

ERIE COUNTY LEGISLATURE
MEETING NO. 20
July 14, 2005

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Swanick.

Item 1 – CHAIRMAN HOLT directed that the Rules of the Legislature for 2005 Remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – CHAIRMAN HOLT directed that Minutes of Previous Meetings remain on the table.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MS. CUSACK presented a resolution Congratulating Lowell W. Badgley On Receiving the 70-Year Pin From the Boy Scouts of America.

MS. MARINELLI moved for consideration of the above item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to include Et Al Sponsorship. MR. DeBENEDTTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

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GRANTED.

Item 8 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 9 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 10 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 11 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 12 – MS. MARINELLI moved to receive and file Local Law No. 8 (Print #1) 2005. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. MARINELLI presented the following Local Law and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

Chairman Holt directed that a roll-call vote be taken.

AYES: CHASE, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH and WROBLEWSKI. NOES: CUSACK, MARSHALL, McCARVILLE, and RANZENHOFER. (AYES 11, NOES 4).

COUNTY OF ERIE
 LOCAL LAW NO. _____-2005
 LOCAL LAW INTRO NO. 8-2005
 (Print No. 1)

A LOCAL LAW in relation to the utilization by the County of Erie of minority-owned businesses and woman-owned businesses for professional, technical or other consultant services.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short Title. This local law shall be known as the Erie County MBE/WBE Utilization Commitment Act.

Section 2. Legislative Intent. As a direct result of Local Law #1 of 1987 the County of Erie has significantly increased its utilization of businesses owned by minority group members and women, and especially locally owned and operated businesses, on construction contracts and has thereby significantly enhanced the opportunities and entrepreneurial skills of minority group members and women in Erie County. The growth and development of such businesses have a substantial positive impact on the economic health of the County. The County's utilization of minority and women-owned professional, technical and other consultant services, such as in the areas of law, finance, information technology, accounting and engineering, outside of construction projects, has not achieved the same level of success, notwithstanding the increased growth of minority and women owned business and firms in these areas and professions.

Section 3. Definitions: For the purposes of this local law, the following terms shall have the following meanings:

A. Minority-Owned Business Enterprise (MBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly-owned business, at least fifty-one percent (51%) of all stock is owned by minority group members, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie. For the purposes of this paragraph, minority group members are citizens of the United States who are African American, Hispanic, Asian-American and Native American (American-Indian).

B. Women-Owned Business Enterprise (WBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of publicly-owned business, at least fifty-one percent (51%) of all stock is owned by a woman or women, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie.

C. Department shall mean every County Department, Agency or Administrative Unit, including but not limited to the County Executive, the Legislature, Sheriff's Department, Comptroller's Office, County Clerk's Office and District Attorney's Office.

Section 4. Minority And Women-Owned Business Enterprise Utilization Commitment

(A) Every Department shall annually prepare and implement a written plan for the utilization of bona-fide minority and women owned businesses on County contracts let by or on behalf of such Department for professional, technical, or other consultant services. The plan must include a goal of awarding to MBE's, directly or through subcontracts, in each fiscal year, at least fifteen percent (15%) of the total value of all contracts intended to be let by the Department and a goal of awarding to WBE's at least five percent (5%) of the total value of all contracts intended to be let by the Department. The plan shall be submitted to the Erie County Division of Equal Employment Opportunity for review and approval by September 15th, preceding the calendar year covered by such plan.

(B) If the Department determines that the goals set forth in Section 4 (A) cannot be met, the Department's annual plan must include a justification why the policy goals are unobtainable. The written justification must include the Department's reasonable good faith efforts to meet the utilization goals and which may include the utilization of minority and women professionals in non-minority and non-women owned businesses.

(C) The County Executive must submit a summary of each Department's plan pursuant to this local law to the Legislature simultaneously with the annual proposed Budget. The plans are not to be considered as a part of the proposed budget.

Section 5. Reporting

A. Every Department shall prepare and submit an initial plan by September 15, 2005 that will cover the period January 1, 2006 to December 31, 2006. Annual plans, including the initial plans, will be modified as appropriate to reflect the Department's final adopted budget for the applicable year and subsequent modifications to the Department's budget during the applicable year.

B. On or before the 30th day of April, and quarterly thereafter, each Department head shall prepare a status report in such standard form as shall be periodically established by the Division of Equal Employment Opportunity, on the implementation and results of its utilization of minority owned business and women owned businesses during the three-month period ending one month before the due date of the report. Each report shall be submitted to the Division of Equal Employment Opportunity. Failure by any Department to submit any reports required by this section shall be grounds for discipline by the County Executive, except that for those Departments whose head are elected, the legislature shall determine the appropriate remedy for non-compliance with of the provisions of this law.

C. As evidence of a Department's good faith efforts to attain the goals set forth in its annual policy, a Department seeking approval by the Legislature of a matter which may involve the utilization by the County of professional, technical or other consultant services, must attach to each such request, a copy of its current status report on its policy goals.

D. The Division of Equal Employment Opportunity shall: (1) monitor the achievement of the annual goals established by each Department and (2) prepare a quarterly report on each Department's goal achievement, including each Department's good faith efforts to each those goals. The report shall be submitted to each Department that submitted a report, the County Executive, the Department and the Legislature.

E. Reasonable efforts shall include, but not limited to:

1. Utilizing a source list of MBEs and WBEs;
2. Solicitation of bids, RFQS and RFPs from WBEs and MBEs
3. Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations;
4. Maintaining records showing utilization of MBEs and/or WBEs, as well as the specific efforts to identify and utilize these companies;

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5. Causing its prime contractors to enter into sub-contracts with MBE/WBE firms, if appropriate and feasible, to effectuate the policy goal set forth herein;
6. Building the capacity of local and regional MBE and/or WBE firms to provide quality technical and professional services.

F. The Division of Equal Employment Opportunity shall prepare an annual report to the County Executive and the Legislature on the compliance of Departments with the requirement of this law.

Section 6. Applicability to contractual agreements for professional, technical or other consultant services. Notwithstanding any other application, this local law shall apply to any and all contractual agreements for professional, technical or other consultant services made in accordance with Section 19.08 of the Erie County Administrative Code. Waiver of Section 19.08, in accordance with the Erie County Legislature's authority to make a finding of necessity that the special service or skill must be provided immediately, or a determination that the procedure is impracticable, shall not constitute waiver or inapplicability of the provisions of this local law.

Section 7. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

GEORGE A. HOLT, JR.

DEMONE SMITH

LYNN M. MARINELLI

ALBERT DEBENEDETTI

Item 14 – MS. MARINELLI presented the following Local Law and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

Chairman Holt directed that a roll-call vote be taken.

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CHASE and SWANICK.

CARRIED.

COUNTY OF ERIE
Local Law No. ____ - 2005
Local Law Intro. No. 11- 2005
(Print No. 1)

A LOCAL LAW amending Local Law No. 1-1959, as amended, constituting the Erie County Charter, and the Erie County Administrative Code Sections 6.02(c), 10.02(c) and 19.08, concerning special or outside counsel, consultants and lobbyists, and regulating and requiring their retention by the County of Erie only after a request for proposal (RFP) has been conducted and formal approval granted by the Erie County Legislature.

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

Section 1. Short Title.

This Local Law shall be cited as the “Erie County Counsel, Consultant and Lobbyist Responsibility Law” and shall amend, as hereinafter specified, the Erie County Charter, and the Erie County Administrative Code Sections 6.02(c), 10.02(c) and 19.08.

This Local Law shall supercede the provisions concerning special counsel, professional, technical or other consultant services in Section 6.02(c) of the Erie County Administrative Code.

This Local Law shall supercede the provisions concerning special engineering, architectural, or other technical counsel in Section 10.02(c) of the Erie County Administrative Code.

This Local Law shall supercede the provisions concerning professional, technical or other consultant services in Section 19.08 of the Erie County Administrative Code.

Section 2. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that special or outside legal counsel, consultants, and/or lobbyists are being retained by the Executive Branch of County government as well as other elected or appointed officials with little or no legislative or public oversight or knowledge of the activities of these persons engaged in these activities, knowledge of their identity, their method of retention, or cost to the taxpayers. Local legislation is necessary in order to provide appropriate legislative oversight of these matters, including policy review and cost containment.

Section 3. Definitions.

As used in this Local Law, all terms and words shall have the meanings as defined in Chapter 32 of the Consolidated Laws of the State of New York, otherwise known as the Legislative Law (Lobbying Act).

- a. The term “lobbyist” shall mean every person or organization retained, employed or designated by Erie County to engage in lobbying or representation of any kind. The term “lobbyist” shall not include any officer, director, trustee, employee, counsel or agent of New York State, or any municipality or political subdivision contained therein when discharging their official duties; except those officers, directors, trustees, employees, counsels, or agents of colleges, as defined by section two of the education law.
- b. The term “special counsel” or “outside counsel” shall mean any attorney or law firm retained by the Executive Branch, the Legislative Branch, the County Attorney, any elected or appointed officer or employee of Erie County including the Comptroller, County Clerk, District Attorney, Sheriff, and Board of Elections, to carry on lobbying or legal activities, or representation and/or advocacy on behalf of Erie County or individual officers or employees.

- c. The term “consultant” shall mean any non-County employee, or any organization, business or firm retained by the Executive Branch, the Legislative Branch, any elected or appointed officer or employee of Erie County, including the Department of Public Works, the Department of Environment and Planning and the County Attorney, to engage in professional, technical or consultant services or activities on behalf of Erie County or its officers or officials.
- d. Erie County shall mean the municipal corporation of Erie County, New York and all its officers, agents and employees, whether elected or appointed, in the Executive Branch, the Legislative Branch, the Comptroller, County Clerk, District Attorney, Sheriff, the Board of Elections, and any other County Board, agency office or committee.
- e. The term “lobbying” or “lobbying activities” shall mean any attempt to influence the passage or defeat of any legislation at either the local, State or Federal level of government; or the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by any local, State or Federal agency; or the appropriation of any monies by budget, grant or otherwise by any element or entity of the local, State or Federal government. The terms “lobbying” or “lobbying activities” shall not include:
- (1) Persons engaged in drafting legislation, rules, regulations or rates, advising clients and rendering opinions on proposed legislation, rules, regulations or rates, where such professional services are not otherwise connected with legislative or executive action on such local, State or Federal legislation, or local, State or Federal administrative action on such rules, regulations or rates;
 - (2) Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;
 - (3) Persons who participate as witnesses, attorneys or other representatives in public rule making or rate making proceedings of New York State or any political subdivision thereof and/or any Federal agency, with respect to all participation by such persons which part of the public record thereof and all preparation by such persons for such participation;
 - (4) Persons who attempt to influence New York State or any political subdivision thereof or a Federal agency in an adjudicatory proceeding, as defined by section one hundred of the New York State Administrative Procedure Act;
 - (5) Persons who prepare or submit a response to a request for information or comments by the New York State Legislature, the Governor, or a New York State agency or a committee or officer of the New York State Legislature or a New York State agency or by a legislative or executive body or officer of a New York State or any political subdivision thereof or a Federal commission or committee; and

- f. The term “New York State agency” shall mean any department, board, bureau, commission, division, office, council, committee or officer of New York State, whether permanent or temporary, or a public benefit corporation or public authority at least one of whose members is appointed by the governor, authorized by law to make rules or to make final decisions in adjudicatory proceedings but shall not include the New York State judicial branch or agencies created by interstate compact or international agreement.
- g. The term Federal government shall mean any officer or employee of the Executive or Legislative branches of the United States government, as those terms are defined in the United States Constitution and by Federal law, including, but not limited to, any department, board, bureau, commission, division, office, council, committee or officer of the United States, whether permanent or temporary, or a public benefit corporation or public authority authorized by law to make final decisions in adjudicating proceedings but shall not include the Federal judicial branch, or agencies created by international treaty.
- h. The term local government shall mean any officer or employee of the Executive or Legislative branches of any Town, Village or City government within the County of Erie as these entities are deemed to be municipal corporations of the State of New York.
- i. The term “legal activities”, “advocacy” or “representation” shall mean any action, statement or activity entered into by any attorney, paralegal, legal assistant, or other persons engaged in the practice of law and for which they derive payment from a client, in this case, the County of Erie or its officers, officials or agents.
- j. The term “consulting”, “professional services”, “technical services” or “consultant services” shall mean any action, statement, or activity entered into by any non-County employee or person, other than the above-noted lobbying or legal activities, and for which they derive payment from a client, in this case, the County of Erie or its officers, officials or agents.

Section 4. Legislative Approval.

No special or outside counsel, consultant, or lobbyist retained by Erie County or by any of its elected officials, officers, appointed officials or any employee, for the purpose of consulting, engaging in professional, technical or consultant services, lobbying or advocacy or legal representation or any legal matter for the County or any official, regardless of the dollar amount, value or cost for said contracts, shall be retained until such person or persons has first responded to a request for proposal (RFP) initiated by Erie County, and the response and award of contract or payment has been evaluated and approved by the Erie County Legislature prior to such person or persons entering into any consulting, professional, technical or consultant services, lobbying, lobbying activities, advocacy, legal representation or legal work upon behalf of Erie County or any official, officer or employee.

Section 5. Annual Report.

At the end of each calendar year the County Executive or his designated representative shall prepare, issue and file with the Clerk of the Legislature an Annual Report detailing all the special or outside counsel, consultants, and/or lobbyists retained by Erie County in the preceding calendar year, identifying them, the nature and scope of their activities, and their cost to the taxpayers and citizens of Erie County. Upon the request of any Erie County Legislator, such information shall also be provided immediately at any point during the year.

Section 6. Severability.

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

Section 7. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

LYNN M. MARINELLI

COMMITTEE REPORTS

Item 15 – MR. WROBLEWSKI presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

JULY 11, 2005

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 19E-60 (2005)
COUNTY EXECUTIVE Surplus Revenue - Road Reserve Fund - Public Hearing Request (5-0)

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- b. COMM. 19M-1 (2005)
NFTA: Annual 17A Report
 (5-0)
- c. COMM. 19M-9 (2005)
BUFFALO NIAGARA CONVENTION CENTER: Request For Written Commitment of
 2006 Funding
 (5-0)
- d. COMM. 19M-10 (2005)
NFTA: Annual Data Request & Related Documents for FYE 2005
 (5-0)

2. COMM. 16E-10 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has \$6,692,616 available for repairs of roads and bridges in the County during 2005, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held by this Legislature on Friday, July 22, 2005, at 9:30 a.m., in the Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, and be it further

RESOLVED, that the subject of such public hearing shall be the appropriation of \$6,692,616 from the Erie County Road Repair Reserve Fund for the following projects during 2005:

2005 TRANSFER TAX PROJECTS

OIL & CHIPPING

Allen Road
 Back Creek Road
 Bauer Road
 Becker Road
 Brown Street
 Carney Road
 Center Street
 Delameter Road
 East Creek Road
 Eckhardt Road
 Gartman Road

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Glenwood-E.Concord Road
 Groth Road
 Hardpan Road
 Heise Road
 Langford-New Oregon Road
 Lapp Road
 Lone Road
 Marshfield Road
 Matteson Corners Road
 New Oregon Road
 North Boston Road
 Pontiac Road
 Saunders Hill Road
 Schintzius Road
 Sharp Street
 Shirley Road
 Sibley Road
 Stearns Road
 Steiner Road
 Swift Mills Road
 Vermont Hill Road
 Waverly Street
 Zenner Road
 Zoeller Road

TOTAL

\$1,417,650

PAVEMENT REHABILITATION/OVERLAY/SURFACE TREATMENT/SHOULDER
 PAVING/MISCELLANEOUS REPAIR

Abbott Road
 Cayuga Road
 Central Avenue
 Derby Road
 Dick Road
 E.Robinson-No.French Road
 Eggert Road
 Elmwood Avenue
 French Road
 Holtz Drive
 Kenmore Avenue
 Main Street (Seneca Creek)
 Mineral Springs Road
 Nichter Road
 North Blossom Road
 Pine Ridge Road

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Ridge Road
 Seneca Street
 Slade Avenue
 Trevett Road
 Vaughn Street
 Versailles Plant Road
 Wehrle Drive
 William Street

TOTAL **\$4,224,966**

BRIDGE MAINTENANCE/REPAIR **\$ 200,000**

PAVEMENT SAFETY ENHANCEMENTS

Various Roads **\$ 350,000**

CRACK FILLING

Various Roads **\$ 500,000**

GRAND TOTAL **\$ 6,692,616**

and be it further

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, Joel A. Giambra; Budget Director, Joseph Passafiume; Acting Public Works Commissioner, Gerard J. Sentz; County Attorney's Office; and the Erie County Comptroller's Office.

(5-0)

3. **COMM. 19E-31 (2005)**
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works enters into contracts with consultant firms for work which includes Federal Aid, work for State agencies, and capital projects, and

WHEREAS, Erie County does not have the capability to audit these consultant firms as to what their overhead figure should be, and

WHEREAS, some State and Federal agencies, such as NYSDOT, do perform audits on each firm and set their overhead rates in accordance to their audit results, and

WHEREAS, the Department of Public Works wishes to set a policy that limits the overhead paid to consultant firms to be no more than 2.5 that are paid on a Time and Material basis unless they can prove it to be higher by results of an audit performed by State or Federal agencies.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to set a policy that limits the overhead paid to consultant firms to be no more than 2.5 that are paid on a Time and Material basis unless they can prove it to be higher by results of an audit performed by State or Federal agencies, and be it further,

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

(5-0)

4. COMM. 19E-32 (2005)

COUNTY EXECUTIVE

WHEREAS, the Town of Evans will be constructing the Shore Line Trail along Lake Shore Road (CR 111), in the Town of Evans, and

WHEREAS, the Erie County Department of Public Works and Erie County Department of Environment and Planning acknowledge that this Shore Line Trail will help to tie together a larger overall bike system and parks in the County, and

WHEREAS, the construction of this Shore Line Trail will encourage continued bicycle and pedestrian recreational activities, and

WHEREAS, the Town of Evans desires to enter into an agreement with the County of Erie to allow the Town of Evans to construct and maintain this Shore Line Trail, and

WHEREAS, the Town of Evans agrees to enter into an agreement to indemnify, defend, and hold harmless Erie County from all claims, suits, actions, damages, costs and judgments of any nature and description arising from the construction, reconstruction, repair, maintenance and operation of the bikeway, and

WHEREAS, the Town of Evans agrees to install, maintain, and repair Class I, II, and III bikeways as is required for Phases I and II of the Shore Line Trail, and

WHEREAS, the County Attorney's Office will prepare the necessary Permit/Agreement to be entered into by the Town of Evans to address all aspects of the installation, maintenance, repair and legal responsibilities associated with this Shore Line Trail.

NOW, THEREFORE, BE IT,

RESOLVED, that the County of Erie be allowed to enter into a Permit/Agreement with the Town of Evans for the purpose of delineating Town responsibility regarding installing, maintaining and repairing the Shore Line Trail, and be it further,

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RESOLVED, that six certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget, Management, and Finance, the Department of Environment and Planning, and to the Office of the Comptroller.

(5-0)

5. COMM. 19E-38 (2005)

COUNTY EXECUTIVE

WHEREAS, in the mid-1930s, Big Tree Road in the Town of Wales, which was a County highway (C.H. No. 86), was transferred to the State of New York; and

WHEREAS, prior to the transfer of Big Tree Road to the State, the road was straightened, and the portion of the road that was not straightened was no longer used as a County highway (hereinafter the "Abandoned Roadway"); and

WHEREAS, there are no documents recorded in the County Clerk's office, nor are there documents on file in the Department of Public Works evidencing a formal abandonment by the County of the Abandoned Roadway; and

WHEREAS, the Abandoned Roadway still shows up on surveys and title searches of neighboring properties as being a County right-of-way, which adversely affects the marketability and title to these properties; and

WHEREAS, the Erie County Lands Advisory Review Committee approved of the abandonment during their meeting on June 14, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Abandoned Roadway, hereinafter described in the map and description attached hereto as Exhibit "A" is hereby abandoned; and be it further

RESOLVED, that the County Executive is hereby authorized to execute quit claim deeds to transfer portions of the Abandoned Roadway to the adjoining property owners, if the property owners request that such quit claim deeds be executed; and be it further

RESOLVED, that the consideration for each portion of the Abandoned Roadway transferred to adjoining property owners shall be one dollar (\$1.00); and be it further

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

(5-0)

6. COMM. 19E-48 (2005)

COUNTY EXECUTIVE

WHEREAS, Erie County partnered with the New York State Energy Research and Development Authority (NYSERDA) to qualify for a new construction incentive award, and

WHEREAS, as required by NYSERDA, commissioning and energy conservation reports were completed and presented, and

WHEREAS, as further implementation of energy conservation initiatives is encouraged by the incentive awards program, subsequently NYSERDA granted Erie County a financial incentive award of \$117,096.00.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes acceptance of the funds granted to Erie County by NYSERDA, and be it further,

RESOLVED, that this revenue be used to decrease from SAP Project A.00166 and be used to increase the appropriations for the Botanical Gardens Master Plan Construction, SAP Project A.00234 in the amount of \$117,096.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
 (5-0)

7. COMM. 19E-56 (2005)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 16, 2005 for the Erie Community College, South Campus – 2005, Building 3, HVAC Upgrades, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Erie Community Colleges, South Campus – 2005, Building 3 HVAC Upgrades as follows:

MECHANICAL WORK

J.W. Danforth Co.

Base Bid: \$563,000.00

and be it further,

RESOLVED, that the sum of \$57,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

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RESOLVED, that the project estimated revenue and appropriations are funded by fifty percent (50%) State Aid be increased by \$310,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from Project A.00069, 2003 Code Compliance Account, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, Division of Budget, Management & Finance, Office of the Comptroller, and Erie Community College.
 (5-0)

MS. MARINELLI moved to separate item number 2 and approve the balance of the report.
 MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve item number 2. MR. KUWIK seconded. Legislators DeBenedetti and Smith voted in the negative.

CARRIED.

Item 16 – MS. MARINELLI presented the following report and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

JULY 11, 2005

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19E-62 (2004)
COUNTY EXECUTIVE: DISS - Professional Services - Computer Consulting Services of WNY
 (4-1) Legislator Chase in the negative.
 - b. COMM. 23E-22 (2004)
COUNTY EXECUTIVE: DISS - Installation Services - WNY Computing Systems
 (4-1) Legislator Chase in the negative.
 - c. INTRO 1-2 (2005)
MARINELLI & DEBENEDETTI: 2005 Reform Agendas: Reinventing Erie County's Financial Oversight and Review Mechanisms

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- (5-0)
- d. INTRO 1-3 (2005)
HOLT: 2005 County Budget and Procedure Reforms
(5-0)
- e. INTRO 2-7 (2005)
RANZENHOFER, MINORITY CAUCUS: Financial Accountability and Oversight
(5-0)
- f. INTRO 12-3 (2005)
WEINSTEIN: Multiple County Services
(5-0)
- g. INTRO 13-1 (2005)
WEINSTEIN: Changes To The 2004 and 2005 Rules of Order
(5-0)
- h. COMM. 14E-23 (2005)
COUNTY EXECUTIVE: DISS - SAP Plant Maintenance Implementation & Support For DPW, Parks, Fleet Division & Sewerage Management
(4-1) Legislator Chase in the negative.
- i. COMM. 16E-5 (2005)
COMPTROLLER: DISS - Fleet Services - Review of Payment & Dispensing of County Vehicle Fuel - 9/1/03 - 9/31/04
(5-0)
- j. INTRO 18-1 (2005)
RANZENHOFER: Filling A Vacancy In The Office of the Comptroller
(5-0)
- k. COMM. 19E-3 (2005)
MARINELLI: Request For Certified Copies of the 2005 Erie County Budget
(5-0)
- l. COMM. 19D-1 (2005)
COUNTY ATTORNEY: Notification of Lawsuit - Mohr & Ward v. John Greenan, Et Al
(5-0)
- m. COMM. 19D-4 (2005)
DISS: DISS Fleet Services Audit for Period 9/1/03 - 8/31/04
(5-0)
- n. COMM. 19D-6 (2005)
COUNTY ATTORNEY: Mohr et al. v. Greenan et al
(5-0)

- o. COMM. 19M-5 (2005)
NYS SUPREME COURT: Subpoena Duces Tecum - Mohr, et al vs. Greenan, et al
 (5-0)

2. COMM. 12E-47 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, it is in the best interest of the County to properly prepare real property tax bills in order to avoid delays in collections for the County, Towns, Villages and School Districts, and

WHEREAS, it is essential that the Division of Real Property Tax Services be properly staffed in order to carry out this function

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to add 1 position of Data Tax Clerk (JG9), estimated salary to year end \$25,440, 1 position of Data Processing Control Clerk (JG5), estimated salary to year end \$17,680, and 1 Part Time Senior System Coordinator/Real Property Systems (JG14), estimated salary to year end \$13,600, and be it further

RESOLVED, that the following Budget transfers are hereby authorized to implement this request,

County Wide Accounts Monitored by Budget			
Fund	Center	Account	Decrease
14010	40010	Exemption Removal	\$71,690
Division of Budget, Management and Finance			Increase
10210	500000	Personal Services	\$43,120
10210	500010	Part Time Salaries	13,600
10210	502000	Fringe Benefits	<u>14,970</u>
Total			\$71,690
Net Change			\$0

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, Management and Finance, the Comptroller, the Department of Personnel, and the County Executive.
 (5-0)

3. COMM. 14E-26 **AS AMENDED**
COUNTY EXECUTIVE

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WHEREAS, the Erie County Division of Information and Support Services – Bureau of Fleet Services as presently staffed at the present time is unable to properly provide the level of support necessary to maintain a County fleet, and

WHEREAS, the Erie County Division of Information and Support Services is requesting the creation one Supervising Mechanic Job Group 8 Step A, and

WHEREAS, adjustments to the 2005 Erie County Budget set forth in the attachment to this document do not increase or decrease the operational expense of the Division of Information and Support Services – Bureau of Fleet Services;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Information and Support Services is authorized to create one Supervising Mechanic Job Group 8 Step A, and be it further

RESOLVED, that authorization is hereby provided to make the following adjustments in the 2005 Budget for the Division of Information and Support Services to commence July 18, 2005, to be pro-rated for the remainder of the year and reported to the Legislature:

Bureau of Fleet Services – 10710	Increase/(Decrease)
500000 – Full Time Salaries	25,000
501000 – Overtime	5,000
502000 – Fringe Benefits	9,285
505200 – Clothing Supplies	(2,150)
506400 – Highway Supplies	(400)
510000 – Local Mileage Reimbursement	(400)
510100 – Out of Area Travel	(1,500)
510200 – Training and Education	(1,000)
515000 – Utility Charges	(32,385)
516020 – Professional Services Contract and Fees	(450)
530000 – Other Expenses	(1,000)

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Information and Support Services, the Department of Personnel, the Division of Budget, Management and Finance and to the Office of the Comptroller.

(5-0)

4. INTRO 19-2 **AS AMENDED**
MARINELLI

WHEREAS, the district office of Legislator Lynn M. Marinelli is staffed by a long-time County employee who is retiring on July 29, 2005, and

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WHEREAS, it has come to the attention of the Legislature that many persons have been hired in the Erie County Government workforce since March 4th and prior to June 14th including a number of persons rehired into the workforce who had been laid-off in March 2005, and

WHEREAS, these hires and rehires, almost all of which were not reported to the Legislature until after the fact and were not done according to the provisions in Comm. 4E-23 and 7D-1, are in fact, illegal hires and illegal actions and directly violate duly-adopted legislative resolutions,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby note the blatant and flagrant violation of the law by the County Administration in violating duly adopted legislative resolutions concerning personnel actions, and be it further

RESOLVED, that the Erie County Legislature signals its intention to delete the positions of persons illegally rehired since March 4th without the required legislative approval, and be it further

RESOLVED, that this Honorable Body does call on the Chairman of the Legislature, pursuant to his authority under the Legislature Rules of Order, to establish an ad hoc Personnel Committee in the Legislature, which will review and take appropriate action on all requests from the County Administration or Countywide elected officials for personnel actions, such as new hires, rehires, filling of vacancies, and so forth, and be it further

RESOLVED, that the Commissioner of Personnel is directed to attend a future meeting of either the Government Affairs Committee or the new Personnel ad hoc Committee to discuss and answer questions concerning these rehires and the violation of the February 14th and March 4th legislative resolutions, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, Comptroller, District Attorney, County Clerk, Sheriff, and Budget Director.

RESOLVED, as a result of the 2005 Budget crisis, the Erie County Legislature wishes to have a stronger oversight role in county hiring practices, and be it further

RESOLVED, that prior to the Legislature's approval of the creation of any positions within County Government, the appointing authority must submit to the Erie County Legislature the attached Job Creation Summary Report Form with the request from the County Executive seeking such positions, and be it further

RESOLVED, that any resolution asking for the creation of a position must be accompanied by a certification from the Division of Budget, Management and Finance that necessary funds exist to pay for said position, and be it further

RESOLVED, that within 15 days of the closing of each month, the County Administration is required to submit to the Legislature a report detailing the department, job title, and name of any individual hired by the county, and be it further

RESOLVED, that the County Administration is required, within 7 calendar days of the passage of this resolution, to produce a report detailing what positions were filled between the passage of Communication 4E-23 on February 14, 2005 and Resolution 15-9 on June 15, 2005, and be it further

RESOLVED, that within 15 calendar days of the passage of this resolution, the Giambra Administration is required to give a detailed written justification for the filling of each vacant position between February 14, 2005 and June 15, 2005, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Sheriff, District Attorney, County Comptroller, County Clerk and the Commissioner of Personnel for distribution of this form and fulfillment of its requirements.
 (5-0)

6. COMM. 19E-7 **AS AMENDED**
DISTRICT ATTORNEY

WHEREAS, on June 14, 2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, an adequate staff level must be maintained in the District Attorney's Office in order to successfully prosecute the high volume of cases within Erie County, and

WHEREAS, the Erie County Legislature approved the District Attorney's personnel budget for 2005 for both the general and grant funds.

NOW, THEREFORE, BE IT

RESOLVED, that the following position which was vacant as of June 14, 2005, and which is 100% state grant-funded is restored to the budget of the Erie County District Attorney:

Position # 2347 Deputy DA-Capital Punishment

And be it further

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

LYNN M. MARINELLI
CHAIRPERSON

MR. RANZENHOFER moved to separate items No. 2, 3 and 4 and approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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MS. MARINELLI moved for the approval of item No. 2. MS. CHASE seconded. Legislators Marshall, Ranzenhofer and Weinstein voted in the negative.

CARRIED.

MR. MARINELLI moved for the approval of item No. 3. MR. DeBENEDETTI seconded. Legislators Cusack, Marshall, Ranzenhofer and Weinstein voted in the negative.

CARRIED.

MS. MARINELLI moved for the approval of item No. 4. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. KENNEDY presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

JULY 11, 2005

COMMUNITY SERVICES COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 13E-16 (2005)
COUNTY EXECUTIVE: Mental Health - Transfer of Funds - 2005 EC Assessment For Membership in the NYS Conference of Local Mental Hygiene Directors
 (4-0) Legislator Weinstein Absent.
 - b. COMM. 13D-3 (2005)
BECPL: Copy of Letter to Budget Director Re: Request For Assistance in Securing Bond Authorization
 (4-0) Legislator Weinstein Absent.
2. COMM. 19E-18 (2005)
COUNTY EXECUTIVE
 WHEREAS, the Department has reviewed the case management Cluster agencies' contract budgets and actual costs of carrying out grant objectives, and

WHEREAS, the additional match is available from various Cluster agencies, and

WHEREAS, the Department desires to allocate the Community Services for the Elderly(CSE)and the Expanded In-Home Services for the Elderly(EISEP) funds by increasing the

home care hours available to seniors throughout Erie County; and to improve the entire case management network by providing sufficient funds to the Cluster agencies to ensure that case managers and coordinators are compensated a minimum of \$12 and \$14 per hour, respectively; and by supporting the software used for case management, and

WHEREAS, the Department desires to transfer funding for the contract services received from the Town of Amherst from Elder Caregiver Support Program(III-E) to Expanded In-Home Services for the Elderly Program(EISEP) effective August 1, 2005, and

WHEREAS, the Department desires to transfer the Social Case Supervisor position (#9672) from the Elder Caregiver Support Grant to Expanded In-Home Services for5 the Elderly Program(EISEP), effective September 1, 2005, and

WHEREAS, this position transfer is reflected in the SAP system on B-100 position authorization form, Control number 993, and

WHEREAS, the Community Services for the Elderly(CSE) and the Expanded In-Home Services for the Elderly Program(EISEP) grant budgets need to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to amend the existing contracts with the Community Services for the Elderly(CSE) and the Expanded In-Home Services for the Elderly Program (EISEP) Cluster agencies to reflect the additional funds (including local match) as shown herein, and with the Town of Amherst to reflect the change in funding source and the additional funds, and be it further

RESOLVED, that the Social Case Supervisor position be transferred from Elder Caregiver Support Program(III-E) to the Expanded In-Home Services Program(EISEP), effective September 1, 2005, and be it further

RESOLVED, that the EISEP grant budget, Project 163EISEP0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenues	\$1,438,195	\$537,120	\$1,975,315
466000	Miscellaneous Revenue	\$ 59,620	\$ 27,000	86,620
466100	Other Revenue-Grant Program	33,000	<u>10,000</u>	43,000
	TOTAL CHANGE		\$574,120	
 APPROPRIATIONS				
500000	Full Time Salaries	\$375,130	\$33,660	\$408,790
502000	Fringe Benefits	116,103	10,420	126,523
516010	Bailey Delavan Community Center	0	10,000	10,000
516010	Concerned Ecumenical Ministry	91,873	5,000	96,873
516010	Community Concern of WNY	32,836	24,000	56,836

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516010	North Buffalo Community Center	40,755	7,000	47,755
516010	South Buffalo Comm. Development Assoc	94,055	7,000	101,055
516010	Northwest Buffalo Comm. Center	31,550	8,000	39,550
516010	Lt. Col. Matt Urban Center	31,588	55,000	86,588
516010	Town of Amherst	0	48,290	48,290
516020	Home Care Services	1,115,910	318,750	1,434,660
516020	Personal Emergency Response Svc	0	15,000	15,000
516020	Case Management Software Support	0	28,000	28,000
561410	Lab & Technical Equipment	0	4,000	4,000
	TOTAL CHANGE		\$574,120	

and be it further

RESOLVED, that the Community Services for the Elderly(CSE) grant budget, Project 163CSE0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$920,794	<u>\$2,795</u>	\$923,589
	TOTAL CHANGE		<u>\$2,795</u>	
APPROPRIATIONS				
510000	Local Mileage	\$1,500	-\$1,000	\$500
510100	Out of Area Travel	2750	-1,000	1750
516010	BFNC	100,728	1,000	101,728
516010	Town of Amherst	0	11,000	11,000
	Other Projected			
516010	Agencies	5,941	-5,941	0
980000	ID DISS Services	9,780	<u>-1,264</u>	8,516
	TOTAL CHANGE		<u>\$2,795</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Comptroller's Office, The Department of Law, the Division of Budget, Management and Finance and the Department of Senior Services.

(4-0) Legislator Weinstein Absent.

3. COMM. 19E-19 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging (SOFA) has awarded the Erie County Department of Senior Services (Department) \$167,517 in State Pharmaceutical Assistance Program (SPAP) funds for the period April 1, 2005 to September 30, 2005, and

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WHEREAS, SOFA and the New York State Department of Health are partnering with Area Agencies on Aging to educate and assist older New Yorkers enrolled in the Elderly Pharmaceutical Insurance Coverage (EPIC) program regarding the choices that seniors (i.e., those age 65 and older) must make to participate in the new Part D Medicare prescription drug coverage benefit under the Medicare Modernization Act of 2003 (M.A.), and

WHEREAS, the goal of the State Pharmaceutical Assistance Program(SPAP)grant is to maximize participation of Elderly Pharmaceutical Insurance Coverage(EPIC)enrollees in the new Medicare prescription drug coverage while maintaining or improving their current level of benefits, and

WHEREAS, the Department desires to use the State Pharmaceutical Assistance Program(SPAP) funds to encourage Elderly Pharmaceutical Insurance Coverage(EPIC)enrollees to consider joining the new Medicare prescription drug program; to assist low-income elderly Pharmaceutical Insurance Coverage (EPIC) enrollees in applying for the low income subsidy (LIS); and to educate and assist Elderly Pharmaceutical Insurance Coverage(EPIC) enrollees in selecting and enrolling in a Medicare prescription drug plan and in coordinating those benefits, and

WHEREAS, the Department desires to create a Coordinator –Insurance Outreach and Counseling – Senior Services position, job group XI, and a part time Coordinator of Volunteer Training -Senior Services, job group VIII, to seek out and organize information on all health insurance products; disseminate information to the elderly through presentations, written newsletters and correspondence; offer one-on-one advice on insurance to seniors and family members; coordinate events focusing on health insurance to educate the public about Medicare and prescription drug coverage; create and chair health insurance coalitions in the broader community; and train staff and volunteers in information and outreach, and

WHEREAS, these position adjustments are reflected in the State Pharmaceutical Assistance Program(SPAP) system on B-100 position authorization forms, Control numbers 977 and 978, and

WHEREAS, no County funds are required for the State Pharmaceutical Assistance Program(SPAP) grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the \$167,517 grant from New York State Office for the Aging(SOFA) to operate the State Pharmaceutical Assistance Program(SPAP), and be it further

RESOLVED, that the Coordinator –Insurance Outreach and Counseling – Senior Services and part time Coordinator of Volunteer Training -Senior Services positions be created in the State Pharmaceutical Assistance Program(SPAP) grant, and be it further

RESOLVED, that the budget for the State Pharmaceutical Assistance Program(SPAP) grant for the period April 1, 2005 through September 30, 2005 be established as follows:

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		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$167,517
	TOTAL REVENUE	\$167,517
APPROPRIATIONS		
500000	Full Time Salaries	\$13,540
500010	Part Time Wages	\$3,760
502000	Fringe Benefits	5,300
505000	Office Supplies	9,620
510000	Local Mileage	2,000
510100	Out of Area Travel	1,500
510200	Training and Education	10,000
	Professional Services &	
516020	Fees	30,000
530000	Other Expenses	45,000
545000	Rental Expenses	3,000
561410	Lab & Tech Equipment	15,497
980000	ID DISS Services	28,300
	TOTAL	
	APPROPRIATIONS	\$167,517

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Personnel and the Department of Senior Services.
 (4-0) Legislator Weinstein Absent.

4. COMM. 19E-20 (2005)

AS AMENDED

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has eliminated all vacant positions throughout Erie County via Intro 15-9, dated June 14, 2005, and

WHEREAS, the Department of Senior Services (Department) had 15 vacant positions that were included in the legislation, and these positions are all reimbursed at either 100%, 90%, 87.5% or 75% in federal or state dollars (see attached vacancy listing), and

WHEREAS, the County share attributable to the positions equates to the local match required to receive the federal or state funds in total, and

WHEREAS, the Department has continuously streamlined administrative costs, maximizing Federal and State funds and addressing the ever increasing need for services to seniors, the fastest growing segment of Erie County's population, and

WHEREAS, the Department has been successful in providing core supportive services to “at-risk” seniors in Erie County that result in maintaining their independence in the community rather than facing more costly institutional care under the Medicaid program, and

WHEREAS, the failure to fill these positions jeopardizes the safety, health and well being of our most frail, “at-risk” population, as well as hinders our ability to draw down all available funds to provide essential services, and

WHEREAS, the New York State Office for Aging and federal government are expanding support for local services through new grant funding, and

WHEREAS, the Department desires to recreate the Dispatcher and Community Service Aide Part Time positions in the Area Agency on Aging grant (90% federally reimbursed), the part time Energy Crisis Worker I and II positions in the HEAP program (100% federally reimbursed), the three Senior Case Manager, two Case Manager, two Senior Account Clerk and the Senior Community Service Aide positions in Title XX Protective Services for Older Adults (87.5% average federal and state reimbursed), and the Case Manager position in the Elder Caregiver Support Program (75% reimbursed), and

WHEREAS, Protective Services are mandated by New York State and Erie County is responsible for providing this service and funds have been allocated in the 2005 budget, and a cost savings has not only been established, but surpassed, and staff currently carries an average of 35; whereas recommended case loads are 20-25, and

WHEREAS, these position adjustments are reflected in the SAP system on B-100 position authorization forms, Control numbers 979 to 992, and

WHEREAS, sufficient appropriations exist in the respective personal services lines, and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the positions be recreated in the respective programs in order to maintain the safety, health and well-being of our elder population, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Personnel, the Comptroller’s Office, the County Attorney and the Department of Senior Services.

DEPARTMENT OF SENIOR SERVICES
VACANCY LISTING
 FOR 2005 COUNTY BUDGET

grd	TITLE	POSITION NO.	ANNUAL SALARY	COUNTY SHARE	AMOUNT REIMBURSED		
					FEDERAL	STATE	OTHER
PROTECTIVE SERVICES FOR ADULTS*							
9	SR CM	8173	49,270	6,159	36,952	6,159	
9	SR CM	8176	46,548	0	34,910	5,819	5,819
9	SR CM SS	51001509	44,426	5,553	33,320	5,553	
7	CM SS	51001510	34,418	4,302	25,814	4,302	
6	SRCSA	8701	30,430	3,804	22,822	3,804	
6	SAC	51001114	38,287	4,786	28,715	4,786	
6	SAC	51001115	38,287	4,786	28,715	4,786	
HEAP							
5	ECW2 PT	3368	11,644	0	11,644		
2	ECW1 PT	3317	10,176	0	10,176		
AREA AGENCY ON AGING GRANT							
4	DISPAT	3074	32,267	3,227	29,040		
1	CSA-PT	1806	10,413	1,041	9,372		
ELDER CAREGIVER SUPPORT GRANT							
7	CM	877	39,422	9,855	29,567		
			385,588	43,513	301,047	35,209	5,819

* DEPENDENT ON OVERALL SOCIAL SERVICES EXPENDITURES FOR TITLE XX.

(4-0) Legislator Weinstein Absent.

5. COMM. 19E-22 (2005)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Department of Social Services requests restoration authorization to fill (9) critical positions as detailed on the attached matrix, and

WHEREAS, information is presented on the attachment that indicates Position Title, Job Group, Position Number, Function and Local Share for the balance of the 2005 budget year, and

WHEREAS, in accordance with the Erie County Legislature intro 15-9, positions are to be eliminated from the Adopted Budget once they became vacant, and

WHEREAS, once positions are vacant and deleted, Legislative approval is required in order to restore positions and authorize filling, and

WHEREAS, there is no fiscal impact to this resolution as the positions are fully funded in the 2005 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that authorization to create and fill the (8) positions detailed on the attached list is granted, and be it further

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

**DEPARTMENT OF SOCIAL SERVICES
POSITION RESTORATION/VACANCY FILL REQUEST
LOCAL SHARE IMPACT CALCULATION DETAIL
July 11, 2005**

Note: Revised to Reflect New August 1, 2005 Effective Date (10.5 Pay Periods for Balance of Year)

Note: Local Share Impacts Are Within Existing CAAB Budget. They Represent A Reduction of Windfall Savings From Unanticipated New Vacancies

1. Head Welfare Examiner – (ECMC Medicaid Team)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Hd Soc Welf Examiner JG-10-C	52,493	-	
Current Position to be Vacated/Deleted	Sr Soc Welf Examiner JG7-C (Pref List)	(41,221)	-	
	NET DIFFERENCE		-	-

(Note ECMC pays full State & Local Shares)

2. HEAD SOCIAL WELFARE EXAMINER – (Temp Assistance TTW Team)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year

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Position to be Restored/Filled:	Hd Soc Welf Examiner JG-10-C	52,493	25,491	
Current Position to be Vacated/Deleted	Sr Soc Welf Examiner JG7-C (Pref List)	(41,221)	(20,017)	
	NET DIFFERENCE		5,474	2,211

3. CASEWORKER – (Children’s Services)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Caseworker JG7-3	35,216	14,854	
Current Position to be Vacated/Deleted	None – Lay Off Recall from Pref List	-	-	
	NET DIFFERENCE		14,854	5,999

4. CASEWORKER – (Children’s Services)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Caseworker JG7-3	35,216	14,854	
Current Position to be Vacated/Deleted	None – Lay Off Recall from Pref List	-	-	
	NET DIFFERENCE		14,854	5,999

5. SYSTEMS SUPPORT SPECIALIST – (Syst Support – Connections)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Systems Support Spec JG11-D	58,972	21,879	
Current Position to be Vacated/Deleted	Sr Prog Support Spec JG9-D	(49,789)	(27,195)	
	NET DIFFERENCE		(5,316)	(2,147)

(Note: positions to be Restored/Filled is 37.1% Local Share
position to be Vacated/Deleted is 54.6% Local Share)

6. SOCIAL CASE SUPRVISOR – UNIT – (Children’s Services)

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	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Soc Case Suprv Unit JG 11-A	55,149	23,262	
Current Position to be Vacated/Deleted	Sr. Caseworker JG9-A	(46,548)	(19,634)	
	NET DIFFERENCE		3,628	1,465

7. PARALEGAL – (Office of Child Support Enforcement)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Paralegal JG5-5	32,242	5,481	
Current Position to be Vacated/Deleted	None – Lay Off Recall from Pref List	-	-	
	NET DIFFERENCE		5,481	2,231

8.SENIOR CASEWORKER – (Day Care Registration)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Sr. Caseworker JG 9-5	45,468		
Current Position to be Vacated/Deleted	Caseworker JG9-5	(38,522)	(16,249)	
	NET DIFFERENCE		(16,249)	(6,562)

(Note: Day Care Registration = 100% Federal position to be vacated/deleted is 42% Local Share)
 (4-0) Legislator Weinstein Absent.

6. COMM. 19E-23 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has determined that a transfer of funds is required in order to pay the balance of dues owed to the New York State Association of County Health Officials, and

WHEREAS, the Department requested a \$14,600 appropriation in Account 510200 Training & Education in the 2005 Budget, the request was reduced by Legislative action to \$7,300, and

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WHEREAS, the Department had previously paid \$6,000 of the \$10,346 owed to the New York State Association of County Health Officials for annual membership and dues, it is now necessary to transfer funds in order to pay the \$4,246 balance, and

WHEREAS, funds are available in Account 530000 Other Expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby approves the following transactions within the accounts of the Department of Health:

Increase – Account 510200, Training & Education	+\$4,246
Decrease – Account 530000, Other Expenses	-\$4,246

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (4-0) Legislator Weinstein Absent.

7. COMM. 19E-27 (2005)
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded funding in the amount of \$143,883 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence, and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operation, and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's submission to the State of the Consolidated Services Plan (CSP), and

WHEREAS, the Department has determined the distribution of these funds through the negotiation of program enhancements with all vendors eligible to receive funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts for expanded non-residential services to victims of domestic violence with Child and Family Services, Crisis Services and Hispanics United, and be it further

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RESOLVED, that the following budget amendments are hereby authorized in the 2005 Adopted Budget:

Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Crisis Services	\$46,397
516010	Hispanics United of Buffalo	25,546
516010	Child and Family Services	<u>71,940</u>
	Total Expenditures	<u>\$143,883</u>
411610	Federal Aid – Service for Recipients	<u>\$143,883</u>
	Total Revenues	<u>\$143,883</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because the Department has negotiated program enhancements with all of the vendors eligible to provide services and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (4-0) Legislator Weinstein Absent.

8. COMM. 19E-29 (2005)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services has several *Taken Out of Service Vans*, and

WHEREAS, various agencies and municipalities have expressed interest in using these vans to better serve their clients and citizens, and

WHEREAS, the Department has identified 5-*Taken Out of Service* vehicles that will not be used, and

WHEREAS, the Department wishes to transfer ownership of these *Taken Out of Service* vehicles to:

3 -Buffalo Community Center Collaborative
 VIN#1GAGG25R111116986,
 VIN#1GAGG25R111119421 and

VIN#1GAGG25R011117725

1 -Town of Evans
 VIN#1GAGG25R341280007

1-City of Lackawanna
 VIN#1GAGG25R841279614

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to transfer ownership of the 5- *Taken Out of Service* vehicles, in as is condition, to:

3 -Buffalo Community Center Collaborative
 VIN#1GAGG25R111116986,
 VIN#1GAGG25R111119421 and
 VIN#1GAGG25R011117725

1 -Town of Evans
 VIN#1GAGG25R341280007

1-City of Lackawanna
 VIN#1GAGG25R841279614

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, Division of Budget, Management and Finance, the Division of Purchase, the Comptroller's Office, the Department of Law and the Department of Senior Services.
 (4-0) Legislator Weinstein Absent.

9. COMM. 19E-33 (2005)

COUNTY EXECUTIVE

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintains forensic laboratory accreditation, and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay the costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B, and

WHEREAS, the Medical Examiner's Division has received a grant in the amount of \$28,423 from the Division of Criminal Justice Services National Forensic Sciences Improvement Act for the purchase of a gas chromatograph.

NOW, THEREFORE BE IT

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RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the Division of Criminal Justice Services to accept the grant budgeted as follows:

Department of Health
 Criminal Justice Services National Forensic Improvement Act
 10/1/04 – 9/30/06
 SAP Title: 127NAFR0406

SAP	REVENUE	AMOUNT
409000	State Aid Revenues	<u>\$28,423</u>
	TOTAL	<u>\$28,423</u>
	EXPENSES	
561410	Lab & Technical Equipment	<u>\$28,423</u>
	TOTAL	<u>\$28,423</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.
 (4-0) Legislator Weinstein Absent.

10. COMM. 19E-39 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Delivered Meals Program (III-C-2) for the period January 1, 2005 to December 31, 2005, and

WHEREAS, the Department of Senior Services allocated a portion of the III-C-2 funds to contract with a dietician consultant to provide nutrition assessment, education and counseling services to homebound nutrition participants, primarily in the Southtowns area, and

WHEREAS, the current contracted dietary consultant advised the Department that she will terminate the contract as of June 30, 2005, and

WHEREAS, the Department desires to contract with Jamie Lynn Bond, RD. to continue the services for the rest of 2005, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Jamie Lynn Bond, RD. for the remainder of 2005 at an amount not to exceed \$10,000, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the County Attorney's Office, the Comptroller's Office and the Department of Senior Services.

(4-0) Legislator Weinstein Absent.

11. COMM. 19E-40 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Abuse Prevention (Title VII) Grant for the period January 1, 2005 to December 31, 2005, and the Long Term Care Ombudsman Program (LTCOP) Grant for the period April 1, 2005 to March 31, 2006, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final allocations for both grant programs, and

WHEREAS, the County budgets for these grants are in need of revision to reflect the additional funds available, and

WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Elder Abuse Prevention (Title VII) and the Long Term Care Ombudsman Program (LTCOP) Grants, and

WHEREAS, the Department desires to amend the contracts with the American Red Cross, and

WHEREAS, no County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the Elder Abuse Prevention (Title VII) and the Long Term Care Ombudsman Program (LTCOP) Grant contracts with the American Red Cross, Greater Buffalo Chapter by the amounts detailed herein, and be it further

RESOLVED, that the budget for the Elder Abuse Prevention (Title VII) Grant, 163VII2005, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$44,525	\$11,407	\$55,932
	TOTAL CHANGE		\$11,407	
APPROPRIATIONS				
516010	American Red Cross	\$44,525	\$11,407	\$55,932

TOTAL CHANGE \$11,407

and be it further

RESOLVED, that the budget for the Long Term Care Ombudsman Program (LTCOP) Grant, 163LTCOP0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$42,051	<u>\$2,835</u>	\$44,886
	TOTAL CHANGE		<u>\$2,835</u>	
APPROPRIATIONS				
516010	American Red Cross	\$42,051	<u>\$2,835</u>	\$44,886
	TOTAL CHANGE		<u>\$2,835</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, Division of Budget, Management and Finance, the County Attorney's Office, the Comptroller's Office and the Department of Senior Services.
(4-0) Legislator Weinstein Absent.

12. COMM. 19E-42

COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 2005 Adopted Budget, and

WHEREAS, the 2005 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on July 1, 2005:

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Department	Grant Program	2005 Budget Book B Page No.
Central Police Services	Points of Entry Drug Interdiction	122
Probation	Challenge Grant	156

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2005 and thereafter:

Department	Grant Program	2005 Budget Book B Page No.
Social Services	Energy Services Packaging Project 05-06	108
Social Services	Home Energy Assistance Project (HEAP)	108
Central Police Services	Juvenile Accountability Incentive Block Grant	122
Central Police Services	Traffic Safety Grant	123
Central Police Services	Child Car Seat Grant	123
District Attorney	S.T.O.P. Violence Against Women	135
District Attorney	BE-SAFE	135
District Attorney	Victim/Witness Assistance Program	136
Sheriff	High Impact Incarceration Program (HIIP)	153*
Probation	Juvenile Accountability Incentive Block Grant	156
Probation	Shared Population – Defendants/Offenders With Mental Illness	156
Probation	Crime Victims Board	157

* Begins 11/1/05

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and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, Central Police Services, the Office of the Sheriff, Probation, and Youth Detention Services, Social Services, Law, the Office of the Comptroller and the Division of Budget, Management and Finance.
 (4-0) Legislator Weinstein Absent.

TIMOTHY M. KENNEDY
CHAIRMAN

MR. RANZENHOFER moved to separate Items No. 5 and 6 and moved the balance of the report. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MR. SWANICK moved for the approval of Item No. 5. MS. MARINELLI seconded. Legislators Mashall, Ranzenhofer and Wroblewski voted in the negative.

CARRIED.

MS. MARINELLI moved for the approval of Item No. 6. MR. SWANICK seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 18 – MR. DUSZA presented the following report and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

JULY 12, 2005

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. INTRO 10-3 (2005)
WEINSTEIN & MARINELLI: In Support of Approving Replacement Power Legislation (S.1136/A. 2715)

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- (4-1) Legislator Ranzenhofer in the negative.
- b. COMM. 12E-42 (2005)
COUNTY EXECUTIVE: ECSD No. 2 - Herr Rd. - Buffalo Beach & Shorecliff - Pumping Station Modification Project - Contracts 61PS"A" - General/Mechanical - 61PS"B" - HVAC 61PS"D" - Electrical - Contract Award
(5-0)
- c. COMM. 14E-16 (2005)
COUNTY EXECUTIVE: ECSD No. 2 - Contract No. 38H - General Lakeshore Pumping Station Elimination - Bid Opening
(5-0)
- d. COMM. 19E-28 (2005)
COUNTY EXECUTIVE: ECSD Nos. 2 & 4 - Engineer Term Agreement - Work Order: MPI-1, Legislative Comm. 21E-33
(5-0)
- e. COMM. 19E-34 (2005)
COUNTY EXECUTIVE: Southtowns Sewage Treatment Agency - Engineer Term Agreement
(5-0)
- f. COMM. 19E-35 (2005)
COUNTY EXECUTIVE: ECSD No. 6 - Engineer Term Agreement - Work Order: DA-2
(5-0)
- g. COMM. 19E-44 (2005)
COUNTY EXECUTIVE: ECSD No. 6 - SSTA - Disinfective Improvements - Contract No. 6ST-A - Change Order No. 1 - Summit Construction Group
(5-0)
- h. COMM. 19E-52 (2005)
COUNTY EXECUTIVE: Proposed ECSD No. 8 - EC Sewer Agency Report - Village of East Aurora/Town of Aurora
(5-0)
- i.. COMM. 19D-3 (2005)
PARKS, RECREATION, & FORESTRY: Monitoring Report for the Erie County Golf Courses - May 2005
(5-0)
- j. COMM. 19D-14 (2005)
PARKS, RECREATION, & FORESTRY: Monitoring Report for the Erie County Golf Courses - June 2005
(5-0)

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k. COMM. 19M-6 (2005)
ECWA: Comprehensive Annual Financial Report For Year Ending 12/31/04
 (5-0)

1. COMM. 19M-12 (2005)
ECWA: 2004 Annual Report
 (5-0)

2. INTRO 7-11 (2004)
DUSZA

WHEREAS, many larger retail establishments have found it difficult and impractical to place price labels on each individual item for sale, and

WHEREAS, in the absence of individual price markings, a number of businesses have relied on computer assisted scanning checkout systems operated by retail employees to interpret an item's Universal Product Code (UPC) and report on that item's price, and

WHEREAS, in 1997 the Erie County Legislature approved Local Law Number 7 in relation to item pricing and scanner accuracy in Erie County, which allows establishments to apply for waivers from item pricing and provides consumers with recourse when inaccurately charged for an item, and

WHEREAS, recent trends in retail stores show a movement toward customer self-scanner check-out technology, and

WHEREAS, locally self-scanners can be found in Tops Supermarkets, Home Depot Stores, Wal-Mart Supercenters, BJ's Wholesale Clubs as well as other retail establishments, and

WHEREAS, Forester Research firm found that fifty percent of American consumers have at one time used self-scheckouts, and

WHEREAS, Western New York Tops Markets and Home Dept management report approximately 1/3 of all sales in stores with self-scanning technology are processed by consumers through the self-checkout system, and

WHEREAS, while self-scanners have been demonstrated to be a viable option for consumers, the technology also removed the interpersonal interaction traditionally associated with the retail payment process, and

WHEREAS, this recent technology raises new questions about compliance, enforcement and consumer rights related to Local Law No. 7-1997.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature contines to make consumer protection a priority, and be it further

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RESOLVED, that in light of the increase in local self scanner usage, this Honorable Body requests the presence of Ed Gonsiorek, Director of Public Works – Weights & Measures at an upcoming Legislative committee meeting to report on the role of self-scanners in relation to Local Law No. 7-1997 and the consumers’ course of action in inaccurate price reading situations, and be it further

RESOLVED, that certified copies of this resolution be sent to Ed Gonsiorek (DPW-Weights & Measures) and Angelo Velake (United Food & Commerical Workers).
 (5-0)

3. COMM. 19E-46 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 2, Herr Road, Buffalo Beach and Shorecliff Pumping Station Modification Project, Contract Nos. 61PS-A General/Mechanical, 61PS-B HVAC, and 61PS-D Electrical, at 2:00PM on May 19, 2005.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 61PS-A General/Mechanical	Kandey Company, Inc. 19 Ransier Road West Seneca, NY 14224	\$2,274,000.00
Contract 61PS-B HVAC	DV Brown & Associates, Inc. 567 Vickers Street Tonawanda, NY 14150	142,800.00
Contract 61PS-D Electrical	O’Connell Electric Company 830 Phillips Road Victor, NY 14564	279,500.00
	For a Total Project Cost of	\$2,696,300.00

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Herr Road, Buffalo Beach and Shorecliff Pumping Station Modification Project, Contract Nos. 61PS-A General/Mechanical, 61PS-B HVAC, and 61PS-D Electrical, be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
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Contract 61PS-A General/Mechanical	Kandey Company, Inc. 19 Ransier Road West Seneca, NY 14224	\$2,274,000.00
Contract 61PS-B HVAC	DV Brown & Associates, Inc. 567 Vickers Street Tonawanda, NY 14150	142,800.00
Contract 61PS-D Electrical	O'Connell Electric Company 830 Phillips Road Victor, NY 14564	279,500.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$1,684,924.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00002 (430-147), \$546,376.00 from Account C.00013 (430-444), and \$465,000.00 from Account C.00028 (430-533) for Contract 61PS – A, Contract 61PS – B, and Contract 61PS – D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Gregory Gach, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.
(5-0)

4. COMM. 19E-49 (2005)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U. S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, since April of 2000, the Erie County Department of Environment and Planning (ECDEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

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WHEREAS, through Legislative resolution (Comm. 15E-44) dated July 8, 2004, Erie County accepted from NYSERDA a total of \$75,000 in grant resources to continue to coordinate the Rebuild Partnership into the year 2005; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the County to most efficiently utilize the remaining grant resources; and

WHEREAS, the ECDEP has applied for and received authorization from NYSERDA to revise the existing budget.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Erie County Rebuild Western New York Initiative (162REBUILD0405) will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Salaries	\$51,200	(\$1,865)	\$49,335
502000	Fringe Benefits	16,800	5,230	22,030
505000	Office Supplies	300	0	300
510000	Local Mileage Reimbursement	300	(287)	13
510100	Out of Area Travel	2,700	(943)	1757
510200	Training and Education	25	0	25
516020	Professional Service Contract & Fees	1,675	(1,000)	675
530000	Other Expenses	1,000	(761)	239
561410	Lab & Technical Equipment	1,000	(374)	626
TOTAL APPROPRIATIONS:		\$75,000		\$75,000

and be it further

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

(5-0)

RAYMOND K. DUSZA
CHAIRMAN

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Item 19 – MR. KUWIK presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

JULY 12, 2005

PUBLIC SAFETY COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10M-9 (2005)
WORKING FOR DOWNTOWN: Letter to Chairman Holt Re: Public Safety Campus
 (5-0)
 - b. COMM. 11E-26 (2005)
COUNTY EXECUTIVE: EC Probation Department - Establishment of Administrative Fees
 (5-0)
 - c. COMM. 12M-5 (2005)
TONAWANDA TOWN BOARD: Certified Resolution Re: Opposition to Merged Police Force
 (5-0)
 - d. COMM. 12M-8 (2005)
CSEA LOCAL 815, PROBATION SECTION: Letter to Kuwik Re: Current Status, Erie County Probation Dept.
 (5-0)
 - e. INTRO 13-5 (2005)
KENNEDY: Concern Over Potential Dangerous Probation Ratios
 (5-0)
2. COMM. 13E-14
COUNTY EXECUTIVE

WHEREAS, the Departments of Probation, Central Police Services and Youth Services have been working together to establish a networked management information system to improve the coordination of services to youth, and

WHEREAS, grant funding will allow the development of a Managed Information System, probation overtime, which allows for the prompt intervention of juvenile arrestees, a contract with EM Systems, Inc. (bid number 230730) to assist in developing the Managed Information System and the Child and Adolescent Treatment Service to provide assessment and referral to families and juveniles arrested in the City of Buffalo.

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WHEREAS, an extension from September 30, 2005 to December 31, 2005 and reallocation of funds have been made available by the New York State Division of Criminal Justice Services (DCJS).

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby requested for the County Executive to extend the current contract to December 31, 2005 under the Juvenile Accountability Block Grant (JABG) Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that Erie County can enter into contracts with EM Systems, Inc and Child and Adolescent Treatment Services, and be it further

RESOLVED, that the following transfers are authorization to amend the budget of the JABG Grant in the Department's of Probation and Central Police Services to implement this program as follows:

Grant Fund
Department 650 – Probation
Juvenile Accountability Incentive Block Grant
October 1, 2004 to December 31, 2005

Appropriation		From	Change	To
501000	Overtime	14,000	(4,000)	10,000
502000	Fringe	1,120	0	1,120
510000	Mileage	437	0	0
516020	Prof Svcs Contracts	42,821	0	42,821
510100	Out of Area Travel	977	4,000	4,977
980000	DISS Charge	<u>4,680</u>	<u>0</u>	<u>4,680</u>
Total Appropriation		64,035	0	64,035

Grant Fund
Department 260 – Central Police Services
Juvenile Accountability Block Grant
October 1, 2004 to December 31, 2005

Appropriation		From	Change	To
500000	Personnel	70,810	-63,847	6962.25
502000	Fringe	21,292	(19,541.64)	1750.36
516020	Prof Svcs Contracts	<u>6,858</u>	<u>83,389.39</u>	<u>90,247.39</u>
Total Appropriations		98,960		98,960

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management, and Finance, the Office of the Comptroller, the Department of Probation and the Department of Youth Services.

(5-0)

3. COMM. 13E-15 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Probation and Youth Detention Services has received a scholarship award to send Probation staff for training at the American Probation and Parole Association (APPA) Summer Conference, and

WHEREAS, this expense will be 100% reimbursed by New York State Department of Probation and Correctional Alternatives, and

WHEREAS, funds needed in the out-of-area travel account, #510100, for this purpose, and

NOW THEREFORE, BE IT

RESOLVED, that the out-of-area travel account, #510100, be increased by \$5,000 to enable the Department of Probation and Youth Detention Services to send staff for this needed training, and be it further

RESOLVED, that the appropriation is made with the provision that this expense is 100% reimbursed by NYS DPCA.

IN FUND 110, DEPARTMENT 12610

REVENUE

INCREASE

Account #406000 State Aid from Probation Services (\$5,055)

INCREASE

Account #510100 Out-of-Area Travel \$5,055

NET COST TO ERIE COUNTY: -0-

and be it further

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

(5-0)

4. COMM. 16E-15 (2005)

AS AMENDED

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COUNTY EXECUTIVE

WHEREAS, reliable Public Safety Communications has been identified as one of the top priority needs for first responders, and

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center which includes a new Communications center, and

WHEREAS, once completed this new Center will house public safety communications for Erie County and the City of Buffalo, and

WHEREAS, in 2003 Erie County was designated an Urban Area Security Initiative (UASI) site, and

WHEREAS, as part of the UASI Grant seven (7) planning positions were funded to assist in the implementation and planning needs for the new Communications Center, and

WHEREAS, this funding is \$472,570 from UASI 2004 and \$372,889 from UASI 2005 and these positions were authorized for a period not to exceed 24 months, and

WHEREAS, the Communications Center is slated to begin operations in early 2006, and

WHEREAS, these positions are now needed to begin work on such issues as standard operating procedures, scheduling, training, quality control, accreditation, equipment, physical plant issues, CAD/RMS implementation,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to create and fill six planning positions to work with the partners in the new Communications Center, and be it further

RESOLVED, that these positions will be filled subject to the approval of the Communications Technical Working Group, and be it further

RESOLVED, that funding for personal services and fringe benefits is already available in HS165UASIF040305 and HS165UASIF050407.

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Commissioner of Central Police Services, the Commissioner of Emergency Services and the Director of Budget, Management and Finance.

JOB CREATION SUMMARY REPORT

Department:	Central Police Services
Job Title:	Senior Public Safety Incident Response Monitor
Job Group:	Thirteen (13)
Step	Five (5)
Annualized Salary	\$63,610

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Salary for Balance of Year \$26,912
 Budgetary Refill Date N/A
 Funding Source 0% Local
 100% State
 0% Federal
 0% Other (cite)

Are the duties performed by the individual required by Law or Contract?

No. Part of their work will be development of a federally required Tactical Communications Plan and exercise for First Responders.

If this is a grant funded position, what is the name of the grant?

Yes. Urban Area Security Initiative (UASI)

If this is a grant position, what is the name of the grant?

These positions are funded under the UASI 2004 Program. The grantee has authorized funding these positions for 24 months.

If it is a grant funded position, who is responsible for billing the grant sponsor?

Erie County Central Police Services.

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro.? 15-9?

No

Is this a competitive civil service position?

No

Is there a current Preferred of Civil Service List for this position?

No.

JOB CREATION SUMMARY REPORT

Department: Central Police Services
 Job Title: Senior Public Safety Incident Response Monitor
 Job Group: Thirteen (13)
 Step: Five (5)
 Annualized Salary \$63,610
 Salary for Balance of Year \$26,912
 Budgetary Refill Date N/A
 Funding Source 0% Local
 100% State
 0% Federal
 0% Other (cite)

Are the duties performed by the individual required by Law or Contract?

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No. Part of their work will be development of a federally required Tactical Communications Plan and exercise for First Responders.

If this is a grant funded position, what is the name of the grant?

Yes. Urban Area Security Initiative (UASI)

If this is a grant position, what is the name of the grant?

These positions are funded under the UASI 2004 Program. The grantee has authorized funding these positions for 24 months.

If it is a grant funded position, who is responsible for billing the grant sponsor?

Erie County Central Police Services.

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?

No

Is this a competitive civil service position?

No

Is there a current Preferred of Civil Service List for this position?

No.

JOB CREATION SUMMARY REPORT

Department:	Central Police Services
Job Title:	Public Safety Incident Response Monitor
Job Group:	Ten (10)
Step	Five (5)
Annualized Salary	\$48,950
Salary for Balance of Year	\$20,710
Budgetary Refill Date	N/A
Funding Source	0% Local
	100% State
	0% Federal
	0% Other (cite)

Are the duties performed by the individual required by Law or Contract?

No. Part of their work will be development of a federally required Tactical Communications Plan and exercise for First Responders.

If this is a grant funded position, what is the name of the grant?

Yes. Urban Area Security Initiative (UASI)

If this is a grant position, what is the name of the grant?

These positions are funded under the UASI 2004 Program. The grantee has authorized funding these positions for 24 months.

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If it is a grant funded position, who is responsible for billing the grant sponsor?
 Erie County Central Police Services.

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?
 No

Is this a competitive civil service position?
 No

Is there a current Preferred of Civil Service List for this position?
 No.

JOB CREATION SUMMARY REPORT

Department:	Central Police Services
Job Title:	Public Safety Incident Response Monitor
Job Group:	Ten (10)
Step	Five (5)
Annualized Salary	\$48,950
Salary for Balance of Year	\$20,710
Budgetary Refill Date	N/A
Funding Source	0% Local
	100% State
	0% Federal
	0% Other (cite)

Are the duties performed by the individual required by Law or Contract?
 No. Part of their work will be development of a federally required Tactical Communications Plan and exercise for First Responders.

If this is a grant funded position, what is the name of the grant?
 Yes. Urban Area Security Initiative (UASI)

If this is a grant position, what is the name of the grant?
 These positions are funded under the UASI 2004 Program. The grantee has authorized funding these positions for 24 months.

If it is a grant funded position, who is responsible for billing the grant sponsor?
 Erie County Central Police Services.

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?
 No

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Is this a competitive civil service position?

No

Is there a current Preferred of Civil Service List for this position?

No.

JOB CREATION SUMMARY REPORT

Department:	Central Police Services
Job Title:	Public Safety Incident Response Monitor
Job Group:	Ten (10)
Step	Five (5)
Annualized Salary	\$48,950
Salary for Balance of Year	\$20,710
Budgetary Refill Date	N/A
Funding Source	0% Local
	100% State
	0% Federal
	0% Other (cite)

Are the duties performed by the individual required by Law or Contract?

No. Part of their work will be development of a federally required Tactical Communications Plan and exercise for First Responders.

If this is a grant funded position, what is the name of the grant?

Yes. Urban Area Security Initiative (UASI)

If this is a grant position, what is the name of the grant?

These positions are funded under the UASI 2004 Program. The grantee has authorized funding these positions for 24 months.

If it is a grant funded position, who is responsible for billing the grant sponsor?

Erie County Central Police Services.

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?

No

Is this a competitive civil service position?

No

Is there a current Preferred of Civil Service List for this position?

No.

JOB CREATION SUMMARY REPORT

Department:	Central Police Services
Job Title:	Public Safety Incident Response Monitor

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Job Group:	Ten (10)
Step	Five (5)
Annualized Salary	\$48,950
Salary for Balance of Year	\$20,710
Budgetary Refill Date	N/A
Funding Source	0% Local
	100% State
	0% Federal
	0% Other (cite)

Are the duties performed by the individual required by Law or Contract?

No. Part of their work will be development of a federally required Tactical Communications Plan and exercise for First Responders.

If this is a grant funded position, what is the name of the grant?

Yes. Urban Area Security Initiative (UASI)

If this is a grant position, what is the name of the grant?

These positions are funded under the UASI 2004 Program. The grantee has authorized funding these positions for 24 months.

If it is a grant funded position, who is responsible for billing the grant sponsor?

Erie County Central Police Services.

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?

No

Is this a competitive civil service position?

No

Is there a current Preferred of Civil Service List for this position?

No.

(5-0)

5. COMM. 19E-11 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the County of Erie has need for the services of an experienced consultant with Erie County Computer Aided Dispatch and Police Record Management System experience to assist the Erie County Department of Central Police Services in the continuing development of various Urban Area Security Initiatives related to Public Safety, Law Enforcement software, Juvenile Justice Systems enhancements and E-911 interface programming related to the completion of Phase II Wireless Implementation, and

WHEREAS, the Contractor is the consultant who developed the CHARMS, Mobile Computing, and Juvenile Justice systems with the Department of Central Police Services, and

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WHEREAS, sufficient funds are available in the Urban Area Security Initiative FY04 and FY05 grants, and

WHEREAS, EM Systems has provided software development services to Central Police Services under Bid no: 230730-P,

WHEREAS, the County Attorney has opined that because EM Systems was previously retained under an RFP (Comm. 15E-23 in 20093 and 16E-23 in 2004) and that the additional work covered under this resolution was unexpected and could not have been planned for, that a change order to the existing contract is appropriate, and does not require another bid.

NOW THEREFORE, BE IT

RESOLVED, that Erie County shall be authorized to issue a purchase order to EM Systems, Inc. under Bid Number 230730-P for an amount not to exceed \$450,000 to further the development of public safety software and systems, source of funds as follows

<u>Appropriation</u>	<u>Amount</u>
UASI Grant (HS165UASIF040305)	
Account #516020 – Professional Service Contracts and Fees	\$230,000
UASI Grant (HS165UASIF050407)	
Account #516020 - Professional Service Contracts and Fees	\$220,000

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Commissioner of Central Police Services and the Director of Budget, Management and Finance.
 (5-0)

6. COMM. 9E-13 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, in order to establish and enhance a revenue recovery program, New York State has created the Crimes Against Revenue Program Grant, and

WHEREAS, funds for Crimes Against Revenue Program have been made available to the District Attorney's Office from the New York State Division of Criminal Justice Services in the amount of \$151,493, and

WHEREAS, these funds will be used by District Attorney's Office to provide the necessary personnel and resources necessary to carry out the objectives of this program, which include investigating and prosecuting those who violate tax laws in order to claim lost revenues and increase voluntary tax compliance,

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of establishing a Crimes Against Revenue Prosecution Program within Erie County, and be it further

RESOLVED, that authorization is hereby provided to create the position of Assistant District Attorney V, Job Group 16, and Confidential Investigator of Accounts, Job Grade 7, in the District Attorney's Crimes Against Revenue Program Grant (B-100 #'s: 966, 967), and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Crimes Against Revenue Program Grant as follows:

CRIMES AGAINST REVENUE PROGRAM (CARP)
Fund: 281, Cost Center: 1140050, Grant: 114CARP0506
July 1, 2005 TO June 30, 2006

<u>Revenue</u>	<u>Increase</u>
409000 State Revenue	\$ 151,493
Total Revenue	<u>\$ 151,493</u>

<u>Appropriation</u>	
500000 Full Time Salaries	\$ 100,289
502000 Fringe Benefits	31,039
505000 Office Supplies	2,500
510100 Out of Area Travel	2,000
510200 Training & Education	3,000
561410 Lab & Technical Equipment	4,865
911400 ID District Attorney Services	<u>8,250</u>
Total Appropriations	<u>\$ 151,943</u>

and be it further,

RESOLVED, that authorization is hereby provided to reallocate funds within the 2004 District Attorney's General Fund as follows:

GENERAL FUND
Fund: 110
2005

<u>Revenue</u>	
911400 ID District Attorney Services	\$ 8,250
	<u>\$ 8,250</u>

<u>Appropriation</u>	
500000 Full Time Salaries	\$ 6,300
502000 Fringe Benefits	<u>1,950</u>
	<u>\$ 8,250</u>

And be it further,

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

JOB CREATION SUMMARY REPORT

Department: District Attorney
 Job Title: Assistant District Attorney V
 Job Group: 16
 Step: 0
 Annualized Salary: \$62,962
 Salary for Balance of Year: \$30,270
 Budgetary Refill Date: 7/1/05
 Funding Source: 0% Local
 100% State
 0% Federal
 0% Other (cite)

Are the duties performed by the individual required by Law or Contract?
 Both

If this is a grant funded position, what is the name of the grant?
 Crimes Against Revenue Program

If this is a grant position, what is the name of the grant?
 July 1, 2005 to June 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?
 Laura Herzog, Chief Accountant

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?
 New

Is this a competitive civil service position?
 No

Is there a current Preferred of Civil Service List for this position?
 No.

JOB CREATION SUMMARY REPORT

Department: District Attorney
 Job Title: Confidential Investigator of Accounts
 Job Group: 7
 Step: 0
 Annualized Salary: \$30,943

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Salary for Balance of Year	\$13,840
Budgetary Refill Date	7/1/05
Funding Source	0% Local
	100% State
	0% Federal
	0% Other (cite)

Are the duties performed by the individual required by Law or Contract?

Both

If this is a grant funded position, what is the name of the grant?

Crimes Against Revenue Program

If this is a grant position, what is the name of the grant?

July 1, 2005 to June 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?

Laura Herzog, Chief Accountant

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?

New

Is this a competitive civil service position?

No

Is there a current Preferred of Civil Service List for this position?

No.

7. COMM. 19E-14

COUNTY EXECUTIVE

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

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budget, and

WHEREAS, the contract received from the New York State Government has been amended and therefore, authorizes funding levels different from the adopted budget, as well as a change in the end date of the grant period from April 30, 2005 to June 30, 2005,

NOW, THEREFORE, BE IT

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

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OPERATION IMPACT GRANT

114IMPACT0405

April 1, 2004 – June 30, 2005

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
409000 State Revenue	\$ 611,928	\$ - 0 -	\$ 611,928
Total Revenue	\$ 611,928	\$ - 0 -	\$ 611,928
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Full Time Salaries	\$ 302,566	\$ (12,566)	290,000
502000 Fringe Benefits	85,209	17,062	102,271
505000 Office Supplies	3,000	2,000	5,000
510100 Out of Area Travel	11,147	(8,922)	2,225
510200 Training & Education	5,000	(2,000)	3,000
516010 Contractual	181,110	- 0 -	181,110
530000 Other Expenses	3,000	3,000	6,000
561410 Lab & Technical Equipment	10,500	2,642	13,142
911400 ID District Attorney Services	10,396	(1,216)	9,180
Total Appropriations	\$ 611,928	\$ - 0 -	\$ 611,928

and be it further

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

(5-0)

8. COMM. 19E-21 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Probation and Youth Detention Services was awarded a grant to fully fund a Crime Victims Advocate, and

WHEREAS, a civil service exam was held and the incumbent was displaced as a result, and

WHEREAS, the position remain vacant within the Erie County Department of Probation and Youth Detention Services, and

WHEREAS, there is an established, open competitive list of potential candidates, and

WHEREAS, should the position continue to be vacant, both the Department and the County will be in violation of an agreed upon contractual agreement with the Crime Victims Board, and

WHEREAS, should the position continue to be vacant, both the Department and victims of domestic violence will be deprived of coordinated services offered through this position, and

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WHEREAS, Erie County Legislature Intro 15-9 of 2005 eliminated all vacant positions.

NOW THEREFORE, BE IT

RESOLVED, that the position of Victims Advocate be restored in accordance with the grant as extended by the Crime Victims Board and be it further

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

(5-0)

9. COMM. 19E-26

COUNTY EXECUTIVE

WHEREAS, the New York State Office of Child and Family Services awarded the Erie County Department of Probation and Youth Detention Service \$17,380 more in runaway and homeless youth programming funds and \$29,257 more in special delinquency preventive funding than included in the Erie County 2005 Adopted Budget, and

WHEREAS, the additional state aid will enable the Youth Division to restore the RHYA and SDPP contracts to there original Erie County Youth Board recommended award level, and

WHEREAS, the SDPP funds are 100% state aid and the RHYA funds have no County share

NOW THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept \$17,380 in RHYA state aid and \$29,257 in SDPP state aid, and be it further

RESOLVED, that the appropriation for runaway and homeless youth programs and special delinquency prevention program is increased as follows:

IN FUND 110, DEPARTMENT 12630

YOUTH HOMELESS PROGRAMS

REVENUE

Account #408060 State Aid Homeless Reimbursement	\$10,051
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APPROPRIATIONS:

Account #516010 Compass House	\$5,462
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Account #516010 Franciscan Center	\$4,589
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Net County Share	-0-
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YOUTH RUNAWAY PROGRAMS

REVENUE

Account #408040 State Aid Runaway Reimbursement	\$ 7,329
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APPROPRIATIONS:	
Account #516010 Compass House	\$6,445
Account#516010 Franciscan Center	884
 Net County Share	 -0-

IN FUND 281, DEPARTMENT 12630
SDPP PROJECT – 126SDPP

REVENUE	
Account #409000 State Aid Revenue	\$ 29,257
APPROPRIATIONS:	
Account #516010 Contractual Payments – Non Pro Pur Service	29,257

and be it further

RESOLVED, that the following SDPP Contracts are increased as follows:

- AMHERST CHILD AND FAMILY SERVICES – 2,500
- BE-A-FRIEND – 4,257
- COMPASS HOUSE – 1,200
- FRANCISCAN CENTER – 2,500
- HAVEN HOUSE – 1,300
- HISPANICS UNITED – 1,500
- HOUSE OF KARNAK – 1,500
- LACKAWANNA SPORTS AND EDUCATION – 2,500
- L.K. PAINTER CENTER – 2,500
- NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE – 4,700
- PLANNED PARENTHOOD- EASTSIDE COLLABORATION – 1,500
- SALVATION ARMY – 1,800
- WNY UNITED AGAINST DRUGS AND ALCOHOL ABUSE – 1,500

TOTAL: \$29,257

and be it further

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

(5-0)

COUNTY EXECUTIVE

WHEREAS, since the tragic events of 9/11 and the tremendous focus on increasing the interoperability of Public Safety agencies and the important role that centralized operations, computerized solutions in dispatching, managing, recording and preparedness, Erie County has worked to enhance our readiness to deal with any disaster or terrorist threat that may be encountered, and

WHEREAS, The Federal and State Governments have specifically identified these initiatives as crucial to the future security of our local region and nation, and has provided sufficient funds under the Urban Area Security Initiatives to purchase and implement these systems, and

WHEREAS, Erie County recently accepted Requests for Proposals from vendors who have systems within Erie County, and a committee of recognized local representatives and experts in the field of computerized systems operations from Law Enforcement, Fire Services, and Emergency Medical Services extensively reviewed these Requests for Proposals in accordance with Section 19.08 of the Erie County Administrative code, and

WHEREAS, the firm of Tiburon, Inc. was deemed to have submitted the best overall proposal by the selection committee,

NOW THEREFORE, BE IT

RESOLVED, that an agreement with Tiburon, Inc. at a cost not to exceed \$4,950,000 for Public Safety Software, Hardware and Systems used for Public Safety Functions including Computer Assisted Dispatch, Law Enforcement, Fire Service, and Emergency Medical Management Services is hereby approved, and be it further

RESOLVED, that funds for this agreement will be allocated from:

<u>Appropriation</u>	<u>Amount</u>
Expedited Deployment Funding HS165EXPDEP0406 Account : 561410 Lab & Technical Equipment	\$4,950,000

And be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with Tiburon, Inc. subject to approval as to form by the County Attorney, and be it further

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

(5-0)

11. COMM. 19E-41

COUNTY EXECUTIVE

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ERIE COUNTY LEGISLATURE

WHEREAS, the President of the United States, in Homeland Security Directive (HSPD)-5 directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System which would provide a consistent nationwide approach for Federal, State, County, local and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size of complexity, and

WHEREAS, the collective input and guidance from all Federal, State, County, local and tribal homeland security partners has been, and will continue to be vital to the effective implementation and utilization of a comprehensive NIMS, and

WHEREAS, it is necessary and desirable that all Federal State, County, local and tribal emergency agencies and personnel coordinate their efforts to effective and efficiently provide the highest levels of incident management, and

WHEREAS, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, County, and local and tribal organizations a condition for Federal preparedness assistance in fiscal year 2005 and beyond, and

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that Federal, State, County, Local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, considered action plans, unified command structures, unified personnel qualification standards, uniform standards of planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, and

WHEREAS, the NIMS standardized procedures for managing personnel, communications facilities and resources will improve the State's ability to utilize federal funding to enhance county, local and state agency readiness, maintain first responder safety, and streamline incident management training processes, and

WHEREAS, the incident Command System (ICS) components on NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System,

NOW THEREFORE BE IT

RESOLVED, that the County Executive and the Erie County Legislature, by virtue of the authority vested in them under the laws of the State of New York does hereby establish the National Incident Management System (NIMS) as the County of Erie standard for incident management, and be it further

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

(5-0)

EDWARD J. KUWIK
CHAIRPERSON

Item 20 – MS. SMITH presented the following resolution and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

July 12, 2005

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed
 - a. COMM. 8E-12 (2005)
DEBENEDETTI & WEINSTEIN: Letter to Buffalo Bills VP/Operations Re: Request For Discussions For Possible Reductions in County Appropriations For FY2005
 (5-0)
 - b. COMM. 10E-2 (2005)
COMPTROLLER: Bond Resolution - Amending Bond Resolution Adopted 4/28/04 - Vaughn Street Bridget Project
 (5-0)
 - c. INTRO 11-6 (2005)
RANZENHOFER, MARSHALL, CUSACK, & WEINSTEIN: 2005 Minority Staff Adjustments
 (5-0)
 - d. COMM. 11D-1 (2005)
BECPL: Copy of Letter to Budget Director Re: Securing Bonding Authorization for 2005 Capital Budget
 (5-0)
 - e. COMM. 12E-13 (2005)
COMPTROLLER: Letter to Legislature Re: 2005 Budget
 (5-0)
 - f. COMM. 12E-14 (2005)

- COMPTROLLER:** Copy of Letter to County Attorney Re: Issuance of Bonds For the Purpose of Providing Funds For the County's Risk Retention Program
(5-0)
- g. COMM. 12E-50 (2005)
COUNTY EXECUTIVE: Section 1806 Declaration
(5-0)
- h. INTRO 13-9 (2005)
HOLT: Erie County Budget
(5-0)
- i. COMM. 14E-1 (2005)
COUNTY EXECUTIVE: Plan To Close Budget Deficit
(5-0)
- j. INTRO 15-1 (2005)
MARINELLI: Options For Action To Stabilize the 2005 Erie County Budget
(5-0)
- k. INTRO 15-5 (2005)
HOLT: State Assistance For Erie County
(5-0)
- l. INTRO 15-10 (2005)
WEINSTEIN: Budget and Erie County Reforms
(5-0)
- m. COMM. 15M-1 (2005)
NYS COMPTROLLER: Erie County Budget Review 2005
(5-0)
- n. COMM. 16E-7 (2005)
COUNTY EXECUTIVE: Second Extension of the Transition Period With ECMCC
(5-0)
- o. COMM. 16M-5 (2005)
BUFFALO NIAGARA PARTNERSHIP & BUFFALO LABOR COUNCIL: Letter To All EC Elected Officials Re: 2005 EC Budget
(5-0)
- p. COMM. 19E-1 (2005)
COUNTY CLERK: Semi-Annual Report of Receipts and Disbursements of Mortgage Tax Monies Collected From 9/1/04 - 4/30/05
(5-0)
- q. COMM. 19E-53 (2005)

COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for April, May & June 2005
 (5-0)

2. COMM. 1D-21 (2004) **AS AMENDED**
DIRECTOR OF BUDGET, MANAGEMENT, & FINANCE: O

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered **205249**through **205253** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004	Petition No.	205,249.00	
	ASSESSOR	Refund	\$350.38
S-B-L 342.05-1-4		143601 COLLINS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$350.38	Town/SpecialDist/School
41834 NYS STAR ENHANCED EXEMPTION		\$350.38	
<u>Charge To :</u>	143601 GOWANDA	\$350.38	

ENHANCED STAR NOT GRANTED.

FISCAL YEAR 2005	Petition No.	205,250.00	
	ASSESSOR	Cancel	\$150.00
S-B-L 66.77-4-26		146401 KENMORE	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$150.00	Town/SpecialDist/School
64017 MISC CHARGE		\$150.00	
<u>Charge To :</u>	146401 KENMORE	\$0.00	

CLERICAL ERROR. MISC CHARGE POSTED IN ERROR.

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DENIED. APPLICATION NOT FILED. APPLICATION MUST BE FILED
 IN ORDER TO HAVE A FAILURE TO ACT. APPLICANT DID NOT
 SEEK REVIEW FORMAL GRIEVANCE.

(5-0)

DEMONE A. SMITH
CHAIRMAN

LEGISLATOR RESOLUTIONS

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

RE: Agriculture District Requests As Per Sec.
 303-b of the NYS Agricultural District Law
 (Article 25-AA) (INTRO 20-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
HOLT, MARINELLI, RANZENHOFER, DeBENEDETTI, DUSZA,
KUWIK, KENNEDY, SMITH, WROBLEWSKI, CHASE, CUSACK,
MARSHALL, McCARVILLE, SWANICK & WEINSTEIN

Agricultural District Requests as per Sec. 202-b of the
NYS Agricultural District Law (Article 25-AA)

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on July 26, 2005, at 7:30 p.m. at the Cornell Cooperative Extension, 21 S. Grove Street in East Aurora, New York concerning the request of property owners to be involved in various agricultural districts in accordance with Sec. 303-b of the NYS Agricultural District Law (Article 25-AA); and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspaper having general circulation within Erie County, to so notify the affected municipalities and property owners requesting to be included in an agricultural district.

Item 22 – MR. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Restoration of Lead Testing Program (Intro
 20-2)

A RESOLUTION TO BE SUBMITTED BY

LEGISLATOR HOLT

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded. Legislators Marshall and Ranzenhofer voted in the negative.

CARRIED.

WHEREAS, as a result of the budget cuts in the 2005 Budget, the Erie County Department of Health's Public Health Laboratory terminated a number of laboratory programs, including the blood lead testing program, and

WHEREAS, in 2004, 19,084 children across the County were screened for lead poisoning, of which 5,376 were tested by the Laboratory, and

WHEREAS, childhood lead poisoning levels in Erie County are amongst the highest in the state, with three zip codes in Buffalo's East Side among the top 10 neighborhoods in the state for the highest percentage of lead paint cases, with children facing the most significant exposure and health consequences.

NOW, THEREFORE, BE IT

RESOLVED, that to restore the lead poisoning program for the balance of 2005, the following adjustments are made to the Erie County Department of Health, Division of Public Health Laboratory:

Cost Center 1273010

		INCREASE APPROPRIATION
Account 500000	Sanitary Chemist (JG X)	\$37,143
	Account Clerk (JG IV)	\$24,591
Account 505800	Laboratory Supplies	\$5,000
Account 516030	Maintenance Contract	<u>\$5,000</u>
		\$71,734

		INCREASE REVENUE
Account 406560	New York State Aid	\$25,824

Cost Center 12730

		DECREASE APPROPRIATION
Account 516050	Department Payments to ECMCC	\$45,910

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, Health Commissioner, Personnel Commissioner and Budget Director.

MS. MARINELLI moved to approve the item as amended. MR. SWANICK seconded. Marshall and Ranzenhofer voted in the negative.

CARRIED.

Item 23 – MR. SMITH presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED.

RESOLUTION NO. 200

RE: Support Proposal To Move SUNYAB
 School of Architecture & Planning to
 Downtown Buffalo (INTRO 20-3)

WHEREAS, However unfortunate the decision to expand and relocate the State University of New York at Buffalo (UB) to Amherst, NY instead of to Downtown Buffalo, it is a decision that is currently irreversible. Opportunities still exist for the University of Buffalo to expand and maintain its presence in Downtown Buffalo; and

WHEREAS, One opportunity would be for the School of Architecture and Planning, currently housed on the South Campus, to relocate to Downtown Buffalo. Consisting of both the Department of Architecture and Urban and Regional Planning the School of Architecture and Planning would be a natural fit for Downtown Buffalo, students would be given the opportunity to work in a vibrant urban laboratory, causing the synergy between education and the location to be extraordinary; and

WHEREAS, Urban and Regional Planning students would also benefit from working amidst the seat of government of city and region dealing with compelling issues of regionalism, economic, race, housing and political issues that are fundamental to the planning curriculum. The institute of local governance and Regional Growth would also benefit from being in the midst of governmental institutions they often work and study with; and

WHEREAS, the State University of Buffalo has and will remain an important and integral part of the Buffalo Community. A plan or a decision to relocate the School of Architecture and Planning to Downtown Buffalo would make a pledge and a strong commitment by the University to improving both the University and surrounding communities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of any plans or initiatives that would relocate the State University of New York at Buffalo School or Architecture and Planning to Downtown Buffalo; and be it further

RESOLVED, that copies of this resolution be forwarded to members of the Western New York Delegation, the Chancellor of the State University of New York at Buffalo, and to the President of the State University of New York, John B. Simpson.

MS. MARINELLI moved to amend for Co-Sponsorship. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

ADD THE FOLLOWING AS CO-SPONSORS: HOLT, MARINELLI, DUSZA and DeBENEDETTI.

MS. MARINELLI moved to approve the item as amended. MR. SMITH seconded. Legislators Cusack, Marshall and Ranzenhofer voted in the negative.

CARRIED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 24 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 14E-25. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: Health - E.I. & Preschool Programs - Parent Transportation Rates

WHEREAS, the Erie County Department of Health administers the New York State Early Intervention and Preschool Programs, and

WHEREAS, the Regulations of the Commissioner of Education mandate that Erie County provide transportation services to children eligible for agency-based special education services, and

WHEREAS, the Department currently contracts for commercial busing services at a rate of \$47.00 per day, and

WHEREAS, the department wishes to re-establish the reimbursement rate, as established by the Erie County Legislature in the 2005 adopted Budget, effective July 1, 2005, for parents transporting their children in lieu of using aforementioned commercial transport, and

WHEREAS, this rate will be for the 2005-2006 school year, which runs from July 1, 2005 – June 30, 2006.

NOW THEREFORE BE IT

RESOLVED, that the mileage rate of forty cents (\$.40) per mile shall be paid to Parents to transport their children to facility-based Preschool and Early Intervention Programs for the 2005-2006 school year, and be it further

RESOLVED, that the Minimum and Maximum shall be as follows:

<u>Category</u>	<u>Minimum Amount</u>	<u>Maximum Amount</u>
One-way trip	\$ 5.00 per day	\$10.00 per day
Two-way trip	\$10.00 per day	\$20.00 per day

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Health, the Division of Early Intervention Services, the Division of Budget, Management and Finance and the Department of Law.

MS. MARINELLI moved for the approval of the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 19E-57. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Personnel Adjustments

WHEREAS, on June 14, 2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, four Management Confidential positions have been or will be eliminated due to reassignments required within the Erie County Sheriff's Office due to the appointment of a new Sheriff, and

WHEREAS, grant funding supports two (2) of the positions, which would be lost, and

WHEREAS, funding is available in the 2005 personal services budget for these positions, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to restore one (1) Undersheriff, Job Group 17, one (1) Chief Deputy Sheriff, Job Groups 16, and one (1) Chief of Violence Prevention Education and Domestic Violence Programs, Job Group 14, and one (1) Chief of Internal Affairs, Job Group 14, in the Sheriff's Division, and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) First Deputy Superintendent, Job Group 15, in the Jail Management Division, and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one Superintendent Holding Center, Job Group 16 in the Jail Management Division, and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one (1) Director of Public Accountability, Job Group 14 and one Senior Executive Assistant, Job Group 11 in the Sheriff's Division, and be it further

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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.

DELETE:

JOB TITLE	JOB GROUP	BUDGET	YTD Earnings	Savings
Superintendent Holding Center	16	93,820	46,910	46,910
Director of Public Accountability	14	85,941	42,971	42,970
Senior Executive Assistant Sheriff	11	64,388	32,194	32,194
				122,074

CREATE:

JOB TITLE	JOB GROUP	BUDGET	YTD Earnings	Cost
First Deputy Superintendent	15	0	0	44,557

2005 Savings

77,517

MR. KUWIK moved for the approval of the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 19E-55. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: Probation & Youth Detention Facility -
 Establish Prime Time Program Using Available
 State Aid

WHEREAS, the New York State Office of Child and Family Services has notified the Erie County Youth Division of available state aid in three categories; recreation funds in the amount of \$26,647, youth initiative funds of \$47,353 and an unused available balance in the NYS-OCFS Resource Allocation Plan (RAP) earmarked for Erie County in the amount of \$131,000 for a total of \$205,000 available state aid for youth programming, and

WHEREAS, the additional state aid will enable the Youth Division to fund a 2005 Prime Time Program, and

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WHEREAS, the 50% local matching funds would be supplied by community agencies with no County share required.

NOW THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept \$205,000 in state aid for youth programming to established a 2005 Prime Time Program, and

RESOLVED, that the appropriation for Prime Time Programs is established as follows:

IN FUND 110, DEPARTMENT 12630

Youth Homeless Programs

Revenue		
Account #408090	State Aid – Operation Prime Time	\$205,000
Appropriations		
Account #516010	Operation Prime Time	\$205,000

RESOLVED, that the following Prime Time Contracts are authorized as follows:

Boys & Girls Club of East Aurora	\$10,000
Lackawanna Yemen Sports and Education	\$10,000
Northwest Buffalo Community Center	\$10,000
Lt. Col. Matt Urban Human Services Center	\$10,000
CEPA Gallery	\$10,000
Boys & Girls Club of the Northtowns	\$10,000
Computers for Children	\$10,000
Urban Christian Ministries	\$10,000
Parkside Community Association	\$7,000
Boys & Girls Club of Eden	\$7,000
Seneca Babcock Community Center	\$10,000
William – Emslie YMCA	\$10,000
Boys & Girls Club of Buffalo	\$10,000
Father Belle Center	\$10,000
Westside Community Center	\$10,000
CRUCIAL	\$10,000
King Urban Life Center	\$10,000
Literacy Volunteers	\$10,000
Big Brothers/Big Sisters	\$10,000
LK Painter	\$7,000
EMW Boys & Girls Club	\$7,000
Depew – Lancaster Boys & Girls Club	\$7,000

GRAND TOTAL	\$205,000

and be it further

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

MS. MARINELLI moved to amend the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE THE RESOLUTION IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING.**

WHEREAS, the New York State Office of Child and Family Services has notified the Erie County Youth Division of available state aid in three categories; recreation funds in the amount of \$51,301, youth initiative funds of \$47,353 and an unused available balance in the NYS-OCFS Resource Allocation Plan (RAP) earmarked for Erie County in the amount of \$131,000 for a total of \$229,654 available state aid for youth programming, and

WHEREAS, the additional state aid will enable the Youth Division to fund a 2005 Prime Time Program, and

WHEREAS, the 50% local matching funds would be supplied by community agencies with no County share required.

NOW THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept \$229,654 in state aid for youth programming to established a 2005 Prime Time Program, and

RESOLVED, that the appropriation for Prime Time Programs is established as follows:

IN FUND 110, DEPARTMENT 12630

Youth Homeless Programs

Revenue		
Account #408090	State Aid – Operation Prime Time	\$229,654
Appropriations		
Account #516010	Operation Prime Time	\$229,654

RESOLVED, that the following Prime Time Contracts are authorized as follows:

Boys & Girls Club of East Aurora	\$10,000
Lackawanna Yemen Sports and Education	\$10,000
Northwest Buffalo Community Center	\$10,000
Lt. Col. Matt Urban Human Services Center	\$10,000
CEPA Gallery	\$10,000
Boys & Girls Club of the Northtowns	\$10,000
Computers for Children	\$10,000
Urban Christian Ministries	\$10,000
Parkside Community Association	\$7,000
Boys & Girls Club of Eden	\$7,000
Seneca Babcock Community Center	\$10,000
William – Emslie YMCA	\$10,000
Boys & Girls Club of Buffalo	\$10,000
Father Belle Center	\$10,000
Westside Community Center	\$10,000
King Urban Life Center	\$10,000
Literacy Volunteers	\$10,000
Big Brothers/Big Sisters	\$10,000
LK Painter	\$7,000
EMW Boys & Girls Club	\$7,000
Depew – Lancaster Boys & Girls Club	\$7,000
FLARE	\$10,000
Town of Tonawanda/Sheridan Parkside Community	\$5,000
Undesignated-contingency	\$19,654
GRAND TOTAL	\$229,654

RESOLVED, that the Youth Board will provide a report to the Legislature detailing the methodology behind the selection of agencies for this program and file a close-out report with the Legislature upon the completion of the program, and be it further

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

MS. MARINELLI moved to approve the item as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. DUSZA moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 19E-17. MS. CHASE seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Parks - County Parks Staffing

WHEREAS, the County Parks Department has reopened the Parks and Golf Courses, and

WHEREAS, the County and AFSCME Local 1095 negotiated a Memorandum of Understanding to accommodate the openings, and

WHEREAS, the County Parks Department is running with a scaled down staff and the County Legislature eliminated vital and negotiated positions, and

WHEREAS, constant employee turnover in part time and seasonal positions, both at the golf courses and in the parks, is creating havoc and additional work both in park maintenance operations and clerical operations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature will restore four Park Maintenance Worker I positions, previously authorized in Communication 11E-29, to accommodate contractual obligations and bring employees back from sick leave, and be it further

RESOLVED, that the Erie County Legislature will restore the position of Park Maintenance Worker III, previously authorized in Communication 11E-29, to accommodate contractual obligations and to provide supervisory personnel in the parks, and be it further

RESOLVED, that the Erie County Legislature will restore six Park Maintenance Worker II positions to be effective May 16, 2005, previously authorized in Communication 14E-10 with the deletion of six Park Maintenance Worker I positions, to accommodate contractual obligations relating to AFSCME salary concessions which went into effect on June 2, 2005, and be it further

RESOLVED, that the Erie County Legislature will restore eight seasonal Park Attendants, previously authorized for the reopening of the County Parks in Communication 11E-28, as constant turnover in these crucial positions has left current vacancies, and be it further

RESOLVED, that the Erie County Legislature will restore eight seasonal Park Attendants, seven part time Park Attendants, and one seasonal cashier in order to provide uninterrupted, vital starter and cashier functions at the two County Golf courses for employees unable to work past August 5, 2005, and be it further

RESOLVED, that the position of seasonal cashier, authorized in Communication 16E-20, be made effective June 2, 2005, so as payment can be made to the employee, preventing any issues with the New York State Labor Board, and be it further

RESOLVED, that the Erie County Legislature will restore the position of Park Helper, within the City of Buffalo Parks Division, to accommodate the County's inter-municipal agreement with the City of Buffalo, and be it further

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RESOLVED, that the Erie County Legislature will allow restoration of any part time or seasonal Park Attendant position made vacant due to employee turnover, and be it further

RESOLVED, that upon promotion of a Parks employee to the Park Maintenance Worker III position, the Erie County Legislature will restore the resulting vacancies which will be one Park Maintenance Worker II, and then one Park Maintenance Worker I, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation & Forestry, the Erie County Executive, the Erie County Personnel Department, and the Division of Budget, Management and Finance.

MR. DUSZA moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

DELETE the fifth (5th) RESOLVE clause in its entirety and REPLACE with the following:

RESOLVED, that one position of seasonal cashier will be restored to provide cashier functions at the County golf courses, and be it further

MR. DUSZA moved for approval of the item. MS. MARINELLI seconded. Legislators Cusack, Marshall, Ranzenhofer, Weinstein and Wroblewski voted in the negative.

CARRIED.

SUSPENSION OF THE RULES

Item 28 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-30 from Legislator Dusza Re: Charter Revision Commission Appointment

Received, Filed and Printed

July 13, 2005

Kevin M. Kelley
 Clerk
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, NY 14202

Dear Mr. Kelley:

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Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Louis P. Dudek of 42 Fox Chapel Drive, Orchard Park, NY 14127 as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

Raymond K. Dusza
Legislator – 8th District

Item 29 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-31 from Legislator Smith Re: Charter Revision Commission Appointment

Received, Filed and Printed

July 13, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Craig Hannah, Esq. of 351 Winslow Avenue, Buffalo, NY 14211 as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

Demone Smith
Legislator – 7th District

Item 30 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-32 from Legislator Holt Re: Charter Revision Commission Appointment

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ERIE COUNTY LEGISLATURE

Received, Filed and Printed

July 13, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, and as Chairman of the Erie County Legislature, I hereby appoint Donna Rice of 146 Goulding Avenue, Buffalo, NY 14208 to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

George A. Holt, Jr.
Legislator – 3rd District

Item 31 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-33 from Chairman Holt Re: Charter Revision Commission Appointment

Received, Filed and Printed

July 13, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Herbert Bellamy Jr., 1490 Jefferson Avenue, Buffalo, NY 14208 as my representative to the Charter Revision Commission of Erie County.

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Thank you for your assistance.

Sincerely,

George A. Holt, Jr.
Legislator – 3rd District

Item 32 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-34 from Legislator Kennedy Re: Charter Revision Commission Appointment

Received, Filed and Printed

July 13, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint David Kelly of 19 Dundee Street, Buffalo, NY 14220 as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

Timothy Kennedy
Legislator – 2nd District

Item 33 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-35 from Legislator Chase Re: Charter Revision Commission Appointment

Received, Filed and Printed

July 13, 2005

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Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Christopher J. Duquin of 217 North Ellicott Street, Williamsville, NY 14221 as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

Jeanne Z. Chase
Legislator – 12th District

Item 34 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Comm. 20E-36 from Legislator McCarville Re: Charter Revision Commission Appointment

Received, Filed and Printed

July 13, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Ronald Smith of 26 Hillsborough Drive, Orchard Park, NY as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

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Steven P. McCarville
 Legislator – 13th District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 35 – (Comm. 20E-1) Asset Forfeiture Funded Program SAFS

Item 36 – (Comm. 20E-2) Personnel Adjustments

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

FROM THE COUNTY CLERK

Item 37 – (Comm. 20E-3) Report Mandated by Amendment to Intro. 17-1

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 38 – (Comm. 20E-4) Certificate of Determination By The Comptroller Relative To Authorization, Issuance, Form & Content, Sale & Award of \$80 Million RAN - 2005B of the County of Erie, New York

Received and filed.

FROM THE DISTRICT ATTORNEY

Item 39 – (Comm. 20E-5) Amendment to Intro 17-1

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 40 – (Comm. 20E-6) Response To Intro 17-1

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

RESOLUTION NO. 205

RE: Personnel - Creation of a RPT Senior
 Payroll & Roster Clerk (Comm. 20E-7)

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RESOLVED, that the Erie County Personnel Department is hereby authorized to re-create the position of Senior Payroll & Roster Clerk RPT, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, Erie County Executive and Budget Director.

MS. MARINELLI moved to amend the item. MR. DeBENEDETTI moved to amend.

RESOLVED, that funds generated from third party deduction fees (GL account No. 415210) be transferred to GL Account 50002020 Personnel Services RPT.

MS. MARINELLI moved to approve the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Health - Grant Positions Restorations
(Comm. 20E-8)

WHEREAS, the Erie County Legislature at Meeting #15 held June 14, 2005 adopted resolution Int. 15-9 deleting all vacant positions throughout every department of county government, and

WHEREAS, in the Erie County Department of Health the number of vacant positions deleted totaled 73, of which 27 were 100% grant funded with no cost to the county, and

WHEREAS, the Erie County Legislature approved 10 of the 27 positions at Meeting # 19 on July 7, 2005, leaving 17 positions in need of authorization, and

WHEREAS, funding may be jeopardized if these positions are not reinstated since the county will no longer meet the requirements of its contractual obligations with the grantors,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the re-instatement of following grant funded positions within the Erie County Department of Health:

SHORT DESCRIPTION	JOB GROUP	GRANT	B100#
ADMIN CLERK	GRP 07	LEAP0305	995

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CHF ACT CLK	GRP 07	WIC0405	996
LAB TCH PH	GRP 07	27BT0405	1000
LAB TCH PH	GRP 07	27BT0405	1000
SR CL TYP	GRP 04	FACENROLL2005	1003
SR CL TYP	GRP 04	27BT0405	1003
SR INV PH SN	GRP 10	HEALTHYHOME0407	1004
SR INV PH SN	GRP 10	27BT0405	1004
SUPV PH SAN	GRP 11	HLTHYNEIGH0405	1005
WIC VEND SP	GRP 07	WICVENDOR0405	1006
AC CL TY RPT	GRP 04	PARTPREV0506	1007
ENV ED SP RP	GRP 09	HEALTHYHOME0407	1008
RES CA PR RP	GRP 06	INHOMEASTH0304	1011
ACC CL TY PT	GRP 04	27BT0304	1013
ASC PH SA PT	GRP 14	YOUTHTOB0405	1014
CH ACT CLK	GRP 07	WOMENHLTH2005	996
INTERN HT PT	GRP 01	27BT0405	1015

and be it further

RESOLVED, that the above stated positions are 100% grant funded with no cost to the County of Erie, and be it further

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

Item 43 – (Comm. 20E-9) Probation & Youth Detention Services - Contract with the City of Buffalo

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 44 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

RE: DPW - Ability to Fill Positions Fully
 Funded by the Office of Courts Administration
 (Comm. 20E-10)

WHEREAS, the Department of Public Works is fully reimbursed by the Office of Courts Administration (OCA) for cleaning their facilities at 25 Delaware, 92 Franklin and One Niagara Plaza, and

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WHEREAS, OCA also fully reimburses for “Tenant Work”, including painting, fixtures, and improvements specifically requested by them, and

WHEREAS, throughout the summer recess that may be taken by your Honorable Body, cleaning and other fully reimbursed positions may become vacant due to such reasons as retirements, disabilities, compensation cases, and a possible Memorandum of Agreement with ECMC, and

WHEREAS, losing the ability to keep these positions fully staffed for the Courts places us in jeopardy of possible sanctions,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the filling, as necessary, any positions that currently exist and are fully reimbursed through the Courts contract but become vacant, and be it further,

RESOLVED, as each position is filled, an informational memorandum will be generated and sent to the Erie County Legislature for information only, and be it further,

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

MS. MARINELLI moved to amend the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 20E-10
 TO BE SUBMITTED BY LEGISLATOR MARINELLI

RE: DPW – ABILITY TO FILL POSITIONS FULLY FUNDED BY THE OFFICE OF COURTS ADMINISTRATION

DELETE the first RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Erie County Legislature authorizes the filling, as necessary, any positions that currently exist after the passage of Intro. 15-9 (as amended) on June 14, 2005, and which are fully reimbursed through the Courts contract and become vacant between July 14, 2005 and September 15, 2005 only, with any such vacancies or fillings on or after September 15th subject to separate and formal legislative approval, and be it further

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 45 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: DPW - Dunn Tire Park, County Lease -
 Capital Improvements - Replacement of Natural
 Grass Playing Field (Comm. 20E-11)

WHEREAS, the Dunn Tire Park Lease Agreement between the Buffalo Bisons and Erie County designates the County as being responsible for capital improvement projects in the amount of \$5 million, and

WHEREAS, your Honorable Body approved a resolution on June 16, 2005 to have the architectural firm of Macon Chaintreuil Jensen & Stark, proceed with the design work for the replacement of the natural grass playing field, and

WHEREAS, in order to comply, the County needs to award a contract for the replacement of the natural grass playing field during the Legislature's summer recess,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for a cost not to exceed \$440,000, including construction contingency, and be it further,

RESOLVED, that the Department of Public Works will report to the Legislature, after the summer recess, as to the award of the contract, and be it further,

RESOLVED, that the Comptroller's Office is authorized to make payments for the above from SAP Project A.09019 (formerly 2003 Dunn Tire Park Tobacco Project, Project 381, Fund 441), and be it further,

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

Item 46 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: DA's Office - Project Safe Neighborhoods
 Grant (Comm. 20E-12)

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WHEREAS, in order to prosecute juvenile offenders for weapons offenses and violent crimes, the US Department of Justice has created the Project Safe Neighborhoods (PSN) Program, and

WHEREAS, funds for Project Safe Neighborhoods have been made available to the District Attorney's Office as a sub-grantee of the Community Foundation for Greater Buffalo in the amount of \$149,980 for an initial two year funding period to commence on July 1, 2005, and

WHEREAS, these funds will be used by District Attorney's Office to provide the necessary personnel and resources to carry out the objectives of this program, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Community Foundation for Greater Buffalo and the US Department of Justice for the purpose of establishing a Project Safe Neighborhoods Grant within Erie County, and be it further

RESOLVED, that authorization is hereby provided to create and fill the position of Assistant District Attorney II, Job Group 13, in the District Attorney's Project Safe Neighborhoods Grant (B-100 #: 1017) to be effective as of July 1, 2005, and be it further

RESOLVED, that inter-departmental billing from the District Attorney to Central Police Services (CPS) is authorized in an amount not to exceed \$3,750 for Year 1, to reimburse CPS for overtime costs associated with ballistics testing and/or NIBIN entry, and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Project Safe Neighborhoods Grant budget for Year 1 of the funding period as follows:

PROJECT SAFE NEIGHBORHOODS (PSN)
Fund: 281, Cost Center: 1140050, Grant: 114PSN0506
July 1, 2005 to June 30, 2006

<u>Revenue</u>	<u>Increase</u>
479100 Other Sponsor Revenue	<u>\$ 73,010</u>
Total Revenue	<u>\$ 73,010</u>
<u>Appropriation</u>	
500000 Full Time Salaries	\$ 53,248
502000 Fringe Benefits	16,012
916500 ID CPS Services	<u>3,750</u>

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Total Appropriations

\$ 73,010

and be it further,

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

Job Creation Summary Report Form

Department: DISTRICT ATTORNEY

Job title: Assistant District Attorney II

Job Group: 13

Step: _____

Annualized Salary: \$53,248

Salary for Balance of year: \$23,860

Budgetary Refill date: 7/1/05

Funding Source: _____ % Local
 _____ % State
100 % Federal
 _____ % Other (cite)

Are the duties performed by the individual required by Law or Contract?

Both

If this is a grant funded position, what is the name of the grant?

Project Safe Neighborhoods

If this is a grant funded position, what is the term of the grant?

July 1, 2005 to June 30, 2007

If it is a grant funded position, who is responsible for billing the grant sponsor? Laura Herzog,
Chief Accountant

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro.15-9? New

Is this a competitive civil service position?

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No, this is a Managerial/Confidential position

Is there a current Preferred or Civil Service List for this position? No

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: DPW - Positions Necessary to Complete
and Staff the Public Safety Campus (Comm.
20E-13)

WHEREAS, in a resolution dated May 5, 2005, being Communication No. 11E-23, your Honorable Body authorized adding positions required to open the new Public Safety Building using no County funds, and

WHEREAS, it was agreed that those positions would be added over time as the building was more fully staffed, and

WHEREAS, in the June 14, 2005, session, your Honorable Body placed a hiring freeze on all vacant positions, including those needed at the new Public Safety Building,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the restoration and filling of the positions approved in the resolution dated May 5, 2005, being Communication No. 11E-23, that uses no County funds with staffing to be staggered as the building becomes more fully functional, and be it further,

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: CPS - Creation of Part-Time Training -
Instructors in the Police Training Academy
(Comm. 20E-14)

WHEREAS, training for public safety first responders has been identified as a critical need in preparing first responders to prevent-respond and mitigate the consequences of any disaster, man-made or natural, and

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WHEREAS, in 2003 Erie County was designated an Urban Area Security Initiative (UASI) site, and

WHEREAS, in the Urban Area Security Initiative 2004 allocations funds were identified to provide training for first responders, and

WHEREAS, Central Police Services is requesting that six (6) Training Instructors-Part Time, Job Grade 11 be created to assist in the delivery of this training to first responders, and

WHEREAS, Sixty thousand dollars (\$60,000) in FY04 Urban Area Security Initiative funding has been allocated to cover the cost of these positions through June 2006
 HS165UASIF040305 Account 500000 – Personal Services

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to create and fill six (6) Training Instructor-Part Time positions in the Department of Central Police Services, and be it further

RESOLVED, that authorization is provided to transfer \$60,000 from account 500000 to account 500010 in grant HS165UASIF040305.

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

Item 49 – (Comm. 20E-15) Opening of Public Safety Campus - Authorization to Award Bids and Enter Intro Contracts During August 2005 Recess

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 50 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

RE: CPS - Authorization to Enter into Agreement for the City of Buffalo Police and Fire Departments to Utilize Space in the New Public Safety Campus - Operations Center (Comm. 20E-16)

WHEREAS, the Public Safety Campus-Phase I construction is nearing completion and a Certificate of Occupancy will be awarded soon, and

WHEREAS, the “willing partners” will begin locating their respective Operations within the new facility, and

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WHEREAS, the City of Buffalo Police and Fire Departments will be locating information systems, evidence collection and processing and communications functions within the facility, and

WHEREAS, an agreement will be required to authorize the provision of space for the City of Buffalo Police and Fire sections,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement(s) with the City of Buffalo to provide space for their Police and Fire departments to locate Communications, Information Systems, Evidence, Homeland Security and Administrative functions within the new Public Safety Campus, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Public Works, the Commissioner of Central Police Services, and the Director of Budget, Management and Finance.

Item 51 – (Comm. 20E-17) Programming and Architectural Design for Phase 2 of the Public Safety Campus - ECC / Training Academy

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – MS. MARINELL presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: CPS - Local Enhanced Wireless 911
 Program (Comm. 20E-18)

WHEREAS, Erie County is eligible to apply to the New York State Local Enhanced Wireless 911 Program for reimbursement of certain costs associated with the provision of Wireless 911 services, and

WHEREAS, Erie County has received \$538,769 from New York State under the Local Enhanced Wireless 911 Program and is eligible for an additional \$567,992, and

WHEREAS, the County Executive requests that these funds be utilized to enhance public safety communications in Erie County, and

WHEREAS, Erie County has committed to building a communications center as part of the Public Safety Campus project,

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is hereby authorized to accept funds from the New York State Local Enhanced Wireless 911 Program in an amount not to exceed \$1,106,761, and be it further

RESOLVED, that Revenues and Appropriations in the 2005 E-911 Fund (accounts 402400 and 916500) be increased by \$538,769, the source of these funds being a transfer from Unclassified Receipts (account 205400), and be it further

RESOLVED, that Revenues and Appropriations in Capital Project A.00254 (business area 165 CPS) be increased by \$567,992, and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: CPS - Wireless 911 Expedited Deployment Funding (Comm. 20E-19)

WHEREAS, New York State has awarded a grant of \$1,215,000 to the County of Erie under the Wireless 911 Expedited Deployment Funding program, and

WHEREAS, the County is required to meet certain standards regarding the handling of E-911 calls and for providing Phase II Wireless services to our residents, and

WHEREAS, the New Public Safety Campus Communications Center is scheduled to be operational in the fall 2005, and

WHEREAS, this new center will allow the County to deliver effective E-911 services for our residents, and

WHEREAS, to accomplish this we need to continue designing and building the communication center and accompanying infrastructure to be ready in 2005,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Department of State and to accept a grant award in the amount of \$1,215,000 to assist in equipping and bringing on line our new communications center, and be it further

RESOLVED, that authorization is hereby provided to establish the necessary accounts in the grant fund to allow the Central Police Services Department to implement this project:

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Wireless 911 Expedited Deployment Funding (EDF2)

<u>Appropriation</u>	<u>Amount</u>
Account # 561410	
Lab and Tech Equipment	\$1,215,000
Total Appropriation	<u>\$1,215,000</u>
<u>Revenue</u>	<u>Amount</u>
Account #409000 – State Aid Revenue	\$1,215,000
Total Revenue	<u>\$1,215,000</u>

and be it further

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

Item 54 – (Comm. 20E-20) County Funds for South American Rainforest and Greenhouse Exhibit at the Buffalo Zoo

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Personnel Department - Professional Service Contracts and Fees Acct. (Comm. 20E-21)

WHEREAS, the Personnel Department has examined its appropriation for Professional Service Contracts and Fees Account and has determined that current funds to pay contractual obligations through the end of the 2005 calendar year are not available, and

WHEREAS, unanticipated revenue which has been received by the County can be utilized to fund this request,

NOW, THEREFORE, BE IT,

RESOLVED, that authorization is hereby provided to make the following budgetary adjustments in order to fund required expenditures for the Department of Personnel,

Revenue	Increase
Fund Center 14010 County Wide Accounts Monitored By Budget	

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Acct. 423000 Refund of Prior Year expense	\$125,867
Expense	
Fund Center 16110 Department of Personnel	
Acct. 516020 Professional Services Contracts and Fees	\$125,867

and be it further,

RESOLVED, that certified copies of this resolution be sent to the Department of Personnel, the County Executive, the Director of Budget Management and Finance, the Office of the Comptroller, and the Department of Law.

Item 56 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216	RE: Erie County Sewer Fund - 2005 Budget (Comm. 20E-22)
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WHEREAS, a resolution to authorize and approve the recreation and reinstatement of all deleted vacant positions in the Erie County Sewer Fund in the 2005 Budget is requested; and

WHEREAS, the Erie County Sewer Districts, the Southtowns Agency and the Division of Sewerage Management requires this action to meet adequate staffing requirements necessitated by state and local law for effective and efficient day-to-day sewer district operations; and

WHEREAS, these position adjustments are reflected on B-100 Position Authorization Form Nos. 1031, 1033, 1034, 1036, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1062, 1063 1064, 1065, 1066, 1067, 1068, and 1069 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, the recreation and reinstatement of the following positions in the Erie County Sewer Districts, the Southtowns Agency and the Division of Sewerage Management in the 2005 Budget within the Erie County Sewer Fund are hereby approved and in addition, approval of any and all additional positions that become vacant in the Sewer Fund throughout the remainder of the 2005 Budget Year:

Cost	<u>Center</u> <u>Title</u>
180	ASSISTANT PROJECT ENGINEER
180	CHIEF TREAT. PLT. SUPV.
180	PRINCIPAL ENGINEER ASSISTANT
180	ASSISTANT SANITARY ENGINEER

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183	LABORER-SEASONAL
183	SEASONAL-INTERN
186	JR. MAINTENANCE WORKER
186	SEWER REPAIR SUPERVISOR
186	LABORER-SEASONAL
186	LABORER-SEASONAL
186	LABORER-SEASONAL
186	SEASONAL-CLERK TYPIST
186	SEASONAL-INTERN

and be it further

RESOLVED, that certified copies of the approved Resolution shall be sent to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: Health - Special Needs Division -
 Authorization to Fill (Comm. 20E-23)

WHEREAS, the Erie County Health Department is responsible for the operation of the state mandated Early Intervention and Pre-School programs, and

WHEREAS, these two programs are supervised by the Director of Services for Children with Special Needs (Job Group 13) and the Pre-School Coordinator (Job Group 10) which are both civil service position, and

WHEREAS, the New York State Civil Service Commission had determined a list of eligible candidates for these two (2) civil positions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County

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Executive to fill these two (2) positions from the current list of eligible civil service candidates, and be it further

RESOLVED, that this authorization to fill be on condition that the salary and fringe benefit costs of these two (2) positions are eligible to receive approximately 90% in state and federal reimbursement, and be it further

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

Item 58 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded. Legislators Cusack, Marshall and Ranzenhofer voted in the negative.

CARRIED.

RESOLUTION NO. 218

RE: Resolution to Extend the Buffalo Auto Bureau for 2 Months & to Specify the Appropriation for the Cheektowaga Auto Bureau (Comm. 20E-24)

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities is charged with operation of local Auto Bureaus, and

WHEREAS, the County of Erie has previously entered into certain leases for space to operate Auto Bureaus in Erie County, and

WHEREAS, the 2005 County Budget as amended and adopted made an appropriation for auto bureau expense in an amount that was insufficient to maintain all lease obligations for the fiscal year resulting in the closure of the Amherst, Buffalo and Orchard Park Auto Bureaus, and

WHEREAS, the Erie County Legislature has authorized the re-opening of the Buffalo Auto Bureau [Comm. 10E-56; May 5, 2005] and has made a specific appropriation in the 2005 County Budget for the operation of same, and

WHEREAS, it was the intention of the Erie County Legislature in the 2005 County Budget as amended and adopted prior to May 5, 2005 to specify that the auto bureau expense appropriation in regards to rent be allocated specifically to the Cheektowaga Auto Bureau rent,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive enter into and sign a lease extension with Uniland Development Company as landlord of the Buffalo Auto Bureau for a period of two (2) months to commence at the conclusion of the present lease in February 2007, and be it further

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RESOLVED, that the auto bureau expense appropriation in regards to rent in the 2005 County Budget as amended and adopted prior to May 5, 2005 be allocated specifically to the Cheektowaga Auto Bureau rent, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the County Attorney and the Director of Budget, Management and Finance.

Item 59 – (Comm. 20E-25) Erie County Surplus Warehouse

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 60 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

RE: Authorization to Award Bid & Contracts
 During August 2005 Recess (Comm. 20E-26)

WHEREAS, since the tragic events of 9/11 and the tremendous focus on increasing the interoperability of Public Safety agencies and the important role that centralized operations, computerized solutions in dispatching, managing, recording and preparedness, Erie County has worked to enhance our readiness to deal with any disaster or terrorist threat that may be encountered, and

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center which includes a new Communications Center, and

WHEREAS, once completed this new Center will house public safety forensic laboratory, communications, information systems, evidence and administrative services for Erie County and the City of Buffalo, and

WHEREAS, this facility is scheduled to be ready for occupancy in late September 2005, and

WHEREAS, Request for Proposals have been issued by Central Police Services for: Simulcast Digital Alphanumeric Paging System, not to exceed \$5,500,000, source of project funds in Capital Project A.00254, and

WHEREAS, a committee of recognized local representatives and experts in the field from Law Enforcement, Fire Services, and Emergency Medical Services extensively reviewed these Requests for Proposals in accordance with Section 19.08 of the Erie County Administrative code, and whereas USA Mobility and 4-D, the two bidders on the project have agreed to split the project, and

WHEREAS, the firms of 4-D and USA Mobility were deemed to have submitted the best overall proposals each within their field;

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4-D not to exceed \$2,700,000 for equipment and services associated with subscriber units and fire and EMS station alerting.

USA MOBILITY not to exceed \$2,800,000 for developing coverage, number of towers and determine upgrades on current tower sites.

WHEREAS, a committee of recognized local representatives and experts in the field from Law Enforcement, the Department of Information Support extensively reviewed these Requests for Proposals in accordance with Section 19.08 of the Erie County Administrative code, and have recommended Verizon for the job and

WHEREAS, the Erie County legislature is scheduled to be in recess from July 14, 2005 through September 2, 2005, and

WHEREAS, in order to open the building in September 2005, and the Communications Center in late 2005 CPS needs to take action on these RFP's during this recess

NOW, THEREFORE BE IT

RESOLVED, the County Executive is authorized to award bids and enter into contracts for

Public Safety Campus Telephony
 Simulcast Digital Alphanumeric Paging System

during the Erie County Legislature's August Recess, and be it further

RESOLVED, that the County Executive will report to the Legislature at their first session in September 2005 the results of these awards, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Commissioner of Central Police Services, the Commissioner of Emergency Services and the Director of Budget, Management and Finance.

Item 61 – (Comm. 20E-27) Restoration of Positions for Staffing the Public Safety Building

Received and filed.

Item 62 – (Comm. 20E-28) Probation & Youth Detention Services - 2005 (PY4) - Mental Health/Juvenile Justice (MH/JJ) Services Diversion Project

Received and referred to the COMMUNITY SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM PURCHASE

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Item 63 – (Comm. 20D-1) Vehicle And Furniture Purchases/2005

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 64 – (Comm. 20D-2) 2005 Erie County Budget - BOE - Part Time Wages & Personal Services Wages

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 65 – (Comm. 20D-3) Transmittal of New Claims Against EC

Received and filed.

Item 66 – (Comm. 20D-4) Notice of Public Hearing - LL Intro No. 18-2004

Received, Filed and Printed.

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Notice of Public Hearing
Local Law Intro. No. 18-2004

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. which was approved by the Erie County Legislature on July 7, 2005.

Please post the enclosed for the information of anyone who may be interested in attending the hearings.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: GREGORY DUDEK
Assistant County Attorney

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Friday, July 22, 2005 at 10:30 a.m. concerning:

A LOCAL LAW to prevent the misuse of photo phones in public areas.

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On July 7, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 18 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

FROM THE COMMUNITY COLLEGE

Item 67 – (Comm. 20D-5) Minutes of Board of Trustees Meeting Held 5/18/05

Received and filed.

FROM THE COUNTY ATTORNEY

Item 68 – (Comm. 20D-6) Transmittal of New Claims Against EC

Received and filed.

Item 69 – (Comm. 20D-7) Deleting Positions & Vacancies

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 70 – (Comm. 20D-8) Job Creation Summary Report Forms

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. -
ASSIGNED COUNSEL PROGRAM

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Item 71 – (Comm. 20M-1) Quarterly Report of the Assigned Counsel Program For the 2nd Quarter of 2005

Item 72 – (Comm. 20M-2) Financial Reports For The First Six Months of 2005

The above two items were received and filed.

FROM THE NFTA

Item 73 – (Comm. 20M-3) Audited Financial Statements For FY Ending 3/31/05

Received and filed.

FROM SENATOR RATH

Item 74 – (Comm. 20M-4) Receipt of Certified Resolution

Received and filed.

FROM THE STATE BOARD OF REAL PROPERTY SERVICES

Item 75 – (Comm. 20M-5) List of Certified 2005 State Equalization Rates

Received and filed.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 76 – (Comm. 20M-6) Notice of Educational Forums and Public Statement Hearings on Proposals of Verizon & MCI To Merge and of SBC & AT&T To Merge

Received and filed.

FROM LAWRENCE W. SMITH & ASSOCIATES, INC.

Item 77 – (Comm. 20M-7) Resolution Communication #17E-14

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEMORIAL RESOLUTIONS

Item 78 – Mr. Dusza requested that when the Legislature recesses, it do so in memory of Gerald Pigeon.

Item 79 – Mr. DeBenedetti requested that when the Legislature recesses, it do so in memory of Casandra Toth.

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Item 80 – Mr. Kuwik requested that when the Legislature recesses, it do so in memory of Jordon Grasso.

ADJOURNMENT

Item 81 - Item 124 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday, September 15, 2005 at 2 p.m. Eastern Standard Time. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday September 15, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK