

**ERIE COUNTY LEGISLATURE
MEETING NO. 19
OCTOBER 2, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Konst.

The Pledge of Allegiance was led by Ms. Whyte.

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 18 from 2008. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. IANNELLO presented a resolution Honoring the Memory of Barbara Chattam.

Item 6 – MS. IANNELLO presented a resolution Congratulating Geraldine H. Simmons on Her 90th Birthday.

Item 7 – MS. IANNELLO presented a resolution Congratulating Leonard Neaman on His 70 Years of Dedicated Volunteer Service with the National Hose Fire Company.

Item 8 – MS. IANNELLO presented a resolution Congratulating Phyllis Gentner for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 9 – MS. IANNELLO presented a resolution Congratulating Cindy Young for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 10 – MS. IANNELLO presented a resolution Congratulating Maria Angelova for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 11 – MS. IANNELLO presented a resolution Congratulating Donna Burgio for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 12 – MS. IANNELLO presented a resolution Congratulating Betty Saltarelli for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 13 – MS. IANNELLO presented a resolution Congratulating Congratulating Melissa Brinson for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 14 – MS. IANNELLO presented a resolution Congratulating Joyce Santiago for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 15 – MS. IANNELLO presented a resolution Congratulating Linda Foels for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 16 – MS. IANNELLO presented a resolution Congratulating Diane Krause for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 17 – MS. IANNELLO presented a resolution Congratulating Judy Reitz for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 18 – MS. IANNELLO presented a resolution Congratulating Barbara Tucker for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 19 – MR. MILLS presented a resolution Recognizing Lee Ainsworth-Mahaney's 30 Years of Service to the Buffalo & Erie County Public Libraries.

Item 20 – CHAIR MARINELLI & MS. MILLER-WILLIAMS presented a resolution Celebrating the 100th Anniversary of the Milk-Bone Dog Biscuit, Made in Buffalo and Enjoyed Around the World.

Item 21 – MS. MILLER-WILLIAMS presented a resolution Honoring Locust Street Neighborhood Art Classes, Inc. Upon 50 Years of Service to the Residents of Erie County.

Item 22 – MS. MILLER-WILLIAMS presented a resolution Honoring Buffalo Olmsted Parks Conservancy New Operations Director John Bry.

Item 23 – MS. WHYTE presented a resolution Honoring Hispanics United for Buffalo's Hispanic Celebration Dinner, Saturday, October 11, 2008.

Item 24 – MR. REYNOLDS presented a resolution Recognizing the Week of October 5-11 as Cornell Cooperative Extension and National 4-H Week in Erie County and the United States.

Item 25 – MS. KONST presented a resolution Congratulating Jonathan Graham for His Dedication to the Community.

Item 26 – MS. KONST presented a resolution Congratulating John Graham for His Dedication to the Community.

Item 27 – MS. KONST presented a resolution Congratulating Spencer Repka for His Dedication to the Community.

Item 28 – MS. KONST presented a resolution Congratulating Kristofer Bystrak for His Dedication to the Community.

MS. WHYTE moved for consideration of the above twenty-four items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-four items to include Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-four items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 29 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 33 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 34 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 35 - 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 36 - MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 313

SEPTEMBER 22, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLER-WILLIAMS AND REYNOLDS.

1. RESOLVED, the following item is hereby received and filed, and referred to the Energy & Environment Committee:
 - a. INTRO 14-6 (2008)
WHYTE: Socialization and Recreational Opportunities for Seniors
(3-0)
2. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 18M-2 (2008)
TOWN OF NEWSTEAD: Resolution Concerning the Consolidation of the Registrars of Vital Statistics to the County Level
(3-0)
3. COMM. 18E-16 (2008)
COUNTY EXECUTIVE
WHEREAS, the Employee Education and Training Resolution COMM. 11E-19 (2008) approved on June 26, 2008 had a typographical error in the dates of the contract with Erie Community College; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contract with Erie Community College as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Erie Community College (In-Service Training)	10/1/08 9/30/09	\$207,842	\$74,823	\$133,019

and be it further

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

(3-0)

**THOMAS J. MAZUR
CHAIR**

Item 37 - MS. GRANT presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 314

SEPTEMBER 22, 2008	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KENNEDY AND RANZENHOFER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 9-6 (2008)
GRANT, KOZUB, KENNEDY & MILLER-WILLIAMS: AS AMENDED Opposition to Tuition Increases at Erie Community College
(4-0)
 - b. COMM. 18M-4 (2008)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda & Minutes of Board of Trustees Meeting Held on September 18, 2008
(4-0)
2. COMM. 18E-14 (2008)

COUNTY EXECUTIVE

WHEREAS, The Zoological Society of Buffalo, Inc. has received funding from Erie County for fiscal year 2007; and

WHEREAS, the standard public benefit funding for Erie County in Article 13b, requires repayment of portions of the County funding in the event of surpluses by a grantee; and

WHEREAS, the Zoological Society of Buffalo, Inc. has made a determination based on audited 2007 statements that an amount of \$5,040.08 would be due to Erie County under this provision; and

WHEREAS, Erie County desires to waive this provision for the 2007 Zoological Society of Buffalo, Inc. funding contract, thereby allowing the Zoological Society of Buffalo, Inc. to retain \$5,040.08 in Erie County funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to waive the repayment required under Article 13b in the 2007 funding agreement between Erie County and the Zoological Society of Buffalo, Inc.; and be it further

RESOLVED, that the County Attorney's Office is directed to notify the Zoological Society of Buffalo, Inc. of the waiver; and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(4-0)

**BETTY JEAN GRANT
CHAIR**

Item 38 - MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

SEPTEMBER 22, 2008	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KONST AND WHYTE. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21M-13 (2007)
ASSEMBLYMAN SAM HOYT: NRG Huntley Site Project
(4-0)
 - b. COMM. 13M-11 (2008)
VOICE-BUFFALO: Letter Supporting the Creation of an Erie County Planning Board
(4-0)
 - c. COMM. 13M-12 (2008)
MICHAEL S. CERRONE: Letter Supporting the Creation of an Erie County Planning Board
(4-0)
 - d. COMM. 13M-13 (2008)
COALITION FOR ECONOMIC JUSTICE: Letter Supporting the Recreation of an Erie County Planning Board
(4-0)
 - e. COMM. 13M-14 (2008)
LOCAL INITIATIVES SUPPORT CORP.: Letter Supporting the Recreation of an Erie County Planning Board
(4-0)
 - f. COMM. 13M-15 (2008)
GERALD E. KELLY: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
 - g. COMM. 13M-16 (2008)
PARTNERS FOR A LIVABLE WNY: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
 - h. COMM. 13M-17 (2008)
IAN R. MCPHERSON: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
 - i. COMM. 13M-18 (2008)
SHARON BENZ: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
 - j. COMM. 14E-29 (2008)
COUNTY EXECUTIVE: Approval for \$150K Plan for County Parks
(4-0)

- k. COMM. 14M-7 (2008)
CORNELL EXTENSION ERIE COUNTY: Information on Several Programs Impacting Erie County
(4-0)
- l. COMM. 14M-11 (2008)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS: Certified Resolution Regarding Erie County Green Energy Efforts
(4-0)
- m. COMM. 15M-1 (2008)
NEW MILLENNIUM GROUP: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- n. COMM. 15M-3 (2008)
NYS PUBLIC SERVICE COMMISSION: 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
(4-0)
- o. COMM. 17E-24 (2008)
COUNTY EXECUTIVE: ECSD Nos. 3 & 4 - Engineer Term Agreement - Greenman-Pedersen, Inc. Work Order GPI-1
(4-0)
- p. COMM. 17E-27 (2008)
COUNTY EXECUTIVE: Notice of Public Hearing - ECSD 2009 Assessment
(4-0)
- q. COMM. 17E-29 (2008)
COUNTY EXECUTIVE: ECSD 1-6, 8 Section 270/271 Resolutions
(4-0)
- r. COMM. 17E-30 (2008)
COUNTY EXECUTIVE: ECSD Nos. 1, 3, 4, 5 & 6 - Engineer Term Agreement - Wendel Duchscherer- Work Order WD-1
(4-0)
- s. COMM. 17E-44 (2008)
COUNTY EXECUTIVE: ECSD No. 3 - Engineer Term Agreement - Liro Engineers, Inc. Work Order LE-1
(4-0)
- t. COMM. 17D-4 (2008)
ENVIRONMENT & PLANNING: Summary of ECSD Rates
(4-0)

- u. COMM. 17M-4 (2008)
BUFFALO NIAGARA PARTNERSHIP: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- v. COMM. 17M-6 (2008)
AMERICAN PLANNING ASSOCIATION - WNY SECTION: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- w. COMM. 17M-7 (2008)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: NYS Fish, Wildlife & Marine Resource Goals for 2010 - 5/15/2008-6/15/2008
(4-0)
- x. COMM. 17M-8 (2008)
CITY OF BUFFALO COMMON COUNCIL: Notice of Adopted Resolution Instituting a Ban on Smoking Within 50 Feet of Playgrounds in All City and County Parks
(4-0)
- y. COMM. 17M-25 (2008)
ERIE COUNTY WATER AUTHORITY: 2007 Annual Report (CD)
(4-0)
- z. COMM. 17M-27 (2008)
BUFFALO NIAGARA RIVERKEEPER: Remedial Action Plan
(4-0)
- aa. COMM. 18E-9 (2008)
COUNTY EXECUTIVE: Appointments to the EC Environmental Management Council
(4-0)
- 2. RESOLVED, the following item is hereby received and filed, and referred to the Economic Development Committee:
 - a. COMM. 17D-2 (2008)
PUBLIC WORKS: Rules & Regulations Adopted by DPW Commissioner Concerning LL No. 2-2006 NYS Certified Worker Training Programs
(4-0)
- 3. COMM. 14E-11 (2008)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to private businesses to assist them in identifying ways to reduce waste and save money; and

WHEREAS, the New York State Department of Economic Development (NYSDED) granted Erie County \$230,501 to coordinate a Pollution Prevention, Reuse and Recycling Technical Assistance Program (P2R2TAP); and

WHEREAS, as part of the P2R2TAP grant SAP# (162PP_ASSIST0709) work plan and contract with the NYSDDED, it is necessary to enter into an agreement with companies that have partnered on this project at a maximum of \$12,500 each or \$50,000 total to have in-depth engineering feasibility studies; and

WHEREAS, these companies will be selected from the following list of companies who were identified as project partners in the proposed grant application submitted to NYSDDED:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Upstate Farms, 3300 N. American Dr., West Seneca, NY 14224
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Akron Ag Products, 13550 Bloomingdale Rd., Akron, NY 14001; and

WHEREAS, the selected companies will be required to work in accordance with a work plan approved by DEP and provide a 100% match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with all or some of the following companies for up a maximum of \$12,500 each or \$50,000 total to conduct engineering feasibility studies:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Upstate Farms, 3300 N. American Dr., West Seneca, NY 14224
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Akron Ag Products, 13550 Bloomingdale Rd., Akron, NY 14001;

and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(6-0)

4. COMM. 14E-12 (2008)
COUNTY EXECUTIVE

WHEREAS, Erie Canalway Trail – SAP Account No. A.00034 includes \$1,500,000 for the design and construction of the Erie Canalway Trail Project; and

WHEREAS, the New York State Canal Corporation, through a Memorandum of Agreement with the County of Erie dated March 3, 2005 will provide up to \$1,500,000 as reimbursement for this project; and

WHEREAS, the original contract with Peter J. Smith & Company, Inc. for design and construction inspection services was dated July 5, 2001 and included a fee of \$220,000; and

WHEREAS, by Resolutions Comm. 6E-12 and Comm. 25E-53, enacted April 10, 2003 and September 30, 2005 respectively, the Erie County Legislature authorized executing an amended contract for design and construction inspection services with Peter J. Smith & Company, Inc. for a fee not to exceed \$235,000; and

WHEREAS, an increase in the authorized contract amount is necessary to reflect time extensions and added design elements identified during the construction phase.

NOW, THEREFORE, BE IT

RESOLVED, that said contract with Peter J. Smith & Company, Inc. be amended to establish a new fee not to exceed \$243,188; and be it further

RESOLVED, that the sum of \$8,188 is hereby transferred from WBS Element #A.00034.2, Erie Canal Trail Construction to WBS Element #A.00034.1 Erie Canal Trail Design , within the budget of the Erie Canalway Trail Capital Project A.00034; and be it further

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

(6-0)

5. COMM. 15E-1 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 9 UST, to L&O Mechanical Contractors, Inc. for the installation of new fiberglass fuel storage tanks to eliminate existing deteriorating steel tanks; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, in the final contract amount of \$384,533.15, which includes Change Order No. 1 (final), a decrease of \$237.85 in the Erie County Sewer District No.3, Capital Account No. 00067 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, between the County of Erie and L&O Mechanical Contractors, Inc., 786 Brooks Avenue, Rochester, New York 14619 is accepted in the amount of \$384,533.15, which includes Change Order No. 1 (final), a decrease of \$237.85 in the Erie County Sewer District No. 3, Capital Account No. 00067 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, between the County of Erie and L&O Mechanical Contractors, Inc. in the amount of \$384,533.15 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(4-0)

6. COMM. 17E-32 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 41E to CIR Electrical Construction, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 41E in the amount of \$33,572.16 which includes Change Order No. 1 (final), a decrease of (\$127.84) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 41E between the County of Erie and CIR Electrical Construction, Inc., 400 Ingham Avenue, Buffalo, New York 14218, be accepted in the amount of \$33,572.16 which includes Change Order No. 1 (final), a decrease of (\$127.84); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 41E between the County of Erie and CIR Electrical Construction, Inc. in the amount of \$33,572.16 and make final payment from Erie County Sewer District No. 6 Capital Account C.00064, and return the unused portion \$127.84 to the Unallocated Account; and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one certified copy each to the County Executive, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
(4-0)

7. COMM. 17E-43 (2008)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of Donald Gallo Consultant Engineer, P.C. to provide engineering services related to the design and construction of Sewerage Facilities for the Erie County Sewer Districts and Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated February 3, 2005 with Donald Gallo Consultant Engineer, P.C. at the final contract amount of \$13,209.08.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated February 3, 2005 between the County of Erie and be formally closed in the final amount of \$13,209.08; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated February 3, 2005, between the County of Erie and Donald Gallo Consultant Engineer, P.C.; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to, the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.

(4-0)

8. COMM. 17E-45 (2008)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of URS Corporation to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 21, 2004 with URS Corporation in the final contract amount of \$173,011.91.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 21, 2004 between the County of Erie and be formally closed in the final amount of \$173,011.91; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 21, 2004, between the County of Erie and URS Corporation; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.
(4-0)

9. COMM. 18E-6 (2008)

COUNTY EXECUTIVE

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

WHEREAS, Erie County serves as the grant recipient and contracting agent for an amount not to exceed \$754,300 in Federal grant funds to undertake various services for the Lake Erie Trail 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 executed a Lake Erie Trail – Design Phase Agreement with the Town of Evans on September 4, 2003 for an amount not to exceed \$103,000; and

WHEREAS, the Town has incurred additional design costs requiring reimbursement from federal funds included as Revenue within SAP Account A.00213.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the September 4, 2003 Agreement between Erie County and the Town of Evans relative to Lake Erie Trail – Design Phase, increasing the contract amount from \$103,000 to an amount not to exceed \$295,000; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(4-0)

DANIEL M. KOZUB
CHAIR

MR. KOZUB moved to reconsider Report No. 10 of the Energy & Environment Committee.
MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MR. KOZUB presented the following report, moved to separate item Number 1aa and Number 9 and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

SEPTEMBER 22, 2008	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KONST AND WHYTE. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21M-13 (2007)
ASSEMBLYMAN SAM HOYT: NRG Huntley Site Project
(4-0)
 - b. COMM. 13M-11 (2008)
VOICE-BUFFALO: Letter Supporting the Creation of an Erie County Planning Board
(4-0)
 - c. COMM. 13M-12 (2008)
MICHAEL S. CERRONE: Letter Supporting the Creation of an Erie County Planning Board
(4-0)
 - d. COMM. 13M-13 (2008)
COALITION FOR ECONOMIC JUSTICE: Letter Supporting the Recreation of an Erie County Planning Board
(4-0)
 - e. COMM. 13M-14 (2008)
LOCAL INITIATIVES SUPPORT CORP.: Letter Supporting the Recreation of an Erie County Planning Board
(4-0)
 - f. COMM. 13M-15 (2008)
GERALD E. KELLY: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
 - g. COMM. 13M-16 (2008)
PARTNERS FOR A LIVABLE WNY: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)

- h. COMM. 13M-17 (2008)
IAN R. MCPHERSON: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- i. COMM. 13M-18 (2008)
SHARON BENZ: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- j. COMM. 14E-29 (2008)
COUNTY EXECUTIVE: Approval for \$150K Plan for County Parks
(4-0)
- k. COMM. 14M-7 (2008)
CORNELL EXTENSION ERIE COUNTY: Information on Several Programs Impacting Erie County
(4-0)
- l. COMM. 14M-11 (2008)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS: Certified Resolution Regarding Erie County Green Energy Efforts
(4-0)
- m. COMM. 15M-1 (2008)
NEW MILLENNIUM GROUP: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- n. COMM. 15M-3 (2008)
NYS PUBLIC SERVICE COMMISSION: 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
(4-0)
- o. COMM. 17E-24 (2008)
COUNTY EXECUTIVE: ECSD Nos. 3 & 4 - Engineer Term Agreement - Greenman-Pedersen, Inc. Work Order GPI-1
(4-0)
- p. COMM. 17E-27 (2008)
COUNTY EXECUTIVE: Notice of Public Hearing - ECSD 2009 Assessment
(4-0)
- q. COMM. 17E-29 (2008)
COUNTY EXECUTIVE: ECSD 1-6, 8 Section 270/271 Resolutions
(4-0)

- r. COMM. 17E-30 (2008)
COUNTY EXECUTIVE: ECSD Nos. 1, 3, 4, 5 & 6 - Engineer Term Agreement - Wendel Duchscherer- Work Order WD-1
(4-0)
- s. COMM. 17E-44 (2008)
COUNTY EXECUTIVE: ECSD No. 3 - Engineer Term Agreement - Liro Engineers, Inc. Work Order LE-1
(4-0)
- t. COMM. 17D-4 (2008)
ENVIRONMENT & PLANNING: Summary of ECSD Rates
(4-0)
- u. COMM. 17M-4 (2008)
BUFFALO NIAGARA PARTNERSHIP: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- v. COMM. 17M-6 (2008)
AMERICAN PLANNING ASSOCIATION - WNY SECTION: Letter Supporting the Establishment of an Erie County Planning Board
(4-0)
- w. COMM. 17M-7 (2008)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: NYS Fish, Wildlife & Marine Resource Goals for 2010 - 5/15/2008-6/15/2008
(4-0)
- x. COMM. 17M-8 (2008)
CITY OF BUFFALO COMMON COUNCIL: Notice of Adopted Resolution Instituting a Ban on Smoking Within 50 Feet of Playgrounds in All City and County Parks
(4-0)
- y. COMM. 17M-25 (2008)
ERIE COUNTY WATER AUTHORITY: 2007 Annual Report (CD)
(4-0)
- z. COMM. 17M-27 (2008)
BUFFALO NIAGARA RIVERKEEPER: Remedial Action Plan
(4-0)
- aa. COMM. 18E-9 (2008)
COUNTY EXECUTIVE: Appointments to the EC Environmental Management Council
(4-0)
- 2. RESOLVED, the following item is hereby received and filed, and referred to the Economic Development Committee:

a. COMM. 17D-2 (2008)
PUBLIC WORKS: Rules & Regulations Adopted by DPW Commissioner Concerning LL
No. 2-2006 NYS Certified Worker Training Programs
(4-0)

3. COMM. 14E-11 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to private businesses to assist them in identifying ways to reduce waste and save money; and

WHEREAS, the New York State Department of Economic Development (NYSDED) granted Erie County \$230,501 to coordinate a Pollution Prevention, Reuse and Recycling Technical Assistance Program (P2R2TAP); and

WHEREAS, as part of the P2R2TAP grant SAP# (162PP_ASSIST0709) work plan and contract with the NYSDDED, it is necessary to enter into an agreement with companies that have partnered on this project at a maximum of \$12,500 each or \$50,000 total to have in-depth engineering feasibility studies; and

WHEREAS, these companies will be selected from the following list of companies who were identified as project partners in the proposed grant application submitted to NYSDDED:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Upstate Farms, 3300 N. American Dr., West Seneca, NY 14224
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Akron Ag Products, 13550 Bloomingdale Rd., Akron, NY 14001; and

WHEREAS, the selected companies will be required to work in accordance with a work plan approved by DEP and provide a 100% match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with all or some of the following companies for up a maximum of \$12,500 each or \$50,000 total to conduct engineering feasibility studies:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Upstate Farms, 3300 N. American Dr., West Seneca, NY 14224
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Akron Ag Products, 13550 Bloomingdale Rd., Akron, NY 14001;

and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

4. COMM. 14E-12 (2008)

COUNTY EXECUTIVE

WHEREAS, Erie Canalway Trail – SAP Account No. A.00034 includes \$1,500,000 for the design and construction of the Erie Canalway Trail Project; and

WHEREAS, the New York State Canal Corporation, through a Memorandum of Agreement with the County of Erie dated March 3, 2005 will provide up to \$1,500,000 as reimbursement for this project; and

WHEREAS, the original contract with Peter J. Smith & Company, Inc. for design and construction inspection services was dated July 5, 2001 and included a fee of \$220,000; and

WHEREAS, by Resolutions Comm. 6E-12 and Comm. 25E-53, enacted April 10, 2003 and September 30, 2005 respectively, the Erie County Legislature authorized executing an amended contract for design and construction inspection services with Peter J. Smith & Company, Inc. for a fee not to exceed \$235,000; and

WHEREAS, an increase in the authorized contract amount is necessary to reflect time extensions and added design elements identified during the construction phase.

NOW, THEREFORE, BE IT

RESOLVED, that said contract with Peter J. Smith & Company, Inc. be amended to establish a new fee not to exceed \$243,188; and be it further

RESOLVED, that the sum of \$8,188 is hereby transferred from WBS Element #A.00034.2, Erie Canal Trail Construction to WBS Element #A.00034.1 Erie Canal Trail Design, within the budget of the Erie Canalway Trail Capital Project A.00034; and be it further

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

(6-0)

5. COMM. 15E-1 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 9 UST, to L&O Mechanical Contractors, Inc. for the installation of new fiberglass fuel storage tanks to eliminate existing deteriorating steel tanks; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, in the final contract amount of \$384,533.15, which includes Change Order No. 1 (final), a decrease of \$237.85 in the Erie County Sewer District No.3, Capital Account No. 00067 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, between the County of Erie and L&O Mechanical Contractors, Inc., 786 Brooks Avenue, Rochester, New York 14619 is accepted in the amount of \$384,533.15, which includes Change Order No. 1 (final), a decrease of \$237.85 in the Erie County Sewer District No. 3, Capital Account No. 00067 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, between the County of Erie and L&O Mechanical Contractors, Inc. in the amount of \$384,533.15 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(4-0)

6. **COMM. 17E-32 (2008)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 41E to CIR Electrical Construction, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 41E in the amount of \$33,572.16 which includes Change Order No. 1 (final), a decrease of (\$127.84) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 41E between the County of Erie and CIR Electrical Construction, Inc., 400 Ingham Avenue, Buffalo, New York 14218, be accepted in the amount of \$33,572.16 which includes Change Order No. 1 (final), a decrease of (\$127.84); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 41E between the County of Erie and CIR Electrical Construction, Inc. in the amount of \$33,572.16 and make final payment from Erie County Sewer District No. 6 Capital Account C.00064, and return the unused portion \$127.84 to the Unallocated Account; and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one certified copy each to the County Executive, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0)

7. COMM. 17E-43 (2008)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of Donald Gallo Consultant Engineer, P.C. to provide engineering services related to the design and construction of Sewerage Facilities for the Erie County Sewer Districts and Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated February 3, 2005 with Donald Gallo Consultant Engineer, P.C. at the final contract amount of \$13,209.08.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated February 3, 2005 between the County of Erie and be formally closed in the final amount of \$13,209.08; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated February 3, 2005, between the County of Erie and Donald Gallo Consultant Engineer, P.C.; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to, the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.

(4-0)

8. COMM. 17E-45 (2008)
COUNTY EXECUTIVE

WHEREAS, The Erie County Legislature has secured the services of URS Corporation to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 21, 2004 with URS Corporation in the final contract amount of \$173,011.91.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 21, 2004 between the County of Erie and be formally closed in the final amount of \$173,011.91; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 21, 2004, between the County of Erie and URS Corporation; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.

(4-0)

9. COMM. 18E-6 (2008)

COUNTY EXECUTIVE

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

WHEREAS, Erie County serves as the grant recipient and contracting agent for an amount not to exceed \$754,300 in Federal grant funds to undertake various services for the Lake Erie Trail 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 executed a Lake Erie Trail – Design Phase Agreement with the Town of Evans on September 4, 2003 for an amount not to exceed \$103,000; and

WHEREAS, the Town has incurred additional design costs requiring reimbursement from federal funds included as Revenue within SAP Account A.00213.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the September 4, 2003 Agreement between Erie County and the Town of Evans relative to Lake Erie Trail – Design Phase, increasing the contract amount from \$103,000 to an amount not to exceed \$295,000; and be it further

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

(4-0)

**DANIEL M. KOZUB
CHAIR**

CHAIR MARINELLI directed that item Number 1aa be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

MR. KOZUB moved to approve item Number 9. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 39 - MS. KONST presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

SEPTEMBER 29, 2008	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-9 (2008)
PARTNERSHIP FOR THE PUBLIC GOOD: Position Paper on Buffalo and Erie County Control Boards
(6-0)
 - b. INTRO 8-14 (2008)
IANNELLO & KONST: AS AMENDED Cap on Gas and Diesel Motor Fuel
(6-0)
 - c. INTRO 10-13 (2008)
WHYTE: Establishment of County Landbank
(6-0)
 - d. COMM. 10E-1 (2008)
COMPTROLLER: ECFSA Borrowing
(6-0)
 - e. COMM. 10M-5 (2008)
NYSAC: NYSAC Weekly Wire Recap: State Throws Current County Budgets Out of Balance
(6-0)

- f. COMM. 10M-20 (2008)
ECFSA: Certified Copy of Resolution - Calling Upon the County to Request ECFSA to Issue Bonds to Fund the County's 2007 and 2008 Capital Expenditures
(6-0)
- g. COMM. 11E-1 (2008)
COUNTY EXECUTIVE: Budget Monitoring Report for Period Ending April 30, 2008
(6-0)
- h. COMM. 11E-24 (2008)
COUNTY CLERK: Semi-Annual Report of Receipts and Disbursements - Mortgage Tax Collections - October 1, 2007 - March 31, 2008
(6-0)
- i. COMM. 11E-31 (2008)
KONST: Letter to Comptroller and ECFSA Concerning 2007-2008 Capital Borrowing
(6-0)
- j. COMM. 14E-1 (2008)
COMPTROLLER: Second Quarter Report of Sales Tax Apportionment & Distribution
(6-0)
- k. COMM. 14D-2 (2008)
DIRECTOR OF BUDGET & MANAGEMENT: Budget Monitoring Report for Period Ending May 31, 2008
(6-0)
- l. COMM. 14M-10 (2008)
VILLAGE OF ALDEN: Certified Resolution Regarding Resolution Real Property Tax Law Section 339-Y
(6-0)
- m. COMM. 15E-10 (2008)
COMPTROLLER: EC 2007 Comprehensive Annual Financial Report
(6-0)
- n. COMM. 17E-3 (2008)
COMPTROLLER: Risk Assessment of Erie County Government
(6-0)
- o. COMM. 17E-4 (2008)
COMPTROLLER: Supplement to the EC Comprehensive Annual Financial Report for Year Ending 12/31/2007
(6-0)
- p. COMM. 17E-6 (2008)
COMPTROLLER: Interim Financial Report for the Six Months Ended June 30, 2008
(6-0)

- q. COMM. 17E-7 (2008)
COMPTROLLER: Letter to ECFSA Demand for Data and Threat of Sanctions Concerning 2008 Bond Anticipation Note
(6-0)
- r. COMM. 17E-10 (2008)
WROBLEWSKI: Letter to Governor Concerning the Fiscal Challenges of the State
(6-0)
- s. COMM. 17E-14 (2008)
COMPTROLLER: Management Letter for EC Year Ending 12/31/2007
(6-0)
- t. COMM. 17E-22 (2008)
COMPTROLLER: Status of Municipal Bond Ratings for Erie County
(6-0)
- u. COMM. 17D-3 (2008)
REAL PROPERTY TAX SERVICES: 2008 Annual Report of RPTS
(6-0)
- v. COMM. 17D-7 (2008)
BUDGET & MANAGEMENT: Budget Monitoring Report for Period Ending 6/30/2008
(6-0)
- w. COMM. 17D-15 (2008)
BUDGET & MANAGEMENT: Budget Monitoring Report for Period Ending 7/31/2008
(6-0)
- x. COMM. 17M-23 (2008)
NYS BOARD OF REAL PROPERTY SERVICES: List of Certified 2008 State Equalization Rates (8/5/2008)
(6-0)
- y. COMM. 17M-36 (2008)
CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION: Transit Mall Service Charge Roll for 2009
(6-0)
- z. COMM. 17M-37 (2008)
NYS BOARD OF REAL PROPERTY SERVICES: List of Certified 2008 State Equalization Rates (8/26/2008)
(6-0)
- aa. COMM. 17M-42 (2008)
AUDIT COMMITTEE FOR ERIE COUNTY: Annual Report on the Year Ended December 31, 2006

(6-0)

bb. COMM. 18E-1 (2008)

COMPTROLLER: EC 2008 Revenue Anticipate Note Submission to ECFSA

(6-0)

2. COMM. 17E-36 (2008)

COUNTY EXECUTIVE

WHEREAS, Section 7-2.0 of the Real Property Tax Act and the Erie County Charter requires the Director of Real Property Tax Services to publish the sale of tax certificates upon the real estate for which taxes are unpaid for the current year at his office in the city of Buffalo; and

WHEREAS, the legal publication will cost between \$23,000 and \$25,000; and

WHEREAS, the source of funds to be used is unanticipated revenue in the Gain on Sale of Tax Acquired Property line which is greater than the budget for this account.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments are hereby authorized within the 2008 Budget of the Real Property Tax Services Office:

Fund 110			
Fund Center 11110 Real Property Tax Services			
			<u>Increase</u>
Revenue	400030	Gain on Sale of Tax Acquired Property	\$25,000
Expense	530000	Other Expenses	25,000
		Net Change	0

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Comptroller; Greg Gach, Director, Dept. of Budget and Management; and Joseph Maciejewski, Director, Real Property Tax Services.

(6-0)

3. COMM. 17E-37 (2008)

COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services received a request from the Town of Alden regarding the referenced parcels; and

WHEREAS, these parcels were reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, these parcels will be used by the Town of Alden for future recreational purposes; and

WHEREAS, the Town of Alden understands that if it were to sell these parcels at a future date, the County of Erie would be entitled to share in the profit of the sales.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcels of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Town of Alden, 3311 Wende Road, Alden, New York 14004 for one dollar, no more:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York being part of Farmlot 43 and 49, Township 11, Range 5 and is further described on Erie County Tax Maps as Section, Block and Lot No. 107.00-1-28 (37.05 acres). Intending to convey all land acquired by Erie County as Serial No. 863 in In Rem Tax Foreclosure Action 150 and filed in a deed at the Erie County Clerk's Office on July 5, 1994 in Liber 10873 at Page 6959 and

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie and State of New York being part of Farmlot 43, Township 11, Range 5 and is further described on Erie County Tax Maps as Section, Block and Lot No. 107.00-2-14.1 (10.70 acres). Intending to convey all land acquired by Erie County as Serial No. 864 in In Rem Tax Foreclosure Action 150 and filed in a deed at the Erie County Clerk's Office on July 5, 1994 in Liber 10873 at Page 6959; and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described properties to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the County Comptroller's Office; James Tuppen, Asst. County Attorney; Greg Gach, Director of Budget and Management, and Joseph Maciejewski, Director of Real Property Tax Services.
(6-0)

**KATHY KONST
CHAIR**

Item 40 - MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

SEPTEMBER 29, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed, and referred to the Energy & Environment Committee:

a. COMM. 18E-17 (2008)
COUNTY EXECUTIVE: Construction Inspection Services - Donald Gallo Consultant Engineer, PC - Agreement Contract Close Out (6-0)

2. COMM. 18E-13 (2008)
COUNTY EXECUTIVE

WHEREAS, the Spaulding Fibre Site in the City of Tonawanda is an abandoned factory and brownfield site that presents a blighting influence on the neighborhood and a health and safety risk to the community; and

WHEREAS, the City of Tonawanda, the County of Erie and the Erie County Industrial Development Agency and the New York State Department of Environmental Conservation have been working to abate asbestos, demolish dilapidated buildings and remediate environmental problems at the 900,000 square foot facility; and

WHEREAS, Erie County prepared and submitted an application to our federal representatives and was subsequently awarded a grant application of up to \$1,146,600 through the US Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to submit a grant application and execute contracts with the US Department of Housing and Urban Development to accept the grant award; and be it further

RESOLVED, That the County Executive is authorized to enter contracts in an amount not to exceed \$1,146,000 with the City of Tonawanda and the Erie County Industrial Development Agency to act as pass through agencies, and is also authorized to enter into contracts with engineering and construction firms for the abatement, demolition and remediation of the Spaulding Fibre Site; and be it further

RESOLVED, that authorization is hereby provided to establish a grant for the period of October 1, 2008 to December 31, 2011 as follows:

<u>Revenue</u>		
414000	Federal Aid	<u>\$1,146,600</u>
	Total Revenue	\$1,146,600

<u>Appropriations</u>		
516020	Professional Services/ Contractual/Fees	<u>\$1,146,600</u>
	Total Appropriations	\$1,146,600

and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(6-0)

**TIMOTHY M. KENNEDY
CHAIR**

Item 41 - MR. WROBLEWSKI presented the following report, moved to separate item Number 4 and moved to approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

SEPTEMBER 29, 2008	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14D-1 (2008)
EMPLOYEES OF THE EC PROBATION DEPARTMENT: Petition of Appeal to Ensure that a Qualified Probation Director and Deputy Be Appointed
(5-0)
 - b. COMM. 17E-17 (2008)
COMPTROLLER: Fire Training Facility Capital Project
(5-0)
 - c. COMM. 17D-9 (2008)
CENTRAL POLICE SERVICES: Response to Audit of CPS Internal Controls Over Computers & Related Devices
(5-0)
 - d. COMM. 17D-17 (2008)
BUDGET & MANAGEMENT: Fire Training Facility Capital Project
(5-0)
 - e. COMM. 17M-31 (2008)
OFFICE OF THE STATE COMPTROLLER: Report of Examination for the Emergency Communication System - Erie County

(5-0)

2. COMM. 18E-12 (2008)

COUNTY EXECUTIVE

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

WHEREAS, the New York State Division of Criminal Justice Services has awarded Erie County Central Police Services an award through the Erie County District Attorney's Office in the amount of \$154,463 to enhance our existing records management system to make this information more accessible to law enforcement; and

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

NOW, THEREFORE, BE IT

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

GRANT FUND – SAP 165IMPACT50809
Central Police Services 07/01/08 to 06/30/09

<u>Appropriation</u>	<u>Increase</u>
Account 409000 State Aid Revenue	\$154,463
<u>Appropriation</u>	<u>Increase</u>
Account 500000 Salaries	\$ 84,371
Account 502000 Fringe Benefits	34,592
Account 510100 Out of Area Travel	500
Account 516020 Prof. Services Contracts	35,000
<u>Total Appropriation</u>	\$154,463

and be it further

RESOLVED, that this funding will be used to continue the positions of Assistant Information System Specialist (Grade 11) and Sr. Evidence Clerk – Firearms (Grade 8) in the Department of Central Police Services; and be it further

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

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

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

(5-0)

3. COMM. 18E-15 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Firearm Lab Capacity Enhancement Initiative grant to be administered by the New York State Division of Criminal Justice Services; and

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

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$102,648 with the N.Y. State Division of Criminal Justice Services; and be it further

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

Grant Fund SAP 165FIREARMENH0809
06/01/2008 TO 06/30/2009

<u>Revenue</u>		<u>Increase</u>
Acct. 409000 State Aid		\$102,648
<u>Appropriation</u>		
Account 500000	Personnel	\$ 68,400
Account 501000	Overtime	13,954
Account 502000	Fringe Benefits	<u>20,294</u>
Total Appropriation		\$102,648

and be it further

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

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

(5-0)

4. COMM. 18E-23 (2008)
SHERIFF

WHEREAS, the Sheriff's Office must maintain minimum staffing of the Sheriff's Office 911 Communications Center to insure the safety of the citizens of Erie County; and

WHEREAS, currently the Communications Center is severely understaffed resulting an excessive amount of forced overtime for Sheriff's Dispatchers; and

WHEREAS, emergency calls for Sheriff's Police Services are at times being answered by Buffalo Police Dispatchers who are not familiar with Sheriff's Patrol Districts or terrain which has a potential of creating a dangerous situation.

NOW, THEREFORE, BE IT

RESOLVED, that 6 (six) Dispatcher (Sheriff), Job Group 7 be created in the Erie County Sheriff's Office; and be it further

RESOLVED, that the County Executive's Office identify a funding source for these positions; and be it further

RESOLVED, that the Division of Budget in collaboration with the Sheriff's Office prepare the necessary budgetary and personnel paperwork to effectuate the creation of these positions; and be it further

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

(6-0)

TIMOTHY M. WROBLEWSKI
CHAIR

MR. WROBLEWSKI moved to amend item Number 4. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Delete the Second Resolved Clause in its entirety and insert the following:

RESOLVED, that the Office of the County Executive and the Budget Director identify \$51,349.15 to fund the six (6) new Dispatcher (Sheriff) JG 7 positions for the remainder of 2008 and prepare the appropriate resolution to transfer the funds to the Sheriff's Department budget; and be it further

MR. WROBLEWSKI moved to approve item Number 4 as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 319

RE: NYS Installing a Traffic Signal at North Buffalo Road and New Taylor Road (County Road #177) (INTRO 19-1)

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

WHEREAS, there have been numerous traffic complaints regarding the intersection of North Buffalo Road (Route 240/277) and New Taylor Road (County Road #177) in the Village of Orchard Park; and

WHEREAS, New York State Department of Transportation reconstruction of North Buffalo Road did not include the installation of a traffic signal at the intersection of New Taylor Road; and

WHEREAS, development within the Town outside of the Village of Orchard Park has produced increased traffic entering North Buffalo Road from New Taylor Road and from North Buffalo Road onto New Taylor Road; and

WHEREAS, entering North Buffalo Road from New Taylor Road is difficult due to sight distance difficulties to the north of the intersection and traffic volume; and

WHEREAS, the Village Code Enforcement Officer and the Chief of Police have surveyed and photographed traffic conditions; and

WHEREAS, the result of the survey, done by two respected competent public officials, concludes that a traffic signal would improve safety and the efficient flow of traffic; and

WHEREAS, The residents of the Village and Town of Orchard Park and the motoring public will benefit from the expenditure of New York State Department of Transportation funds to install a traffic signal at the intersection of North Buffalo Road and New Taylor Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests the New York State Department of Transportation to install a traffic signal at the intersection of New Taylor Road and North Buffalo Road; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to New York State Senator Dale M. Volker, New York State Assemblyman Mark J. F. Schroeder, New York State Department of Transportation Commissioner Astrid C. Glynn, Erie County Public Works Commissioner Gerard Sentz and County Executive Chris Collins.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

RE: Encouraging Adults in EC to Obtain
Immunizations
(INTRO 19-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MAZUR, MILLER-WILLIAMS & GRANT**

WHEREAS, families are well aware of the importance of childhood immunizations, as parents and guardians are reminded to have their children vaccinated when they enroll them in day care or school, or visit a pediatrician or health clinic; and

WHEREAS, what is less well-known to the community is the advisability for adults of all races and ethnic backgrounds to be immunized in order to prevent person-to-person transmission of vaccine preventable diseases; and

WHEREAS, without vaccines, outbreaks and epidemics of vaccine preventable diseases would return, resulting in increased illness, disability and death in our community; and

WHEREAS, the major factor in the overall success in combating vaccine preventable disease has been the availability and use of safe and effective vaccines that can be obtained from local health clinics, private physicians, pharmacies that provide flu and pneumonia clinics (pending approved legislation) and community flu/pneumonia clinics; and

WHEREAS, beyond flu and pneumonia shots, vaccines are available to protect individuals against:

- influenza
- hepatitis A
- hepatitis B
- measles, mumps, rubella
- varicella (chicken pox)
- tetanus, diphtheria, pertussis (Td, Tdap)
- polio
- meningococcal
- human papillomavirus (HPV)
- shingles
- travel vaccines – typhoid, yellow fever; and

WHEREAS, it is important for Erie County's adult residents to take advantage of safe, effective and readily available vaccines to help protect themselves, their families and the entire community from vaccine preventable diseases.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature commend the Erie County Health Department for its implementation of an Immunization Action Plan that encourages adults to obtain inoculations to protect themselves from vaccine preventable diseases; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive and to the Commissioner of the Erie County Department of Health.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 44 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 321

RE: Taking Advantage of a Rails-to-Trails
Opportunity in Southern Erie County
(INTRO 19-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS REYNOLDS, MARINELLI, WHYTE, KOZUB,
KENNEDY, GRANT, MAZUR, IANNELLO & LOUGHRAN**

WHEREAS, the Rails-to-Trails Conservancy (RTC) recently learned of an upcoming railroad corridor abandonment in Western New York; and

WHEREAS, the RTC has notified key stakeholders of this opportunity to develop a regional asset between Erie and Cattaraugus Counties; and

WHEREAS, this opportunity has arisen from an abandonment filing on or around September 16, 2008 by the Buffalo & Pittsburgh Railroad relative to 27.6 miles of track within Erie and Cattaraugus Counties; and

WHEREAS, there is already an extensive network of rails-to-trails across the nation, including more than 1,400 open trails traversing 15,000 miles, and hundreds of miles are currently under development; and

WHEREAS, developing a community asset such as a multi-purpose recreation and transportation trail can help replace the lost income from commercial rail traffic with an increased value in contiguous real estate, particularly in residential communities; and

WHEREAS, trails developed from abandoned rail lines have been shown to improve the overall quality of life for residents, providing safe places for children to ride their bikes, equestrians to ride their horses and people of all ages to walk / jog the trail for both recreational and health benefits; and

WHEREAS, Erie County has until October 26, 2008 to file a letter in support of this recreational opportunity.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature convey its support of the expansion of rails-to-trails in Erie County for the benefit of our residents; and be it further

RESOLVED, that this Honorable Body request both an assessment of the community enrichment potential and a plan for further action by the Erie County Department of Environment & Planning in the role of lead agency for this project no later than the 11 a.m. clock in deadline of October 21, 2008 for consideration at the October 23, 2008 meeting of the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive and the Department of Environment & Planning.

Item 45 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 322

RE: Requesting County Attorney to Draft
Local Law Authorizing Limited
Exemption Real Property Taxes for Cold
War Veterans
(INTRO 19-4)

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

WHEREAS, the Erie County Legislature recognizes the importance of the service provided to our nation by all veterans including those commonly referred to as "Cold War veterans"; and

WHEREAS, Section 458-b of the Real Property Tax Law authorizes a limited exemption from real property taxation for qualified residential real property owned by Cold War veterans or certain members of their family based upon a percentage of assessed value; and

WHEREAS, the law specifically defines a Cold War veteran as a person who rendered military service to the United States during the period of September 2, 1945 to December 26, 1991; and

WHEREAS, the exemption is applicable to general municipal taxes, but not school taxes, special ad valorem levies or special assessments and is limited to a duration of ten (10) years; and

WHEREAS, each county, city, town or village has the option of deciding whether to grant the Cold War veterans exemption; and

WHEREAS, the Erie County Legislature believes that it is appropriate to honor the service of Cold War veterans of Erie County by allowing them to take advantage of this limited exemption from real property taxes; and

WHEREAS, allowing Cold War veterans and their families to take advantage of this exemption will not have a negative fiscal impact for the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Erie County Attorney draft a Local Law amending the Erie County Tax act to provide for an exemption for Cold War veterans consistent with Section 458-b of the Real Property Tax Law with an effective date of November 28, 2008; and be it further

RESOLVED, that the sponsors of this resolution be identified on the Local Law to be drafted as the sponsors of the Local Law; and be it further

RESOLVED, that certified copies of this resolution be provided to the County Attorney and the Director of Veterans Services.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 46 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 323

RE: Recognizing October as Domestic
Violence Awareness Month
(INTRO 19-5)

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

WHEREAS, domestic violence is defined as a pattern of behavior that clearly demonstrates verbal, physical, sexual and/or emotional abuse for the sake of one individual's control over another, often resulting in criminal acts; and

WHEREAS, these actions can be directed at a spouse, a parent, a sibling, a child, or a significant other, often times even affecting those in their teen years, causing feelings of isolation, guilt, fear, shame and helplessness; and

WHEREAS, these feelings from abuse of a family member can have long-term, damaging effects on the victim and the entire family, friends and community at large; and

WHEREAS, domestic violence cases are becoming more and more visible, not only in America but in every nation in the world; and

WHEREAS, victims of domestic violence abuse come from every culture, income group, age and religion; and

WHEREAS, in 1987 the first Domestic Violence Awareness Month was observed, resulting in the first national toll free hotline with a nationwide commitment dedicated to helping victims of domestic violence; and

WHEREAS, as a result of the first domestic violence awareness month, women's advocacy organizations and legal entities across our 50 states have taken up the cause and have developed victim's assistance programs; and

WHEREAS, governments have recognized Domestic Violence as a societal problem and have established departments within our court systems to deal specifically with domestic violence and sexual assault cases; and

WHEREAS, education and awareness have been instituted in high school curriculums along with public awareness projects throughout the media on national television and radio.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, after having given due diligence in recognizing this problem in society, supports all advocacy efforts such as the Erie County Sheriff's Department Domestic Violence Division, local initiatives such as the YWCA Domestic Violence Departments, church outreach projects, legal advisors, and all those that seek to help victims and educate the public on the ills of Domestic Violence; and be it further

RESOLVED, that acknowledgement and appreciation be given also to the many Safe Houses and Transitional Housing establishments in Erie County, offering respite and counseling to those victims who wish to become independent and escape their abusers; and be it further

RESOLVED, that as individuals, we are called upon to offer any support and aid possible to both the victims and the agencies assisting those abused by Domestic Violence; and be it further

RESOLVED, that by calling attention to this problem in society by way of the many advocacy groups and support systems that are in place, we can reverse the trend from a rising number of incidents to a decreasing number of incidents; and be it further

RESOLVED, that in support and compassion for all victims of Domestic Violence, the Erie County Legislature recognizes October as Domestic Violence Month in Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 47 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 19-6 from MILLS & RATH. Opposing the Consolidation of the Function of Local Registrars of Vital Statistics.

Item 48 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 324

RE: The Historical Value of Lead Inspection
Records
(INTRO 19-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, MAZUR, REYNOLDS,
IANNELLO, GRANT, KENNEDY, LOUGHRAN & KOZUB**

WHEREAS, childhood lead poisoning has been conclusively established by the Center for Disease Control as a cause of cognitive and developmental deficits including diminished intelligence, hyperactivity, oppositional behavior and speech delays and has been known to be a neurotoxin for at least 100 years; and

WHEREAS, it can be estimated that thousands of children residing in the County of Erie, within all legislative districts suffer from lead poisoning; and

WHEREAS, housing investigation case records for lead poisoning have indisputable administrative, fiscal, legal, and historical value; and

WHEREAS, such public records, documenting the presence or absence of lead in dwellings, are invaluable to potential renters or purchasers seeking to make informed decisions; and

WHEREAS, the County of Erie has recouped over \$300,000 in otherwise unrecoverable Medicaid liens as a result of lead poisoned children's recoveries for their damages through litigation; and

WHEREAS, the destruction of such records would prejudice the rights of numerous injured children in Erie County to seek legal compensation for their injuries; and

WHEREAS, the destruction of such records would cause the county significant future pecuniary loss, by preventing injured children from recouping the funds necessary to repay Medicaid liens related to their treatment; and

WHEREAS, the County of Erie is protected from lawsuits brought on behalf of lead poisoned children and their families by virtue of the ruling of the Court of Appeals of the State of New York in *Pelaez v. Seide*, 2 N.Y.3d 186 (2004), attached; and

WHEREAS, a private Buffalo area law firm, in order to avoid the destruction of these valuable records, has proposed that the County select a third party vendor to store the environmental lead inspection records off-site at the law firm's expense or, in the alternative, proposed to bear the cost of converting the records to a digital electronic format; and

WHEREAS, the County Attorney's Office has declined to accept such offer to engage in a private-public partnership for the purpose of preserving these valuable records.

NOW, THEREFORE, BE IT

RESOLVED, that records of environmental lead inspections conducted in Erie County shall be permanently retained, and shall be exempted from the seven year minimum document retention period established by Records Retention and Disposition Schedule CO-2 (attached).

MS. WHYTE moved to amend the resolution for content, and also by adding MR. WROBLEWSKI and MS. MILLER-WILLIAMS as Co-Sponsors. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Insert a Second Resolved Clause:

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, County Attorney, Commissioner of Health and any other parties deemed necessary and proper.

MR. RANZENHOFER moved to send the resolution to committee for further consideration. MR. RATH seconded.

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

AYES: MR. MILLS, MR. RANZENHOFER and MR. RATH. NOES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. (AYES: 3; NOES: 12)

FAILED.

MS. WHYTE moved to approve the resolution as amended. MR. MAZUR seconded. MR. MILLS, MR. RANZENHOFER and MR. RATH voted in the negative.

CARRIED. (12-3)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 49 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 19E-24 from the COUNTY EXECUTIVE Re: Village of Angola Property Transfer

RESOLUTION NO. 325

WHEREAS, earlier this month the Village of Angola approached Erie County Executive Chris Collins to ask for assistance in furnishing the Village Hall; and

WHEREAS, County Executive Chris Collins offered the Village of Angola Mayor's staff the opportunity to visit the Purchasing Department's surplus furniture warehouse to determine if the County had any unused furniture that would be of use to the village; and

WHEREAS, the Village of Angola has identified several items, currently unused by Erie County, that would be of great value to the Village of Angola; and

WHEREAS, because these items no longer serve a purpose for the County of Erie, I am pleased to sponsor this resolution to transfer the following items to the Village of Angola.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items:

Item	Quantity	
Tan File Cabinets	3	
Black File Cabinets	4	(3 Regular/1 Legal)
Conference Tables	3	(6', 8' & 12')

is hereby transferred from the County of Erie to the Village of Angola for the purpose of furnishing their Village Hall; and be it further

RESOLVED, that none of these items are to be used for a purpose other than furnishing the Village of Angola Hall; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the County Executive's Representative for Intergovernmental Affairs, and the Village of Angola Mayor Hub Frawley.

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

CARRIED UNANIMOUSLY.

Item 50 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 19-8 from KONST Re: Calling for the Preservation of Local Government Participation in the Siting of Power Generation Facilities

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 19-9 from KONST Re: Supporting State Efforts to Increase Access to Advanced Telecommunications in Rural Areas in NYS

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 52 – (COMM. 19E-1) EC Cash Position - Need for Expeditious Closing of RAN

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 53 – (COMM. 19E-2) Audit of Department of Senior Services - Protective Services for Adults Program and Unit

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR KENNEDY

Item 54 – (COMM. 19E-3) Remarks to NYS DOL Pertaining to the NYS Apprenticeship Law (9/23/2008)

Received and referred to the ECONOMIC & DEVELOPMENT COMMITTEE.

FROM LEGISLATOR KONST

Item 55 – (COMM. 19E-4) Proposed Schedule for Handling of 2009 Budget

Received, Filed and Printed.

September 26, 2008

Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Lynn:

After careful discussion among the members of the Finance, Management and Budget Committee, we have developed the following schedule for handling the 2009 Proposed Budget in our committee.

October 1, 2008	Revenue & Expenditure Estimates to Comptroller from the County Executive
October 15, 2008	Receipt of Budget from County Executive Receipt of Comptroller's Report on Revenue & Expenditure Estimates
October 16, 2008	Special Session to refer budget to Finance, Management & Budget Committee

October 22, 2008	Presentation of Budget to Committee by Budget Director
October 27-30, 2008	Departmental Budget Presentations to Committee
November 5, 2008	Departmental Call-Backs, if necessary
November 12, 2008	Public Hearing at 5:00 pm
November 24, 2008	Special Session to Approve 2009 Budget
December 1, 2008	Budget Override (if approved on the 24 th)
December 2, 2008	Scheduled Date to Approve 2009 Budget By Charter
December 9, 2008	Budget Override (if approved on 2 nd)

Thank you in advance for your attention to this very important matter.

Sincerely,

Kathy Konst, Chair
Finance, Management & Budget Committee

Cc: Legislator Robert Reynolds
Legislator Maria Whyte
Legislator Betty Jean Grant
Legislator Barbara Miller-Williams
Legislator John Mills
Legislator Edward Rath

FROM LEGISLATOR MILLS

Item 56 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 326

RE: Appointment to Citizens' Budget
Review Commission
(COMM. 19E-5)

RESOLVED, that the Erie County Legislature hereby confirms the appointment of Dr. Patrick Keem (8 Highbrook Court, Orchard Park, New York 14127) as the appointment of the Minority Members of the Erie County Legislature to the Citizens' Budget Review Commission.

Item 57 – (COMM. 19E-6) Recommendation for Reappointment to EC Bar Association Aid to Indigent Prisoners Society Inc. Assigned Counsel Program Board of Directors

Received, Filed and Printed.

September 23, 2008

Cheryl Smith Fisher, Esq.
President
Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202

Dear Ms. Smith Fisher:

As Minority Leader of the Erie County Legislature, I hereby recommend to the Bar Association of Erie County the re-appointment of Mr. Emilio Colaiacovo to the Board of Directors of Erie County Bar Association Aid To Indigent Prisoners Society, Inc., Assigned Counsel Program.

Thank you for your assistance and courtesies.

Sincerely,

John J. Mills
Erie County Legislature – Minority Leader

Cc: Robert D. Lonski, Esq., Administrator of the Assigned Counsel Program
Emilio Colaiacovo, Esq.
Robert M. Graber, Clerk of the Erie County Legislature

FROM LEGISLATOR KENNEDY

Item 58 – (COMM. 19E-7) Letter to Majority Counsel Requesting Legal Opinion

Received and Filed.

FROM THE COMPTROLLER

Item 59 – (COMM. 19E-8) Letter to ECFSA Requesting Authorization to Issue RAN

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 60 – (COMM. 19E-9) Availability of Grant Funds for County Agricultural and Farmland Protection Plan Development

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 61 – (COMM. 19E-10) Certificate of Determination Relative to \$75 Million RAN

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 62 – (COMM. 19E-11) ECSD No. 2 - Stearns & Wheler LLC - Engineering Services Contract Close Out

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63– (COMM. 19E-12) Request Authorization to Accept Efficiency Grant Funds - Six Sigma Implementation

Item 64 – (COMM. 19E-13) Request Authorization to Accept Efficiency Grant Funds - Space Utilization Implementation Staffing

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

Item 65– (COMM. 19E-14) Amend Elder Caregiver Support III-E and POE Budgets

Item 66 – (COMM. 19E-15) Amend Congregate Dining III-C-1, Home Delivered Meals III-C-2, and SNAP Grant Budgets

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

Item 67 – (COMM. 19E-16) Projected Fuel Shortage

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MR. RANZENHOFER challenged the ruling of the Chair.

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

AYES: MR. MILLS, MR. RANZENHOFER and MR. RATH. NOES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. (AYES: 3; NOES: 12)

FAILED.

Item 68 – (COMM. 19E-17) Fund Transfer for Olmsted Contractual Payment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 69 – (COMM. 19E-18) DSS - The Bonadio Group Contract Expansion

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 70 – (COMM. 19E-19) Appointment of Acting Commissioner of Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY CLERK, COUNTY EXECUTIVE & CHAIR MARINELLI

Item 71 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 327

RE: Appointment to the Records
Commission
(COMM. 19E-20)

RESOLVED, that the Erie County Legislature hereby appoints and confirms the appointment of Melissa Brinson to the Erie County Records Commission, having been recommended concurrently with the Erie County Clerk, the Erie County Executive and the Erie County Legislature.

FROM CHAIR MARINELLI

Item 72 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 328

RE: Appointment to the Citizens' Budget
Review Commission
(COMM. 19E-21)

RESOLVED, that pursuant to Erie County Charter Section 2618 (c) and recommended by Legislature Chair Marinelli, the Erie County Legislature hereby confirmed for appointment Mr. William Malczewski (26 Erwin Road, West Seneca, N.Y. 14224) to the Citizens' Budget Review Commission.

FROM THE SHERIFF

Item 73 – (COMM. 19E-22) EC Sheriff's Office - Registered Nurses Payscale

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 74 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 329

RE: EC Sheriff's Office - Budgetary
Adjustments
(COMM. 19E-23)

WHEREAS, the Erie County Sheriff's Police Benevolent Association filed a grievance regarding the twenty-year practice of using marine and snowmobile reserve deputies; and

WHEREAS, the grievance proceeded through the grievance process culminating in an arbitration; and

WHEREAS, On February 11, 2008, Arbitrator James McDonnell ruled the twenty-year practice of using reserve deputies to augment full-time patrols violated the collective bargaining agreement; and

WHEREAS, Arbitrator McDonnell retained jurisdiction over the matter to determine the amount of remedy due to the Erie County Sheriff's Police Benevolent Association; and

WHEREAS, Arbitrator McDonnell issued a Consent Award determining the amount of remedy to be \$102,086.46; and

WHEREAS, the Erie County Sheriff's Office changed its practice in response to the arbitration decision and did not utilize marine and snowmobile reserve deputies except in permitted circumstances; and

WHEREAS, the reduction in the use of marine and snowmobile reserve deputies resulted in a savings in the personnel account for reserve deputies.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary transactions be authorized:

<u>APPROPRIATIONS</u>		<u>Decrease</u>
500010	Part Time Salaries	\$102,846
<u>APPROPRIATIONS</u>		<u>Increase</u>
516020	Professional Services & Fees	<u>\$102,846</u>

NET IMPACT

0

and be it further

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 75 – (COMM. 19D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM REAL PROPERTY TAX SERVICES

Item 76 – (COMM. 19D-2) Open Item - Finance & Management Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 77 – (COMM. 19D-3) Reminder of Last Day to Transmit Items for General Election

Received and Filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF CONCORD

Item 78 – (COMM. 19M-1) Resolution in Opposition of Consolidating Local Registrars of Vital Statistics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CONGRESSMEMBER LOUISE SLAUGHTER

Item 79 – (COMM. 19M-2) Letter in Support of Sherwood Greenway Path Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF LANCASTER

Item 80 – (COMM. 19M-3) Resolution in Opposition of Consolidating Local Registrars of Vital Statistics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 81 – (COMM. 19M-4) NYS Fish, Wildlife & Marine Resource Goals for 2010 - 7/15/2008-8/15/2008

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 82 – (COMM. 19M-5) Region 9 FWMA Board Meeting Minutes for September 4, 2008

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF ELMA

Item 83 – (COMM. 19M-6) Resolution in Opposition of Consolidating Local Registrars of Vital Statistics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 84 – (COMM. 19M-7) Certification of County Equalization Rates for 2008 Assessment Rolls for Municipalities in EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS COMPTROLLER

Item 85 – (COMM. 19M-8) Letter to EC Board of Elections Concerning Selection for Examination by NYS Comptroller

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ERIE COUNTY REPUBLICAN COMMITTEE

Item 86 – (COMM. 19M-9) Election Commissioner Certification

Received, Filed and Printed.

Election Commissioner Certification

To the Clerk of the County Legislature, County of Erie:

I, James P. Domagalski, certify that at a meeting of the county committee members of the Erie County Republican Committee, held on the 23rd day of September, 2008, at Statler Towers located at 107 Delaware Avenue, Buffalo, New York 14202, under the provisions of the election law of the state of New York and the rules of the Erie County Republican Committee, a quorum being present, Ralph M. Mohr, residing at 5622 Broadway Street, Lancaster, New York 14086 was unanimously recommended by said committee as a suitable and qualified person for appointment to the public office of Commissioner of Elections for a full four year term commencing January 1, 2009 and ending December 31, 2012, and that said designee is a registered voter of the County of Erie and a duly enrolled member of the Republican Party.

Dated at Buffalo, New York
September 25, 2008

James P. Domagalski, Chairman
Erie County Republican Committee

State of New York)
County of Erie) ss.:

On the 25th day of September in the year 2008, before me, the undersigned, personally appeared James P. Domagalski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Notary Public - State of New York

FROM THE ERIE COUNTY DEMOCRATIC COMMITTEE

Item 87 – (COMM. 19M-10) Election Commissioner Certification

Received, Filed and Printed.

Election Commissioner Certification
(Pursuant to Election Law, Sections 3-204)

To the Clerk of the Erie County Legislature:

I certify that:

At the biennial reorganization meeting of the Erie County Democratic Committee held on the 20th day of September, duly convened and held at the Hearthstone Manor, 333 Dick Road, Depew, NY 14043 in the Town of Cheektowaga, County of Erie, and State of New York, under the provisions of the Election Law and rules of the County Committee, a quorum being present, Dennis E. Ward, residing at 210 Capen Blvd., Amherst, NY 14226 was recommended by majority of said committee as a suitable and qualified person for appointment to the office of Commissioner of

Notary Public/Commissioner of Deeds

FROM COLUCCI & GALLAHER, PC

Item 88 – (COMM. 19M-11) ECMCC Board of Director Meeting Minutes for Meeting Held 9/25/2008

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE TOWN OF WEST SENECA

Item 89 – (COMM. 19M-12) Resolution in Opposition of Consolidating Local Registrars of Vital Statistics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 90 – (COMM. 19M-13) NFTA Board Minutes for Meeting Held on August 25, 2008

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF CLARENCE

Item 91 – (COMM. 19M-14) Resolution in Opposition of Consolidating Local Registrars of Vital Statistics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUFFALO PLACE

Item 92 – (COMM. 19M-15) 2009 Mall District Special Charge Levy

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 93 – CHAIR MARINELLI announced that the committee schedule has been distributed. Chair Marinelli also mentioned that when the Government Affairs Committee meets, the committee will enter into recess and reconvene to discuss the Board of Elections.

MEMORIAL RESOLUTIONS

Item 94 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Alexander Mazyrka, a neighbor and UAW member. Chair Marinelli also requested that when the

Legislature adjourns, it do so in memory of Erwin M. ‘Buddy’ Herrick, who entertained many as a vaudeville acrobat and Hollywood stuntman who later would teach squash at the Buffalo Saturn Club, and who rose from humble beginnings on the East Side of Buffalo.

Item 95 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Darcel Hunter, who organized Operation Prime Time in the Erie County Youth Bureau.

Item 96 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of her cousin, Lynn M. (nee Sullivan) Brenon. Legislator Iannello also requested that when the Legislature adjourns, it do so in memory of JoAnne M. (Moore) Wilcox, mother of Phil Wilcox.

Item 97 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Lisa A. (Strnad) Hauret and William J. Hanna, Sr.

Item 98 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Monsignor Henry J. Stachewicz.

Item 99 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of actor and activist Paul Newman.

ADJOURNMENT

Item 100 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. KONST moved that the Legislature adjourn until Thursday, October 23, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, October 23, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE