

**MEETING NO. 21  
AUGUST 4, 2005**

**ERIE COUNTY LEGISLATURE**

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MEETING NO. 21  
AUGUST 4, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present except Legislator McCarville.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Marinelli.

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 – The Minutes of the Pervious meeting were left on the table.

Item 5 - No Public Hearings.

**LEGISLATOR RESOLUTIONS**

Item 6 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

RE: Legislature Personnel Adjustments and Allocations (INTRO 21-1)

**A RESOLUTION SUBMITTED BY  
LEGISLATOR HOLT**

MR. KUWIK moved to amend the item by adding the following resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

WHEREAS, due to reductions and changes in the Legislature's staff, the following adjustments are necessary for Legislative operations.

NOW, THEREFORE, BE IT

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RESOLVED, that to enable the provision of legal counsel to the Legislature, and keeping within the Legislature's existing appropriation for 2005, the Legislature does hereby create two positions of COUNSEL – LEGISLATURE (PT), and be it further

RESOLVED, that the Legislature does hereby retain Lauren Lobin and Todd Bollard as counsel to the Legislature at Job Group 56, Step 2, with each to work 10 hours per week at the set hourly rate of \$23.6801, with this personnel adjustment made effective August 8, 2005, and be it further

RESOLVED, that the funds for such personnel adjustments shall come from Fund 110, Fund Center 100, SAP Account 500000, and be it further

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

MR. KUWIK moved to approve the item as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 7 – MS. MARINELLI moved discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 16E-8. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

RE: ECSD No. 2 - Contract No. 34EV - Bluffs  
 Subtrunk Phase II - Bid Opening

MS. MARINELLI moved to amend the item by adding the following resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 2, Bluffs Subtrunk Phase 2 Project, Contract 34EV-PH2, at 11:30 AM on July 1, 2005.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 34EV-PH2	Southern Tier Site Utility, LLC 79 East Fifth Street Dunkirk, New York 14048	\$136,354.20

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

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RESOLVED, that the Bluffs Subtrunk Phase 2 Project, Contract No. 34EV-PH2, be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 34EV-PH2	Southern Tier Site Utility, LLC 79 East Fifth Street Dunkirk, New York 14048	\$136,354.20

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder 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 \$136,354.20 from Sewer Capital, Erie County Sewer District No. 2, Account C.00036 (430-913) for Contract 34EV-PH2; 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.

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

CARRIED UNANIMOUSLY.

Item 8 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 19E-8. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

RE: DPW - Ability To Fill Building Guards  
Positions In Accordance With Civil Service  
Law

WHEREAS, the position of Building Guard requires that they be filled by candidates who scored within the top three on a Civil Service Exam, and

WHEREAS, the candidates currently in those positions are temporarily in those positions pending the results of the exam, and

WHEREAS, the exam was held in the spring of 2005 and the results have now been published (dated May 19, 2005), and

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WHEREAS, if the Department of Public Works fails to fill the first position off the Civil Service list before July 17, 2005, we will be in violation of Civil Service Law, with all positions being filled off the Civil Service list within 120 days.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the removal of the employees that are in the position of Building Guard and fill those positions with people who are reachable from the exam list in accordance with Civil Service regulations, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 9 – CHAIRMAN HOLT directed that the following item remain in the COMMUNITY SERVICES COMMITTEE.

GRANTED.

Comm. 19E-37 from the COUNTY EXECUTIVE Re: Social Services - Preventive Services Contract Reallocation

Item 10 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 20E-9. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

RE: Probation & Youth Detention Services -  
Contract with the City of Buffalo

WHEREAS, the Buffalo Youth Impact Project serves high risk probationers who range in age from 7 to 15 and reside in Buffalo zip code areas 14211 and 14215, and

WHEREAS, the goal of the Buffalo Youth Impact Project is to provide a coordinated and comprehensive approach for the reduction of juvenile violent crimes, and

WHEREAS, the City of Buffalo and the New York State Division of Criminal Justice Services have made Federal funding available for this project.

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the City of Buffalo for the receipt of funding in the amount of \$33,812, and be it further

RESOLVED, that authorization is hereby provided to make the following budgetary adjustments in the general fund budget of the Department of Probation and Youth Detention Services:

**Department of Probation and Youth Detention Services**  
**September 1, 2005 to August 31, 2006**

<b>Revenue</b>		<b>Increase</b>
	Miscellaneous Aid	<u>\$33,812</u>
	<b>Total Revenue</b>	<b>\$33,812</b>
<b>Appropriations</b>		<b>Increase</b>
501000	Overtime	\$20,160
502000	Fringe Benefits	\$8,379
510000	Local Mileage	\$1,800
561410	Equipment (Lab/Tech)	\$7,430
980000	DISS Charge	<u>\$1,200</u>
	<b>Total Appropriation</b>	<b>\$33,812</b>

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 Erie County Youth Bureau and the Department of Probation and Youth Detention Services.

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

CARRIED UNANIMOUSLY.

Item 11 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 20E-28. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: Probation & Youth Detention Services -  
 2005 (PY4) - Mental Health/Juvenile Justice  
 (MH/JJ) Services Diversion Project

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing services to address the needs of juveniles in the juvenile justice system and improve the quality of life in our community, and

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WHEREAS, grant funds from the New York State Office of Children and Families will allow for the enhancement of services for youths with mental health and substance abuse issues, and

WHEREAS, funds that were available within the 2003 adopted budget of the Probation Department to fund this project did not reflect the total appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with Child and Family Services of Erie County in the amount of \$10,200 for the time period of January 1, 2005 to December 31, 2005, and therefore be it

RESOLVED, that authorization is hereby provided to adjust the MH/JJ Grant to reflect the total appropriated amount of \$106,250.

Grant Fund  
 Department 260 - Probation  
 Mental Health Juvenile Justice Diversion Grant

Appropriation	Final balance
Personnel	\$40,551
500000	
Fringe	\$12,194
502000	
Contractual	\$10,200
516010	
Travel	\$1400
510100	
Inter-department:	\$40,817
Mental Health	
980000	
Other Expenses	<u>\$1,088</u>
530000	
Total	\$106,250

and therefore be it

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the County Comptroller and the Division of Budget, Management and Finance.

MS. MARINELLI moved for approval of the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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Item 12 – CHAIRMAN HOLT directed that the following item remain in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 20D-2 from the BOARD OF ELECTIONS Re: 2005 Erie County Budget – BOE – Part Time Wages & Personal Services Wages.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

Item 13 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: Probation & Youth Detention Services -  
 Adjustments in Personnel Budget (Comm. 21E-  
 1)

WHEREAS, the Erie County Department of Probation and Youth Detention Services suffered a substantial reduction in funding for personnel services in the 2005 Budget, and

WHEREAS, the reduction in funding requires a significant reduction in staff, and

WHEREAS, Civil Service and Union regulations require that all part-time employees be laid off prior to the layoff of any full-time personnel, and

WHEREAS, part-time workers are essential to the continued operation of the Erie County Secure Detention Center.

NOW THEREFORE, BE IT

RESOLVED, that the following changes be approved and implemented to keep the Department of Probation and Youth Detention Services in compliance with applicable rules and regulations and prior understandings of adjusted staffing levels.

IN FUND 110, DEPARTMENT 12620

RESTORE THE FOLLOWING POSITION

- |     |   |          |
|-----|---|----------|
| (1) | Full time Intake Worker                         | \$31,715 |
|     | (Effective: March 15, 2005 – December 31, 2005) |          |

RESTORE THE FOLLOWING POSITIONS

#10534	RPT Youth Detention Worker	\$21,917
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#10536	RPT Youth Detention Worker	\$13,698
#10537	RPT Youth Detention Worker	\$13,698
#02984	RPT Intake Worker	<u>\$18,693</u>
	Total:	\$99,721

DELETE THE FOLLOWING POSITIONS

#10539	PT Youth Detention Worker	\$13,427
#10541	PT Youth Detention Worker	\$11,656
#10543	PT Youth Detention Worker	\$13,842
#10544	PT Youth Detention Worker	\$13,780
#10548	PT Youth Detention Worker	\$13,780
#02982	PT Intake Worker	<u>\$ 3,963</u>
	Sub-Total:	\$70,448

REDUCE THE FOLLOWING POSITIONS

2975	PT Intake Worker	\$6,440
2981	PT Intake Worker	\$9,955
2978	PT Intake Worker	\$6,439
2983	PT Intake Worker	<u>\$6,439</u>
	Sub-Total:	\$29,273

GRAND TOTAL REDUCTIONS: \$99,721

and be it further

RESOLVED, that the requested changes amount to the same dollar reduction as originally specified, 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, the Department of Personnel and the Department of Probation and Youth Detention Services.

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

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, McCARVILLE, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KUWIK, and SMITH. NOES: CUSACK, MARSHALL, RANZENHOFER, KENNEDY, MARINELLI and WROBLEWSKI. (AYES: 9, NOES: 6)

CARRIED.

WHEREAS, the Erie County Department of Probation and Youth Detention Services suffered a substantial reduction in funding for personnel services in the 2005 Budget, and

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WHEREAS, the reduction in funding requires a significant reduction in staff, and

WHEREAS, Civil Service and Union regulations require that all part-time employees be laid off prior to the layoff of any full-time personnel, and

WHEREAS, part-time workers are essential to the continued operation of the Erie County Secure Detention Center.

NOW THEREFORE, BE IT

RESOLVED, that the following changes be approved and implemented to keep the Department of Probation and Youth Detention Services in compliance with applicable rules and regulations and prior understandings of adjusted staffing levels.

IN FUND 110, DEPARTMENT 12620

RESTORE THE FOLLOWING POSITION

(2)	Full time Intake Worker	\$31,715
	(Effective: March 15 2005 – December 31, 2005)	

RESTORE THE FOLLOWING POSITIONS

#10534	RPT Youth Detention Worker	\$9,845
#10536	RPT Youth Detention Worker	\$9,845
#10537	RPT Youth Detention Worker	\$9,845
#02984	RPT Intake Worker	<u>\$12,943</u>
	<b>Total:</b>	<b>\$74,193</b>

DELETE THE FOLLOWING POSITIONS

#10539	PT Youth Detention Worker	\$13,427
#10541	PT Youth Detention Worker	\$11,656
#10543	PT Youth Detention Worker	\$13,842
#10544	PT Youth Detention Worker	\$13,780
#10548	PT Youth Detention Worker	\$13,780
#02982	PT Intake Worker	<u>\$ 3,963</u>
	<b>Sub-Total:</b>	<b>\$70,448</b>

REDUCE THE FOLLOWING POSITIONS

2975	PT Intake Worker	\$6,440
2981	PT Intake Worker	\$9,955
2978	PT Intake Worker	\$6,439

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2983	PT Intake Worker	<u>\$6,439</u>
	<b>Sub-Total:</b>	<b>\$29,273</b>
	<b>GRAND TOTAL REDUCTIONS:</b>	<b><u>\$99,721</u></b>

and be it further

RESOLVED, that the requested changes amount to the same dollar reduction as originally specified, 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, the Department of Personnel and the Department of Probation and Youth Detention Services.

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

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, McCARVILLE, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KUWIK, and SMITH. NOES: CUSACK, MARSHALL, RANZENHOFER, KENNEDY, MARINELLI and WROBLEWSKI. (AYES: 9, NOES: 6)

CARRIED.

Item 14 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

RE: 2004 Real Estate Transfer Tax - Surplus  
 Revenue - Road Repair Reserve Fund (Comm.  
 21E-2)

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 2005 Adopted budget contains \$8,047,850 from the Road Repair Reserve Fund for Capital repair of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals during the year, and

WHEREAS, the Road Repair Reserve Fund has an audited surplus from the 2004 Real Property Transfer Tax in the amount of \$6,692,616 and

WHEREAS, surplus Road Repair Reserve Funds can only be used for capital repairs of roads and bridges in the County, and

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

WHEREAS, a public hearing will be held on July 22, 2005,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments.

		<u>DEBIT (CREDIT)</u>
Road Fund Road Repair Reserve Fund Balance	210-123-402190	\$6,692,616
Road Fund Interdepartment -Road Repair Reserve	210-123-912300	(\$6,692,616)

and be it further

RESOLVED, that the following road and bridge projects will be initiated 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  
 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

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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	
Ridge Road	
Seneca Street	
Slade Avenue	
Trevett Road	
Vaughn Street	
Versailles Plant Road	
Wehrle Drive	
William Street	
TOTAL	\$4,224,966
<b><u>BRIDGE MAINTENANCE/REPAIR</u></b>	\$ 200,000
<b><u>PAVEMENT SAFETY ENHANCEMENTS</u></b>	
Various Roads	\$ 350,000

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Various Roads	\$ 500,000
<hr/>	
<u>GRAND TOTAL</u>	\$ 6,692,616

and be it further

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

MS. MARINELLI moved for approval of the item. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll-call vote be taken.

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

CARRIED.

Item 15 – (Comm. 21E-3) Creation of Positions Finance & Management

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

RE: Acceptance of NYS Office of Parks,  
Recreation and Historic Preservation Grant &  
Allocation of Funds (Comm. 21E-4)

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has notified the Erie County Department of Public Works that we are eligible for grants totaling \$437,500 related to the Botanical Gardens, and

WHEREAS, in order to qualify and receive the money, certain tasks must be completed at the Botanical Gardens and proper paperwork, including an audit by an outside agency, completed,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes acceptance of these funds from the New York State Office of Parks, Recreation and Historic Preservation and place it in Account A.00234.4, and be it further,

RESOLVED, that the Erie County Legislature authorizes entering into a contract with URS for \$25,000 to perform the overall project management of this work, including the independent audit and submission of close-out paperwork, bid specifications and bid results to be paid from Account A.00234.4, and be it further,

RESOLVED, that the Erie County Legislature authorizes entering into a contract with Abate Engineering for \$20,000 to perform sounding, design, plan, and specification preparation on the deteriorated concrete on the roof of the basement and floor of the garage to be paid from Account A.00234.4, and be it further,

RESOLVED, that the Erie County Legislature authorizes the Erie County Department of Public Works to remove the asbestos contained in the transite benches with County employees working overtime with the cost of overtime, supplies and materials at a cost not to exceed \$50,000 to be paid from Account A.00234.4, and be it further,

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

MR. MARINELLI moved for approval of the item. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

RE: ECSD No. 2 - Contract No. 70 - North Main Street (Rt. 62) - Low Pressure Sanitary System - Contract Close Out - Kandy Company, Inc. (Comm. 21E-5)

WHEREAS, the Erie County Legislature had awarded Contract No. 70 to Kande Company, Inc. for the Erie County Sewer District No. 2 North Main Street (Rte. 62) Low Pressure Sanitary Sewer System; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 70 in the final contract amount of \$235,805.00 which includes Change Order No. 1 (final), a decrease of \$7,144.20, and approval for final payment.

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RESOLVED, that Contract No. 70 between the County of Erie and Kandey Company, Inc. 19 Ransier Drive, West Seneca, New York 14224 is accepted in the amount of \$235,805.00 which includes Change Order No. 1(final), a decrease of \$7,144.20, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 70 in Erie County Sewer District No. 2 Capital Account No. C.00036 (430-913) between the County of Erie and Kandey Company Inc. in the amount of \$235,805.00, release of retention and cancel the remaining balance; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; James Hartman, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.

MS. MARINELLI moved for approval of the item. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 18 – MS. MARINELLI presented the following resolution and moved for immediate consideration. Mr. Swanick seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

RE: Contracts for Child Passenger Seat  
 Instructors (Comm. 21E-6)

WHEREAS, Erie County has been awarded a block grant from the New York State Governor's Traffic Safety Committee for traffic safety awareness and enforcement, which includes "Child Passenger Safety", and

WHEREAS, the grant requires, Erie County Office of Traffic Safety to provide training for law enforcement and other public safety agencies, and

WHEREAS, the County has a need for the services of New York State Certified Child Passenger Seat Technician Instructors to educate these agencies at various training classes, and

WHEREAS, these individuals are the only certified instructors within a reasonable distance of Erie County, and

WHEREAS, these services will be provided for two years.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is authorized to enter into personal service contracts as of June 1, 2005 with the following Instructors for a period of two years

- |   |   |
|---|---|
| 1) Ms. Sharon Ganey-<br>216 Mullet St.<br>Dunkirk, NY | fee for service<br>no more than \$1,500 per session<br>approximate number of sessions-2 |
| 2) Mr. Brian Dadswell-<br>11989 Main Rd<br>Akron, NY  | fee for service<br>no more than \$1,500 per session<br>approximate number of sessions-2 |

and be it further

RESOLVED, that funds are available in Account 516020, professional service contracts & fees, Grant #165CHLDCARSEAT0405

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive, the Department of Law, Erie County STOP-DWI, Sheriff's Department and the Office of Traffic Safety.

MS. MARINELLI moved for approval of the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

RE: Probation & Youth Detention Services -  
United States Dept. of Justice - Violence  
Against Women Grant (Comm. 21E-7)

WHEREAS, the United States Department of Justice, Violence Against Women has awarded \$496,553 to the Erie County Probation Department as part of the Grants to Encourage Arrest Policies and Enforce Orders of Protection, and

WHEREAS, the budget reallocation will allow for the support of one (1) Probation Officer to attend to the duties and responsibilities as outlined in the grant proposal, and

WHEREAS, the budget extension will allow the funds to be used until December 31, 2005.

NOW, THEREFORE, BE IT

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that authorization is hereby provided to add one (1) Probation Officer, job group 11, to the Violence Against Women Grant, and be it further

RESOLVED, that the contract with the Department of Justice be extended until December 31, 2005, and be it further

RESOLVED, that authorization is hereby provided to make the following adjustments in the grant fund as follows:

**Erie County Probation and Youth Detention Services**  
**Violence Against Women -126DOMVIOL0305**  
**August 1, 2003 to November 11, 2005**

<b>Revenue</b>	<b>Current Budget</b>	<b>Adjustments</b>	<b>Revised Budget</b>
414000 Federal Aid Expense	496,553	-	496,553
500000 Full Time – Salaries	106,879	20,647	127,526
501000 Overtime	-	4,806	4,806
502000 Fringe Benefits	32,139	7,092	39,231
505000 Office Supplies	5,250		5,250
510000 Local Mileage Reimbursement	-		-
510100 Out Of Area Travel	24,475		24,475
516020 Pro Ser Cnt And Fees	72,149		72,149
561410 Lab & Technical Equipment	40,429	(32,545)	7,884
911500 ID Sheriff Division Services	112,989		112,989
916500 ID CPS Services	101,243		101,243
980000 ID DISS Services	<u>1,000</u>		<u>1,000</u>
Total Expense	496,553	-	496,553

and it be further

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

MS. MARINELLI moved for approval of the item. MR. DeBENEDTTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: Levy of the 2005-2006 School Tax  
Budgets. (Comm. 21E-8)

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

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

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director/Deputy Commissioner for the Real Property Tax Division, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and it is further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director/Deputy Commissioner for the Real Property Tax Division, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and it is further

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

RESOLVED, that each and every act of the Director/Deputy Commissioner for the Real Property Tax Division in connection with the foregoing is hereby ratified and confirmed; and it is further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature.

MS. MARINELLI moved for approval of the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 21**  
**AUGUST 4, 2005**

**ERIE COUNTY LEGISLATURE**

FROM CHAIRMAN HOLT

Item 22 – (Comm. 21E-9) Calling Special Meeting to be Held 8/4/2005 at 1:00 PM

Received, filed and printed.

August 2, 2005

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

Dear Mr. Kelley:

Pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on THURSDAY, AUGUST 4, 2005 at 1:00 O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This session will entail action concerning the following items:

Discharges from Committee: 16E-8 (Sewer District No.2 Bid Opening), 19E-8 (DPW Building Guards), 19E-37 (DSS Preventive Services Contract), 20E-9 (Probation Grant Funding), 20E-28 (Probation Grant Funding), and 200-2 (BoE personnel).

New Items:

- Adjustment in Probation Budget
- 2004 Real Estate Transfer Tax Surplus Revenue/Road Repair Reserve Fund
- Creation of Positions in Division of Budget, Management and Finance
- Acceptance of NYS Office of Parks, Recreation and Historic Preservation Grant and Allocation of Funds for Botanical Gardens
- Legislature Personnel Reallocations and Adjustments
- Erie County Sewer District No.2 Contract Close Out
- Office of Traffic Safety Contracts for Child Passenger Seat Instructors
- Probation -Violence Against Women Grant
- Division of Real Property -School Taxes

Please notify legislators, the administration and the public of this meeting. Thank you for your assistance.

Sincerely,

**MEETING NO. 21**  
**AUGUST 4, 2005**

**ERIE COUNTY LEGISLATURE**

GEORGE A. HOLT, JR.  
 Chairman  
 Erie County Legislature

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE CLERK OF THE LEGISLATURE**

Item 22 – (Comm. 21D-1) Special Meeting Notice

Received, Filed and Printed.

August 2, 2005

To: All County Legislators  
 From: Kevin M. Kelley, Clerk of the Legislature  
 Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, Chairman George A. Holt Jr., there will be SPECIAL MEETING of the Erie County Legislature to be held on THURSDAY, AUGUST 4, 2005 at 1:00 O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This session will entail action concerning the following items:

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- Office of Traffic Safety Contracts for Child Passenger Seat Instructors
- Probation -Violence Against Women Grant
- Division of Real Property -School Taxes

Thank You.

ATTACHMENT – Chairman Holt's Letter

**MEMORIAL RESOLUTIONS**

Item 23 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of Ray Tucker.

Item 24 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of JC Jones.

Item 25 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of McGill Russess.

Item 26 – Legislator DeBenedetti requested that when the Legislator adjourns, it do so in memory of Bill Lasek.

Item 27 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Donald H. McKee.

Item 28 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Dorothy C. Luczak.

Item 29 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Melvin Banditson.

Item 30 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Kathleen Hooley.

Item 31 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Albert Miller.

Item 32 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Walter Rosen.

Item 33 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Seymour Mandel.

Item 34 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Marion Paul

Item 35 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Henry Przysiora.

Item 36 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of Dominic Sota.

**ADJOURNMENT**

**MEETING NO. 21**  
**AUGUST 4, 2005**

**ERIE COUNTY LEGISLATURE**

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Item 37 - 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**