million dollars a year to the County's share of Medicaid; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, County Budget Director, County Comptroller, the Erie County Fiscal Stability Authority and the State Assembly and Senate Members representing Western New York.

MS. LOCKLEAR moved to amend the item for Et Al Sponsorship. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Item 34 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 14-5 from MARINELLI Re: Erie County Dept. of Senior Services

Item 35 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 14-6 from WHYTE Re: County Warrant Squad.

Item 36 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 14-7 from KENNEDY & WHYTE Re: Strengthening Lowest Responsible Bidder Requirements for Erie County Contracts.

Item 37 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 14-8 from WHYTE Re: Niagara River Boardwalk.

Item 37 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: Supporting Union Occupational Health Center Request for Application for 5-Year Contract Renewal (INTRO 14-9)

**A RESOLUTION SUBMITTED BY
 LEGISLATORS KENNEDY, MILLS, IANNELLO, REYNOLDS & WEINSTEIN**

WHEREAS, Union Occupational Health Center, serving Western New York since 1987, is a part of a network of eight clinics throughout New York State dedicated to the diagnosis and prevention of occupational health related problems; and

WHEREAS, in addition to providing prevention services, educational programs and technical assistance on health related issues, the clinic has been involved in training 3rd and 4th year medical students as well as community physicians about problems related to occupational and environmental exposures; and

WHEREAS, Union Occupational Health Center and the network of clinics throughout the State provide a valuable service to the working men and women in Erie County and assist employers in helping and the prevention of occupational illness; and

WHEREAS, since its establishment, Union Occupational Health Center has conducted over 25,000 patient visits; and

WHEREAS, the Erie County HAZMAT Organization (ECHO), Erie County Health Department, Erie Community College and the Department of Environment and Planning are just a

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few of several agencies that benefit from the services Union Occupational Health Center provides;
and

WHEREAS, the New York State Department of Health is currently soliciting applications for contracts from clinics to participate in the statewide occupational health clinic network; and

WHEREAS, the Union Occupational Health Center would like to continue their contract with the New York State Department of Health and is seeking support from Community leaders for their efforts; and

WHEREAS, all communications of support must be submitted to Union Occupational Health Center by August 31, 2007 to be included with their application.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognized the important services Union Occupational Health Center provides working families and local businesses in Western New York; and be it further

RESOLVED, that this Honorable Body does hereby express our support for the renewal of the contract between Union Occupational Health Center and the New York State Department of Health; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Raymond Struzik, Executive Director of Union Occupational Health Center, the New York State Department of Health and the Western New York State Delegation.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 39 – MS. WHYTE moved to discharge the PERSONNEL COMMITTEE from further consideration of COMM. 13E-44. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: District Attorney's Office - Community
Prosecution Grant

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WHEREAS, funds for the Community Prosecution Grant have been made available to the District Attorney's Office from the New York State Division of Criminal Justice Services in the amount of \$90,200, and

WHEREAS, these funds will be used by District Attorney's Office to provide for an Assistant District Attorney to not only prosecute nuisance abatement type crimes but to also act as liaison between individual communities and local law enforcement in order to improve the quality of life within their neighborhoods, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the establishment of a Community Prosecution Program, and be it further

RESOLVED, that effective September 1, 2007, that authorization is hereby provided to create the position of Assistant District Attorney IV, Job Grade 15, in the District Attorney's Community Prosecution Grant, (B-100 #3071), and be it further

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

Community Prosecution Program
September 1, 2007 to August 31, 2008
Fund: 281, Cost Center: 1140050, Grant: 114COMMUNITY0708

Revenues	
409000 State Revenue	\$ 90,200
479000 County Share Contribution	10,022
Total Revenues	\$100,222

Appropriations	
500000 Salaries	\$ 75,306
502000 Fringe Benefits	24,916
Total Appropriations	\$100,222

and be it further,

RESOLVED, that during the grant fiscal year, the Director of Budget, Management and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, 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, Erie County Personnel and the Director of Budget, Management and Finance.

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MS. WHYTE moved to approve the item. MR. MAZUR seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

Item 40 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of INTRO 12-8. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUITON NO. 212

RE: Request that the Erie County Industrial Development Agency Adopt the Framework for Regional Growth (INTRO 12-8)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR KENNEDY**

MS. WHYTE moved to amend the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

DELETE THE RESOLUTION IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:

**A RESOLUTION SUBMITTED BY LEGISLATORS
 KENNEDY, MARINELLI, WHYTE, LOCKLEAR, KONST, IANNELLO,
 REYNOLDS, MILLER-WILLIAMS, GRANT and KOZUB**

WHEREAS, the Erie County Industrial Development Agency (ECIDA) is a public benefit corporation created in 1970 by an act of the New York State Legislature to promote and assist private sector business development; and

WHEREAS, the ECIDA's main mission is to create and advance job opportunities and advance the economic welfare of the people of Erie County; and

WHEREAS, it is well known that Erie and Niagara Counties have experienced flat or decreasing population levels for several decades; and

WHEREAS, Erie and Niagara Counties have suffered from scattered development that has resulted in residential and commercial development activity taking place on farm land, which resulted in a 28% decrease in the percentage of land used for farming; and

WHEREAS, this scattered development has lead to a disinvestment in urban areas, older suburban areas and town and village centers; and

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WHEREAS, these development patterns have added to the cost of doing business in Erie County and have led to significantly higher operating costs for towns and villages throughout Erie and Niagara Counties, with no corresponding increase in services; and

WHEREAS, the elected leadership of Erie and Niagara Counties have been working together since 2002 to develop a regional growth plan; and

WHEREAS, a bi-County Steering Committee, comprised of 16 members began meeting in 2002 to discuss and develop a regional growth plan; and

WHEREAS, the Steering Committee developed a regional development plan entitled *A Framework for Regional Growth*; and

WHEREAS, the *Framework for Regional Growth* will serve as an important tool to inform County officials, development agencies, local governments, private developers and the citizenry when making development decisions within the region; and

WHEREAS, the Erie County Legislature recognizes the importance of regional development strategies and, after in-depth discussion, enacted, by a bi-partisan vote, the *Framework for Regional Growth* in an attempt to normalize the development patterns; and

WHEREAS, the ECIDA, as a leading development agency in Erie County, should approve the *Framework for Regional Growth*.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature believes that economic prosperity and recovery are linked to rational regional development strategies; and be it further

RESOLVED, that the Erie County Legislature recognizes the Erie County Development Agency as a key player in implementing regional development strategies and calls upon the Erie County Industrial Development Agency to adopt the *Framework for Regional Growth*; and be it further

RESOLVED, that the Erie County Legislature hereby invites the Erie County Industrial Development Agency to the next scheduled meeting of this Legislature's Economic Development Committee to discuss the implementation of the *Framework for Regional Growth*; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Industrial Development Agency, each Industrial Development Agency in Erie County, Buffalo Niagara Partnership, the bi-County Steering Committee and the Western New York Chamber Alliance.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 41 – (COMM. 14E-1) Erie County 2006 Comprehensive Annual Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 – (COMM. 14E-2) Audit and Review of Operations of the Erie County Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 14E-3) Establishment of an Erie County Planning Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR KONST

Item 44 – (COMM. 14E-4) Copy of Letter to Personnel Commissioner Re: Changes to Personnel in the Erie County Budget

Received and referred to the PERSONNEL COMMITTEE.

FROM THE COMPTROLLER

Item 45 – (COMM. 14E-5) Supplement to the Comprehensive Annual Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 14E-6) Statements by County Executive Giambra on the Status of County Roadwork Projects

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 213

RE: Operation IMPACT Grant (COMM. 14E-7)

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 2007, and

WHEREAS, the June 30, 2007 expiration of the Project Safe Neighborhoods grant in the District Attorney's Office combined with the July 1, 2007 start date for the Operation IMPACT grant necessitates a position transfer to fully fund the Assistant District Attorney assigned to this work, and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes funding levels different from the adopted budget and also requires that the District Attorney administer the contracts for all other county departments involved,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer the position of Assistant District Attorney II, Job Group 13 (B-100 #3121), from the District Attorney's Project Safe Neighborhoods Grant (114PSN0708), to the District Attorney's Operation IMPACT Grant (114IMPACT0708) to be effective July 1, 2007 and filled immediately, and be it further

RESOLVED, that 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 114IMPACT0708 July 1, 2007 – June 30, 2008			
	ORIGINAL	CHANGE	FINAL
Revenue			
409000 State Revenue	\$ 519,090	\$ 565,897	\$ 1,084,987
Total Revenue	\$ 519,090	\$ 565,897	\$ 1,084,987
	ORIGINAL	CHANGE	FINAL
Appropriation			
500000 Full Time Salaries	\$ 365,632	\$ 42,620	\$ 408,252
502000 Fringe Benefits	150,458	17,538	167,996
510100 Out of Area Travel	3,000	1,500	4,500
911500 ID Sheriff Services	- 0 -	108,124	108,124
912600 ID Probation Services	- 0 -	200,398	200,398
916500 ID CPS Services	- 0 -	195,717	195,717
Total Appropriations	\$ 519,090	\$ 565,897	\$1,084,987

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, Erie County Probation, Erie County Sheriff, Erie County Central Police Services, the Erie County Executive, the Erie County Comptroller, Erie County Personnel and the Director of Budget, Management and Finance.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Probation - Division of Criminal Justice
 Services Operation IMPACT IV (COMM. 14E-
 8)

WHEREAS, the New York State Division of Criminal Justice Services, Operation Impact, has awarded \$200,398 to the Erie County Probation Department as part of the Operation Impact IV Grant, and

WHEREAS, these funds will allow for the creation of one (1) Probation Officer position to replace a position funded by the Project Safe Neighborhoods Grant, which is ending, so that the employee does not have to be funded by the general fund and the maintenance of a Probation Officer position that is currently funded under Operation Impact III, and

WHEREAS, these funds will allow the Probation Department to plan, administer and implement a coordinated response to gun violence and enhance the period of supervision to all identified gun and gun-involved offenders in Erie County and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an interdepartmental agreement with the Erie County District Attorney's Office to receive funds awarded by the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the Probation Department is authorized to create one (1) Probation Officer position (B-100 #3075), and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

Erie County Probation
OPERATION IMPACT IV

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July 1, 2007 to June 30, 2008

Revenue	Interdepartmental Revenue – District Attorney	Increase
914500		
		\$200,398
Acct.		
Appropriations		
500000	Personnel	\$117,698
502000	Fringe Benefits	\$48,256
501000	Overtime	\$33,944
510100	Out of Area Travel	\$500
	Total Appropriation	\$200,398

and be it further

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

RESOLVED, that certified copies be forwarded to the County Executive, the Division of Budget and Management, the Department of Probation, the Department of Personnel and the Office of the Comptroller for implementation.

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: CPS/Emergency Services - Project Impact
 IV Award (COMM. 14E-9)

WHEREAS, since its inception Erie County Central Police Services has worked to provide information services for all law enforcement agencies across Erie County, and

WHEREAS, over the last few years Central Police Services has developed a single, police records management system which is utilized by all the law enforcement agencies across Erie County, and

WHEREAS, this records management system is the cornerstone of any effort to develop data driven crime prevention strategies, and

WHEREAS, the New York State Division of Criminal Justice Services has awarded Erie County Central Police Services an award in the amount of \$195,717 to enhance our existing records management system to make this information more accessible to law enforcement, and

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WHEREAS, Central Police Services has worked with the Project Impact Team, including the Erie County District Attorney and Buffalo Police to develop a program to make this information available to law enforcement in a timely manner,

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 \$195,717 from the New York State Division of Criminal Justice Services, and be it further

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

Grant Fund – SAP #165IMPACT40708
Central Police Services
07/01/2007 -6/30/2008

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$ 195,717
<u>Appropriation</u>	<u>Increase</u>
Account 500000 Salaries	\$ 82,069
Account 502000 Fringe Benefits	33,648
Account 516020 Prof. Services Contracts	<u>80,000</u>
Total Appropriations	\$ 195,717

RESOLVED, that this funding will be used to create the positions of Assistant Information System Specialist (Grade 11- Step 1– B100 # 3099 – Annual Salary \$44,541.) and Evidence Clerk – Firearms (Grade 6 – Step 1 - B100 #3100 – Annual Salary \$30,318.) in the Department of Central Police Services, to be filled from a Civil Service eligible list without any fiscal impact on the budget because these positions will be funded 100% by the State , and be it further

RESOLVED, Central Police Services is authorized to issue a purchase order to Globalquest Solutions, Inc. in the amount of \$45,000 and EM Systems, Inc. in the amount of \$35,000 for professional services to further enhance the existing records management system to provide real time information for law enforcement, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets 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, the Office of District Attorney and the Department of Central Police Services.

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Item 50 – (COMM. 14E-10) CPS/Emergency Services - Transfer of Funding from the October Storm Fund to Support Disaster Preparedness Initiative Proposal

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: Purchase of 929 South Park Avenue,
Buffalo, NY (COMM. 14E-11)

WHEREAS, an Intermunicipal Exchange Agreement (the “Agreement”) was entered into on May 28, 2004, by and among the State of New York, the State University of New York, Frank Lloyd Wright’s Rowing Boathouse Corporation (“FLWRBC”) and the County of Erie (the “County”) to facilitate the construction of a rowing boathouse in the City of Buffalo on the Niagara River in the immediate vicinity of the West Side Rowing Club; and

WHEREAS, pursuant to the Agreement the State of New York conveyed a parcel of State-owned waterfront property to the County, which parcel was then leased to the FLWRBC to build the rowing boathouse; and

WHEREAS, among other things, the Agreement calls for the County to either provide the New York State Division of Military and Naval Affairs (“DMNA”) with a replacement parcel of land and construct a motor vehicle storage facility or pay the State University of New York a sum of eight hundred thousand (\$800,000.00) dollars, as consideration for the State’s conveyance of the parcel of property to the County; and

WHEREAS, to satisfy its obligations pursuant to the Agreement, the County desires to purchase a replacement parcel of land on which to construct a motor vehicle storage facility for DMNA; and

WHEREAS, 929 South Park Avenue, Buffalo, New York, is parcel of vacant land consisting of approximately 2.45 acres which is available to the County at a sale price of \$50,000.00; and

WHEREAS, the County Director of Real Property Services has reviewed the asking price of 929 South Park Avenue and determined that it is a fair price based on a review of comparable sales.

NOW, THEREFORE, BE IT

RESOLVED, that based on the Full Environmental Assessment Form completed by the Department of Environment and Planning with respect to the proposed action, the proposed action will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a contract with the owner(s) of 929 South Park Avenue, Buffalo, New York, subject to the review and approval of the County Attorney, for the purchase of the parcel of real property on which to construct a motor vehicle storage facility for DMNA for the sum of \$50,000.00, subject to the availability of funds pursuant to a Bond Resolution to be adopted later this year; and be it further

RESOLVED, that the County Attorney shall prepare all necessary legal documents for the purchase and acquisition of the property, including but not limited to a purchase contract that is acceptable to him; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, County Attorney, Commissioner of Public Works, Division of Budget, Management and Finance, and the Office of the Comptroller.

MS. WHYTE moved to amend the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

- DELETE the Second RESOLVED Clause in its entirety and insert:

RESOLVED, that the Erie County Executive is authorized to enter into a contract with the owner(s) of 929 South Park Avenue, Buffalo, New York, subject to the review and approval of the County Attorney, for the purchase of the parcel of real property on which to construct a motor vehicle storage facility for DMNA for the sum of \$50,000.00, subject to the availability of funds; and be it further

- Insert the following after the Second RESOLVED Clause as the new Third and Fourth RESOLVED Clauses:

RESOLVED, that the contract between the County of Erie and DMNA include a requirement that DMNA maintain a landscaped buffer-zone of at least thirty (30) feet around the perimeter of the property at 929 South Park Avenue and provide signage facing Smith Street, as well as South Park Avenue indicating the locations of the Smith Street Pocket Park; and be it further

RESOLVED, that the administration of the DMNA create a working partnership with the surrounding community, in particular the Valley Community Association, in an effort to enhance the quality of life and well being of the neighborhood and the overall community; and be it further

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

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

AYES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER, WEINSTEIN and LOCKLEAR. (AYES: 11; NOES: 4)

CARRIED.

RESOLUTION NO. 217

RE: Extension of Additional .75% Sales and Compensating Use Tax; Erie County Sales and Use Tax Resolution - Correcting Resolution as to Effective Date (COMM. 14E-12)

WHEREAS, the New York State Department of Taxation and Finance has indicated that the effective date of the sales tax resolution adopted by this Honorable Body on May 17, 2007 [Comm. 10E-7, as amended] must be corrected to comply with the requirements of Tax Law § 1210(d),

NOW, THEREFORE,

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. Section 4 of the resolution adopted by this Honorable Body on May 17, 2007 [Comm. 10E-7, as amended] to impose an additional three-quarters of one percent rate of sales and compensating use taxes for the period beginning December 1, 2007 and ending November 30, 2009, is amended to read as follows:

Section 4. This enactment shall take effect December first, two thousand seven.

Section 2. The Clerk of this Honorable Body, with the assistance of the County Attorney, is directed to mail a certified copy of this correcting resolution, together with a certified copy of the resolution adopted on May 17, 2007 [Comm. 10E-7, as amended], to the Commissioner of the New York State Department of Taxation and Finance in accordance with the provisions Tax Law § 1210(d).

Section 3. The Clerk of this Honorable Body, with the assistance of the County Attorney, is directed to file a certified copy of this correcting resolution, together with a certified copy of the resolution adopted on May 17, 2007 [Comm. 10E-7, as amended], with the Erie County Clerk, the New York State Department of Audit and Control and the New York State Department of State, all pursuant to the provisions of Tax Law § 1210(e).

Section 4. This enactment shall take effect December first, two thousand seven, provided that Sections 2 and 3 of this enactment shall take effect immediately.

Item 53 – (COMM. 14E-13) Contract Regarding the Bulk Sale of County Tax Liens

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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Item 54 – (COMM. 14E-14) Budget Revision - Planner Positions – DEP

Received and referred to the PERSONNEL COMMITTEE.

Item 55 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: Institutional Energy Services Performance Contracting Program - Award of Construction Work at ECC (COMM. 14E-15)

WHEREAS, in a resolution, being Communication No. 9E-34, dated May 9, 2002, the Erie County Legislature authorized entering into a contract with Siemens Building Technologies, Inc. related to instituting a construction Performance Contract on the Erie Community College (ECC) campus buildings, and

WHEREAS, a preliminary energy audit of their facilities has been completed at these facilities and a program has been developed that meets with the Commissioner of Public Works' directives, and

WHEREAS, the total program's capital construction cost for the North and South Campuses without any reimbursements will be approximately \$4,818,630.00 with energy and other savings estimated at an average of approximately \$437,000.00 per year over the ten-year program, and

WHEREAS, the State (DASNY) will reimburse Erie County half of the construction value as approved at their May 31, 2007 meeting, or approximately \$2,409,315.00 and NYSERDA is expected to reimburse another almost \$77,796.00 for the program if implemented, and

WHEREAS, in a resolution being Communication No. 7E-27 dated April 19, 2007, the Erie County Legislature authorized various construction improvements at the ECC North and South Campuses with an estimated maximum cost of \$6,000,000.00 of which this work is a part, and

WHEREAS, by ECC Board resolution, ECC supports this project, and

WHEREAS, Erie County must take the lead on this project, however, as the County owns the facility and to qualify for the State (DASNY) matching funds, and

WHEREAS, the Commissioner of the Department of Public Works recommends acceptance of the program and that the construction be implemented,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to execute a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, Inc., in an amount not to exceed \$4,743,630.00 to perform the Energy Conservation Measures

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Program derived from their preliminary energy audit work to be charged to an SAP account to be established by the Comptroller's Office in accordance with the resolution of April 19, 2007, being Communication No. 7E-27 and approximately \$75,000.00 annually over the ten-year program for the Technical Services Program contingent upon the execution of an MOU between Erie County and ECC for reimbursement of the Technical Services Program, and be it further,

RESOLVED, that the Erie County Legislature authorizes the County Executive to execute a Supplemental Agreement with C.J. Brown Energy, P.C. in an amount not to exceed \$75,000.00 to perform program review and construction review of the work, and be it further,

RESOLVED, that the Erie County Legislature authorizes acceptance of all outside funding sources, including the State's share of capital funding expected at approximately \$2,409,315.00 as approved in the SUNY Board of Trustees meeting of May 31, 2007, and NYSERDA's funding expected at almost \$77,796.00, and be it further,

RESOLVED, that contingent upon the execution of the MOU between Erie County and ECC for reimbursement of the Technical Services Program, the project budget be increased by this amount, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy to the Office of the County Executive, the Division of Budget, Management & Finance, the Office of the Comptroller, and Erie Community College.

Item 56- (COMM. 14E-16) ECSD No. 3 - Professional Services Agreement with CRA Infrastructure and Engineering, Inc. - Blasdell Sanitary Sewer System - Rehabilitation/Replacement - Change Order No. 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 14E-17) Erie County Highway Facilities - 2007 - Storage Building Reconstruction

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

RE: Office of Public Advocacy - Office for the Disabled (COMM. 14E-18)

WHEREAS, the Office of Public Advocacy is, in part, charged with developing and administering Equal Employment and Affirmative Action Programs in accordance with the laws of New York State, and

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WHEREAS, services and programs provided are the for benefit of all County residents, and

WHEREAS, the Office of Public Advocacy combines Erie County advocacy services, that includes the Division of Equal Employment Opportunity, the Commission on the Division on the Status of Women, the Office of Veterans' Affairs and the Office for the Disabled into one office for a more centralized and effective use of skills and resources, and

WHEREAS, certain revenue and expenses for the Office for the Disabled were not included in the 2007 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to increase the 2007 Adopted Budget as follows:

Office of Public Advocacy
Dept # 109

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>INCREASE</u>
406890	Handicapped Parking Surcharge	\$ <u>40,000.00</u>
	TOTAL	<u>\$40,000.00</u>
EXPENSES		
500010	Part Time Salaries	\$12,600
502000	Fringe Benefits	1,400
505000	Office Supplies	5,000
506200	Maintenance & Repair Supplies	1,000
561410	Lab & Technical Equipment	10,000
980000	DISS	<u>10,000</u>
	TOTAL	<u>\$40,000.00</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of Public Advocacy, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

Item 59 – (COMM. 14E-19) DPW - Division of Highways - Response to NYS DOT Bridge Inspections with Yellow & Red Flagged Conditions of County Bridges

Item 60 – (COMM. 14E-20) DPW - Erie County Holding Center - 2007 Security Improvements

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The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

RE: DPW - Dunn Tire Park - 2007 - Parking
 Lot Lighting Improvements (COMM. 14E-21)

WHEREAS, the Department of Public Works received bids on June 29, 2007 for the Dunn Tire Park – 2007 – Parking Lot Lighting Improvements Work, and

WHEREAS, the Department of Public Works and the Architect/Engineer are recommending award to the lowest responsible bidder for the Dunn Tire Park – 2007 – Parking Lot Lighting Improvements Work, and

WHEREAS, the County of Erie is required to provide \$5 million Capital Improvement to Dunn Tire Park pursuant to an Agreement between the County and the Buffalo Bisons,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Dunn Tire Park – 2007 – Parking Lot Lighting Improvements Work as follows:

ELECTRICAL WORK

CIR Electrical

Base Bid:	<u>\$54,900.00</u>
Total for Electrical Work:	\$54,900.00

and be it further,

RESOLVED, that the sum of \$5,100.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works 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 being returned to the contingency fund, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.09019, 2001 Dunn Tire Park Improvements in an amount not to exceed \$60,000.00, and be it further,

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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 Division of Budget, Management & Finance, and the Office of the Comptroller.

Item 62 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

RE: DPW - Dunn Tire Park - 2007 - Partial
 Roof Replacement (COMM. 14E-22)

WHEREAS, the County of Erie is obligated to provide \$5M in Capital Maintenance for Dunn Tire Park pursuant to an agreement between the County of Erie, City of Buffalo, and the Buffalo Bisons, and

WHEREAS, the Department of Public Works received bids on June 29, 2007 for the Dunn Tire Park – 2007 – Partial Roof Replacement Work, and

WHEREAS, the Department of Public Works and the Architect/Engineer are recommending award to the lowest responsible bidder for the Dunn Tire Park – 2007 – Partial Roof Replacement Work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Dunn Tire Park – 2007 – Partial Roof Replacement Work as follows:

GENERAL CONSTRUCTION WORK

Joseph A. Sanders & Sons, Inc. Base Bid:	<u>\$44,630.00</u>
Total for General Construction Work:	\$44,630.00

and be it further

RESOLVED, that the sum of \$ 5,370.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works 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 being returned to the contingency fund, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.09019, 2001 Dunn Tire Park Improvements in an amount not to exceed \$50,000.00, and be it further

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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 Division of Budget, Management & Finance, and the Office of the Comptroller.

Item 63 – (COMM. 14E-23) Health - STD Intervention Grant- 01/01/07 - 12/31/07

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 64 – (COMM. 14E-24) DPW - ECMC - Erie County Health Dept. - BB Building Renovations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 65 – (COMM. 14E-25) SAP Competency Center Contract

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 66 – (COMM. 14E-26) Health - Youth Tobacco Use & Prevention Act - 10/1/0 - 9/30/07 Personnel Adjustment

Received and referred to the PERSONNEL COMMITTEE.

Item 67 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

RE: Social Services - Portable Information
 Technology Demonstration Project (COMM.
 14E-27)

WHEREAS, the Department of Social Services has been awarded \$75,000 by the New York State Office of Children and Family Services for the purpose of providing state of the art portable technology devices that will enable remote access to computer information, and

WHEREAS, Department casework personnel have evaluated a pilot application of tablet personal computers in recent months and have found the tablet computers and applications to present a significant time saving and efficient best practice, and

WHEREAS, these user friendly devices will enable Department staff to maximize the use of time while in the field, in court and all other non-office based locations and will facilitate staff functions in documentation of contemporaneous case and collateral contact progress note detail needed for input into State mandated Uniform Case Record reporting and tracking, and

WHEREAS, there is no fiscal impact to this resolution.

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NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

**Department of Social Services, Department 120, Fund 281, Grant 120CPSPortableTech,
 Cost Center 1208030 for the period 4/1/07 – 3/31/08**

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
461410	Lab and Tech	<u>\$75,000</u>
	Total Expenditure	<u>\$75,000</u>
409000	State Revenue	<u>\$75,000</u>
	Total Revenue	<u>\$75,000</u>

and be it further

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

Item 68 – (COMM. 14E-28) Health - Division of Criminal Justice Services Assessment Grant - 7/5/07 - 7/4/08

Received and referred to the HEALTH COMMITTEE.

Item 69 – (COMM. 14E-29) Health - Lead Poisoning Primary Prevention Pilot Program Grant - 10/1/07 - 9/30/08

Received and referred to the PERSONNEL COMMITTEE.

Item 70 – (COMM. 14E-30) DEP - No Cost Contract Extension for the Erie County Tribal Community Reducing Toxic Air Pollutants Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 71 – (COMM. 14E-31) NYS Quality Communities Grant: Framework for Regional Growth - Policy Refinement and GIS Development - Contract Approval

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 72 – (COMM. 14E-32) CPS - Community Foundation for Greater Buffalo Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

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Item 73 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

RE: Accepting Efficiency Grant Funds for Use
 in Purchasing Electronic Monitoring Equipment
 for the Dept. of Probation (COMM. 14E-33)

WHEREAS, the County's four-year plan for fiscal years 2007-2010 calls for a reduction of at least 200 inmates per night at the Erie County Holding Center, and implementing various alternatives to incarceration in order to achieve these reductions; and

WHEREAS, the ECFSA has approved the efficiency grant requested by the County to purchase electronic monitoring equipment via ECFSA resolution 07-03, and

WHEREAS, the Erie County Fiscal Stability Authority (ECFSA) has approved the made available efficiency grant funding for Erie County, and

WHEREAS, this allocation of funds will constitute Phase One of the efficiency grant, and

WHEREAS, upon successful completion of Phase One, the County will seek funding for Phase Two of the previously approved efficiency grant.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County create the Electronic Monitoring grant in the Department of Probation utilizing funds received from the ECFSA, and be it further

RESOLVED, that the grant be set up as follows:

Department of Probation
Electronic Monitoring Efficiency Grant

<u>Revenue</u>	<u>Account</u>	<u>Amount</u>
	409010-State Aid Other	\$73,338.75
TOTAL		\$73,338.75
<u>Appropriation</u>		
	561410-Lab & Tech Equip	\$68,658.75
	516030-Maintenance Contracts	<u>\$4,680.00</u>
TOTAL		\$73,338.75

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funding of \$73,338.75 from the ECFSA, and be it further

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RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget and Management, Director of Probation, Sheriff, District Attorney and the County Attorney.

Item 74 – (COMM. 12E-34) Authorization to Accept an Award from the NYS Division of Probation and Correctional Alternatives for Enhanced Supervision Services of Sex Offenders Risk Level 2 and 3

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 75 – (COMM. 12E-35) ECSD No. 3 - Contract No. 28 - Route 391 Sanitary Sewer Extension - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 76 – (COMM. 12E-36) Erie County Correctional Facility - Yankee Building - 2007 Window Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 77 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

RE: Botanical Gardens - Consultant Contract
 Fee Increase (COMM. 14E-37)

WHEREAS, your Honorable Body previously authorized a contract with Abate Engineers on July 27, 2006 to provide Architectural/Engineering Services for the Remedial Structural Repairs Work at the Botanical Gardens, and

WHEREAS, in performing the remedial structural repairs to the Boiler Room ceiling support steel, an existing steel column was found to be 3” out-of-plumb, thereby necessitating construction modifications to the original scope of work. The County requested Abate Engineers to investigate these conditions resulting in additional design work and construction administration fees,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Abate Engineering’s contract for an amount not to exceed \$15,000.00 for additional design work and construction administration for the remedial structural repairs, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment for all of the above from SAP Project A.00291-Botanical Gardens Master Plan Reconstruction in an amount not to exceed \$15,000.00, and be it further,

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

Item 78 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: Social Services - PIVOT Wage Subsidy
 Program Expansion (COMM. 14E-38)

WHEREAS, the Department is seeking approval of a \$1,375,000 increase to the appropriation of funds available for wage subsidy payments since the 2007 adopted budget appropriation in the amount of \$1,485,120 will soon be fully committed, and

WHEREAS, these added funds will expand the highly successful Placing Individuals in Vital Opportunities Training (PIVOT) wage subsidy program by enrolling an additional 180 TANF clients during the balance of the year for a 26 week long subsidized employment placement while employers receive an average wage subsidy of \$7,600 based on an hourly wage that averages about \$8.32 during this period, and

WHEREAS, it is critical that funding be increased to build on the successful program providing wage subsidized workers to private, public and not for profit organizations in which there is a permanent job opening as this expansion serves the dual purpose of having more clients engaged in paid employment and enabling the County to meet Federal work participation requirements, and

WHEREAS, the goal of the PIVOT assignment is for clients to achieve permanent full time paid employment and closure of public assistance cases, and

WHEREAS, the PIVOT program outcomes are impressive in that 80 percent of clients who enter the program complete their 6-month placement and 75 percent who complete their placement continue to be employed without a subsidy, and

WHEREAS, there is no local cost for this 100% Federal share program.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Service are authorized to execute contracts in Erie County for PIVOT assignments, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 110

ACCOUNT DESCRIPTION

INCREASE

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530030	PIVOTProgram Client Wage Subsidies	<u>\$1,375,000</u>
	Total Expenditure	<u>\$1,375,000</u>
411490	Federal Aid	<u>\$1,375,000</u>
	Total Revenue	<u>\$1,375,000</u>

and be it further

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

Item 79 – (COMM. 14E-39) ECSD No. 3 - Contract No. 29 - Boston Valley-2 Sanitary Sewer Extension - Bid Extension

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 80 – (COMM. 14E-40) CPS/Emergency Services - Proposed Resolution to Accept \$1,425,066 in Urban Area Security Initiative Funds from the NYS Office of Homeland Security

Item 81 – (COMM. 14E-41) CPS/Emergency Services - Proposed Resolution to Accept \$694,300 State Homeland Security Program (SHSP) Funds from the NYS Office of Homeland Security

Item 82 – (COMM. 14E-42) CPS/Emergency Services - Authorization for County Executive to Enter Intro Contract with NYS OHS to Accept \$612,220 in Federal Homeland in Federal Homeland Security Funding

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 83 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: IMPACT Enhancement Grant
(COMM. 14E-43)

WHEREAS, the NYS Division of Criminal Justice Services has increased the funding and extended the grant period for the Sheriff's Operation IMPACT Grant; and

WHEREAS, the NYS Division of Criminal Justices Services has required the District Attorney to administer the contract for all county departments; and

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WHEREAS, the increase funding will be used to create one (1) Deputy Sheriff Criminal, Pay Grade 8; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Sheriff's Office is authorized to create one (1) Deputy Sheriff Criminal, Pay Grade 8 in the grant fund; and be it further

RESOLVED, that authorization is hereby granted to extend the grant period to June 30, 2008; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to budget those funds in the grant as follows:

**IMPACT Enhancement Grant
115IMPACTENHANCE07
January 1, 2007 to June 30, 2008**

	ORIGINAL	CHANGE	FINAL
<u>Revenue</u>			
409020 – Miscellaneous State Aid	\$ 77,472	0	\$ 77,472
421550 – Forfeiture Crime Proceeds	<u>8,608</u>	<u>0</u>	<u>8,608</u>
Total Revenue	<u>\$ 86,080</u>	0	<u>\$ 86,080</u>

	ORIGINAL	CHANGE	FINAL
<u>Appropriations</u>			
500000 – Personal Services	\$ 48,630	\$68,682	\$117,312
500320 – Uniform Allowance	750	0	750
500340 – Line-Up	2,355	0	2,355
501000 – Overtime	10,000	10,000	20,000
502000 – Fringe Benefits	24,095	27,942	52,037
505200 – Clothing Supplies	250	0	250
510100 – Out of Area Travel	0	1,500	1,500
911500 – ID Sheriff Services	<u>0</u>	<u>-108,124</u>	<u>-108,124</u>
Total Appropriation	<u>\$ 86,080</u>	0	<u>\$ 86,080</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Personnel, the Office of the Comptroller and the Office of the Sheriff for implementation.

FROM LEGISLATOR MARINELLI

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Item 84 – (COMM. 14E-44) Appointment to the Board of Directors of the ECMC Corporation

Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 85 – (COMM. 14D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 86 – (COMM. 14D-2) Debris/Towns

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 87 – (COMM. 14D-3) Women's Tuesday Night Volleyball

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 88 – (COMM. 14D-4) Proposed Agenda to 7/19/07 Agenda

Received and filed.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 89 – (COMM. 14D-5) Closing County Roads & Bridges

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYS SENATOR RATH

Item 90 – (COMM. 14M-1) Receipt of Certified Resolution

Item 91 – (COMM. 14M-2) Receipt of Certified Resolution

The above two items were received and filed.

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FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 92 – (COMM. 14M-3) Monthly Reports and Monthly Activity Reports for June 2007

Received and filed.

FROM NYS ASSEMBLYPERSON COLE

Item 93 – (COMM. 14M-4) Receipt of Certified Resolution

Received and filed.

FROM THE BUFFALO OLMSTED PARKS CONSERVANCY

Item 94 – (COMM. 14M-5) Park Permit and Related Fees

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CHEEKTOWAGA TOWN BOARD

Item 95 – (COMM. 14M-6) Certified Resolution Re: Support Dedication of County Forest Preserves as Parklands

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPT. OF AGRICULTURE AND MARKETS

Item 96 – (COMM. 14M-7) An Act to amend the Agriculture and Markets Law

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYS SENATOR RATH

Item 97 – (COMM. 14M-8) Receipt of Certified Resolution

Received and filed.

FROM THE ERIE COUNTY BAR ASSN. - AID TO INDIGENT PRISONERS SOCIETY

Item 98 – (COMM. 14M-9) Quarterly Report for the 2nd Quarter of 2007

Received and filed.

FROM THE BUFFALO NIAGARA ENTERPRISE

Item 99 – (COMM. 14M-10) Business & Marketing Activities of the BNE

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 100 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Dr. Justin Uku.

Item 101 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Joseph Golombek.

Item 102 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Domenic Pezzimenti

Item 102 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Donald J. Wegner

Item 102 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Robert Grimm.

Item 103 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Dr. Justin Uku.

Item 104 - Legislator Locklear requested that when the Legislature adjourns, it do so in memory of Joseph Ciancio.

Item 105 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Robert Dickerson.

Item 106 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of John T. (Jack) Frizzell.

Item 107 - Legislator Grant requested that the Legislature adjourn in recognition of a service held earlier this day encouraging the end to the 'N' word.

MEMORIAL RESOLUTIONS

Item 108 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, September 20, 2007 at 2 p.m. Eastern Standard Time. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, September 20, 2007 at 2 p.m. Eastern Standard Time.

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ROBERT M. GRABER
CLERK OF THE LEGISLATURE