

**ERIE COUNTY LEGISLATURE  
MEETING NO. 19  
OCTOBER 28, 2010**

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

All members present, except Legislator Grant.

An Invocation was held, led by Ms. Whyte, who invited to the Legislature Chaplain Carol Speser, who led the Legislature in prayer.

The Pledge of Allegiance was led by Ms. Dixon.

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 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MAZUR presented a resolution Congratulating Patrick Ryan Colern Upon Earning the Rank of Eagle Scout - Boy Scout Troop #545.

Item 6 – MR. MAZUR presented a memorial resolution Honoring the Memory of James N. Carlo.

Item 7 – MR. HARDWICK presented a resolution Honoring Jason Chadwick on Achieving the Rank of Eagle Scout.

Item 8 – MR. HARDWICK presented a resolution Honoring John White on Being Named Chamber of Commerce of the Tonawandas Citizen of the Year.

Item 9 – MR. HARDWICK presented a resolution Honoring Confer Plastics, Inc. on Being Named Chamber of Commerce of the Tonawandas Business of the Year.

Item 10 – MR. HARDWICK presented a resolution Honoring Kenneth Bellinger, Bradley Shick and Paul Wicherath for Their Commitment & Service to Their Community.

Item 11 – MR. HARDWICK presented a resolution Honoring Carrie Meetze on Achieving 100 Wins as Coach of the Kenmore West Swim Team.

Item 12 – MR. HARDWICK presented a resolution Honoring John Hurley on Being Named President of Canisius College.

Item 13 – MR. MAZUR presented a memorial resolution In Remembrance of Edward J. Rutecki.

Item 14 – MR. HARDWICK presented a resolution Honoring Christopher Sean Swagler on Achieving the Rank of Eagle Scout.

Item 15 – MR. MILLS presented a resolution Congratulating Babs Reid on Being the Recipient of the Fidelis Servus Award Presented by the St. Joseph School in Gowanda.

Item 16 – MR. HARDWICK presented a resolution Honoring St. Timothy’s Church on its 50th Anniversary.

Item 17 – MR. RATH presented a resolution Congratulating Bryant & Stratton College on the Grand Opening of its Amherst Campus.

Item 18 –MR. RATH presented a resolution Congratulating Independent Health on Receiving the Highest Customer Service Rating for Health Maintenance Organization/Point of Service Plans.

Item 19 – MR. WALTER presented a resolution Congratulating the Aero Club of Buffalo on its Centennial Celebration.

Item 20 – MR. MAZUR presented a memorial resolution Remembering Raymond W. Pugh, in Recognition of His Life & Contributions to the Community.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above sixteen items by adding two for MR. RATH, and also by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above eighteen items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 21 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 28 – CHAIR MILLER-WILLIAMS directed that Local Law No. 5 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 29 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

October 13, 2010	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KOZUB & MAZUR  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 18-3 (2009)  
KOZUB: Encouraging the Passage of State Legislation to Authorize the NYSDEC to Promulgate Standards that Allow Hunting with a Crossbow”  
(4-0)
  - b. COMM. 14E-18 (2010)  
COUNTY EXECUTIVE: “ECSD No. 4 Engineer Term Agreement - Greenman-Pederson, Inc.”  
(4-0)
  - c. COMM. 14M-2 (2010)  
BUFFALO OLMSTED PARKS CONSERVANCY: “Copy of Annual Report for 2009”  
(4-0)
  - d. COMM. 14M-3 (2010)  
BUFFALO RIVER RESTORATION PARTNERSHIP: “Newsletter Entitled "Planned Projects Will Revitalize Buffalo River Corridor””  
(4-0)
  - e. COMM. 15E-21 (2010)  
COUNTY EXECUTIVE: “Semi-Annual Attendance Records - Board of Managers - EC Sewer Districts”  
(4-0)
  - f. COMM. 15E-22 (2010)  
COUNTY EXECUTIVE: “EC Sewer Districts 1-6 & 8 - Section 270/271 Resolutions”  
(4-0)
  - g. COMM. 15E-25 (2010)  
COUNTY EXECUTIVE: “EC Sewer District No. 2 - Engineer Term Agreement - Wendel-Duchscherer”  
(4-0)
  - h. COMM. 15E-26 (2010)  
COUNTY EXECUTIVE: “EC Division of Sewerage Management - Engineering Service Agreement”  
(4-0)
  - i. COMM. 15E-27 (2010)

- COUNTY EXECUTIVE: "EC Division of Sewerage Management - Engineering Service Agreement"  
(4-0)
- j. COMM. 15E-35 (2010)  
COUNTY EXECUTIVE: "EC Division of Sewerage Management - Engineering Service Agreement"  
(4-0)
- k. COMM. 15D-2 (2010)  
CLERK OF ENERGY & ENVIRONMENT COMMITTEE: "Letters to Legislature in Relation to Supporting Renewable Energy in EC"  
(4-0)
- l. COMM. 15M-4 (2010)  
NYSDEC: "Fact Sheet: Brownfield Cleanup Program - Proposed Final Cleanup Plan for the 1132-1146 Seneca Street Site Available for Public Comment"  
(4-0)
- m. COMM. 15M-5 (2010)  
NYSDEC: "Fact Sheet: Brownfield Cleanup Program - Cleanup Activities to Begin at 1318 Niagara Street Site"  
(4-0)
- n. COMM. 15M-18 (2010)  
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Region 9 Fish & Wildlife Monthly Highlights for 5/16/2010 - 6/15/2010"  
(4-0)
- o. COMM. 16M-3 (2010)  
FISH & WILDLIFE MANAGEMENT BOARD: "Minutes of Meeting Held 9/2/2010"  
(4-0)
- p. COMM. 16M-4 (2010)  
NYSDEC: "Fish & Wildlife Monthly Highlights - 6/16/2010 to 7/15/2010"  
(4-0)
- q. COMM. 16M-5 (2010)  
NYSDEC: "Fish & Wildlife Monthly Highlights - 7/16/2010 to 8/15/2010"  
(4-0)
2. COMM. 15E-24 (2010)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Legislature has awarded Contract 8 to Siemens Building Technologies, Inc.; 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. 8 in the final contract amount of \$3,195,061.00

NOW, THEREFORE, BE IT

RESOLVED, that Contract 8, between the County of Erie and Siemens Building Technologies, Inc., 85 Northpointe Parkway, Suite 8, Amherst, NY 14228 is accepted in the amount of \$3,195,061.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 8, allocated in ECSD#3 capital project C.00015, between the County of Erie and Siemens Building Technologies, Inc. in the amount of \$3,195,061.00; and be it further

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

**DANIEL M. KOZUB  
CHAIR**

Item 30 – MS. BOVE presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

October 13, 2010	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 17M-6 (2009)  
NAACP: “Letter Requesting Answers to the Findings of Two Comptroller Audits Regarding EC Correctional Facility and the EC Holding Center”  
(5-0)
  - b. COMM. 19E-17 (2009)  
GRANT: “Memo: Referral of Citizen Concerns Regarding the EC Holding Center and EC Correctional Facility”  
(5-0)

- c. COMM. 19M-12 (2009)  
THE BUFFALO PRISONERS' ABUSE PROJECT: "Resolution Regarding EC Holding Center and EC Correctional Facility"  
(5-0)
- d. INTRO 5-5 (2010)  
WHYTE, GRANT, MARINELLI, LOUGHRAN, MILLER-WILLIAMS & MAZUR: "EC Holding Center Correctional Facility Citizen's Advisory Commission"  
(5-0)
- e. COMM. 5M-8 (2010)  
EC PRISONER'S RIGHTS COALITION: "Letter to Legislature Concerning the EC Holding Center"  
(5-0)
- f. INTRO 7-6 (2010)  
WHYTE, GRANT, MARINELLI, LOUGHRAN, KOZUB & MAZUR: "Empowering Citizen Voice in Effective Public Safety"  
(5-0)
- g. COMM. 7M-22 (2010)  
EC PRISONER'S RIGHTS COALITION: "Letter to Legislature Concerning Community Advisory Board"  
(5-0)
- h. INTRO 9-5 (2010)  
WHYTE, GRANT, MARINELLI, LOUGHRAN, KOZUB & MAZUR: "Empowering Citizen Voices in Effective Public Safety"  
(5-0)
- i. COMM. 9M-8 (2010)  
PRO PUBLICA: "Article Entitled "Small County Jail in Upstate NY Has Big Problems With Suicides""  
(5-0)
- j. COMM. 9M-13 (2010)  
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE: "Letter to Legislature Concerning the "EC Community Corrections Advisory Board""  
(5-0)
- k. COMM. 9M-18 (2010)  
GLORIA M. LAUGHLIN: "Letter to Legislature Regarding the "EC Community Corrections Advisory Board""  
(5-0)
- l. COMM. 9M-20 (2010)  
THEODORE KIRKLAND: "Letter to Legislature Concerning Local Law Intro 4-1 (2010)"  
(5-0)

- m. COMM. 10E-1 (2010)  
COUNTY EXECUTIVE: "Appointments to the EC Disaster Preparedness Advisory Board"  
(5-0)
- n. COMM. 12E-13 (2010)  
COUNTY EXECUTIVE: "Appointment to Erie County Traffic Safety Advisory Board"  
(5-0)
- o. COMM. 12D-5 (2010)  
DEPUTY COMPTROLLER - AUDIT & CONTROL: "Review of Fire Protection Within Erie County"  
(5-0)
- p. COMM. 13M-1 (2010)  
PRESBYTERY OF WNY: "Letter to Legislature Concerning the Community Corrections Advisory Board"  
(5-0)
- q. INTRO 14-1 (2010)  
WHYTE, GRANT, LOUGHRAN, MARINELLI & MAZUR: "Re-Establish an EC Community Corrections Advisory Board"  
(5-0)
- r. COMM. 14M-10 (2010)  
PARTNERSHIP FOR THE PUBLIC GOOD: "Testimony for the Community Enrichment Committee on the Proposed Citizens Advisory Board"  
(5-0)
- s. COMM. 15M-3 (2010)  
ORCHARD PARK TOWN CLERK: "Copy of Resolution for Orchard Park & Angola Fire Districts Grant Application"  
(5-0)
- 2. COMM. 15E-15 (2010)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Central Police Services has provided forensic DNA analysis and testing services to law enforcement agencies since 1993; and

WHEREAS, on occasion requests for forensic DNA analysis are made by agencies outside of Erie County; and

WHEREAS, the Forensic Laboratory has charged a fee for providing these laboratory services to agencies outside of Erie County, which has not changed since 1993; and

WHEREAS, the increased cost of laboratory supplies and personnel has necessitated this request to increase fees.



NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, by two-thirds affirmative vote, hereby approves the fee schedule for forensic DNA services, effective on and after January 1, 2011:

Forensic DNA Testing Fee

1993 – 2010 Rate  
\$250.00 per test

2011 Rate  
\$350.00 per test

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Attorney, the Office of the Comptroller and the Department of Central Police Services, c/o Kathy Gumulak.  
(5-0)

3. COMM. 16E-7 (2010)  
SHERIFF

WHEREAS, Erie County has been a participant in the Department of Homeland Security Grant Program since 2004; and

WHEREAS, Erie County must remain committed to New York State's homeland security strategy; and

WHEREAS, the New York State Office of the U.S. Department of Homeland Security has awarded \$102,290 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, these funds will be used to enhance the Sheriff's Bomb Squad Unit and protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$102,290 from the New York State Office of the U.S. Department of Homeland Security; and be it further

RESOLVED, that authorization is hereby provided to establish a grant and budget those funds as follows:

FY09 BOMB SQUAD INITIATIVE – Fund Center 11510

REVENUE

Increase

SAP Account 414000 – Federal Revenues	<u>102,290</u>
TOTAL REVENUE	<u>102,290</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 506200 – Maintenance & Repair	25,000
SAP Account 510200 – Training & Education	50,000
SAP Account 561410 – Lab & Technical Equipment	<u>27,290</u>
TOTAL APPROPRIATIONS	<u>102,290</u>

and be it further

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

**CHRISTINA W. BOVE**  
**CHAIR**

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

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

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY, MR. KOZUB, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MR. LOUGHRAN and MS. MARINELLI. (AYES: 12; NOES: 2)

CARRIED.

Item 31 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

October 13, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9M-12 (2010)

EMPIRE STATE DEVELOPMENT: “Empire State Development Corporation Findings Statement: Canal Side Project”  
(6-0)

- b. COMM. 14M-4 (2010)  
PUBLIC ACCOUNTABILITY INITIATIVE: “Letter to Legislator Whyte Concerning Bass Pro & Attached Report Entitled "Fishing for the Taxpayer Cash"”  
(6-0)
- c. COMM. 14M-11 (2010)  
ECIDA: “Copy of 2009 Annual Audited Financial Statements”  
(6-0)
- d. COMM. 15E-37 (2010)  
MARINELLI: “Letter to Commissioner Kathy Konst Concerning Waterfront Development”  
(6-0)
- e. COMM. 15D-20 (2010)  
ENVIRONMENT & PLANNING COMMISSIONER: “Letter to Legislator Marinelli Concerning Erie Canal Harbor Development Corporation”  
(6-0)
- f. COMM. 15M-1 (2010)  
NFTA: “Minutes of Meeting Held 6/28/2010”  
(6-0)
- g. COMM. 15M-2 (2010)  
DORETHA FANNING: “Letter to Clerk of Legislature Concerning a Better Investment Climate for Verizon Corporation in NYS”  
(6-0)
- h. COMM. 15M-7 (2010)  
NFTA: “17A Report & Capital Expenditure Reports for First Quarter of Fiscal Year Ending 3/21/2011”  
(6-0)
- i. COMM. 15M-16 (2010)  
NFTA: “Minutes of Meeting Held 7/26/2010”  
(6-0)
- 2. COMM. 15E-16 (2010)  
COUNTY EXECUTIVE

WHEREAS, Main-Ferry Housing Development Fund Company, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 1542 Main Street in the City of Buffalo, New York, will contain 10 one-bedroom and two-bedroom apartments for low and very low income persons; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Main-Ferry Housing Development Fund Company, Inc. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Main-Ferry Housing Development Fund Company, Inc. relating to the Main-Ferry Housing and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.  
(6-0)

3. COMM. 15E-17 (2010)  
COUNTY EXECUTIVE

WHEREAS, Erie Wind, LLC, is developing a Wind Energy Conversion System (Wind Farm) Project on the former Bethlehem Steel site; and

WHEREAS, the Project is located in both the City of Lackawanna and the Town of Hamburg; and

WHEREAS, Erie County desires to encourage environmentally sound reuse of urban brownfields; and

WHEREAS, Erie County desires to work with the City of Lackawanna, Town of Hamburg, Frontier Central School District, and Erie Wind LLC in the development of alternative green energy production through the use of Wind Energy Conversion Systems; and

WHEREAS, New York State Real Property Tax Law §487 provides a real property tax exemption for Wind Energy Conversion Systems and allows for local taxing jurisdictions to develop Payment in Lieu of Taxes (PILOT) agreements with the developers of Wind Energy Conversion Systems; and

WHEREAS, the New York State Comptroller's Office has issued an Accounting Bulletin establishing account codes to record these revenues.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute PILOT agreements with Erie Wind, LLC, and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreements shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that payment under the Agreement will be for a period of fifteen (15) years with the County; and be it further

RESOLVED, that all revenues received from Wind Power Payments in Lieu of Taxes will be recorded in SAP Fund Center 14010 County-Wide Budget Accounts, GL 400042 Wind Power PILOTs; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; Darren E. Kempner, Deputy Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

4. COMM. 15E-19 (2010)  
COUNTY EXECUTIVE

WHEREAS, the County owns ten dams and, in accordance to the New York State Department of Environment and Conservation, one is rated as a high hazard dam, one is rated as a medium hazard and the remaining are rated as low hazard dams; and

WHEREAS, there is a need for Dam Safety, Inspection and Design Engineering Services performed by a firm specializing in the provision of such services; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Bergmann Associates, to provide Dam Safety, Inspection and Design Engineering Services County-wide; and be it further

RESOLVED, that the negotiated contract fee will be appropriated from B.21030, Dam Safety and Preservation Design in an amount which will not exceed \$500,000.00; and be it further

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

(6-0)

5. COMM. 15E-20 (2010)  
COUNTY EXECUTIVE

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

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

NOW, THEREFORE, BE IT

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

Foit-Albert Associates	North Half of Erie County Various Towns	\$250,000.00	B.21029
DiDonato Associates	South Half of Erie County Various Towns	\$250,000.00	B.21029
TOTAL OF ALL CONTRACTS NOT TO EXCEED		<u>\$500,000.00</u>	

and be it further

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

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

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

RESOLVED, that fees will be appropriated from B.21029, 2010 Preservation of Bridges & Culverts (Design) in individual amounts which will not exceed the total within this account of \$500,000.00; and be it further

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

(6-0)

6. COMM. 15E-34 (2010)

COUNTY EXECUTIVE

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

(6-0)

7. COMM. 15E-36 (2010)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Federal Aid Project for the Reconstruction of Youngs Road and Aero Drive Intersection (the "Project"), in the Town of Cheektowaga, on August 19, 2010, and the low bidder was Accadia Site Contracting, Inc. of Depew, New York at a low bid amount of \$745,154.75; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Hatch Mott MacDonald NY, Inc. of Buffalo, New York via Communication No. 15E-7 of July 12, 2001, and it has been determined that the contract must be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a

contract for Erie County Project No. FA 554/324-10, NYDOT PIN 5756.46 between the County of Erie and the low bidder, Accadia Site Contracting, Inc. of Depew, New York at a low bid amount of \$745,154.75; and be it further

RESOLVED, that an amount of \$745,154.75 be allocated from the 2007 Youngs at Aero Construction Program (SAP Account B.00175), and an additional amount of \$85,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not-to-exceed \$85,000.00, also to be allocated from 2007 Youngs at Aero Construction Program (SAP Account B.00175); and be it further

RESOLVED, that an amount of \$108,110.00 be allocated from the 2007 Youngs at Aero Construction Program (SAP Account B.00175) for a change order to the contract for engineering services, right-of-way services and services during construction, construction reimbursables, and construction inspection with Hatch Mott MacDonald NY, Inc. of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

8. COMM. 16E-3 (2010)  
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Maple Road Rehabilitation Project, in the Town of Amherst, on June 18, 2009. The lowest responsible bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, New York, at a low bid amount of \$6,944,936.15; and

WHEREAS, the Project was awarded to the lowest responsible bidder via Legislative approval at the 7th Session, dated April 2, 2009, Communication 6E-16 (2009); and

WHEREAS, this is a Federal Aid Project primarily funded (\$7,000,000.00) through the 2009 American Recovery and Reinvestment Act (ARRA) Stimulus Program, which is 100% reimbursable; and

WHEREAS, the Legislature approved an Overlay Extension of the Maple Road Project from Flint Road to North Forest Road which is not eligible under the Federal Aid Program at the 21st Session, dated November 5, 2009, Communication 21E-20 (2009) financed with a portion of the available bond reserves; and

WHEREAS, the Project bond reserves are available due to the County's financing of the required Local Share prior to the ARRA Program, reducing the necessity for the bonded local share; and

WHEREAS, it has been determined that the project Scope of Work must be increased for the required modifications.



NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to approve an increase in the Scope of Work to the existing Maple Road Rehabilitation Project, in an amount not to exceed \$150,000.00 for the required modifications; and be it further

RESOLVED, that the Change Order, in an amount not to exceed \$150,000.00, be funded by the available bond reserves in B.20902 – 2009 Federal Aid Maple Road Reconstruction; and be it further

RESOLVED, that three certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

**TIMOTHY M. KENNEDY  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 32 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 19-1 from WALTER. Opposing NYS Senate Bill S. 7263C & Assembly Bill A. 2208D, Which Would Hamper Telecommunications Businesses From Locating in NYS.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Mall District Special Charges  
for Downtown  
Pedestrian/Transit Mall Special  
District  
(INTRO 19-2)

**A RESOLUTION TO BE SUBMITTED BY  
CHAIR MILLER-WILLIAMS**

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management

Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009; 2010; and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2011 annual budget on October 19, 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2011 shall be the sum of \$1,248,662 as contained in the attached budget which shall be a part of this resolution, which amount does not exceed 80% of the services charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in the providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Director of Real Property Tax Services shall, not later than November 18, 2010, caused to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges for 2011 in conformance with the formula set forth in Section 7 of Erie county Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., the Erie County Director of Budget and Management and the Director of Real Property Tax Services.

Item 34 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

MR. LOUGHRAN challenged the ruling of the Chair. MS. WHYTE seconded.

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

AYES: MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY, MR. KOZUB and CHAIR MILLER-WILLIAMS. (AYES: 4; NOES: 10)

FAILED.

The item is referred to the ENERGY & ENVIRONMENT COMMITTEE.

INTRO 19-3 from LOUGHRAN. Calling Upon the EC Comptroller to Conduct a Full Audit of the County Parks Department's Rental of Caretaker Housing at the Various County Parks.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: Increasing Efficiency &  
Transparency & Reducing Paper  
Consumption at the EC  
Legislature  
(INTRO 19-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS, WALTER, DIXON,  
HARDWICK, FUDOLI & RATH**

WHEREAS, upon information and belief, the Erie County Legislature consumes over 50,000 sheets of paper to inform legislators about open items at sessions during a typical year; and

WHEREAS, many additional tens of thousands of pages are consumed as part of the committee process; and

WHEREAS, while some of these pages are ultimately stored in filing cabinets, the majority of these pages wind up (hopefully) in recycling bins; and

WHEREAS, the production of each sheet paper is accompanied by a cost for the paper, ink, electricity for the photocopier and staff time used to produce the document; and

WHEREAS, upon information and belief, it takes a staff member two to three hours to prepare committee binders for each committee meeting of the legislature; and

WHEREAS, the Republican Caucus has implemented technology available to Erie County to reduce the amount of paper consumed and increase the efficiency of information dissemination to its members; and

WHEREAS, through its system, all items, not just those listed as open on the agenda, are made available electronically to members prior to session; and

WHEREAS, it takes approximately ten minutes to update a committee binder and the binders are made available electronically to all members, not just those members serving on a committee; and

WHEREAS, further, the committee binders are available shortly after the committee agenda are released; and

WHEREAS, by implementing such a system legislature-wide, significant savings could be derived both from supplies and man-hours; and

WHEREAS, further, in addition to saving tax dollars and increasing efficiency of information distribution, initiation of a paperless system creates the potential to cost-effectively make items more widely electronically available to the public via the legislature's website and at session; and

WHEREAS, implementing such a system legislature-wide would also demonstrate the legislature's commitment to protecting our environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature commits to design and implement a plan which would significantly reduce paper consumption by utilizing available electronic productivity tools and implement such plan by February 1, 2011; and be it further

RESOLVED, that as part of this plan, steps be taken to increase transparency and accessibility to information to the residents of Erie County; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to immediately contact the New York State Public Service Commission, as well as any other governmental agency which offers such a program, to accept transmittal of documents electronically; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Division of Information and Support Services and Erie County Executive Chris Collins.

Item 36 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 19-5 from RATH. Supporting the Adoption Simplification Act.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 37 – MR. MILLS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-12 (2010). MR. WALTER seconded. MS. MARINELLI and MS. WHYTE voted in the negative.

CARRIED. (12-2)

RESOLUTION NO. 217

RE: Probation Preventative Service Program  
- Personnel Adjustment  
(COMM. 13E-12, 2010)

WHEREAS, the 2010 Adopted Budget included appropriations of \$633,251 for the Probation Preventive Services Program; and

WHEREAS, the Erie County Department of Social Services provides sixty-two per cent state aid reimbursement for funds utilized within the program and has approved the personnel adjustment of deleting a Probation Supervisor position, job group 12, and creating a Principal Probation Officer position, job group 13, within the staff of the Preventive Services Program; and

WHEREAS, the personnel adjustment will be funded within the existing appropriations due to personnel savings and will attend to the duties and responsibilities as outlined in the MOU; and

WHEREAS, this personnel adjustment will allow the Probation Department to improve both the operations of the Preventive Services Program and the Probation Department's Juvenile Division.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Probation Department, is hereby authorized to make the following personnel adjustment to provide needed supervision for the Preventive Services Program and the Probation Juvenile Division, funding for said position for the balance of the year being currently available within the Department's existing budget:

Fund 110 – Business Area 126  
Preventive Services Program DSS

Position # 00007557 Probation Supervisor, job group 12, is deleted and a new Principal Probation Officer position, job group 13, is created within Business Area 126. The required (B-100 #5560); and be it further

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

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

CARRIED UNANIMOUSLY.

Insert the Following Between the First and Second Resolve Clause:

RESOLVED, that the financial impact of said personnel transaction is as follows:

<u>Supervisor JG12 to Principal PO JG13</u>	<u>Balance of 2010</u>	<u>Annual</u>
Salary increase	\$909	\$5,907
Fringe Benefits	<u>191</u>	<u>1,242</u>
Total increase	\$1,100	\$7,149
less Social Service reimbursement	(682)	(4,432)
Net County Cost	\$418	\$2,717

and be it further

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

CARRIED UNANIMOUSLY.

Item 38 – MR. MILLS moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 14E-9 (2010). MR. RATH seconded.

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

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

FAILED.

### **SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 19M-9 from the EC ASSOCIATION OF RECEIVERS & COLLECTORS OF TAXES Re: Letter to County Executive Concerning Position Deletions in 2011 Tentative EC Budget

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

Item 40 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 19E-20 from LEGISLATOR WALTER Re: Letter to Chair Miller-Williams Concerning NFTA Metro Bus Route

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR WHYTE**

Item 41 – (COMM. 19E-1) Packet of Documents Concerning Updates to Equal Employment Opportunities (EEO) Policies in EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COMPTROLLER**

Item 42 – (COMM. 19E-2) Review of Proposed 2011 Budget & Four Year Financial Plan for 2011-2014

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

**FROM CHAIR MILLER-WILLIAMS**

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. CHAIR MILLER-WILLIAMS abstained.

CARRIED. (13-0-1)

RESOLUTION NO. 218

RE: Lease for Legislative Office  
Space - 6 Months Ending  
12/31/10  
(COMM. 19E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a Six (6) Month Lease Agreement with Towne Gardens, LLC for Legislative office space for Barbara Miller-Williams, located at 440 Clinton St., Buffalo for a monthly rate of \$745.

**FROM THE COMPTROLLER**

Item 44 – (COMM. 19E-4) Additional 2010 Disproportionate Share ("DSH") Payment - ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 45 – (COMM. 19E-5) DOH - Enhanced Public Health Preparedness Response to Bioterrorism, 8/10/09 - 8/9/11

Item 46 – (COMM. 19E-6) Healthy Mom - Healthy Baby Prenatal & Postpartum Home Visiting Program

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

RE: Health Department Contract for  
Beach Forecasting Model &  
Weather Station Network  
Project Grant, 11/1/10 –  
12/31/13  
(COMM. 19E-7)

WHEREAS, the Erie County Department of Health (ECDOH) has regulatory oversight of the operation of the five public beaches on Lake Erie in Erie County with responsibility to protect the health of bathers by assuring that public beaches are open only when conditions meet the water quality standards of the New York State Public Health Code; and

WHEREAS, the Erie County Department of Health established a pre-emptive closing policy in 1998 that closes the beaches after rain events of ½ inch or more of rain at the beach or in the watershed of the stream(s) that impacts the beach and re-open only when daily sampling indicates that the beach water meets New York State Department of Health Standards; and

WHEREAS, the pre-emptive closing has been successful in protecting the public health, but results in the beaches being closed for as much as forty percent of the swimming season depending on the summer; and

WHEREAS, the closings are necessary but have an adverse impact on the enjoyment of the beaches by the public and on businesses associated with the beaches; and

WHEREAS, the bacterial contamination is associated with the flush-out from outfalls along the shoreline and creeks in close proximity to the public beaches after rain events; and

WHEREAS, based on a Request-for-Proposals solicited by U.S. Environmental Protection Agency (USEPA) the Erie County Department of Health (ECDOH) submitted a proposal to Establish a network of weather stations at five public beaches and in the watersheds of the associated six streams to provide near real-time meteorological data that along with extensive water quality sampling will be used to develop and implement a refined pre-emptive closing policy model to better predict exceedences of the beach water quality standards which should result in beach closings; and



WHEREAS, the U.S. Environmental Protection Agency (USEPA) has issued a Notice of Award including a Grant Agreement to ECDOH, based on the joint proposal submitted by ECDOH in the amount of \$91,440; and

WHEREAS, the Erie County Department of Health requests that the funds paid under the USEPA agreement will be available to the Department in accordance with the grant budget to support the work on the project.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute the affirmation of the award and the grant agreement with USEPA; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to implement a grant budget for the period November 1, 2010 to December 31, 2013 as follows:

REVENUE

Account	Description	Budget
414000	Federal Aid USEPA	\$91,440
	TOTAL	\$91,440

EXPENSES

501000	Overtime	\$23,040
505800	Medical & Health Supplies	1,320
510000	Out of Area Travel	3,000
516020	Prof. Services Contract & Fees	52,080
561410	Lab & Technical Equipment	12,000
	TOTAL	\$91,444

and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

RE: DOH - Lake Erie Stream  
Sanitary Surveys Project Grant  
Agreement for 11/1/10 –  
12/31/13

(COMM. 19E-8)

WHEREAS, the Erie County Department of Health (ECDOH) has regulatory oversight of the operation of the five public beaches on Lake Erie in Erie County NY with responsibility to protect the health of bathers by assuring that public beaches are open only when conditions meet the water quality standards of the New York State Public Health Code; and

WHEREAS, the Erie County Department of Health established a pre-emptive closing policy in 1998 that closes the beaches after rain events of ½ inch or more of rain at the beach or in the watershed of the stream(s) that impacts the beach and re-open only when daily sampling indicates that the beach water meets New York State Department of Health Standards; and

WHEREAS, the pre-emptive closing has been successful in protecting the public health, but results in the beaches being closed for as much as forty percent of the swimming season depending on the summer; and

WHEREAS, the closings are necessary but have an adverse impact on the enjoyment of the beaches by the public and on businesses associated with the beaches; and

WHEREAS, in 2007, the Erie County Department of Health (ECDOH) was awarded an USEPA Beach Sanitary Survey Grant to examine the sources of bacterial contamination associated with the closing of public beaches on Lake Erie in Erie County.

The two beaches and associated streams:

- Evans Town Beach and Fern Brook
- Lake Erie Beach and Muddy Creek

The study successfully utilized beach sanitary surveys, stream sanitary surveys and an extensive surface water quality sampling and testing program to identify storm sewer outfalls to streams and along the lakeshore after rain events as the primary point sources of increased bacterial contamination. No direct sanitary sewer or septic system discharges were found; and

WHEREAS, in 2008, in conjunction with the 2008 NYSDOH / USEPA Beach Sanitary Survey Project, the NYSDOH provided the services of NYSDOH Wadsworth Public Health Laboratory to test a limited number of surface water samples from the same two beaches, associated streams and associated storm sewer outfalls for *Bacteriodes* spp. that could be genetically characterized to indicate the presence of human fecal matter.

The results of the testing showed the presence of human fecal matter in samples from the beaches, streams and associated storm sewer outfalls after rain events; and

WHEREAS, in 2009 additional *Bacteriodes* spp. testing was provided by of NYSDOH Wadsworth Public Health Laboratory for water quality samples from the other three public beaches, the four associated streams and a small sampling of storm sewer outfalls along those streams.

The results of the testing showed the presence of human fecal matter in samples from the beaches, streams and associated storm sewer outfalls after rain events; and

WHEREAS, the studies indicate that the bacterial contamination including fecal matter is associated with the flush-out from storm sewer outfalls along the shoreline and creeks in close proximity to the public beaches after rain events; and

WHEREAS, based on a Request-for-Proposals solicited by U.S. Department of Environmental Protection Agency (USEPA) the Erie County Department of Health (ECDOH) submitted a proposal to conduct detailed stream sanitary surveys for four streams, as follow:

- Delaware Creek,
- Big Sister Creek,
- Little Sister Creek, and
- Barricks Creek

to identify, in a systematic and comprehensive manner, additional point sources of bacteria that are depositing bacterial contamination into streams, that is transported by the stream flows to the mouth of the streams at the lake and carried along shoreline into the beach swimming area by vectors of the prevailing wind that causes an inshore current; and

WHEREAS, the NYSDOH has indicated that additional Bacteriodes spp. testing will be provided by NYSDOH Wadsworth Public Health Laboratory for water quality samples from three public beaches, the four associated streams and a small sampling of storm sewer outfall along those streams; and

WHEREAS, the U.S. Environmental Protection Agency (USEPA) has issued a Notice of Award including a Grant Agreement to ECDOH, based on the joint proposal submitted by ECDOH in the amount of \$79,076; and

WHEREAS, the Health Department requests that the funds paid under the USEPA agreement will be available to the Department in accordance with the grant budget to support the work on the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute the affirmation of the award and the grant agreement with USEPA; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to implement a grant budget for the period November 1, 2010 to December 31, 2013 as follows:

<u>Account</u>	<u>Description</u>	
414000	Federal Aid - USEPA	<u>\$ 79,076</u>
	TOTAL	<u>\$ 79,076</u>

EXPENSES

501000	Personnel - ECPHL Overtime	\$ 8,640
505800	Medical & Health Supplies	1,698
516020	Prof. Services Contract & Fees	37,680
510100	Out-of-Area Travel	1,500
561410	Lab and Technical Equipment	1,000
912730	ID Health Lab Services	<u>28,558</u>
TOTAL		<u>\$ 79,076</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

RE: ECSD No. 2 - Point Breeze  
Pumping Station - National Grid  
Electric Company Utility  
Easement  
(COMM. 19E-9)

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is rebuilding and upgrading the capacity of the Point Breeze Pumping Station in Erie County Sewer District No. 2., and electric service must be upgraded as part of the project; and

WHEREAS, National Grid Electric Company in-conjunction with the electric service upgrade must install a utility pole on the pumping station site as part of the project, and is requiring that the County grant National Grid access to the service and utility pole through a utility easement; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the utility easement be granted to National Grid; and

WHEREAS, the Erie County Advisory Review Committee has reviewed the easement request and recommends to the County Legislature and County Executive that the utility easement be granted, and the easement be executed by the County Executive, subsequent to Legislative approval, and approval as to form by the County Attorney.

NOW, THEREFORE, BE IT

RESOLVED, that the easement for upgraded service for the Point Breeze Pumping Station be granted to National Grid; and be it further

RESOLVED, that the County Executive is authorized to execute the utility easement with National Grid, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Eric Ziobro, Assistant County Attorney; and two (2) certified copies to Michael J. Quinn, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10<sup>th</sup> floor.

Item 50 – (COMM. 19E-10) WNY Stormwater Coalition: MS4 Assistance Project, 2011-2012

Item 51 – (COMM. 19E-11) ECSD No. 3 - Engineer Term Agreement - CHA

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – (COMM. 19E-12) Revise CSE Grant

Item 53 – (COMM. 19E-13) Amend Senior Aides & Senior Employment Programs Grant Budgets

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

Item 54 – (COMM. 19E-14) WNY Stormwater Coalition: Memorandum of Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 55 – (COMM. 19E-15) Going Places Van Network

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 56 – (COMM. 19E-16) EC Correctional Facility - Security Video System Upgrade Project

Item 57 – (COMM. 19E-17) CPS - Senior Forensic Serologist Position

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

FROM LEGISLATOR WHYTE

Item 58 – (COMM. 19E-18) National Vacant Properties Campaign

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 59 – (COMM. 19E-19) Copy of Constituent Memo, Entitled "Impact of Budget Cuts to EC Department of Health Services"

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 60 – (COMM. 19D-1) Letter to EC Town Tax Collectors & Receivers Relating to Tax Collections Under the 2011 Tentative Budget

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 61 – (COMM. 19D-2) Transmittal of New Claim Against EC

Item 62 – (COMM. 19D-3) Transmittal of New Claims Against EC

Item 63 – (COMM. 19D-4) Transmittal of New Claim Against EC

Item 64 – (COMM. 19D-5) Transmittal of New Claim Against EC

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

**FROM THE DEPUTY COMMISSIONER**  
**OF ENVIRONMENT & PLANNING**

Item 65 – (COMM. 19D-6) OPEN ITEM/PLACEHOLDER - Re-Occurring Bond Authorization

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE CLERK OF NIAGARA COUNTY LEGISLATURE**

Item 66 – (COMM. 19M-1) Letter to Legislature in Relation to Approved Resolution Concerning Rate Increases Proposed by National Grid

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM WANDA HUMPHREY**

Item 67 – (COMM. 19M-2) Letter to Legislature Concerning Proposed Budget Cuts to the African American Cultural Center

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

FROM JOSEPH CHAMBERLAIN

Item 68 – (COMM. 19M-3) Letter to Legislature Concerning Proposed Budget Cuts to Shakespeare in the Park & Other Cultural

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

FROM THE CLERK OF THE BOARD  
OF SUPERVISORS OF FULTON COUNTY

Item 69 – (COMM. 19M-4) Copy of Resolution Concerning Rate Increases Proposed by National Grid

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 70 – (COMM. 19M-5) Minutes of Meeting Held 9/16/2010

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 71 – (COMM. 19M-6) Seeking Comments Regarding Brownfield Cleanup Program - Buffalo Urban Development Corporation for 193 Ship Canal Parkway Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 72 – (COMM. 19M-7) Quarterly Report of the Assigned Counsel Program for the 3rd Quarter of 2010

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO PLACE EXECUTIVE DIRECTOR

Item 73 – (COMM. 19M-8) Letter to Legislature Concerning Special Levy Charge

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 74 – CHAIR MILLER-WILLIAMS announced that the clock-in deadline for items for Session No. 20 (November 4, 2010) will be Monday, November 1, 2010, at 11:00 A.M., due to the fact that Tuesday, November 2, 2010 is Election Day, a County holiday with County Hall closed for business on that date.

Item 75 – MR. KOZUB announced that the Energy & Environment Committee will be conducting an Informational Meeting on Wednesday, November 3, 2010, at 2:00 P.M., to discuss the issue of renting or leasing certain County facilities located within Erie County parks.

### **MEMORIAL RESOLUTIONS**

Item 76 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Katherine M. Penman.

Item 77 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Dominic M. Infante and James N. Carlo.

Item 78 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Katherine M. Penman.

Item 79 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Bridget Nichole Kennedy.

Item 80 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Alice Weber.

Item 81 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of James N. Carlo, Edward J. Rutecki, Raymond W. Pugh and Daniel J. Parzynski.

Item 82 – Legislator Walter requested that when the Legislature adjourns, it do so in memory of James N. Carlo.

Item 83 – Chair Miller-Williams requested that when the Legislature adjourns, it do so in memory of Patti D. Massey and Pauline G. McGowan.

### **ADJOURNMENT**

Item 84 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, November 4, 2010 at 2:00 P.M. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.



CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, November 4, 2010 at 2:00 P.M. Eastern Standard Time.

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