

ERIE COUNTY LEGISLATURE
MEETING NO. 15
JULY 17, 2008

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Rev. Steven Metcalfe of Calvary Episcopal Church, who was invited to this session of the Legislature by Mr. Rath.

The Pledge of Allegiance was led by Mr. Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 14 from 2008. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR MARINELLI presented a resolution Commending former County Legislator Raymond K. Dusza on His Tireless Efforts to Memorialize Lt. Col. Matt Urban with a Monument, Now Standing in Front of the Rath Building.

Item 6 – CHAIR MARINELLI presented a Memorial Resolution Honoring Luisa Casals Viguera.

Item 7 – CHAIR MARINELLI presented a Memorial Resolution Honoring Kathleen Quinlivan.

Item 8 – CHAIR MARINELLI presented a Memorial Resolution Honoring Mary Verel.

Item 9 – CHAIR MARINELLI, MR. MILLS, MR. KOZUB, MR. KENNEDY & MS. IANNELLO presented a resolution Recognizing the Centennial Celebration of the 1908 New York to Paris Race Won by the Buffalo-made Thomas Flyer Automobile, Driven by George Schuster.

Item 10 – MR. WROBLEWSKI presented a resolution Commemorating the 100th Anniversary of the FBI (Federal Bureau of Investigation).

Item 11 – MR. KENNEDY presented a resolution Honoring Former County Legislator Michael A. Fitzpatrick Upon His Retirement as General Secretary of the Iron Workers International Union.

Item 12 – MR. MILLS presented a resolution Honoring Robert Lennartz for His Work Bringing the Southtowns Scenic Byway to Erie County.

Item 13 – MR. MILLS presented a resolution Honoring Edythe "Kitty" Turgeon Upon Being Chosen Recipient of the Edward E. Godfrey Heritage Award.

Item 14 – MS. WHYTE presented a resolution Honoring Margaret Szczepaniec Upon Her Receipt of an Award from the Black Rock Riverside Good Neighbor Planning Alliance for Her Work on the Black Rock Canal Project.

Item 15 – MS. WHYTE presented a resolution Honoring Augustine “Chito” Olivencia, Jr. Upon His Retirement from Erie County.

MS. WHYTE moved for consideration of the above eleven items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items by including Et Al Sponsorship, and adding one for MR. MILLS and one for MR. RANZENHOFER. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 23 - MR. MAZUR presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

JULY 14, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLER-WILLIAMS AND RATH.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-6 (2008)
COLUCCI & GALLAHER, P.C.: Materials Distributed at the June 26, 2008 Regular Meeting of the Board of Directors of Erie County Medical (3-0)

2. COMM. 14E-5 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received an increased grant award from the New York State Department of Health in the amount of \$300,000 for implementing the “Immunization Action Plan” grant; and

WHEREAS, the purpose of the Immunization Action Plan is to increase immunization rates in Erie County for both children and adults, to assist primary health care providers in following immunization guidelines, and to provide information and outreach in the community regarding the availability and benefits of immunizations; and

WHEREAS, the work of the Immunization Action Plan is expanded to include targeting migrant and seasonal farm workers and Native American health services to promote immunizations/education to their populations; and

WHEREAS, the expanded work of the Immunization Action Plan also includes assisting providers in implementing the 2008 mandate for reporting immunizations into the NYS Immunization Information System and implementing a tracking and recall program of children immunized at the Erie County Health Department run clinics; and

WHEREAS, in order to meet the increased requirements of the Immunization Action Plan it will be necessary to create one full-time position of Public Health Nurse, JG N2.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Department of Health to accept the Immunization Action Plan grant budgeted as follows:

Immunization Action Plan
4/1/08 – 3/31/09
SAP: 127IAP 0809 Cost Center #1271518

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$300,000</u>
	TOTAL	<u>\$300,000</u>

SAP	EXPENSES	BUDGET
500000	Personal Services	\$142,924
501000	Overtime	5,000
502000	Fringe Benefits	62,868
505000	Office Supplies	2,000
510000	Travel & Mileage	3,500
510100	Out of Area Travel	2,500
510200	Training & Education	38,550
530000	Other	39,658
561410	Lab & Tech Equip	2,400
980000	DISS	<u>600</u>
	TOTAL	<u>\$300,000</u>

and be it further

RESOLVED, that one full-time position of Public Health Nurse, JG N2, Step 1, is hereby created as indicated on B100 #3795.

Cost Center	No. of	Position	JG Step	Action	FY08-09 Budget	FY 08-09 Cost
1271518	1	Public Health Nurse	N2 1	Add	-0-	\$24,430

The following personnel detail is hereby submitted:

Title: Public Health Nurse	Funding: 100% NYSDOH Funded
JG: N2	Civil Service: Yes
Step: 1	Preferred List: Yes
Annual Salary: \$36,646	
Annual Benefits: \$15,600	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, Department of Personnel, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, Rath Building, 9th Floor.
(3-0)

3. COMM. 14E-32 (2008)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Social Services requests variable minimum fill authorization for the vacant position of First Deputy Commissioner of Social Services to achieve continuous, experienced and comprehensive leadership under the direction of the Commissioner of Social Services consistent with Social Services Law governing the appointment of Deputy level positions within the Department; and

WHEREAS, this senior level leadership position will be responsible for administrative oversight of major programs and services including but not necessarily limited to Child Welfare, Medicaid, Food Stamps, Temporary Assistance, Emergency Services, Home Energy Assistance, Daycare and Employment as well as maintain an advocacy and liaison role with all levels of government; and

WHEREAS, variable minimum approval at Step 2 Job group 18 is requested due to the need to recruit a highly qualified candidate based on a panel review process with the skills and experience commensurate with the rigorous demands of this position; and

WHEREAS, there is no fiscal impact to the 2008 Adopted Budget based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that authorization to fill the Job group 18 position of First Deputy Commissioner of Social Services on a variable minimum basis at Step 2 is granted; and be it further

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

(3-0)

THOMAS J. MAZUR
CHAIR

MR. MAZUR moved to approve item Number 3. MR. REYNOLDS seconded. MS. KONST, MR. WROBLEWSKI and MS. IANNELLO voted in the negative.

CARRIED. (12-3)

Item 24 – MR. KENNEDY presented the following report, moved to separate items Number 5 and 9, and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

JULY 15, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-2 (2008)
STATE COMPTROLLER: Acknowledgement and Update Concerning Receipt of Certified Resolution
(4-0)
 - b. COMM. 10M-4 (2008)
NFTA: NFTA Five-Year Capital and Operating Plan
(4-0)
 - c. COMM. 10M-14 (2008)
NFTA: Final Five-Year Capital Plan for Fiscal Years Ending March 31, 2009-2013
(4-0)
 - d. COMM. 11M-7 (2008)
NFTA: Notice of Proposed Rulemaking Regarding 21 NYCRR Part 1159, NFTA's Procurement Guidelines
(4-0)
 - e. COMM. 13M-2 (2008)

- ECIDA:** 2007 Annual Report and Annual Independent Audit Report & Management Letter
(4-0)
- f. COMM. 14M-1 (2008)
ECIDA: 2007 Audited Financial Statements & Management Letter
(4-0)
- g. COMM. 14M-2 (2008)
ECIDA: Buffalo Redevelopment Fund Joint Report
(4-0)
- h. COMM. 14M-3 (2008)
NFTA: NFTA Board Minutes for Meeting Held on May 27, 2008
(4-0)
- i. COMM. 14M-4 (2008)
NFTA: Audited Financial Statements for Fiscal Year Ending March 31, 2008
(4-0)
- j. COMM. 14M-5 (2008)
NFTA: FY 2008 Annual 17A Report
(4-0)
- k. COMM. 14M-8 (2008)
NYS URBAN DEVELOPMENT CORPORATION: Notice of Proposed Lead Agency Designation for Richardson Olmsted Complex Master Plan
(4-0)
- l. COMM. 14M-9 (2008)
NFTA: PARIS Report for Fiscal Year Ending March 31, 2008
(4-0)

2. COMM. 13E-19 (2008)

COUNTY EXECUTIVE

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

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

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

WHEREAS, the Project is estimated at \$570,000.00 and the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project PIN 5757.21; and

WHEREAS, in order to advance the Project it is necessary to provide a joint commitment to the Project's non-Federal share costs for Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the project PIN 5757.21 of which County of Erie's portion of the local share is \$57,000.00.

NOW, THEREFORE, BE IT

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

RESOLVED, the County Erie shall enter an inter-municipal Project agreement with the County of Niagara whereby the County of Erie shall pay the first instance 100% of the Federal and Non-Federal shares of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof; and be it further

RESOLVED, that the Erie County's portion of local share in the amount of \$57,000.00 shall be appropriated from B.00058, Various County Bridges in the amount of \$52,000.00 and B.00158, Cedar Street Bridge Program and made available to cover the costs of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the costs of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidental phases exceeds the amount appropriated above, and/or 100% of the full Federal and Non-Federal shares of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidental phase exceeds \$570,000.00, the County of Erie and the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation; and be it further

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

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

(4-0)

3. COMM. 14E-6 (2008)

COUNTY EXECUTIVE

WHEREAS, your honorable body previously authorized a Contract with ACEN, Inc. to provide General Architectural/Engineering Services for implementation of a computerized County Work Order Management System; and

WHEREAS, it is necessary to update the current design and implementation of the Work Order/Management System for new growth and expansion.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Change Order to ACEN, Inc.'s Contract for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from Fund 110 – Professional Services, Dues & Fees, Account No. 516020, Cost Center 1222010, in an amount not to exceed \$20,000.00; 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 and the Office of the Comptroller.

(4-0)

4. COMM. 14E-8 (2008)

COUNTY EXECUTIVE

WHEREAS, the existing windows and clock tower roof are in disrepair; and

WHEREAS, the window repairs will allow proper operation of the windows and reduce drafty conditions in the building, thereby improving energy efficiency; and

WHEREAS, the clock tower roof replacement will correct the leaking conditions of the existing roof and repair the deteriorated supporting steel connections; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement to Foit-Albert Associates for providing Professional Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Foit-Albert Associates for providing Design and Construction Documents for Old County Hall – Window Repair and Clock Tower Roof Repair.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Foit-Albert Associates for providing Professional Design and Construction Document Services for Old County Hall – Window Repair and Clock Tower Roof Repair for an amount not to exceed \$115,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00313 – 2007 – Waterproofing and Renovations – Old County Hall in an amount not to exceed \$115,000.00; 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 and Finance, and the Office of the Comptroller.
(4-0)

5. COMM. 14E-9 (2008)

COUNTY EXECUTIVE

WHEREAS, the Lease between the Buffalo Bills and the County of Erie requires that the County provide annual capital maintenance and repairs to Ralph Wilson Stadium throughout the life of the Lease; and

WHEREAS, the Buffalo Bills have asked the County, through the Department of Public Works, to proceed with a portion of this years' capital maintenance and repairs prior to the start of the 2008 – 2009 football season; and

WHEREAS, the Ralph Wilson Stadium Condition Survey was last updated in 2003 and needs to be updated every four to five years to identify current stadium needs; and

WHEREAS, the County has received bids on June 19, 2008 for the Ralph Wilson Stadium – 2008 – Site Work and Miscellaneous Capital Improvements; and

WHEREAS, the Department of Public Works, along with the Engineer, are recommending award of contracts to the lowest responsible bidders; and

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

WHEREAS, the County Executive is requesting authorization to issue a Supplemental Agreement to DiDonato Associates for providing professional design services for updating the Stadium Condition Survey and provide this years' design work; and

WHEREAS, from time to time the Buffalo Bills have completed portions of the annual capital maintenance and repairs on their own and are now seeking reimbursement for these capital maintenance and repair items pursuant to the Lease between the Buffalo Bills and the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for the Ralph Wilson Stadium – 2008 – Site Work and Miscellaneous Capital Improvements work as follows:

SITE WORK

Occhino Corporation

Base Bid	<u>\$627,354.00</u>
Total Award	\$627,354.00

GENERAL CONSTRUCTION WORK

Trason Development Corporation

Base Bid	<u>\$234,000.00</u>
Total Award	\$234,000.00

ELECTRICAL CONSTRUCTION WORK

Frey Electric Construction Company

Base Bid	<u>\$ 28,000.00</u>
Total Award	<u>\$ 28,000.00</u>

TOTAL AWARD OF CONTRACTS \$889,354.00

and be it further

RESOLVED, that the sum of \$124,500.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

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

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to DiDonato Associates to update the Stadium Condition Survey and provide this years' design work for an amount not to exceed \$317,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment to the Buffalo Bills for reimbursement of various capital expenditures pursuant to the Lease for an amount not to exceed \$257,632.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the SAP Project Account A.00318 – 2008 – Rehabilitation of Ralph Wilson Stadium in an amount not to exceed \$1,588,486.00; 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 and Finance, and the Office of the Comptroller.
(3-0) Legislator Wroblewski abstained.

6. COMM. 14E-16 (2008)
COUNTY EXECUTIVE

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

WHEREAS, that the Design and Right of Way phases of the Project have increased to \$186,500.00 of which a sum of \$122,000.00 was previously authorized via County Resolution No. 9E-57 adopted May 22, 2003 from the 2002 Youngs/Aero Intersection Design Program B.00043 and made available to cover the cost of participation in the above phases of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design V & VI), Right of Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.46.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the Project increase of \$64,500.00 (\$3,225.00 Erie County's local share) be appropriated from 2008 Unanticipated Federal Aid Design and Right-of-Way B.00188; and be it further

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

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design V & VII), Right-of-Way Incidentals and Right-of-Way Acquisition Phase exceeds the amount appropriated, and/or 100% of the Full and Non-Federal shares of the cost of the Project (\$186,500.00), the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursements requests for Federal Aid and/or

Marchiselli aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner. (4-0)

7. COMM. 14E-18 (2008)

COUNTY EXECUTIVE

WHEREAS, a project for the rehabilitation/reconstruction of the Parkview Drive (CR 167) Bridge over Murder Creek and approaches (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal fund; and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phases of the Project, PIN 5758.36.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject Project in the amount of \$1,900,000.00; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the local share sum of \$380,000.00 be appropriated from the 2008 Bridge Reconstruction Projects – Federal Aid Program – Parkview Drive Bridge B.00195 and made available to cover the cost of participation in the above phases of the Project; and be it further

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

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds the amount appropriated, \$380,000.00, and/or 100% of the full Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phases, \$1,900,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess

amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management & Finance, and the Office of the Commissioner.
(4-0)

8. COMM. 14E-19 (2008)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works advertised for Request for Qualifications from Architectural/Engineering and Testing Services firms; and

WHEREAS, the County Executive is requesting approval to enter into General Architectural/Engineering and Testing Services Agreements with the firms having the necessary expertise, experience and personnel to provide the required services; and

WHEREAS, the General Architectural/Engineering and Testing Services Agreements will be for a period of three years, from the date of this Legislative Resolution and the County Executive has the option for two one year Agreement extensions, for a total maximum Agreement Term of five years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into General Architectural/Engineering and Testing Services Agreements with each of the following firms for providing Architectural/Engineering and Testing Services for construction projects with the Department of Public Works:

<i>CONSULTANTS</i>
Abate Associates
Advanced Architecture & Planning, P.C.

American Consulting Professionals of New York
Barron & Associates, P.C.
Bergmann Associates
BHNT Architects, P.C.
Buffalo Engineering, P.C.
CJ Brown Energy, P.C.
C&S Companies
Clark Patterson Lee
Clinton Brown Company Architecture, P.C.
Clough Harbour & Associates LLP
DiDonato Associates
EI Team, Inc.
Empire Geo Services, Inc.
Erdman Anthony
Fisher Associates, P.E., L.S., P.C.
Flynn Battaglia Architects, P.C.
Foit-Albert Associates
FRA T.Y. Lin International
Greenman-Pedersen, Inc.
GZA Geo Environmental of New York
Habiterra Architecture & Landscape Architecture, P.C.
Harrington Sandberg Architecture & Engineering, P.C.
Hatch Mott MacDonald
Kideney Architects, P.C.
LiRo Engineers, Inc.
McMahon & Mann Consulting Engineers, P.C.
ME Engineering, P.C.
Nussbaumer & Clarke, Inc.
Parsons Brinckerhoff
Robson Woese, Inc.
Stantec Consulting Services, Inc.
Stievater & Associates, Architects
TVGA Consultants
TranSystems
Urban Engineers of New York, P.C.
URS Corporation
Watts Architecture & Engineering, P.C.
Wendel Duchscherer Architects and Engineers

Wm. Schutt & Associates, P.C.
Young-Wright Architectural
Zaxis Architectural, P.C.

and be it further

RESOLVED, that the General Architectural/Engineering and Testing Services Agreements will remain in effect for three years from the approved date of this Legislative Resolution, with the option for two one year extensions of the Agreements for a maximum Term Agreement of five years; 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 and Finance, and the Office of the Comptroller.

(4-0)

9. COMM. 14E-30 (2008)

COUNTY EXECUTIVE

WHEREAS, in connection a \$19.6 million loan made to the Hyatt Hotel in December 2007 by Emigrant Bank, the hotel's original financing indebtedness was satisfied and certain improvements and renovations were made to the hotel property; and

WHEREAS, in 1993, a mortgage lien was created by the Hyatt Hotel in favor of Erie County on account of roughly \$400,000 in unpaid payments in lieu of taxes ["PILOT"] then-owed by the hotel to Erie County; and

WHEREAS, the Hyatt Hotel's PILOT indebtedness to Erie County has been reduced to approximately \$130,000 through regularly scheduled payments; and

WHEREAS, because Erie County's pre-existing mortgage lien enjoys a superior lien position to that of Emigrant Bank with respect to its more-recent \$19.6 loan to the Hyatt Hotel, Emigrant Bank has asked that Erie County enter into an Intercreditor Agreement such that, in the event the Hyatt Hotel were to default under the terms of its mortgage in favor of Erie County, Emigrant Bank will be afforded formal notice of and an opportunity to "cure" any such default before Erie County begins mortgage foreclosure proceedings against the hotel property.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized, o/b/o Erie County, to enter into an Intercreditor Agreement with the ECIDA, the Hyatt Hotel and Emigrant Bank; and be it further

RESOLVED, that certified copies of this resolution, once adopted, shall be provided to the County Attorney, the Director of Real Property Tax Services and the Comptroller.

(4-0)

TIMOTHY M. KENNEDY

CHAIR

MR. KENNEDY moved to approve item Number 5. MR. KOZUB seconded. MR. WROBLEWSKI abstained.

CARRIED. (14-0-1)

MR. KENNEDY moved to approve item Number 9. MR. WROBLEWSKI seconded.

MR. LOUGHRAN moved to send the item to committee for further consideration. MS. IANNELLO seconded.

CHAIR MARINELLI directed that a roll call vote be taken.

AYES: MS. IANNELLO and MR. LOUGHRAN. NOES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. (AYES: 2; NOES: 13)

FAILED. (2-13)

CHAIR MARINELLI directed that a roll call vote be taken on the motion to approve item Number 9.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. LOUGHRAN. (AYES: 14; NOES: 1)

CARRIED. (14-1)

LEGISLATOR RESOLUTIONS

Item 25 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

RE: Seeking an ECFSA Efficiency Grant for
the EC Sawmill in Sardinia
(INTRO 15-1)

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

MS. WHYTE moved to amend the item by inserting the resolution, and also by adding Et Al Sponsorship. MS. KONST seconded.

CARRIED UNANIMOUSLY.

Insert the following in its entirety:

WHEREAS, time is of the essence to realize substantial cost savings from the re-engineering of several Erie County government operations, especially in view of the fiscal constraints anticipated in the New York State Budget for 2009-10 and the projected negative impacts to be felt by counties across the state; and

WHEREAS, the Department of Parks, Recreation & Forestry has approached the Legislature with an efficiency proposal involving the reinstatement of sawmill operations and the harvesting of both mature lumber and maple syrup to be undertaken by the Forestry Division of the Department of Parks, Recreation & Forestry; and

WHEREAS, these functions ceased as the result of the budget cuts of 2005, yet the Forestry Division has the potential to save money for the taxpayers by providing forest products and maple syrup for county needs and community benefit, with the further likelihood that surplus inventory could be sold, thereby earning revenues for the county; and

WHEREAS, examples of projects built with forestry lumber in the past include the Commissioner's Cabin at Chestnut Ridge Park, Docks at Isle View Park, various park shelters throughout the parks and all buildings of the Forestry Division; and

WHEREAS, forestry lumber was also utilized by the Department of Public Works, the Erie County Correctional Facility and other departments that would otherwise have had to purchase this wood, leaving taxpayers vulnerable to spikes in demand and market fluctuations in the price of lumber following natural disasters, such as Hurricane Katrina, and the inflated cost of all commodities resulting from escalating oil and gas prices; and

WHEREAS, the maple syrup produced by the Forestry Division was utilized by the Erie County Home, with surplus supplies donated to food pantries and other worthy not-for-profit entities; and

WHEREAS, the aforementioned in-house uses of forest products saved tax dollars and served commendable public purposes, including the necessity to thin and regenerate the County Forest to protect the entire forest from dying since all of the trees would eventually be of the same age if thinning was not done; and

WHEREAS, other not-for-profit organizations received donations of wood, including the Buffalo Zoo and the Olmsted Parks Conservancy; and

WHEREAS, more than 8,000 school children in grades three through five – as well as community groups – toured the facility, wherein the Forestry Division afforded the public with important educational information on the environment and the importance of a forest to other flora, fauna and overall air quality; and

WHEREAS, the scheduled, selective harvesting of timber not only encourages new growth and habitat enhancement, it is environmentally sound and can also produce moderate income for the county; and

WHEREAS, the Erie County Legislature endorses the appropriateness of the aforementioned project to receive an ECFSA efficiency grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of an application to be submitted by the County Administration for an efficiency grant to fund the reinstatement of the Forestry Division, specifically the sawmill and sugar shanty operations; and be it further

RESOLVED, that the Erie County Legislature authorize the County Executive to accept efficiency grant funds from the ECFSA in an amount not to exceed \$225,000 for the purpose of reinstating the Forestry Division, specifically the sawmill and sugar shanty operations; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Comptroller, Director of Budget and Management, County Clerk, Office of the Sheriff, the Commissioner of the Department of Parks, Recreation & Forestry, the Erie County Fiscal Stability Authority and two copies to the Department of Public Works.

MS. WHYTE moved to further amend the resolution by adding additional content. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Insert the following in its entirety:

WHEREAS, time is of the essence to realize substantial cost savings from the re-engineering of several Erie County government operations, especially in view of the fiscal constraints anticipated in the New York State Budget for 2009-10 and the projected negative impacts to be felt by counties across the state; and

WHEREAS, three separate county entities – the County Clerk, the County Attorney and the Sheriff – have approached the County Legislature with ideas for innovative space utilization and other improved operations that will bring efficiencies and cost savings that are both substantial and sustainable; and

WHEREAS, these improved operations in county government will benefit taxpayers by effectively utilizing seed money provided by efficiency grants; and

WHEREAS, the Erie County Fiscal Stability Authority has approved – via Resolution No. 08-67, July 15, 2008 – the relocation of the Downtown Department of Motor Vehicles operation within the County Clerk’s Office and the County Attorney’s Office from space leased from private interests to public space in the Rath County Office Building, thereby saving taxpayers more than \$2 million over the next five years while improving efficiency and customer satisfaction; and

WHEREAS, the Erie County Fiscal Stability Authority has approved the award of efficiency grant funds in the amount of \$1,772,000 to the Erie County Clerk's Office and the County Attorney's Office via Erie County Fiscal Stability Authority Resolution No. 08-67 dated July 16, 2008; and

WHEREAS, Sheriff Timothy B. Howard applied to the Erie County Fiscal Stability Authority to receive efficiency grant money to replace the aging fleet of police vehicles, which will result in significant savings to Erie County's General Budget; and

WHEREAS, the Erie County Fiscal Stability Authority has approved the award of efficiency grant funds in the amount of \$750,000 to the Erie County Sheriff's Office via Erie County Fiscal Stability Authority Resolution No. 08-68 dated July 16, 2008; and

WHEREAS, the Erie County Legislature acknowledges the appropriateness of the aforementioned projects to receive ECFSA efficiency grants.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize the County Executive to accept the Rath Building – 1st Floor DMV Offices relocation and 16th Floor County Attorney Offices relocation efficiency grant from the ECFSA in the amount of \$1,772,000; and be it further

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Advanced Architecture & Planning in an amount not to exceed \$80,000; and be it further

RESOLVED, that Advanced Architecture & Planning's contract be charged to the appropriate account, as determined by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Legislature authorize the Erie County Sheriff's Office to accept an efficiency grant for the purchase of vehicles to replace the aging fleet; and be it further

RESOLVED, that the Erie County Legislature authorize the creation of a Vehicle Efficiency Grant in the Office of the Sheriff, utilizing funds received from the Erie County Fiscal Stability Authority; and be it further

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 from the Erie County Fiscal Stability Authority the funding of \$750,000 and authorize its expenditure by the Erie County Sheriff's Office; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Comptroller, Director of Budget and Management, County Clerk, Office of the Sheriff, the Commissioner of the Department of Parks, Recreation & Forestry, the Erie County Fiscal Stability Authority and two copies to the Department of Public Works.

MS. WHYTE moved to approve the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 26 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 15-2 from REYNOLDS. Reviewing the Role of 2-1-1, Community Organizations and EC Social Services Have in Improving Quality and Access, as well as Utilizing Evidence-based Best Practices, in Case Management Services for Frail Elderly Patients Discharged from Hospitals.

Item 27 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 15-3 from WHYTE. Establishment of a Sustainability Officer.

Item 28 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 15-4 from WHYTE. Exploring the Link Between Illiteracy, Lead Exposure & Below Grade Level Achievement and Juvenile Delinquency, Detention and Incarceration Rates.

Item 29 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 15-5 from WHYTE. Dispatch Process and Response Time to 911 Calls.

Item 30 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MILLER-WILLIAMS seconded.

CHAIR MARINELLI directed that a roll call vote be taken.

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. KONST and MR. LOUGHRAN. (AYES: 10; NOES: 5)

CARRIED. (10-5)

RESOLUTION NO. 257

RE: Resolving the AFSCME Contract
Impasse for the Year 2005

(INTRO 15-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, KOZUB, KENNEDY, MILLER-WILLIAMS,
GRANT, MAZUR, WROBLEWSKI, IANNELLO & REYNOLDS**

WHEREAS, the previous administration and the members of AFSCME Local 1095 were unable to negotiate a contract for the year 2005 and it was finally determined that their negotiations were at an impasse; and

WHEREAS, pursuant to section 209(3) of the Civil Service Law an independent Fact Finder made recommendations for resolving the impasse on September 5, 2006; and

WHEREAS, the recommendations of the Fact Finder were rejected by both parties and pursuant to section 209(3)(e)(i) of the Civil Service Law, the Findings were submitted to the Erie County Legislature on November 14, 2006 by the county executive; and

WHEREAS, the Erie County Legislature is required by section 209(3)(e)(iii) of the Civil Service Law to hold a public hearing regarding the report of the Fact Finder and that public hearing was held on April 5, 2007 at Session No. 7 of the Erie County Legislature; and

WHEREAS, section 209(3)(e)(iv) of the Civil Service Law requires the Erie County Legislature to "take such action it deems to be in the public interest, including in the interest of the public employees involved;" and

WHEREAS, AFSCME Local 1095 represents employees employed directly with Erie County, as well as employees employed at Erie County Medical Center Corporation, the Erie County Home, Erie County Community College and the Buffalo and Erie County Library System; and

WHEREAS, the Erie County Medical Center Corporation has recently announced that the public benefit corporation has achieved a nine (9) million dollar surplus for the year 2007; and

WHEREAS, the Erie County Comptroller has recently reported that the county's sales tax revenues exceeded projections for 2007 thus creating an additional surplus of twelve (12) million dollars for 2007; and

WHEREAS, the Erie County Fiscal Stability Authority has available Erie County taxpayer monies in the form of efficiency grants which are available for disposition to help fund initiatives which will result in cost savings to Erie County; and

WHEREAS, the County Executive and the leadership of AFSCME Local 1095 have both expressed a desire to return to the collective bargaining table so that the parties might begin contract discussions which might result in job security for the membership of Local 1095 as well as cost savings for the taxpayers of Erie County; and

WHEREAS, the Erie County Legislature is required under applicable state law to resolve this impasse by establishing contract terms from January 1, 2005 to December 31, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to its authority under Civil Service Law section 209(3)(e)(iv) and in resolution of the impasse, directs that a one-time payment in the amount of \$600.00 shall be made by the County of Erie to all current active members of AFSCME Local 1095 bargaining unit who were employed by the County, the Erie County Medical Center Corporation, the Erie County Home, Erie Community College and the Buffalo and Erie County Library System on December 31, 2005; and be it further

RESOLVED, each entity employing members of the affected bargaining unit shall be responsible for the payment of the award to the person or persons eligible to receive such payment; and be it further

RESOLVED, that the county share funds for the payments to be provided to the members of Local 1095 who were employed by Erie County shall be taken from the fund balance in accordance with the provisions of the Erie County Charter (Section 2605 {d}); and be it further

RESOLVED, that the Clerk of the Erie County Legislature send certified copies of this resolution to the County Executive, the Comptroller of Erie County, the President of Erie County College, the Chief Executive Officer of the Erie County Medical Center Corporation, the Director of Buffalo and Erie County Public Library System, the Budget Director, the Commissioner of Personnel and the Erie County Fiscal Stability Authority.

Item 31 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

RE: Supporting the Center for Transportation Excellence as a Best Practice Model for Economic Development and Transportation of Clients of Human Service Agencies
(INTRO 15-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, KENNEDY, WHYTE, KOZUB, MILLER-WILLIAMS,
KONST, GRANT, MAZUR, REYNOLDS & RATH**

WHEREAS, the Center for Transportation Excellence (CTE) was founded to help rebuild the economies of large regions through cost-effective transportation services for “transportation disadvantaged” persons including those who are disabled, elderly and have low incomes; and

WHEREAS, to improve the local and regional coordination of transportation services for these disadvantaged individuals, the CTE has stepped in with a plan for making Buffalo-Niagara’s Transportation Social Enterprise available to “Living Cities” Communities; and

WHEREAS, a community-driven public benefit company that is guided by a Board of Advisors, the Center for Transportation Excellence has made application to “Living Cities” Communities to achieve five goals for 2008-10; and

WHEREAS, the goals are to:

1) become a national center for excellence in human-centered transportation planning, professional training and workforce development strategies and solutions,

2) document the CTE social enterprise model as a best practice model to transfer to other regions,

3) increase the level and quality of collaboration across sectors involved with transportation and mobility management, whether public, nonprofit or private;

4) develop CTE’s ability to deliver capacity-building assistance to other regions as they adapt CTE’s social enterprise approach locally/regionally;

5) engage at least three other regions and/or cities having weak transportation infrastructures in utilizing the CTE model; and

WHEREAS, across educational and human services systems, transportation is often the top barrier cited in many communities to affording individuals access to needed services, including medical appointments, job training and employment opportunities; and

WHEREAS, a region will be limited in its economic development potential if its most vulnerable citizens are in poor health, lack job skills and are inadequately educated and trained for 21st Century employment opportunities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its full support of the proposal advanced by the Center for Transportation Excellence to “Living Cities Communities”; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Center for Transportation Excellence and to the Buffalo Office of Empire State Development.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 32 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 11E-25 (2008). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

RE: County Attorney's Office Staff
Adjustments

(COMM. 11E-25)

WHEREAS, recent resignations, retirements and promotions have significantly impacted the staff of the Erie County Attorney's Office; and

WHEREAS, said impacts require immediate action, in the form of staff reorganization, to manage the unanticipated changes; and

WHEREAS, said changes require job group and position status upgrades to properly compensate staff taking on new functions and added responsibilities; and

WHEREAS, said changes and impacts do not impose a negative impact on the County Attorney's 2008 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Second Assistant County Attorney be upgraded to Full Time from Regular Part Time, B-100# 3902; and be it further

RESOLVED, that one Assistant County Attorney position, Job Group 14, be deleted and one Assistant County Attorney position, Job Group 13, be created, B-100# 3903; and be it further

RESOLVED, that Assistant County Attorney position, Job Group 14 Step 5, be deleted and one Assistant County Attorney position, Job Group 15 Step 5, be created, B-100# 3810; and be it further

RESOLVED, that certified copies of this resolution be delivered to the Office of the County Executive, the Office of County Attorney Cheryl A. Green, and to Commissioner of Personnel John Greenan.

MS. WHYTE moved to amend the item by attaching the required Job Creation Summary Report Form. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 33 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 14E-4 (2008). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

RE: DWI Crash Response Team (CRT)
(COMM. 14E-4)

WHEREAS, five fatal and fourteen serious injury DWI crashes have occurred in Erie County this year; and

WHEREAS, prompt and professional collection of DWI crash scene evidence is critical to successful prosecution of DWI offenders; and

WHEREAS, crash scene investigative tools and personnel are not uniformly available to all Erie County Police Agencies; and

WHEREAS, Erie County Police agencies have agreed to share resources and establish a mutual aid system for DWI crash scene investigation; and

WHEREAS, DWI crash investigation expenses for overtime, training, and equipment, incurred within the mutual aid system, shall be reimbursed using fine money paid by convicted drunken drivers; and

WHEREAS, present contracts, providing reimbursement to Erie County municipalities for DWI specific police services, allow for conveying such payments; and

WHEREAS, the STOP-DWI Office has identified funds in the STOP-DWI Deferred Revenue Account to pay for the overtime, training, and equipment needs of a DWI Crash Response Team.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized to increase revenues and appropriations of the 2008 STOP-DWI budget:

CENTRAL POLICE SERVICES
Cost Center #1650060
WBS Element #SDWI

<u>Revenues</u>	<u>Increase</u>
ACCT. #415650 DWI Revenue	\$54,800
<u>Appropriation</u>	<u>Increase</u>
ACCT. #516010 Contractual Pymts-Non Profit	\$54,800

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 34 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 14E-13 (2008). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

RE: ECSD No. 3 - NYS Water Pollution
Control Revolving Loan Program
(COMM. 14E-13)

WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the “Borrower” after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Sewer District No. 3 Central Maintenance Facility Modifications and Underground Storage Tanks Project, identified as CWSRF Project No. 6647-07; herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the “CWSRF Act”), established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the “Act”) being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 35 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 14E-14 (2008). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

RE: Lakeshore Shoreline Trail (aka Evans Multi-Use Pathway) - Congestion Mitigation and Air Quality Funding Agreement
(COMM. 14E-14)

WHEREAS, the County of Erie desires to improve public recreational access to the County waterfront; and

WHEREAS, Erie County serves as the grant recipient and contracting agent for an amount not to exceed \$884,300 in Federal and State grant funds to undertake construction and construction inspection services for the Lakeshore Shoreline Trail – Phase I Project extending along Old Lake Shore Road in the Town of Evans from Evans Town Park to Wendt Beach County Park; and

WHEREAS, Erie County desires to advance the above Project by making a commitment of 100% of the non-Federal share of the construction and construction inspection phases of the project, PIN #s 5756.75 and 5757.49 and has allocated \$350,000 in SAP Acct. A.00213 and \$300,000 in the adopted 2008 Capital Budget for said purpose.

NOW, THEREFORE, BE IT

RESOLVED, to request an increase in Revenue (Funding) and Appropriations from the previously approved amount of \$1,234,300 to \$1,587,900 due to Erie County and/or the Town of Evans being designated as the Lead Agency for a Federal-Congestion Mitigation and Air Quality Grant in the amount of \$353,600; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications, and reimbursement requests for Federal Aid on behalf of the County of Erie with New York State Department of Transportation in connection with the advancement or approval of the Project costs and permanent funding of the local share of Federal-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the Erie 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 cost of design, right of way, and construction inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with the State of New York in an amount not to exceed \$1,587,900 for the purpose of undertaking design, right of way, construction, and construction inspection services associated with the Lakeshore Shoreline Trail – Phase I Project; and be it further

RESOLVED, that the revenues and appropriations in Capital Project A.00213 shall be increased to \$1,587,900; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's design, right of way, construction and construction inspection phases exceeds the amount appropriated above 100% of the full Federal and non-Federal shares of the cost of the design, right of way, construction, and construction inspection phases, the County of Erie shall convene its Legislature as soon as possible to consider appropriating said excess amount immediately upon the notification by the New York State Department of Transportation thereof; 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 and Management; Holly A. Sinnott, AICP, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MS. WHYTE moved to approve the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 36 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 15-8 from LEGISLATORS MARINELLI, KOZUB, KONST & REYNOLDS
Re: Opposing the Addition of Any Hazardous Waste Land Disposal Capacity in the State of New York

RESOLUTION NO. 263

WHEREAS, the United States Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (DEC) and the United States Congress agree that land disposal is the least desirable method of managing hazardous waste; and

WHEREAS, there are only 12 states remaining in the United States which, all told, host 17 commercial hazardous waste landfills, and New York State is one of these states with a landfill in the Town of Porter in Niagara County; and

WHEREAS, although commercial hazardous waste landfills have closed in many other states, New York continues to permit the operation of the aforementioned landfill in Western New York; and

WHEREAS, most hazardous waste from remedial cleanup such as New York State brownfields restoration does not go to hazardous waste landfills; and

WHEREAS, on the contrary, New York has historically been a net importer of hazardous waste, including PCB waste, and these imports are transported – most often by trucks on the New York State Thruway, and other roads and highways – through several counties, including Erie County, to reach their destination in Niagara County; and

WHEREAS, monthly records are produced by the DEC which show that trucks have arrived at the hazardous waste landfill gate leaking, and are fined, illustrating the possibility that they may have been leaking on the way to the site through a number of counties; and

WHEREAS, since the EPA has stated that hazardous waste land disposal industry operates in a national marketplace, and further stated that since 1995, the capacity is adequate “now, and in the foreseeable future;” and

WHEREAS, it is counterintuitive to expand capacity in New York State, specifically at the Town of Porter facility in Niagara County, when sufficient capacity exists in landfills in other states of the country; and

WHEREAS, the State of New York must, now and in the future, adhere to EPA guidelines taking into account permanency and environmental harm when addressing the issue of hazardous waste disposal, recognizing that land disposal is not a permanent solution and poses risks, including the documented leaks cited above; and

WHEREAS, the NYS Department of Environmental Conservation is expected to be issuing a draft Hazardous Waste Siting Plan within the next few weeks, adding urgency to this matter on behalf of the residents of Western New York; and

WHEREAS, the Erie County Legislature supports sustainable and attractive economic growth and regards hazardous waste landfills as a non-renewable use of a community's assets, posing permanent risk to the environment and imposing an undesirable image on our community, thereby impeding tourism efforts in the Buffalo-Niagara region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature join with its colleagues in the Niagara County Legislature to oppose the addition of any hazardous waste land disposal capacity in the State of New York, and specifically at the existing site in the Town of Porter in Niagara County; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David A. Paterson, NYSDEC Commissioner Pete Grannis, Attorney General Andrew Cuomo and the Niagara County Legislature.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 37 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15M-4 from STONEWALL DEMOCRATS OF WNY Re: Supporting the Institution of Domestic Partnership Benefits for Employees

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

GRANTED.

COMM. 15E-16 from WROBLEWSKI Re: Letter to EC Legislature Clerk Re: Abstention on Comm. 14E-9 (2008) on Economic Development Committee Report #12

Received, Filed and Printed.

July 15, 2008

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: ABSTENTION ON COMM. 14E-9 (2008)
ECONOMIC DEVELOPMENT COMMITTEE, REPORT NO. 12

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, my abstention to the above referenced communication was due to my private sector employment and to avoid any possible conflict of interest.

Sincerely,

Timothy M. Wroblewski
Erie County Legislator - 9th District

Item 39 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-17 from KOZUB Re: Letter to EC Legislature Clerk Re: Abstention on Comm. 14E-22 (2008) During Session #14 - July 10, 2008

Received, Filed and Printed.

July 15, 2008

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: ABSTENTION ON COMM. 14E-22 (2008)
SESSION NO. 14 - JULY 10, 2008

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, due to my employment with the Niagara Frontier Transportation Authority, my abstention to the above referenced communication was to avoid any possible conflict of interest.

Sincerely,

Daniel M. Kozub
Erie County Legislator - 1st District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 15E-1) ECSD No. 3 - Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 41 – (COMM. 15E-2) Designation for Absence and Order of Succession Pursuant to EC Charter Section 304

Received and Filed.

Item 42 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

RE: Levy of the 2008-2009 School Tax
Budgets
(COMM. 15E-3)

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

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

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised

by school taxes, as spread and extended by the Director for the Real Property Tax Service Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be is 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 for the Real Property Tax Service Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be is further

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

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

RE: Sex Offender Model Court
(COMM. 15E-4)

WHEREAS, the Department of Probation is responsible for monitoring, and providing services to address the needs of sex offenders and improve the quality of life in our community; and

WHEREAS, the US Department of Justice Bureau of Justice Assistance has awarded the New York State Unified Court System grant funds for the purpose of establishing a Sex Offender Model Court and Community Management program that will ensure that all offenders are effectively sentenced, supervised, and victims' needs are met; and

WHEREAS, the award includes funding which will enable the Probation Department to hire an additional Probation Officer who will collaborate with the Sex Offender Model Court to help with compliance with Court ordered conditions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the US Department of Justice Bureau of Justice Assistance in the amount of \$77,923; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with the Eight Judicial District of the New York State Unified Court System in order to execute this program; and be it further

RESOLVED, that the necessary funds to cover the cost of these contracts have been appropriated using the grant funds covered in this resolution; and be it further

RESOLVED, that the Erie County Personnel Department is authorized to create one new Probation Officer position, job group 11, step 5, as included in the grant (B-100 control #3952) ; 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 the budget for the Sex Offender Model Court grant, 2007-WP-BX-0005, be established as follows:

Erie County Department of Probation
Fund 281 – Business Area 126
Sex Offender Model Court
July 1, 2008 to June 30, 2009

Revenue

Acct.	Amount
409000 – State Aid Revenues	\$77,923
479000 County Share	<u>\$0</u>
Total:	\$77,923

Appropriations

Acct.	
500000 – Personnel Services	\$54,945
502000 – Fringe Benefits	\$21,978
505000 – Office Supplies	\$500
510000 - Local Mileage	\$500
Total	
Net Impact	\$-0-

and be it further

RESOLVED, that the Director of Budget and Management 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 and Management, and the Office of the Comptroller.

MS. WHYTE moved to amend the item by attaching the required Job Creation Summary Report Form. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 44 – MS. WHYTE 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. 266

RE: Family Court Paralegal
Specialist
(COMM. 15E-5)

WHEREAS, the Department of Social Services is seeking to create the position of Paralegal within the Legal Services Division to process court orders and legal petitions; and

WHEREAS, this position is needed to insure conformance with mandated language requirements of legal documents for presentation in Family Court for child support and abuse and neglect matters; and

WHEREAS, the Paralegal function requires specific training, skills and expertise that are not prerequisites for the titles currently available for filling in the Department; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following staff positions are deleted:

(1)	Clerk	JG 1	position #	1485
(1)	Senior Clerk Typist	JG 4	position #	8580

and be it further

RESOLVED, that the following staff position is created:

(1)	Paralegal	JG 5	B-100 #	3949
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and be it further

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

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

RE: Establish S.M.A.R.T. as an
Advanced Life Support First
Responder Service and to
Provide Secondary Coverage
(COMM. 15E-6)

WHEREAS, the physicians and other advanced emergency medical provider members of Specialized Medical Assistance Response Team (S.M.A.R.T.) have responded to actual and potential disaster situations including medical emergencies throughout Erie County; and

WHEREAS, S.M.A.R.T. operates under the authority of the Erie County Departments of Emergency Services and Health and is coordinated by the Department of Emergency Medicine at the Erie County Medical Center; and

WHEREAS, New York State Health Department certified Basic and Advanced Emergency Medical Technicians compose an integral part of S.M.A.R.T., but are currently limited in their scope of practice; and

WHEREAS, in order to better fulfill its mission, and expand the scope of practice of its New York State Health Department certified Basic and Advanced Emergency Medical Technicians, it is necessary for S.M.A.R.T. to function as a New York State Advanced Life Support First Response Service; and

WHEREAS, potential and sudden marketplace changes and/or other events in the tenuous local and national ambulance industry could result in a public health emergency such that Erie County might have the need to emergently develop ambulance transport capability, or, more likely, contract for such services from commercial vendors to serve the citizens of Erie County; and

WHEREAS, the Legislature of the State of New York has enacted Public Officers Law, Section 18, by Chapter 277 of the Laws of 1981, effective June 22, 1981, as amended and as effective on July 27, 1983, in its current amended form; and

WHEREAS, Public Officers Law, Section 18 provides and permits the governing body of a public entity, defined as including the County of Erie, to enact, adopt and extend the provisions therein, by Resolution; and

WHEREAS, Public Officers Law, Section 18, provides and permits the County to indemnify and save harmless the officers and employees of the County of Erie from settlements or the entry of judgments upon claims arising while the officer or employee was acting within the scope of his public employment or duty, and otherwise according to the procedures set forth therein; and

WHEREAS, the Legislature of the County of Erie has enacted, adopted and extended the provisions of Public Officers Law, Section 18 to the officers and employees of the County of Erie, by Resolution dated October 4, 1984; and

WHEREAS, it is the desire of Erie County to extend secondary coverage to S.M.A.R.T. members who are volunteers performing public services for the County of Erie when responding to potential or actual emergencies within Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County shall apply for a Municipal Certificate of Need for an ALS-FR service covering all of Erie County as prescribed in New York State Public Health Law Article 30, section 3008; and be it further

RESOLVED, that the county shall establish S.M.A.R.T. as a New York State Certified Advanced Life Support First Response Service; and be it further

RESOLVED, that Erie County may apply for a Municipal Certificate of Need for an ambulance service covering all of Erie County as prescribed in New York State Public Health Law Article 30, section 3008, in the event that sudden marketplace changes and/or other events result in inadequate ambulance service necessary to protect the health and well-being of the citizens of Erie County thus jeopardizing the public's health; and be it further

RESOLVED, that the Erie County Legislature does hereby enact, adopt and extend the provisions of Section 18 of the Public Officers Law of the State of New York, limited in effect so as to provide indemnification only in excess of the exhaustion of all underlying insurance coverage, primary, excess, and/or umbrella, maintained by the individuals to S.M.A.R.T. volunteer members while training for and responding to potential and actual emergencies within Erie County; and be it further

RESOLVED, that if S.M.A.R.T. volunteer members first exhaust all applicable coverage limits on all effective insurance policies, the County of Erie shall indemnify and save them harmless from the amount, which exceeds the exhaustion of the underlying insurance coverage, of any judgment obtained against such S.M.A.R.T. volunteer member in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the S.M.A.R.T. volunteer member was acting within the scope of his duties as a S.M.A.R.T. volunteer member; provided further that in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement according to the procedures established pursuant to Resolution of June 7, 1979 establishing the Program of Self Insurance Risk Management and Resolutions thereafter unifying and continuing the Unified Program of Self Risk Management; and be it further

RESOLVED, that to the extent that no underlying insurance coverage exists and no other statutory defense is provided, Erie County will provide defense to those S.M.A.R.T. volunteer members in addition to the indemnification provided for herein; and be it further

RESOLVED, except as otherwise provided by law, the duty to indemnify and save harmless prescribed by Public Officers Law, Section 18 shall not arise for injury or damage resulting from intentional wrongdoing or recklessness on the part of S.M.A.R.T member; and be it further

RESOLVED, that this Resolution shall not authorize the County of Erie to indemnify or save harmless S.M.A.R.T. volunteer members with respect to punitive or exemplary damages, fines or penalties, or money recovered from S.M.A.R.T volunteer members pursuant to Section 51 of the General Municipal Law; and be it further

RESOLVED, that in order to be afforded the protections declared herein, S.M.A.R.T. volunteer members shall immediately notify their underlying insurance carrier(s), if any, and the Erie County Attorney's Office if they receive or are otherwise served with any notice of claim, summons and complaint or any other documents initiating a proceeding in relation to their membership in S.M.A.R.T.; a copy of any documents of this type shall also be provided to the Erie County Attorney's Office along with such notice; and be it further

RESOLVED, that upon entry of a final judgment against S.M.A.R.T volunteer members, or upon the settlement of the claim, S.M.A.R.T volunteer members shall serve a copy of such judgment or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the County Executive of the County of Erie with a copy to the Erie County Attorney; and if not inconsistent with the provisions of Public Officers Law, Section 18, as enacted, adopted and extended by Resolution of this Honorable Body, the amount of such judgment that exceeds the limits of the S.M.A.R.T volunteer member's underlying insurance coverage shall be paid by the County of Erie; and be it further

RESOLVED, the conditions, procedures and requisites of Section 18 of Public Officers Law of the State of New York, and all limitations contained therein, are expressly included within this Resolution, and subject to further amendment of the Public Officers Laws and the other Laws of the State of New York; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Department of Emergency Services, the Erie County Medical Center Emergency Department, the Office of Comptroller, the Division of Budget and Management, the Department of Law, the New York State Health Department, the New York State Emergency Medical Services Council, and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9th Floor, Rath Building.

Item 46 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

RE: LEADSAFE Erie County Grant
11/1/05-10/31/08 Amendment
(COMM. 15E-7)

WHEREAS, the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control awarded a revised grant in the amount of \$3,000,000

for reducing the number of housing units that present a lead hazard to young children in Erie County to the Erie County Department of Health; and

WHEREAS, this work is being accomplished through home paint inspections and lead risk assessments, provision of services for hazard control and implementation of a training/education curriculum for contractors in Erie County; and

WHEREAS, 145 of the planned 200 housing units have been made lead safe to date; and

WHEREAS, the County entered into a subcontract with Belmont Shelter Corp. for an amount not to exceed \$1,065,000 for the period 11/1/05 – 10/31/08 for the purpose of preparing Environmental Impact Statements and work and bid specifications in homes to receive lead hazard control work, and awarding competitive bids for hazard control work to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids; and

WHEREAS, the cost of contracting supplies and labor has increased over the course of the grant thus depleting the funds originally made available to pay lead safe certified contractors; and

WHEREAS, HUD has authorized a budget adjustment which makes an additional \$410,000 available to complete the balance of the 55 units through transfer from other expenses; and

WHEREAS, without additional funds available to pay contractors, lead hazard control work cannot be completed at the remaining enrolled units, leaving children exposed to lead hazards.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the LEADSAFE Erie County be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATION				
Account	Description			
516010	Prof Svc Contract & Fees	\$1,393,000	\$+410,000	\$1,803,000
530000	Other	612,122	<u>- 410,000</u>	202,122
			-0-	

and be it further

RESOLVED, that the County Executive is hereby authorized to accept the revised contract with the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control which authorizes a budgetary adjustment; and be it further

RESOLVED, that sufficient funds are available through a transfer within the accounts of the Adopted Budget by increasing Account 516010 Contractual Payments – Non-Profit and decreasing Account 530000 Other; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended subcontract with Belmont Shelter Corp. which increases the funds available

from \$1,065,000 to an amount not to exceed \$1,475,000 for awarding competitive bids for hazard control work to qualified contractors, with the amount available per individual job to be capped at \$10,000 and not to exceed the monies allotted by HUD for this program; and be it further

RESOLVED, that the subcontract with Belmont Shelter Corp. is a special service which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived; and be it further

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

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 269

RE: EC Holding Center - Video and Security System Upgrades (COMM. 15E-8)

WHEREAS, the Department of Public Works received bids on June 19, 2008 for the ECHC – Video and Security System Upgrades for the Holding Center; and

WHEREAS, the DPW, along with the Engineer, are recommending award to the lowest responsible bidder; and

WHEREAS, the Sheriff has requested Erie County, through the Department of Public Works, to make the necessary video and security upgrades to the Holding Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the ECHC – Video and Security System Upgrades as follows:

ELECTRICAL CONSTRUCTION WORK

Frey Electric Construction Company

Base Bid:	\$246,000.00
Alternate Bid #1	\$ 30,000.00
Alternate Bid #2	\$ 21,000.00
Alternate Bid #3	\$ 38,000.00
Alternate Bid #4	\$ 10,000.00
Alternate Bid #5	<u>\$ 10,000.00</u>

Total Award not to Exceed:	\$355,000.00
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and be it further

RESOLVED, that the sum of \$47,700.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

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

RESOLVED, that the project account appropriations and revenues be increased and a revenue line be added in Project A.00086 Budget Account, Line 417030, Other Local Match, showing reimbursement from the Sheriff's Inmate Trust Account, care of Robert Cook, in an amount not to exceed \$170,051.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00086 – 2003 – Security Improvements for an amount not to exceed \$402,700.00; 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 Sheriff, and the Office of the Comptroller.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 270

RE: DPW - Construction Inspector
Position
(COMM. 15E-9)

WHEREAS, the Department of Public Works (DPW) realized a reduction in staff of over 46% from the budget crisis in 2005; and

WHEREAS, a Construction Inspector is needed on capital projects to monitor the contractor's work for adherence to the contract documents and resolve field disputes in a timely manner; and

WHEREAS, reinstatement of the position of Construction Inspector will permit the DPW to operate in a more efficient manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the reinstatement of the position of Construction Inspector, Job Grade 11 (H-233) in the General Fund as per B-100 number 3919; and be it further

RESOLVED, that the DPW is authorized to transfer costs for the Construction Inspector's salary and fringes, on a quarterly basis, to the capital projects as follows:

A.09004 – 2001 – Ralph Wilson Stadium Renovation	\$10,414.00
A.00047 – 2002 – Code Compliance	\$26,000.00
A.00234 – 2004 – Botanical Garden Improvements	<u>\$17,810.00</u>
Total Amount of Costs to be Transferred	\$54,224.00

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 Commissioner of Personnel, the Division of Budget, Management and Finance, and the Office of the Comptroller.

MS. WHYTE moved to amend the item by attaching the required Job Creation Summary Report Form. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MS. GRANT seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

FROM THE COMPTROLLER

Item 49 – (COMM. 15E-10) EC 2007 Comprehensive Annual Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 271

RE: EC Home - Kitchen Emergency
Generator - Phase 1
(COMM. 15E-11)

WHEREAS, the existing Kitchen has limited emergency power; and

WHEREAS, the new electrical distribution equipment will provide total power for the emergency generator to keep the kitchen operational during a power outage; and

WHEREAS, the SPOA between ECMC and Erie County requires that the County complete capital projects funded prior to January 1, 2004; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of M.E. Engineering, Inc. for providing Professional Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to M.E. Engineering, Inc. for providing Design and Construction Documents for the Erie County Home – Kitchen Emergency Generator – Phase I.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to M.E. Engineering, Inc. for providing Professional Design and Construction Document Services for the Erie County Home Kitchen Emergency Generator – Phase I Project for an amount not to exceed \$16,800.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project H.00002 Emergency Generator in a amount not to exceed \$16,800.00; 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 and Finance, the Office of the Comptroller, and the Erie County Home Administration.

CHAIR MARINELLI directed that the Legislature enter into recess at 3:55 P.M.

CHAIR MARINELLI declared the Legislature reconvened at 4:10 P.M.

All members present.

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded. MR. LOUGHRAN voted in the negative.

CARRIED (14-1)

RESOLUTION NO. 272

RE: EC Home - 2008 - Fire Alarm Upgrade
(COMM. 15E-12)

WHEREAS, the Erie County Home's existing Fire Alarm is antiquated and frequently malfunctioning. A new system that is updated and code compliant will protect patients and satisfy fire safety requirements; and

WHEREAS, the Department of Public Works received bids on June 6, 2008 for the Erie County Home Fire Alarm Upgrades; and

WHEREAS, the Erie County Home Administration, Robson Woese Engineers, and the Department of Public Works are recommending award to the lowest responsible bidder; and

WHEREAS, the SPOA between ECMC and Erie County requires that the County complete capital projects funded prior to January 1, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a Contract with CIR Electrical Construction Corporation for the Erie County Home Fire Alarm Upgrade in an amount not to exceed \$92,400.00; and be it further

RESOLVED, that the sum of \$12,000.00 be allocated to a Construction Contingency fund with the authorization for the Erie County Executive to approve Change Orders in the 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 Comptrollers Office be authorized to make payments for all the above from SAP project H.00004 – 2001 Erie County Home Fire Alarm System in an amount not to exceed \$104,400.00; 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 and Finance, the office of the Comptroller, and the Administration of the Erie County Home.

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

CARRIED UNANIMOUSLY.

After the Third WHEREAS Clause, Insert the Following:

WHEREAS, the elevators at the Erie County Home are deteriorating due to age and extensive use and code and safety related issues will be addressed under this modernization; and

WHEREAS, the Department of Public Works received bids on June 5, 2008 for the Erie County Home Elevator Modernization; and

WHEREAS, the Erie County Home Administration, Trautman Architects, and the Department of Public Works are recommending award to the lowest responsible bidders; and

After the Fourth RESOLVED Clause, Insert the Following:

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into Contracts with the lowest responsible bidders for the Erie County Home Elevator Modernization as follows:

ELEVATOR CONSTRUCTION WORK

Thyssenkrupp Elevator	Base Bid	\$323,673.00
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GENERAL CONSTRUCTION WORK

Miller Enterprises	Base Bid	\$ 81,400.00
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ELECTRICAL CONSTRUCTION WORK

Tunney Electric	Base Bid	\$ 58,998.00
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MECHANICAL CONSTRUCTION WORK

O'Conner Mechanical	Base Bid	\$ 34,800.00
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TOTAL AWARD OF CONTRACT		\$498,871.00
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and be it further

RESOLVED, that the sum of \$50,000.00 be allocated to a Construction Contingency fund with the authorization for the Erie County Executive to approve change orders in the 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 Office of the Comptroller be authorized to make payments for the Erie County Home Elevator Modernization project from SAP Projects as follows:

H.00001-1999 -Brick Pointing and Building Renovations	\$ 36,527.00
H.00003-2001-Erie County Home Elevator Upgrades	\$279,387.00
H.00004-2001-Fire Alarm System	\$ 32,957.00
H.00005-2002-Erie County Home Elevator Upgrades	\$100,000.00
H.00007-2003-Elevator Upgrades	\$100,000.00
For a Total Amount Not to Exceed	\$548,871.00

and be it further

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

CHAIR MARINELLI directed that a roll call vote be taken.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS.

MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. LOUGHRAN. (AYES: 14; NOES: 1)

CARRIED. (14-1)

Item 52 – MR. KENNEDY moved to reconsider COMM. 15E-12. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

RE: EC Home - 2008 - Fire Alarm Upgrade
(COMM. 15E-12)

WHEREAS, the Erie County Home's existing Fire Alarm is antiquated and frequently malfunctioning. A new system that is updated and code compliant will protect patients and satisfy fire safety requirements; and

WHEREAS, the Department of Public Works received bids on June 6, 2008 for the Erie County Home Fire Alarm Upgrades; and

WHEREAS, the Erie County Home Administration, Robson Woese Engineers, and the Department of Public Works are recommending award to the lowest responsible bidder; and

WHEREAS, the SPOA between ECMC and Erie County requires that the County complete capital projects funded prior to January 1, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a Contract with CIR Electrical Construction Corporation for the Erie County Home Fire Alarm Upgrade in an amount not to exceed \$92,400.00; and be it further

RESOLVED, that the sum of \$12,000.00 be allocated to a Construction Contingency fund with the authorization for the Erie County Executive to approve Change Orders in the 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 Comptrollers Office be authorized to make payments for all the above from SAP project H.00004 – 2001 Erie County Home Fire Alarm System in an amount not to exceed \$104,400.00; 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 and Finance, the Office of the Comptroller, and the Administration of the Erie County Home.

MS. WHYTE moved to amend the item. MS. KONST seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (14-1)

After the Third WHEREAS Clause, Insert the Following:

WHEREAS, the elevators at the Erie County Home are deteriorating due to age and extensive use and code and safety related issues will be addressed under this modernization; and

WHEREAS, the Department of Public Works received bids on June 5, 2008 for the Erie County Home Elevator Modernization; and

WHEREAS, the Erie County Home Administration, Trautman Architects, and the Department of Public Works are recommending award to the lowest responsible bidders; and

After the Fourth RESOLVED Clause, Insert the Following:

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into Contracts with the lowest responsible bidders for the Erie County Home Elevator Modernization as follows:

ELEVATOR CONSTRUCTION WORK

Thyssenkrupp Elevator	Base Bid	\$323,673.00
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GENERAL CONSTRUCTION WORK

Miller Enterprises	Base Bid	\$ 81,400.00
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ELECTRICAL CONSTRUCTION WORK

Tunney Electric	Base Bid	\$ 58,998.00
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MECHANICAL CONSTRUCTION WORK

O'Conner Mechanical	Base Bid	\$ 34,800.00
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TOTAL AWARD OF CONTRACT		\$498,871.00
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and be it further

RESOLVED, that the sum of \$50,000.00 be allocated to a Construction Contingency fund with the authorization for the Erie County Executive to approve change orders in the 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 Office of the Comptroller be authorized to make payments for the Erie County Home Elevator Modernization project from SAP Projects as follows:

H.00001-1999 -Brick Pointing and Building Renovations	\$ 36,527.00
H.00003-2001-Erie County Home Elevator Upgrades	\$279,387.00
H.00004-2001-Fire Alarm System	\$ 32,957.00
H.00005-2002-Erie County Home Elevator Upgrades	\$100,000.00
H.00007-2003-Elevator Upgrades	\$100,000.00
For a Total Amount Not to Exceed	\$548,871.00

and be it further

MS. WHYTE moved to approve the item as amended. MS. KONST seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (14-1)

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

RE: Approval of \$150K Plan for County Parks and \$150K Plan for City Parks (COMM. 15E-13)

WHEREAS, The Erie County Legislature adopted the 2008 operating budget which included a newly created fund for park maintenance and improvement; and

WHEREAS, The Erie County Legislature approved \$150,000 for County Parks and \$150,000 for City Parks to be allocated based on a plan, put forth for approval by the Legislature, from the Commissioner of Parks, Forestry and Recreation; and

WHEREAS, Erie County Parks, Forestry and Recreation Commissioner James Hornung hereby presents two plans for your honorable body's approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature understands the critical need for maintenance and repairs in the Erie County Parks System and hereby approves the attached plan and approves the release of funds from, Account Number: 504999 – *“Reserve for Park Improvements”* (Fund Center: 16410); and be it further

RESOLVED, that the Erie County Legislature understands the critical need for maintenance and repairs in the City Parks System and hereby approves the attached plan and approves the release

of funds from, Account Number: 504999 – “*Reserve for Park Improvements*” (Fund Center: 16440); and be it further

RESOLVED, that certified copies of this resolution will be delivered to Bryan Fiume in Erie County Executive Chris Collins’ Office and the Erie County Commissioner of Parks, Forestry and Recreation James Hornung.

Item 54 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 274

RE: DPW - Division of Highways – Award
of Construction Contract Tonawanda
Creek Road Slide
(COMM. 15E-14)

WHEREAS, your honorable body approved the 2007 Capital Budget which contains this project; and

WHEREAS, your honorable body has approved the bond authorization for the 2007 Budget; and

WHEREAS, your honorable body will soon be on summer recess and not available to approve resolutions; and

WHEREAS, in order to permit a more timely execution of Capital Programs, your honorable body has, in the past, allowed the Commissioner of Public Works to award projects and negotiate not-to-exceed fees for necessary engineering services; and

WHEREAS, the Tonawanda Creek Road Slide project may be bid and ready for award of construction to the responsible low bidder in the next few months; and

WHEREAS, your honorable body will be on summer recess during the period when it may be necessary to award this work to start this important project; and

WHEREAS, funds for this project will be taken from the appropriate Capital Bond Fund Account B.00198, pending all necessary SEQR approvals and bond authorization of these funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to award the construction contract and enter into the agreement to advance the Project; and be it further

RESOLVED, that the Commissioner of Public Works will work with the County Attorney to insure that all applicable laws, including the Local Law for Apprenticeship Training are met for the award; and be it further

RESOLVED, that the Commissioner of Public Works will inform the Erie County Legislature, for information only, as to what contractor was selected for the project and the cost associated with the project; and be it further

RESOLVED, that the funds be taken from the appropriate Capital Bond Fund Account (B.00198) in an amount not to exceed \$3,000,000.00; and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

RE: Feasibility Cost Sharing Agreement
with the US Army Corps of Engineers
for Streambank Erosion Protection
Study for Ransom Creek Along Hopkins
Road
(COMM. 15E-15)

WHEREAS, a project to study erosion protection on Ransom Creek including roadway restoration/reconstruction on Hopkins Road (hereinafter the “Study”) is eligible for funding under Section 14 of the Flood Control Act of 1946, Public Law 79-526, as amended (33 U.S.C. 701r; hereinafter “Section 14”); and

WHEREAS, The U.S. Army Corps of Engineers has initiated the Study and provided the initial \$100,000.00 of funding; and

WHEREAS, Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements applicable to the Study, said requirements stating that the costs (in excess of \$100,000.00) shall be apportioned 50% to the Federal sponsor and 50% to the Non-Federal sponsor; and

WHEREAS, the County of Erie, as the Non-Federal sponsor, desires to advance the Study by making a commitment of 100% of the non-Federal share of the costs of the Study.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 100% of the Non-Federal share of the costs of the Study; and be it further

RESOLVED, that the Non-Federal share, in the amount of \$225,000.00 be appropriated from the 2008 Hopkins Road Slide – Design Project Fund B.00189 and made available to cover the cost of participation in the above Study; and be it further

RESOLVED, that in the event the amount required to pay 50% of the non-Federal share of the cost of the Study exceeds the amount appropriated, \$225,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the U.S. Army Corps of Engineers thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements and certifications on behalf of the County of Erie with the U.S. Army Corps of Engineers in connection with the advancement or approval of the Study and providing for the administration of the Study and the County of Erie's funding of the Non-Federal share of the Study costs; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Office of Comptroller, and the Office of Budget, Management & Finance.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 56 – (COMM. 15D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 57 – (COMM. 15D-2) Agenda & Minutes of Board of Trustees Meeting Held on July 17, 2008

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CENTRAL POLICE SERVICES

Item 58 – (COMM. 15D-3) CPS Response - Audit of Department of Central Police Services' Internal Controls Over Computers & Related Devices

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NEW MILLENNIUM GROUP

Item 59 – (COMM. 15M-1) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 60 – (COMM. 15M-2) Monthly Report and Monthly Activity Report for June 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 61 – (COMM. 15M-3) Notice Soliciting Comments Re Proceeding on Motion of the Commission to Examine the Safety of Consolidated Edison Company of NY Inc.'s Electric Transmission and Distribution Systems

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 62 – MR. MILLS announced an invitation to all to join him on a Scenic Tour of the Southtowns and review of the path of the upcoming reenactment of the Great Race, with a tour of the Roycroft Inn, and lunch courtesy of Mr. Mills. The van tour is scheduled for July 25, 2008, from 9:00 A.M. to 2:00 P.M.

Item 63 – MS. WHYTE announced an Informational Meeting schedule with representatives from villages and towns throughout Erie County to discuss the proposed establishment of an Erie County Planning Board, with a meeting scheduled for tomorrow: July 18, 2008 at 1:00 P.M.

Item 64 – MR. REYNOLDS announced that the Bass Masters Fishing Tournament will be held from July 31, 2008 to August 3, 2008, centered primarily at the Small Boat Harbor in Buffalo, along with a display of boats in the Town of Hamburg. Mr. Reynolds also announced that “Hot Spots Fishing Maps” are now available for those who are interested, and he also extended an open invitation for a fishing tour, to be held on August 18, 2008, aboard the Richard A. Smith, a wheelchair accessible vessel designed for people who are disabled and operated by Excalibur Leisure Skills Center.

Item 65 – MS. GRANT announced an invitation to all to join her at a book signing for her book of poems titled “Falling Through the Cracks,” to be held on July 23, 2008 from 5:00 to 7:00 P.M., at Old Editions Bookstore, located at 74 E. Huron St., in Buffalo.

Item 66 – MR. KENNEDY announced that his district office has received recognition from Buffalo In Bloom for the flower display outside his South Buffalo office.

MEMORIAL RESOLUTIONS

Item 67 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of community leader Paul Koessler, Luisa Casals Viguera, Kathleen Quinlivan, and Mary Verel.

Item 68 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Tim Putnam, who passed away at the young age of 26.

Item 69 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Jane K. “Janie” Kashino, from Lake View, New York, who passed away peacefully at the young age of 6 on Wednesday, July 16, 2008.

Item 70 - Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Albert Nigro, of West Seneca, New York.

Item 71 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of Shantina “Tina” Grant, the niece of her husband, who tragically was found murdered at a property on Koons Avenue in Buffalo, New York, and who was a student at School #44 in Buffalo, and who sadly died at the young age of 17.

ADJOURNMENT

Item 72 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Thursday, September 11, 2008 at 2:00 p.m. Eastern Standard Time. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, September 11, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE