

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 23**  
**NOVEMBER 20, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Reynolds, who stated that at this time of the year and at the traditional Thanksgiving season, that we have a lot to be thankful for. There is also a lot that the community can be thankful from the actions of this Legislature too, he said. Legislator Reynolds also voiced thanks to past veterans, current veterans, and future veterans. He also requested a moment of silence.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 22 from 2008. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. KENNEDY & MR. MAZUR presented a resolution Honoring the Life of Kenneth A. Pokorski, former Mayor of the Village of Sloan, NY.

Item 6 – MR. MAZUR presented a resolution Honoring the Life of Phyllis Jaye (Nardello) Zielin of Orchard Park, NY.

Item 7 – MR. MAZUR presented a resolution Honoring the Memory of Patricia A. (Petrucchi) Gesicki.

Item 8 – MS. IANNELLO presented a resolution Honoring Joseph “Little Joe” Stefaniak for Receiving the French Legion of Honor Medal for His Courage in World War II.

Item 9 – MS. IANNELLO presented a Memorial Resolution in Honor of Jeanne A. Cambria.

Item 10 – MS. IANNELLO presented a Memorial Resolution in Honor of Ralph P. Abramo.

Item 11 – MS. IANNELLO presented a resolution Congratulating Marjorie Scranton for Receiving the AARP State Achievement Award.

Item 12 – MS. IANNELLO presented a resolution Congratulating Anna Mae Jones for Receiving the AARP State Achievement Award.

Item 13 – MR. MILLS presented a resolution Congratulating Luke Wolfling on Achieving the Rank of Eagle Scout.

Item 14 – MR. MILLS presented a resolution Congratulating Gregory D. Harts on Achieving the Rank of Eagle Scout.

Item 15 – MR. MILLS presented a resolution Congratulating Benjamin E. Deuell on Achieving the Rank of Eagle Scout.

Item 16 – MR. MILLS presented a resolution Recognizing Charles E. Balbach on Being Named Outstanding Philanthropist by the WNY Chapter of the Association of Fundraising Professionals.

Item 17 – CHAIR MARINELLI & MR. KOZUB presented a resolution Congratulating Buffalo For Africa Upon Return from Summit.

MS. WHYTE moved for consideration of the above thirteen items. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above thirteen items to include Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above thirteen items as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

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

GRANTED.

Item 19 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 25 – MS. WHYTE moved to receive and file Local Law No. 7 (Print #1) 2008. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

### **COMMITTEE REPORTS**

Item 26 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354

NOVEMBER 13, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 16
-------------------	---

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14E-44 (2007)  
**MARINELLI:** Appointment to the Board of Directors of the ECMC Corporation (5-0)

- b. COMM. 1M-15 (2008)  
**JOAN LILLIS:** Appointment to the Board of Directors of the ECMC Corporation  
(5-0)
- c. COMM. 6E-15 (2008)  
**COUNTY EXECUTIVE:** Termination of Substance Abuse Grant  
(5-0)
- d. INTRO 7-3 (2008)  
**MAZUR:** Support for A.10042/S.7010 Establishing Family Directed Home Care  
Demonstration Projects in NYS  
(5-0)
- e. COMM. 7M-8 (2008)  
**BETH KOGUT:** Letter Concerning Substance Abuse Prevention and Assessment Services  
Grant  
(5-0)
- f. INTRO 8-10 (2008)  
**RANZENHOFER, MILLS & RATH:** Supporting Efforts to Find More Effective Use of  
Substance Abuse Prevention Grant  
(5-0)
- g. INTRO 14-7 (2008)  
**WHYTE:** Expansion of Transportation Services to Seniors  
(5-0)
- h. COMM. 22M-11 (2008)  
**COLUCCI & GALLAHER, P.C.:** ECMCC Agenda Items for Board of Directors' Meeting  
Held 10/23/08  
(5-0)

2. COMM. 21E-22 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Abuse  
Prevention (Title VII) grant for the period January 1, 2008 to December 31, 2008; and

WHEREAS, the New York State Office for the Aging notified the Department of Senior  
Services (Department) of a one-time supplemental allocation for the Title VII program; and

WHEREAS, the Department, as the designated Area Agency on Aging in Erie County, is  
responsible to oversee the provision of the ombudsman services required by this grant, via contract  
with the American Red Cross, the designated Ombudsman for Erie County; and

WHEREAS, the Department desires to amend the contract with the American Red Cross to  
reflect the increase in Title VII funding; and

WHEREAS, there are no County funds associated with the Title VII grant, and there is no impact on County funds associated with the contractual change.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Title VII grant funds and amend the contract with the American Red Cross for the remainder of the grant period at the amount authorized herein; and be it further

RESOLVED, that the Title VII grant (163VII2008) for the period January 1, 2008 to December 31, 2008, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid Revenue	\$64,942	<u>\$16,082</u>	\$84,024
	TOTAL CHANGE		<u><u>\$16,082</u></u>	
APPROPRIATIONS				
516010	American Red Cross	\$64,942	<u>\$16,082</u>	\$84,024
	TOTAL CHANGE		<u><u>\$16,082</u></u>	

and be it further

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

(5-0)

3. COMM. 21E-23 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) and Expanded In-Home Services for the Elderly Program (EISEP) grants for the period April 1, 2008 to March 31, 2009; and

WHEREAS, the New York State Office for Aging (NYSOFA) issued final allocations for the state grant programs after state fiscal cutbacks; and

WHEREAS, NYSOFA notified the Department of Senior Services (Department) that the 2007/2008 Senior Employment grant was extended through September 30, 2008; and

WHEREAS, the Department contracts with Supportive Services Corp. to administer the Senior Employment program; and

WHEREAS, the contract with Supportive Services Corp. needs to be extended through September 30, 2008; and

WHEREAS, the Department desires to allocate \$10,000 of additional CSE funds to the cluster agencies providing transportation services to cover higher fuel costs and \$49,000 as a one-time cost of living adjustment for case managers providing valuable case management services to seniors; and

WHEREAS, the Department will allocate these funds based on the results of an RFA and only if New York State does not further reduce funding; and

WHEREAS, the CSE and EISEP grant budgets are in need of revision; and

WHEREAS, there is no impact on County funds appropriated for these grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to extend the contract with Supportive Services Corp. through September 30, 2008; and be it further

RESOLVED, that the County Executive be and is hereby authorized to accept the additional state CSE funds; and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0809, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$1,113,032	\$29,361	\$1,142,393
479000	County Share Contribution	187,500	3,529	191,029
	TOTAL REVENUE		<u>\$32,890</u>	
APPROPRIATIONS				
500000	Full Time Salaries	\$245,891	-\$21,471	\$224,420
502000	Fringe Benefits	104,918	-5,621	99,297
505000	Office Supplies	1,018	982	2,000
516010	Contractual Services	984,927	59,000	1,043,927
			<u>\$32,890</u>	

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP0809, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$2,969,558	-\$117,772	\$2,851,786

419630	EISEP Cost Share	48,000	17,000	65,000
479000	County Share Contribution	845,800	-3,529	842,271
	TOTAL REVENUE		<u>- \$104,301</u>	

**APPROPRIATIONS**

	Personal Emergency Response			
516020	Services	\$90,000	-\$25,000	\$65,000
516020	Adult Day Care Services	150,000	46,000	196,000
516020	Alternate Service Provider	95,000	-80,000	15,000
516020	Home Care Services	2,000,000	-17,484	1,982,516
916390	ID Senior Services Grant	-34,423	-27,817	-62,240
			<u>- \$104,301</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law and the Department of Senior Services.  
(5-0)

**THOMAS J. MAZUR**  
**CHAIR**

Item 27 – MS. GRANT presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 355

NOVEMBER 13, 2008	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 13
-------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RANZENHOFER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18E-8 (2008)  
**COUNTY EXECUTIVE:** Appointments to the EC Commission on the Status of Women  
(5-0)
  - b. COMM. 18E-10 (2008)  
**COUNTY EXECUTIVE:** Appointments to EC Youth Services Board  
(5-0)
  - c. COMM. 22D-2 (2008)

**BUFFALO & ERIE COUNTY PUBLIC LIBRARY:** Agenda Items for Board of Trustees  
Meeting Held 10/23/08  
(5-0)

**BETTY JEAN GRANT  
CHAIR**

Item 28 – MR. KENNEDY presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 356

NOVEMBER 13, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 16
-------------------	--

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WROBLEWSKI.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22M-8 (2008)  
**NFTA:** Copies of 17A Report and Capital Expenditure Reports for Second Quarter Ending 3/31/09  
(4-0)
  - b. COMM. 22M-10 (2008)  
**FEDERAL ENERGY REGULATORY COMMISSION:** Response to EC Legislature Resolution Concerning Electricity Consumers' Being Overcharged in NYS  
(4-0)
  - c. COMM. 22M-12 (2008)  
**ECIDA:** Board of Directors' Meeting Notice for 11/10/08  
(4-0)

2. COMM. 21E-12 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, a Project for the Replacement of the CR 341, Cemetery Road, Bridge over Erie Road and Conrail, in the Town of Lancaster, Erie County, PIN 5755.27 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design V & VI), Right of Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.27; and



WHEREAS, that the Project agreement has increased from \$732,000.00 to \$1,761,000.00, of which a sum of \$146,400.00 non-federal share was previously authorized via County Resolutions Nos. 6D-19 of April 29, 1999 and 13E-36 of July 26, 2007, 1999 Federal Aid Bridges and made available to cover the cost of participation in the above phases of the Project.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the Project increase of \$1,029,000.00 proportionally increased non-federal share by \$205,800.00; and be it further

RESOLVED, that the Project budget be equally increased in revenue and appropriation to represent this agreement, and the balance of the non federal share of \$205,800.00 be appropriated from B.00199 Cemetery Road Bridge Project; and be it further

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

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

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

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

3. INTRO 22-2 (2008)

**KENNEDY, WHYTE, REYNOLDS, IANNELLO, KOZUB,  
MILLER-WILLIAMS & GRANT**

WHEREAS, it is in the economic interest of each and every resident in the County of Erie to have public works projects completed by contractors committed to producing a high quality product at a competitive cost; and

WHEREAS, in Erie County, public works projects are often awarded to contractors who submit the lowest bid, which often ends up costing taxpayers more money over the life of the project; and

WHEREAS, over reliance on the lowest bid without further analysis often masks the overall higher cost of the project based on schedule delays, change orders and poor quality work; and

WHEREAS, effective analysis of a bid for contract should include identifying qualified contractors to increase the likelihood that the project will be performed with high quality work, to specifications and on time; and

WHEREAS, in 2006 Erie County awarded a public works contract for asbestos abatement to the lowest bidder without analyzing the contractor's qualifications, and as a result, the lowest bidder turned out to be an unqualified bidder; and

WHEREAS, the lowest, however unqualified, bidder for the asbestos abatement project utilized undocumented aliens with falsified asbestos abatement licenses and ended up contaminating the job site and surrounding areas with asbestos; and

WHEREAS, the contractor's previous track record included a history of hiring undocumented aliens, civil judgments and various health and safety violations; and

WHEREAS, Erie County did not discover this information because it did not make an attempt to discover if the contractor was a qualified or responsible bidder; and

WHEREAS, New York General Municipal Law gives local governments the authority to award contracts to lowest responsible bidder; and

WHEREAS, the enactment of a lowest responsible bidder law in Erie County would strengthen contractor screening capabilities and identify qualified bidders; and

WHEREAS, in an effort to produce high quality public works projects in an efficient manner and to decrease unnecessary cost overruns, Erie County should develop an effective screening process to determine the qualifications of contractors bidding on public works projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports high quality public works projects and endeavors to create a screening process to determine the qualified bidders for all county public works projects; and be it further

RESOLVED, that the Erie County Legislature should carefully consider adopting a Local Law which defines a qualified and responsible bidder; and be it further

RESOLVED, that the Erie County Legislature should discuss and ultimately approve the attached Local Law, or an amended version, to Strengthen and Encourage Lowest Responsible Bidder Requirements for Erie County.

(4-0)

4. COMM. 22E-5 (2008)

**COUNTY EXECUTIVE**

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings; and

WHEREAS, a contract was awarded to Grove Roofing Services, Inc., the total expenditure of which shall be based upon an as needed basis for each emergency response repair; and

WHEREAS, several emergency roof repairs have been needed and the contract allowance must be increased in order for the contractor to continue making emergency roof repairs.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to approve the work based upon NYS Department of Labor Prevailing Wage Rate Schedule for all materials furnished and installed for each emergency response repair; and be it further

RESOLVED, that the County Executive be authorized to execute a change order with Grove Roofing Services, Inc. to increase their Roof Repair – Emergency Response Services – All County-owned Buildings – Contract by \$100,000.00 from \$235,000.00 to a not to exceed amount of \$335,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00227 – 2004 Roof Replacement and Waterproofing of Various County Buildings for an amount not to exceed \$100,000.00; and be it further

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

(4-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**

MR. KENNEDY moved to amend item Number 3. MR. REYNOLDS seconded. MR. MILLS, MR. RANZENHOFER and MR. RATH voted in the negative.

CARRIED. (12-3)

Delete the Second and Third Resolve Clauses and Replace with the following:

RESOLVED, that the Erie County Legislature should carefully consider adopting a Local Law which defines a qualified and responsible bidder.

MR. KENNEDY moved to approve item Number 3 as amended. MS. GRANT seconded. MR. MILLS, MR. RANZENHOFER and MR. RATH voted in the negative.

CARRIED. (12-3)

Item 29 – MS. MILLER-WILLIAMS presented the following report, moved to separate item Numbers 3 and 4, and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 357

NOVEMBER 13, 2008	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 12
-------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 10-6 (2008)  
**IANNELLO:** Requiring Public Accountability for Private Schools Receiving State Funds (4-0) Chair Marinelli not present for vote.
  - b. COMM. 11M-9 (2008)  
**EC LEGISLATURE MAJORITY COUNSEL:** Letter to ECFSA Regarding Resolution 08-51 Payments to AFSCME Local 1095 (4-0) Chair Marinelli not present for vote.
  - c. COMM. 17D-18 (2008)  
**COUNTY ATTORNEY:** Position on Intro 15-6 Concerning AFSCME Contract Impasse (4-0) Chair Marinelli not present for vote.
  - d. COMM. 18D-1 (2008)  
**EC LEGISLATURE MAJORITY COUNSEL:** Letter to ECFSA Regarding Comm. 15-6 (4-0) Chair Marinelli not present for vote.
  - e. COMM. 19M-8 (2008)  
**NYS COMPTROLLER:** Letter to EC Board of Elections Concerning Selection for Examination by NYS Comptroller (5-0)
  - f. COMM. 21D-1 (2008)

- COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- g. COMM. 21D-3 (2008)  
**DIRECTOR OF INTERGOVERNMENTAL AFFAIRS:** Government Affairs Committee Request  
(5-0)
- h. COMM. 21D-6 (2008)  
**DEPUTY COMPTROLLER - AUDIT & CONTROL:** EC Comptroller's Office Audit of Bureau of Purchase  
(5-0)
- i. COMM. 21M-2 (2008)  
**TOWN OF BRANT:** Resolution Concerning Registrars of Vital Statistics  
(5-0)
- j. COMM. 21M-3 (2008)  
**TOWN OF TONAWANDA:** Resolution Concerning Registrars of Vital Statistics  
(5-0)
- k. COMM. 21M-4 (2008)  
**ERIE COUNTY FISCAL STABILITY AUTHORITY:** Copies of Resolutions Passed at Meeting Held 9/15/08  
(5-0)
- k. COMM. 21M-6 (2008)  
**TOWN OF ALDEN:** Resolution Concerning Registrars of Vital Statistics  
(5-0)
- l. COMM. 22D-3 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- m. COMM. 22D-5 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- n. COMM. 22D-6 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- o. COMM. 22M-1 (2008)  
**NIAGARA ERIE REGIONAL COALITION:** Agenda Items for Meeting Held 10/24/08  
(5-0)
- p. COMM. 22M-2 (2008)  
**EC BAR ASSOCIATION:** Quarterly Report - Assigned Counsel Program - 3rd Quarter

(5-0)

- q. COMM. 22M-3 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Monthly Report/Monthly Activity Report for September 2008

(5-0)

- r. COMM. 22M-9 (2008)  
**TOWN OF EDEN:** Copy of Resolution Opposing Changes Consolidating Local Registrars of Vital Statistics

(5-0)

- s. COMM. 22M-14 (2008)  
**NIAGARA ERIE REGIONAL COALITION:** 10 Year Anniversary Celebration - 1998 - 2008

(5-0)

2. RESOLVED, the following item is hereby received and filed and referred to the HEALTH & HUMAN SERVICES COMMITTEE:

- a. COMM. 10D-5 (2008)  
**EXECUTIVE DIRECTOR - COMMISSION ON THE STATUS OF WOMEN:** Letter & Memorandum Concerning Need for Child Drop Off Center in the Rath Building  
(4-0) Chair Marinelli not present for vote.

3. COMM. 19E-13 (2008)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, Erie County has undertaken an extensive review of the way in which Erie County utilizes space and maintains their buildings in an effort to more efficiently manage county owned buildings and leases; and

WHEREAS, this initiative requires a Space Utilization position to facilitate space utilization projects and introduce industry standard facilities management practices to County government; and

WHEREAS, the Space Utilization position was proposed by the Collins' Administration and approved by the Erie County Legislature on January 8, 2008 and was subsequently approved and funded through an efficiency grant by the Erie County Fiscal Stability Authority in February, 2008; and

WHEREAS, in connection with that award, continued funding of the Space Utilization position is required and has been requested; and

WHEREAS, the ECFSA in Resolution 08-65, September 15, 2008, approved funding for the Space Utilization position for fiscal year 2009 in an amount not to exceed \$160,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept an Efficiency Grant from the ECFSA to fund the Space Utilization position for 2009 in an amount not to exceed \$160,000; and be it further

RESOLVED, that quarterly updates will be submitted to the ECFSA and the Erie County Legislature that summarize the projects and projected savings to the county as a result of this initiative; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that the acceptance of this efficiency grant from the Erie County Fiscal Stability Authority shall not result in the establishment of a Department of Real Estate and Asset Management which must be addressed by the Erie County Legislature by local law; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget and Management, and the County Attorney.  
(4-1) Legislator Reynolds voted in the negative.

4. COMM. 22E-7 (2008)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, Erie County applied for an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to fund the purchase of a GPS System to provide a management tool to better control costs associated with the operation of the County's vehicle fleet; and

WHEREAS, the ECFSA in Resolution 08-64, September 15, 2008, approved funding of this initiative in an amount not to exceed \$136,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept this Efficiency Grant from the ECFSA to fund the purchase of GPS Systems in an amount not to exceed \$136,000.00; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept Efficiency Grant funds as outlined above; and be it further

RESOLVED, that the County is required to provide to the Erie County Legislature the bids requested and received for the GPS Equipment and a business plan on cost savings achievement, timing and program management; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to Gerard J. Sentz, Commissioner of the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Director of Fleet Services, and the Office of the County Attorney.  
(4-1) Legislator Reynolds voted in the negative.

**BARBARA MILLER-WILLIAMS  
CHAIR**

MS. MILLER-WILLIAMS moved to approve item Number 3. MR. KOZUB seconded. MS. IANNELLO, MR. LOUGHRAN, MR. REYNOLDS and MR. WROBLEWSKI voted in the negative.

CARRIED. (11-4)

MS. MILLER-WILLIAMS moved to approve item Number 4. MR. KOZUB seconded. MS. IANNELLO and MR. REYNOLDS voted in the negative.

CARRIED. (13-2)

Item 30 – MR. KOZUB presented the following report, moved to separate item Numbers 3 and 4, and moved to approve the balance of the report. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 358

NOVEMBER 13, 2008	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
-------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 6-6 (2008)  
**WHYTE:** Establishment of Niagara River State Park  
(5-0)
  - b. INTRO 17-5 (2008)  
**WHYTE:** EC Lead Inspection Records  
(5-0)
  - c. COMM. 17M-26 (2008)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** Reclassification of  
Lehigh Valley Railroad  
(5-0)
  - d. COMM. 17M-28 (2008)  
**MAYOR OF DENVER:** Executive Orders Pertaining to Greenprint Denver Office and  
Sustainability Policy  
(5-0)



- e. COMM. 18E-9 (2008)  
**COUNTY EXECUTIVE:** Appointments to the EC Environmental Management Council  
(5-0)
- f. COMM. 18E-17 (2008)  
**COUNTY EXECUTIVE:** Construction Inspection Services - Donald Gallo Consultant  
Engineer, PC - Agreement Contract Close Out  
(5-0)
- g. COMM. 19E-9 (2008)  
**REYNOLDS:** Availability of Grant Funds for County Agricultural and Farmland Protection  
Plan Development  
(5-0)
- h. COMM. 19M-2 (2008)  
**CONGRESSMEMBER LOUISE SLAUGHTER:** Letter in Support of Sherwood  
Greenway Path Project  
(5-0)
- i. COMM. 19M-4 (2008)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** NYS Fish, Wildlife  
& Marine Resource Goals for 2010 - 7/15/2008-8/15/2008  
(5-0)
- j. COMM. 19M-5 (2008)  
**NYS FISH & WILDLIFE MANAGEMENT BOARD:** Region 9 FWMA Board Meeting  
Minutes for September 4, 2008  
(5-0)
- k. COMM. 21E-8 (2008)  
**REYNOLDS:** Letter to Town of Clarence Supervisor Concerning Farmland Protection  
(5-0)
- l. COMM. 21D-4 (2008)  
**DEPUTY COMPTROLLER - AUDIT & CONTROL:** Sewerage Mgt. & EC Sewer Dist.  
No. 3 - Report for Period 1/1/07 to 5/31/08  
(5-0)
- m. COMM. 21D-7 (2008)  
**ACTING COMMISSIONER, ENVIRONMENT & PLANNING:** Comments Concerning  
Comptroller's Audit of EC Sewer Dist. No. 3  
(5-0)
- n. COMM. 21M-7 (2008)  
**NYS DEPT. OF AGRICULTURE & MARKETS:** Required Review of EC Agricultural  
Dist. No. 11  
(5-0)

- o. COMM. 21M-8 (2008)  
**TOWN OF HAMBURG:** Resolution Concerning EC Recycling Coordinator Position  
(5-0)
- p. COMM. 21M-11 (2008)  
**TOWN OF NEWSTEAD:** Resolution Concerning EC Recycling Coordinator Position  
(5-0)
- q. COMM. 22E-10 (2008)  
**COUNTY EXECUTIVE:** EC Sewer Dist No. 3 - Proposed Modifications of Plans - EC  
Sewer Agency Report  
(5-0)
- r. COMM. 22M-16 (2008)  
**NYS DEPT. OF ENVIRONMENTAL CONSERVATION:** Fact Sheet Concerning  
Cleanup Activities - Business Park Site in Lackawanna  
(5-0)
- s. COMM. 22M-17 (2008)  
**CITY OF NIAGARA FALLS:** Copy of Certified Resolution in Opposition to Adding Any  
Hazardous Waste Land Disposal Capacity in NYS  
(5-0)
- t. COMM. 22M-18 (2008)  
**NYS DEPT. OF ENVIRONMENTAL CONSERVATION:** NYS Fish, Wildlife & Marine  
Resource Goals for 2010 - Ecosystem Protection  
(5-0)

2. RESOLVED, the following item is hereby received and filed, and referred to the HEALTH & HUMAN SERVICES COMMITTEE:

- a. INTRO 14-6 (2008)  
**WHYTE:** Socialization and Recreational Opportunities for Seniors  
(5-0)

3. INTRO 14-3 (2008)  
**IANNELLO, WHYTE & REYNOLDS**  
WHEREAS, governments, businesses and private citizens are all concerned about the rising cost of energy and the increase in demand for energy; and

WHEREAS, along with this increase in demand, the environment and the health of the world's population is directly affected by the rise in carbon dioxide emissions related to the world's energy use; and

WHEREAS, one of the fastest growing energy consumption uses by government, business and private individuals is the use of the personal computer (pc); and

WHEREAS, Erie County employees use or have access to approximately 4000 personal computers, according to Erie County's 2008 adopted budget; and

WHEREAS, currently, no requirement exists for employees to turn their personal computers off at the end of the work day or on weekends; and

WHEREAS, most of us are under the impression that screen savers are energy savers which according to the US Department of Energy is a costly misconception; and

WHEREAS, turning off monitors if they are not being used is more beneficial as opposed to the use of the more costly screen savers; and

WHEREAS, turning off one personal computer at night can save Erie County approximately \$75 to \$100 per year; and

WHEREAS, the County of Erie could realize additional savings by making use of such energy saving features that allow the computer to 'hibernate or sleep' when not in use for a specified period of time; and

WHEREAS, if this savings is multiplied by 4000 computers in use by Erie County Government, the County could realize a potential savings of \$300,000 to \$400,000 at today's energy costs; and

WHEREAS, it takes between 60 and 300 trees to absorb the yearly carbon dioxide emissions produced by one computer left on 24 hours a day; and

WHEREAS, the environment and human health factors would also realize the benefits of turning off the personal computers; and

WHEREAS, the US Department of Energy recommends instituting such energy and cost saving measures immediately, creating a win-win for taxpayers and the environment; and

WHEREAS, the US Department of Energy predicts that by the year 2010, just 18 months from now, 20% of each American's electricity bill will come from appliances on standby, the largest portion from personal computers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature institute by formal resolution the following three measures:

- All Erie County employees turn off computers at the end of the work day and on weekends
- All Erie County employees turn off their pc monitor if not using it for more than 20 minutes, i.e. lunch or a meeting
- All Erie County employees to discontinue the use of screen savers for a length of time as they are not energy saving devices; and be it further

RESOLVED, that these measures can be implemented with not only the use of government or business computers but, use of private personal computers in homes, resulting in personal savings on energy bills with an additional benefit to our environment; and be it further

RESOLVED, that these measures take effect in 30 days of this legislation as a requirement for all Erie County employees using County owned personal computers in their job performance; and be it further

RESOLVED, that this resolution be considered a further action to make Erie County a "Green County," and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, all County Legislators and their staff, all department heads of Erie County, all employees of Erie County, President of Erie Community College and the director of ECMCC.  
(5-0)

4. INTRO 17-3 (2008)

**IANNELLO, REYNOLDS & WHYTE**

WHEREAS, national health organizations, environmental agencies, and physical fitness activists believe increased bicycling and walking to be of national interest not only for health purposes, but also as a mode of transportation; and

WHEREAS, the development of transportation, environmental and public health policies promoting bicycling and walking as a means of transportation should be the concern of local, county, and state governments; and

WHEREAS, persons with disabilities, pedestrians, bicyclists, motorists and transit riders should be able to safely move along and across a 'complete street;' and

WHEREAS, complete streets are defined as facilities that are designed and operated to enable safe access for all users comprehensive across the life span for both recreational and transportation; and

WHEREAS, a complete street is one that has improved safety conditions that encourages users to reduce the number of motor vehicle miles traveled whenever possible through increased use of bicycling or walking trips; and

WHEREAS, the County of Erie is in concert with this philosophy for the safety, health and environmental integrity of all residents, visitors and the community as a whole; and

WHEREAS, school aged youth ages 5 to 17 years old (2006), represents an astonishing 29.4% of the total percentage of bicyclists and 19.8% of pedestrians both injured and killed in New York State; and

WHEREAS, New York State should designate its percentage of safety dollars to be commensurate with the percentage of traffic related deaths that are pedestrians and bicyclists; and

WHEREAS, increased bicycling and walking trips will not only help to reduce the carbon footprint in America, but its intention is also to provide exercise to our children and adults as recent surveys have stated that as many as 65% of the US population is overweight; and

WHEREAS, bicycle commuters save annually on average \$1,825 in auto related costs, carbon emissions by 128 pounds, conserve 145 gallons of gasoline and avoid 50 hours of gridlock traffic; and

WHEREAS, we are a nation of over 300 million people with an expected number of 365 million people by 2030, and 465 million by 2050; and

WHEREAS, the vast majority of that growth is occurring in urban areas where there are significant limitations on accommodating the ever increasing motor vehicle travel; and

WHEREAS, over 200 cities in the United States, representing 35 million people, have committed to action plans to increase bicycling and walking as a mode of transportation utilizing health and quality of life as a performance measure; and

WHEREAS, a national network of interconnected urban and rural bikeways can provide valuable community benefits, including low cost recreation and alternative transportation options for people of all ages; and

WHEREAS, such networking designs must include safe and expanded areas for bicycles and pedestrians and moreover this must begin on the local level of government policy.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County join in concert with the 200 US cities to implement a bicycle and pedestrian friendly action plan to achieve the intended goals of good health, improved safety, lessen the carbon imprint while increasing bicycling and walking as a standard mode of transportation; and be it further

RESOLVED, that the Erie County Commissioner of Public Works shall include pedestrian and bicycle facilities in all new street construction, street reconstruction and park projects undertaken by the County of Erie, where fiscally feasible; and be it further

RESOLVED, that if the cost is prohibited due to disproportionate use, meaning that if the cost of the bicycle or pedestrian way exceeds more than 20% of the project, that such bikeways and pathways be omitted from such projects; and be it further

RESOLVED, that if an existing right of way does not grant access for sidewalks, bike lanes or other improvements, that alternative routes be explored and provided whenever possible; and be it further

RESOLVED, that all bicycle and pedestrian walkways be planned, designed, developed and maintained in accordance with the United States Department of Transportation, the New York State Department of Transportation and other guidelines adhered to by Erie County; and be it further

RESOLVED, that the entire focus be on improving human health, decreasing carbon emissions, enhancing safety and increasing walking and bicycle trips as a mode of transportation; and be it further

RESOLVED, that these actions will enable Erie County to become a "Clean Streets County" with "Complete Streets" policies and a leader in New York State; and be it further

RESOLVED, that this only take place if bicyclists and pedestrians are not prohibited by law from using the facility; and be it further

RESOLVED, that we call upon our Federal and State legislators to provide incentives for local governments to adopt and implement "Complete Street" policies designed to accommodate all users; and be it further

RESOLVED, that certified copies of this resolution be sent to Senators Schumer and Clinton as well as Congressional members of Western New York in addition to our Western New York delegation in Albany and Governor Paterson of New York.  
(5-0)

5. COMM. 17E-25 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the 2009 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2008; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 5, 2008 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2009 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment & Planning.

(5-0)

6. COMM. 19E-11 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County has secured the services of Stearns & Wheler LLC, to provide engineering services for Erie County Sewer District No. 2; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC, dated July 16, 2003 at the final contract amount of \$311,564.50.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated July 16, 2003 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC, be formally closed-out in the final contract amount of \$311,564.50 allocated in the Erie County Sewer District Sewer No. 2 Sewer Capital Fund No. C.00028; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC, dated July 16, 2003; and be it further

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

(5-0)

7. COMM. 19E-17 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation & Forestry is contractually obligated to reimburse the Olmsted Conservancy for 70% of the salary and fringe benefits resulting from the retirement of County employees assigned to the Olmsted location; and

WHEREAS, Park employees Patrick McParlane and Herbert Hatchen retired from County service in 2008 with their positions being deleted in the 2009 budget; and

WHEREAS, Funds in the amount of \$44,511.78 must be transferred from the Personnel Services account 500000 to the Buffalo Olmsted Conservancy Account 516010 in order for the reimbursement of wages to be made.

NOW, THEREFORE, BE IT

RESOLVED, that within the budget of the Division of City Parks, 16440, the amount of \$44,511.78 shall be taken from the Full Time Salaries personnel service account 500000 and transferred to the Buffalo Olmsted Conservancy contractual account 516010; and be it further

RESOLVED, that payment will be made to the Buffalo Olmsted Conservancy for the reimbursement of 70% of retired employee's wages; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, and the Office of the Erie County Comptroller.  
(5-0)

8. COMM. 21E-10 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the engineering firm of Conestoga-Rovers & Associates Infrastructure and Engineering, Inc. is recommended by the Department of Environment and Planning, Division of Sewerage Management to provide On-line Flow Monitoring services in Erie County Sewer Districts (ECSD) Nos. 1, 3, 4, & 5 for a two (2) year period at a cost not to exceed \$43,695.56; and

WHEREAS, the share of each Erie County Sewer District are as follows: ECSD Nos. 1, 4, & 5 totaling \$28,593.09 and ECSD No. 3 totaling \$15,102.47; and

WHEREAS, the selection and recommendation is in conformance with Section 19.08 of the Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$43,695.56 from Erie County Sewer Budget Fund 220, Account No. 516020, Professional Service Contracts & Fees; as follows:

SD Nos. 1, 4, & 5	Fund Center 181	\$28,593.09
SD No. 3	Fund Center 183	\$15,102.47

and be it further

RESOLVED, that an agreement for On-line Flow Monitoring with Conestoga-Rovers & Associates Infrastructure and Engineering, Inc., 285 Delaware Avenue, Suite 500, Buffalo, New York, not to exceed \$43,695.00, is hereby approved and the County Executive is authorized to execute the agreement subject to approval as to form by the County Attorney's Office, and the payment for these engineering services shall be made from the established Sewer Budget Fund 220, Account No. 516020, Professional Service Contracts & Fees; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each



to, the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.  
(5-0)

9. COMM. 21E-13 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie/Erie County Sewer District No. 3 has initiated plans to undertake the elimination of the Greenmeadow Pumping Station located in the Town of Orchard Park; and

WHEREAS, the County, in order to eliminate the pumping station has to connect to the Town's sanitary sewer system; and

WHEREAS, the Erie County/Erie County Sewer District No. 3 and the Town desire to enter into an intermunicipal agreement to coordinate and facilitate the construction of the Greenmeadow Sanitary Sewer Subtrunk and subsequent connection into the Town of Orchard Park sewer; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 3 has recommended entering into an intermunicipal agreement for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approve an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3 and the Town of Orchard Park to allow the County to connect its Greenmeadow Subtrunk to the Town's sanitary sewer system; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said intermunicipal agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget, and Gregory Dudek, Assistant County Attorney.  
(5-0)

10. COMM. 21E-15 (2008)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Greenmeadow Subtrunk Sanitary Sewer, Contract No. 12AM, at 2:00 P.M. on October 30, 2008:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
12AM	Paul J. Gallo Contracting, Inc. 4244 Ridge Lea Road Amherst, New York 14226	\$531,512.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County; and

WHEREAS, there is adequate Fund Balance in Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that the Greenmeadow Subtrunk Sanitary Sewer, Contract No. 12AM be awarded to Paul J. Gallo Contracting, Inc., 4244 Ridge Lea Road, Amherst, New York 14226, in the not-to-exceed amount of \$531,512.00; 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 Director of Budget is authorized and directed to allocate \$531,512.00 from Sewer Capital, Erie County Sewer District No. 3, Account No. C.00003; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to send one certified copy each of this Resolution to the County Executive, Director of Budget, Comptroller's Office, County Attorney's Office and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(5-0)

11. **COMM. 21E-16 (2008)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has identified the need to execute an energy performance contract for the implementation of energy and cost savings at pumping stations and treatment facilities within Erie County Sewer District Nos. 3 & 6; and

WHEREAS, Siemens Building Technologies is a preferred energy performance contractor for work at County owned facilities per Legislature Communication 12E-20 (c), dated July 5, 2001; and

WHEREAS, after a completion of a comprehensive energy audit, Siemens Building Technologies has recommended facility improvement measures at Erie County Sewer District Nos. 3 & 6 treatment plants and pumping stations and will guarantee the identified cost savings at these locations; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York, 14228 to implement the recommended facility improvement measures.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Siemens Building Technologies, be retained at a cost not-to-exceed \$1,017,701; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, to complete the energy performance contract, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Director of Budget and Management be directed to allocate funds accordingly, as follows:

- Erie County Sewer District No. 3, Sewer Capital Fund No. C.00015, \$622,450.
- Erie County Sewer District No. 6, Sewer Capital Project C.00001, \$395,251.

and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to, the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Gregory Dudek, Assistant County Attorney.  
(5-0)

12. COMM. 22E-9 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$23,300 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$21,000; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Project J.00507, WBS element J.00507.1.9; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(5-0)

**DANIEL M. KOZUB**  
**CHAIR**

MR. KOZUB moved to approve item Number 3. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MR. KOZUB moved to approve item Number 4. MS. IANNELLO seconded. MR. MILLS, MR. RANZENHOFER and MR. RATH voted in the negative.

CARRIED. (12-3)

Item 31 – MS. KONST presented the following report, moved to separate item Number 1-b, and moved to approve the balance of the report. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 359

NOVEMBER 13, 2008	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 12
-------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GRANT AND MILLS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 10E-21 (2008)  
**COUNTY EXECUTIVE:** Appointment of Erie County Budget Director

(4-0)

- b. INTRO 13-7 (2008)  
**RANZENHOFER, MILLS & RATH:** Supporting the Taxpayer Empowerment and Accountability Plan  
(4-0)
- c. COMM. 19E-1 (2008)  
**COMPTROLLER:** EC Cash Position - Need for Expeditious Closing of RAN  
(4-0)
- d. COMM. 19E-8 (2008)  
**COMPTROLLER:** Letter to ECFSA Requesting Authorization to Issue RAN  
(4-0)
- e. COMM. 19E-10 (2008)  
**COMPTROLLER:** Certificate of Determination Relative to \$75 Million RAN  
(4-0)
- f. COMM. 19M-7 (2008)  
**NYS BOARD OF REAL PROPERTY SERVICES:** Certification of County Equalization Rates for 2008 Assessment Rolls for Municipalities in EC  
(4-0)
- g. COMM. 19M-15 (2008)  
**BUFFALO PLACE:** 2009 Mall District Special Charge Levy  
(4-0)
- h. COMM. 21E-1 (2008)  
**COMPTROLLER:** 4.75% Sales & Compensating Use Tax Apportionment/Distribution for June through August, 2008  
(4-0)
- i. COMM. 21E-2 (2008)  
**COMPTROLLER:** County of Erie Federal Financial Assistance Audit Report for 2007  
(4-0)
- j. COMM. 21E-5 (2008)  
**COMPTROLLER:** 2009 Proposed Budget Estimates  
(4-0)
- k. COMM. 21E-6 (2008)  
**COMPTROLLER:** Review of Preliminary Expenditures/Revenues for the Proposed 2009 EC Budget  
(4-0)
- l. COMM. 21E-9 (2008)  
**COMPTROLLER:** Erie County Sales Tax Collections

(4-0)

- m. COMM. 21D-5 (2008)  
**DIRECTOR OF BUDGET & MANAGEMENT:** Response Letter to Comptroller  
Concerning 2009 Proposed Budget Estimates  
(4-0)
- n. COMM. 21M-5 (2008)  
**ERIE COUNTY FISCAL STABILITY AUTHORITY:** Copies of Resolution Passed at  
Meeting Held 9/29/08  
(4-0)
- o. COMM. 22D-4 (2008)  
**DIRECTOR OF BUDGET & MANAGEMENT:** Public Nursing Home Supplemental  
Medicaid Upper Payment Limit  
(4-0)
- p. COMM. 22D-7 (2008)  
**OFFICE OF VETERANS SERVICES:** Letter to Legislator Konst Concerning Tentative  
2009 EC Budget  
(4-0)
- q. COMM. 22M-13 (2008)  
**ASSOCIATION OF ERIE COUNTY GOVERNMENTS:** Copy of Certified Resolution  
Concerning Restoration of Funding for Cooperative Extension 4H and EC Soil & Water  
Conservation District  
(4-0)
- r. COMM. 22M-15 (2008)  
**TOWN OF NEWSTEAD:** Copy of Resolution Supporting Restoration of Funding for EC  
Soil & Water Conservation District & Cooperative Extension  
(4-0)
- s. COMM. 22M-19 (2008)  
**ERIE COUNTY FARM BUREAU INC.:** Letter to Legislator Reynolds Concerning  
Resolutions Passed at Annual Farm Bureau Membership Meeting  
(4-0)
- 2. COMM. 19D-2 (2008)  
**COUNTY EXECUTIVE** **AS AMENDED**  
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 investigated the validity of such applications (see attached  
listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 208293 through 208313, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR 2008                      Petition No.                      208,293.00

ASSESSOR                      Cancel                      \$1,171.78

S-B-L 272.01-1-25                                      145889 NORTH COLLINS

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,171.78	Town/SpecialDist/School
	145889 NORTH COLLINS		\$1,171.78
	Relevy School	\$1,171.78	144001 EDEN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
NEW TAX BILL TO BE ISSUED TO: SUZANNE M PULK

FISCAL YEAR 2008                      Petition No.                      208,294.00

ASSESSOR                      Cancel                      \$983.50

S-B-L 143.07-2-5                                      146800 WEST SENECA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$983.50	Town/SpecialDist/School
	146800 WEST SENECA		\$983.50
	Relevy School	\$983.50	146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: SOPHIA TIGHE

FISCAL YEAR 2007                      Petition No.                      208,295.00

ASSESSOR                      Refund                      \$490.60

S-B-L 173.12-2-14                                      146089 ORCHARD PARK

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$490.60	Town/SpecialDist/School
	146089 ORCHARD PARK		\$490.60
	Relevy School	\$490.60	146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: TAHER NAWAL

FISCAL YEAR 2008                      Petition No.                      208,296.00

ASSESSOR Cancel \$469.23

S-B-L 173.12-2-14 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$469.23	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$469.23	
	Relevy School	\$469.23	146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: TAHER NAWAL

FISCAL YEAR 2008 Petition No. 208,297.00

ASSESSOR Cancel \$543.35

S-B-L 290.00-1-7.112 143889 CONCORD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$543.35	Town/SpecialDist/School
<u>Charge To :</u>	143889 CONCORD	\$543.35	
	Relevy School	\$543.35	143801 SPRING-GRIFFITH

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: JAMES E & BRENDA L FRAAS

FISCAL YEAR 2008 Petition No. 208,298.00

ASSESSOR Refund \$522.92

S-B-L 117.11-2-3 145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$522.92	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$522.92	
	Relevy School	\$522.92	142001 ALDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: JOSEPH BILGER

FISCAL YEAR 2008 Petition No. 208,299.00

ASSESSOR Refund \$529.28

S-B-L 182.06-3-27 144889 HAMBURG

Acct. No. 112	\$0.00	County
---------------	--------	--------



<u>Charge To :</u>	Acct. No. 132	\$529.28	Town/SpecialDist/School
	144889 HAMBURG		\$529.28
	Relevy School	\$529.28	144801 HAMBURG CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: KELLY HEROD

FISCAL YEAR 2008                      Petition No.                      208,300.00

ASSESSOR                      Refund                      \$544.78

S-B-L    56.15-2-1./8C                      142289 AMHERST

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$544.78	Town/SpecialDist/School
	142289 AMHERST		\$544.78
	Relevy School	\$544.78	142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: LISA A SCHERER

FISCAL YEAR 2008                      Petition No.                      208,301.00

ASSESSOR                      Refund                      \$345.14

S-B-L    85.00-1-46.21                      145689 NEWSTEAD

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$345.14	Town/SpecialDist/School
	145689 NEWSTEAD		\$345.14
	Relevy School	\$345.14	143201 CLARENCE CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: KIRK KUBIAK

FISCAL YEAR 2008                      Petition No.                      208,302.00

ASSESSOR                      Refund                      \$250.00

S-B-L    251.05-1-71.1                      144489 EVANS

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$250.00	Town/SpecialDist/School
	44069 ERIE CO SEW DIST 2	\$250.00	
	144489 EVANS		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER #2 UNITS CHARGED

REFUND TO BE ISSUED TO: MICHAEL A & BEVERLY ROSARIO-JEPPERLONE

FISCAL YEAR 2006                      Petition No.                      208,303.00

ASSESSOR                      Refund                      \$182.26

S-B-L 24.16-1-27    144600 GRAND ISLAND

Acct. No. 112    \$105.21      County  
Acct. No. 132    \$77.05      Town/SpecialDist/School

Charge To :                      144600 GRAND ISLAND                      \$77.05

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2007                      Petition No.                      208,304.00

ASSESSOR                      Refund                      \$194.07

S-B-L 24.16-1-27    144600 GRAND ISLAND

Acct. No. 112    \$114.95      County  
Acct. No. 132    \$79.12      Town/SpecialDist/School

Charge To :                      144600 GRAND ISLAND                      \$79.12

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2008                      Petition No.                      208,305.00

ASSESSOR                      Refund                      \$200.41

S-B-L 24.16-1-27    144600 GRAND ISLAND

Acct. No. 112    \$118.57      County  
Acct. No. 132    \$81.84      Town/SpecialDist/School

Charge To :                      144600 GRAND ISLAND                      \$81.84

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2006                      Petition No.                      208,306.00

ASSESSOR                      Refund                      \$422.89

S-B-L 24.16-1-27 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$422.89	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$422.89	
	Relevy School	\$422.89	144601 GRND ISLN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2007 Petition No. 208,307.00

ASSESSOR Refund \$425.48

S-B-L 24.16-1-27 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$425.48	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$425.48	
	Relevy School	\$425.48	144601 GRND ISLN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2008 Petition No. 208,308.00

ASSESSOR Refund \$433.75

S-B-L 24.16-1-27 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$433.75	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$433.75	
	Relevy School	\$433.75	144601 GRND ISLN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2008 Petition No. 208,309.00

ASSESSOR Refund \$4,357.60

S-B-L 68.10-1-11 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$4,357.60	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$4,357.60	
	Relevy School	\$4,357.60	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
REFUND TO BE ISSUED TO: KEYSER HOLDINGS LLC

FISCAL YEAR 2008                      Petition No.                      208,310.00

ASSESSOR                      Refund                      \$514.70

S-B-L 235.15-5-21                      144489 EVANS

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$514.70	Town/SpecialDist/School
	144489 EVANS		\$514.70
	Relevy School	\$514.70	144401 LAKE SHORE CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: BRANDON R & MEGAN A THICKSTUN

FISCAL YEAR 2008                      Petition No.                      208,311.00

ASSESSOR                      Refund                      \$544.66

S-B-L 41.16-5-20                      142289 AMHERST

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$544.66	Town/SpecialDist/School
	142289 AMHERST		\$544.66
	Relevy School	\$544.66	142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: JOON-SEO PARK & SOYOUNG K KIM

FISCAL YEAR 2008                      Petition No.                      208,312.00

ASSESSOR                      Cancel                      \$500.35

S-B-L 125.11-11-14                      146800 WEST SENECA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$500.35	Town/SpecialDist/School
	146800 WEST SENECA		\$500.35
	Relevy School	\$500.35	146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: KAREN ZIELINSKI

FISCAL YEAR 2008                      Petition No.                      208,313.00

ASSESSOR	Refund	\$441.86	
S-B-L 43.12-1-18	143200 CLARENCE		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$441.86	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$441.86	
	Relevy School	\$441.86	143201 CLARENCE CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: MICHAEL K BRADY

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.  
(4-0)

3. COMM. 21E-17 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty (50) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an *in rem* tax foreclosure action against the affected properties by the County or, to the sale in bulk of such County-owned Tax Certificates; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2008 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 28, 2008, the scheduled tax sale date for 2008 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2008 real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Joseph L. Maciejewski, Director of Real Property Tax Services, Gregory G. Gach, Director of Budget and Management, the County Comptroller and the County Attorney.  
(4-0)

**KATHY KONST**

CHAIR

MS. KONST moved to received & file item Number 1-b. MS. GRANT seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

Item 32– MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 360

NOVEMBER 17, 2008	PUBLIC SAFETY COMMITTEE REPORT NO. 10
-------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8M-9 (2008)  
**PROBATION OFFICER MICHAEL R. CANAZZI:** Letter to Legislator Iannello  
Concerning Erie County Cell Phone Policy  
(5-0)
  - b. COMM. 10E-4 (2008)  
**WHYTE:** Letters Concerning Probation Department Employee Concerns  
(5-0)
  - c. COMM. 11E-3 (2008)  
**COMPTROLLER:** Audit of Department of CPS Internal Controls Over Computers and  
Related Devices  
(5-0)
  - d. COMM. 15D-3 (2008)  
**CENTRAL POLICE SERVICES:** CPS Response - Audit of Department of Central Police  
Services' Internal Controls Over Computers & Related Devices  
(5-0)
  - e. COMM. 22D-1 (2008)  
**DEPUTY COMPTROLLER - AUDIT & CONTROL:** Audit of the Department of  
Probation  
(5-0)
2. COMM. 21E-11 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$1,600,000 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature approved the acceptance of this funding in resolution COMM. 6E-13 (2008), which included \$55,000 for the purpose of radiological event emergency planning and preparedness; and

WHEREAS, MJW Corporation, Inc. is uniquely qualified to provide the radiological event emergency planning and preparedness as required by the terms of the grant; and

WHEREAS, the contract will be managed by the Erie County Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with MJW Corporation, Inc. for the purpose of providing radiological event emergency planning and preparedness training in an amount of \$55,000; and be it further

RESOLVED, that the term of the contract shall be from July 1, 2008 to June 30, 2010; and be it further

RESOLVED, that the contract with MJW Corporation, Inc. will provide a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the Commissioner of Emergency Services, and to Dr. Anthony J. Billittier, IV, M.D., Commissioner of Health, 9<sup>th</sup> Floor Rath Building.  
(5-0)

3. COMM. 21E-19 (2008)  
**COUNTY EXECUTIVE**

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

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

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$482,013 with the New York State Division of Criminal Justice Services; and be it further

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

Grant Fund SAP #165DNACAPENH0809  
08/01/2008 TO 06/30/2009

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$482,013
 <u>Appropriation</u>	 <u>Increase</u>
Account 500000      Personnel	\$346,450
Account 502000      Fringe Benefits	<u>135,563</u>
 Total Appropriation	 \$482,013

and be it further

RESOLVED, that this grant continues the funding of seven (7) existing full-time Forensic Serologist positions and one (1) existing part-time Forensic Serologist position; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Florence Hollenbeck, 45 Elm Street, Buffalo, N.Y. 14203.  
(5-0)

4. COMM. 21E-20 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County Central Police Services has developed a single computer aided dispatch/police records management system which is utilized by all the law enforcement agencies in Erie County; and

WHEREAS, the New York State Office of Homeland Security has awarded Central Police Services funding to enhance the police records management system under their Law Enforcement Terrorism Prevention Program FFY 2006 grant; and

WHEREAS, Central Police Services has previously contracted with a local vendor to provide the technical staff to develop these software enhancements.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to issue a purchase order to Globalquest Solutions, Inc., a local WBE/New York State Contract vendor, in the amount of \$113,050 under SAP grant #HS165LETPPF060608, to provide the professional technical staff for this project; and be it further



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

(5-0)

5. COMM. 22E-4 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Federal National Institute of Justice DNA Laboratory Backlog Reduction Grant to be administered by the Office of Justice Programs; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 400 additional, unsolved forensic DNA cases.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$474,028 with the Federal National Institute of Justice; and be it further

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

Grant Fund SAP #165DNABACKLOG0810  
10/01/2008 TO 03/31/2010

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	\$474,028
 <u>Appropriation</u>	
Account 501000 Overtime	\$ 367,676
Account 502000 Fringe Benefits	36,768
Account 505800 Medical Supplies	2,984
Account 516030 Maintenance Contracts	32,700
Account 561410 Lab & Tech Equipment	<u>33,900</u>
Total Appropriation	\$474,028

and be it further

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

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

Department of Central Police Services, c/o Florence Hollenbeck, 45 Elm Street, Buffalo, N.Y.  
14203.  
(5-0)

6. COMM. 22E-6 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Delaware North Company purchased a security X-Ray machine for their use in 1999 and no longer uses this piece of equipment; and

WHEREAS, even though the X-Ray machine is valued at approximately \$9,000.00, The Delaware North Company has agreed to donate the machine to Erie County for use in one of its buildings; and

WHEREAS, the machine is in good condition and was last rehabilitated in 2005; and

WHEREAS, Erie County has been working hard to harden its security infrastructure and this piece of equipment will be useful to achieving that goal.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to accept the donation from The Delaware North Company of this security X-Ray machine for use in a County owned building as directed by the Commissioner of Public Works; and be it further

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

**TIMOTHY M. WROBLEWSKI**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 33 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 23-1 from WHYTE. Creation of a Seasonal Parks Sheriff's Division and/or the Reinstatement of Park Rangers.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 361

RE: Urging Gubernatorial Veto of S. 3153-A  
Regarding the Provision of Child  
Protective Services After-Hours  
(INTRO 23-2)

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

WHEREAS, Senate Bill 3153-A, which removes certain special powers granted to the Society for the Prevention of Cruelty to Children (SPCC), was approved by both houses of the New York State Legislature in June 2008 and was delivered to the Governor on November 14, 2008; and

WHEREAS, provisions of this bill are in direct conflict with the authority of state and local Child Protective Services (CPS); and

WHEREAS, the New York State Office of Children and Family Services (NYS OCFS) has voiced its opposition to this legislation; and

WHEREAS, should the Governor sign this bill into law, it would have an immediate, harsh, unintended and negative fiscal and service impact on both Erie County and New York State; and

WHEREAS, when first proposed, the bill contained language that would allow local Social Services Departments (DSS) to contract with SPCC designated agencies for the provision of after-hours CPS coverage and for the removal of children from unsafe situations; and

WHEREAS, amendments made to the bill just before its passage in June removed this authority; and

WHEREAS, should the bill become law, those changes would force the Erie County Department of Social Services (ECDSS) to provide after-hours coverage with direct care staff at an additional cost of well over \$1.2 million, of which the state would be obligated to pay approximately 63.7% (reduced from the previous 65% state share) or \$764,400; and

WHEREAS, this local and state fiscal impact would increase after including administrative and non-personal service expenditures; and

WHEREAS, currently, the Erie County after-hours coverage plan under the SPCC contract with Child and Family Services (CFS) has an overall cost of \$320,000 with a state share of \$203,840; and

WHEREAS, unlike the experience of certain downstate DSS districts with "rogue" agencies having an SPCC designation, ECDSS has been able to provide after-hours coverage effectively through a contract with Child and Family Services for over three (3) decades and has the full support of NYS OCFS to operate this way; and

WHEREAS, Child and Family Services is a premier not-for-profit provider with a trained and skilled workforce adept at addressing the state mandated requirements for treatment of children and families; and, CFS has never engaged in the kind of activities that were the subject of both the Attorney General and State Comptroller investigations downstate, which may have prompted the original drafting of this bill; and

WHEREAS, the contractual relationship between the Erie County Department of Social Services and Child and Family Services has been overwhelmingly positive, and for more than thirty (30) years, there has never been any negative impact on services or child protection, given the fact that the CFS staff is fully trained and supervised by the local social service district; and

WHEREAS, in order for this proposed legislation to be implemented, the costly and ill-conceived change in the historical practice for the provision of after-hours CPS coverage in Erie County would require significant lead time for both the development and implementation of a viable plan, including the recruitment and training of additional personnel, yet the effective date of the legislation is immediate upon its signing by the Governor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in opposition of yet another onerous, unfunded mandate on Erie County; and be it further

RESOLVED, that this Honorable Body urge Governor David A. Paterson to veto S. 3153-A, which would remove certain special powers granted to the Society for the Prevention of Cruelty to Children (SPCC); and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor, the members of the Western New York Delegation to the New York State Legislature, County Executive Chris Collins, DSS Commissioner Michael Weiner and to the Executive Director of Child and Family Services.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 35 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362

RE: Erie County's Response to Combating  
Poverty  
(INTRO 23-3)

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

WHEREAS, the greatest mission of Erie County government is to administer both federal and state health and human service programs, which often serve as a safety net and last resort for individuals and families facing severe financial challenges; and

WHEREAS, Buffalo has been cited as one of the American cities having the highest percent of its population living in poverty; and

WHEREAS, recent local media reports have outlined in great detail the depth and breadth of the poverty afflicting so many of our citizens, especially children; and

WHEREAS, Erie County serves an integral role in addressing this urgent social issue, via the Departments of Social Services, Health, Mental Health, Senior and Youth Services; and

WHEREAS, dozens of community-based not-for-profit organizations are funded by local, state and federal health and human service dollars; and

WHEREAS, the NFTA (Niagara Frontier Transportation Authority) and the WIB (Workforce Investment Board) serve important roles in addressing the transportation and training needs of people living at or near the poverty level, helping them to become independent, contributing members of our community; and

WHEREAS, on behalf of the constituents we are elected to serve, a top priority for Erie County going into 2009 should be to combat poverty and to assess the government's response to this growing problem in Buffalo; and

WHEREAS, this assessment will include a review of efforts currently under way by both government and not-for-profit agencies, as well as the community investment priorities of the philanthropic community, to employ best practices for combating poverty.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon federal, state, municipal and school officials to report on actions that will coalesce the efforts of all stakeholders into an effective, community-wide response to the poverty crisis; and be it further

RESOLVED, this Honorable Body request that the Clerk of the Health & Human Services Committee of the Erie County Legislature, in conjunction with officials from the Department of Social Services, inquire among the agencies that receive funding to report on their efforts to combat poverty; and be it further

RESOLVED, the Erie County Legislature also request that the local community foundations inform the Legislature of their efforts in this regard; and be it further

RESOLVED, this Honorable Body applaud M & T Bank for its history of corporate contributions and long term assistance to those entities in this community whose mission is to serve the poor; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive; Commissioners of the Erie County Departments of Social Services, Health, Mental Health, Senior and Youth Services; Buffalo Mayor Byron Brown; Deputy Mayor Donna Brown; and any other individuals and/or organizations deemed appropriate.

Item 36 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 363

RE: Voicing Support for United States  
Senate Bill 2589, the Ed Walker  
Memorial Act for Improvements to the  
Energy Employees Occupational  
Illness Compensation Program  
(INTRO 23-4)

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

WHEREAS, Ed Walker founded the Bethlehem Steel Action Group, the driving force behind the effort to obtain justice and compensation for former Bethlehem Steel workers who experienced radiation-related health complications after working at the Lackawanna steel plant during the Cold War as part of America's nuclear program; and

WHEREAS, during World War II and at the start of the Cold War, the federal government lacked the capacity to manufacture nuclear weapons in federal facilities and turned to the private sector for help; and

WHEREAS, workers at these facilities handled high levels of radioactive materials and were responsible for helping to create the American nuclear arsenal that served as a deterrent to the Soviet Union during the Cold War; and

WHEREAS, although government scientists knew of the dangers posed by the radiation, workers were given little or no protection, and many have been diagnosed with and have succumbed to cancer; and

WHEREAS, Ed Walker worked at Bethlehem Steel from 1951 to 1954; and, after graduating high school, became an apprentice bricklayer and member of the "hot team," a group of workers who patched holes in the company's furnaces; and

WHEREAS, after serving in the U.S. Army for two years, he formed his own subcontracting company, but health issues forced him to retire in 1993; and

WHEREAS, diagnosed with bladder cancer, Ed Walker filed a claim with the Energy Employees Occupational Illness Compensation Program, as he believed his bladder cancer was related to his work rolling uranium for the government in the early 1950's at Bethlehem Steel; and

WHEREAS, the claim he filed was denied, and Ed Walker founded the Bethlehem Steel Action Group and was joined by a group of former workers who fought for better administration of the Energy Employees Occupational Illness Compensation Program; and

WHEREAS, Ed Walker passed on earlier this year, and U.S. Senator Charles E. Schumer, who has carried legislation to make improvements to the Energy Employees Occupational Illness Compensation Program, re-introduced the measure in February 2008 and named the bill in Ed Walker's memory; and

WHEREAS, if the Schumer bill is approved and signed into law, the Energy Employees Occupational Illness Compensation Program, which was created by an act of Congress in the year 2000, will be reformed to benefit nuclear workers at Bethlehem Steel and other former New York atomic weapons production facilities; and

WHEREAS, if passed by Congress and signed into law by the President, the Ed Walker Memorial Act will correct years of injustice for Western New York's nuclear workers and Cold War heroes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for S. 2589, sponsored by U.S. Senator Charles E. Schumer, which would amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort; and be it further

RESOLVED, that this Honorable Body commend the effort to bring justice and compensation to Western New York nuclear workers who toiled at Bethlehem Steel; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Senators Charles E. Schumer and Hillary Clinton, as well as members of the Western New York Delegation to the United States House of Representatives – Members of Congress Brian Higgins, Louise Slaughter, Randy Kuhl and Thomas Reynolds, as well as Congressmen-elect Chris Lee and Eric Massa.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 37 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 21E-21 (2008). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 364

RE: Dept. of Health - Fee Schedule Revision  
(COMM. 21E-21)

WHEREAS, New York State Public Health Law, Article 6, requires that in order for a county to receive State Aid it must charge for services at a rate comparable to the cost of providing these services; and

WHEREAS, the Erie County Health Department currently charges fees for Environmental Health, Medical Examiner, Public Health Laboratory and Clinical services under a fee schedule; and

WHEREAS, the proposed amended fee schedule will generate enhanced revenues which will be directly applied to offset the cost of providing these programs; and

WHEREAS, it is estimated that this action will result in an annual revenue increase of approximately \$56,951 above the existing fee schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the proposed fee schedule revisions effective January 1, 2009 as follows:

**Medical Examiner Fees & Charges**

Item	2008 Fee	2009 Fee
Autopsy Report (fee waived for families & Police)	\$35.00	\$38.50
Imaging/Histology:		
X-ray Copies	\$20.00/per copy	\$22.00/per copy
Review of slides at office by outside doctor		\$55.00
Histology Re-Cuts	\$15.00/per slide	\$16.50/per slide
Special Stains:		
Standard histochemical		\$55.00/per slide
Immunoperoxidase		\$82.50/per slide
Autopsy/Examinations:* List price		
Complete Autopsy	\$1,200.00	\$1,500.00
Partial Autopsy (torso, head or thorax only)	\$900.00	\$1,000.00
External Examination Only	\$200.00	\$220.00
Plus Toxicology	\$500.00	\$550.00
Non-Human Remains		\$110.00
Autopsy-inmate	\$1,500.00	\$1,650.00



\*Includes toxicology, histology as required. May be an additional cost for required diagnostic tests not performed in-house.

Toxicology: List price		
Limited testing (blood only)	\$300.00	\$330.00
Comprehensive testing (blood and other specimens)	\$500.00	\$550.00
Send-out tests	per invoice	per invoice
Drug Facilitated Sexual Assault Kit Analysis		\$385.00
Discovery Package Preparation		\$66.00/per hour
Paternity Testing Sample Preparation		
		\$25.00
Consultation:		
Dental:		
Examination for Identification		\$100.00
Panorex		\$100.00
Court Testimony/Court Issues		
		\$165.00/per
Criminal/Civil Case Testimony		hour
Clerical Staff Time		\$33.00/per hour
		\$165.00/per
Travel expenses excluding meals, tolls, etc.		hour
Body Storage Fees	\$25.00/per day	\$27.50/per day
Transportation Cost		\$220.00

**Clinical Services Fees and Charges**

Item	2008 Fee	2009 Fee
Initial Patient Visit	\$35.00	\$55.00
Follow up Patient Visit	\$25.00	\$45.00
Procedures, Labs, Medical Supplies	Based on insurance allowance at a minimum of current fee schedule	
Sliding Fee Scale (available to Erie County residents only)	Adjusted annually based on current year Federal Poverty Guidelines.	

and be it further

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

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

CARRIED UNANIMOUSLY.

Delete the Fourth Whereas Clause and Replace with the following:

WHEREAS, it is estimated that this action will result in an annual revenue increase of approximately \$40,697 above the existing fee schedule.

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

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

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

CARRIED.

### **SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 23E-18 from CHAIR MARINELLI Re: Letters to Congressional Delegation Concerning Action to Stabilize the Domestic Auto Industry

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 23E-19 from the COUNTY EXECUTIVE Re: Contract with HealthSpace USA, Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 23E-20 from the COUNTY EXECUTIVE Re: Erie County Holding Center – Rooftop Chiller Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIR MARINELLI**

Item 41 – (COMM. 23E-1) Letter to Legislature Clerk Calling Meeting of Citizens' Budget Review Commission

Received & Filed.

**FROM LEGISLATOR MILLER-WILLIAMS**

Item 42 – (COMM. 23E-2) Letter to Public Employment Relations Board Concerning AFSCME Local 1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM LEGISLATOR RANZENHOFER**

Item 43 – (COMM. 23E-3) Letter of Absence for Public Hearing Held on 11/12/08

Received, Filed & Printed.

November 12, 2008

Hon. Lynn M. Marinelli, Chair  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Chair Marinelli,

As I will unavoidably be out of town on November 12, 2008, I am unable to attend the public hearing to listen to the public comments regarding the proposed 2009 Erie County Budget.

I will be in Albany and am presenting a certified copy of the "Resolution Urging the Governor and State Legislature to Reduce State Spending Without Shifting Costs to County Government," passed unanimously at our November 6, 2008 legislative session, to our New York State leadership. I will be discussing the importance of the concerns outlined in the resolution with the State Senate Majority, who will be discussing spending cuts on November 18, 2008.

Again, please excuse my absence at today's public hearing. I look forward to discussing the sentiments expressed at the public hearing with my colleagues prior to voting on a 2009 budget.

Thank you.

Yours Truly,

Michael H. Ranzenhofer  
Erie County Legislator – 4th District

cc: Robert M. Graber, Clerk  
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 23E-4) Charles H. Mack, Inc. for Q Software Upgrade

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – (COMM. 23E-5) Contract for Pre-Tax Services and COBRA Collections

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 46 – (COMM. 23E-6) Lease Agreement: WIC Program Distribution Site, Village of  
Blasdell

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 47 – (COMM. 23E-7) EC Div. Sewerage Mgt., Engineering Service Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 23E-8) DSS Admin. Title Exchange

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 49 – (COMM. 23E-9) Levy and Apportion of EC Real Property Tax - 2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 50 – (COMM. 23E-10) EC Sewer Dist. 1-6 and 8, User Charge Rates

Item 51 – (COMM. 23E-11) Open Item - Sewer District Bond Authorization

Item 52 – (COMM. 23E-12) Creation of Open Item for Award of Sewer District  
Construction Contracts in EE Committee

Item 53 – (COMM. 23E-13) EC Sewer Dist. Nos. 1-6 & 8, User Charges - 2009

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

Item 54 – (COMM. 23E-14) Health Dept. - NYS Dept. of Edu., Local Govt. Records Management Improvement Fund

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 365

RE: Authorization for Empire Zone  
Sales Tax Exemptions  
(COMM. 23E-15)

WHEREAS, the State of New York has established an Empire Zone Program to revitalize economic development by providing financial inducements for businesses and industry to locate within Empire Zones; and

WHEREAS, the proposed amendment to section six of the County Sales and Use Tax Resolution will provide for exemptions from local sales and compensatory use taxes applicable to qualified empire zone enterprises (QEZES); and

WHEREAS, by Legislative Resolution on November 15, 2007, (Comm. 21E-23), this amendment was approved to accept the Empire Zone Program benefits; and

WHEREAS, due to the sunset provisions of this State legislation, an approved resolution must be submitted to New York State prior to December 1, 2008; and

WHEREAS, this exemption has been provided by Erie County on an annual basis since the inception of the QEZES benefit; and

WHEREAS, Erie County wishes to continue to participate in the Empire Zone Program established by New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County provide exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes

pursuant to subdivision (z) of Section 1115 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York; and be it further

RESOLVED, Subdivision (h) of section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

- (h) For the period beginning March 1, 2001, and ending February 28, 2010, receipts from sales of and consideration give or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

and be it further

RESOLVED, that this Resolution take effect March 1, 2009, and shall apply to sales made, services rendered, and uses occurring during the period commencing March 1, 2009, and ending February 28, 2010, in accordance with the applicable transitional provisions in section 1106, 1216, and 1217 of the New York Tax Law; and be it further

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

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 366

RE: Rath Building - 2008 - First and Sixteenth Fl. Renovation Work (COMM. 23E-16)

WHEREAS, the Department of Public Works received bids on October 22, 2008 for the Rath Building – First and Sixteenth Floor Renovation Work and is recommending award, along with the Architect, to the lowest responsible bidders; and

WHEREAS, Trason Development Corporation, Weydman Electric and MKS Plumbing are the lowest responsible bidders for the work; and

WHEREAS, the County has received a \$1.772 million Efficiency Grant on July 15, 2008 to fund the renovation project of portions of the 1<sup>st</sup> and 16<sup>th</sup> floors of the Rath Building; and

WHEREAS, as a result of the space utilization initiative, third party leases located at 69 Delaware and 77 Broadway will be terminated and operations will be relocated to the County owned facility located at 95 Franklin; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of Advanced Architecture & Planning for providing Professional Architectural Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement to Advanced Architecture & Planning for providing Construction Administration Services and asbestos testing and monitoring.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into Contracts for the Rath Building – First and Sixteenth Floor Renovation Work with the following:

GENERAL CONSTRUCTION WORK

Trason Development Corporation

Base Bid: \$ 652,000.00

Total Award: \$ 652,000.00

ELECTRICAL CONSTRUCTION WORK

Weydman Electric

Base Bid: \$ 349,000.00

Total Award: \$ 349,000.00

MECHANICAL CONSTRUCTION WORK

MKS Plumbing Corporation

Base Bid \$ 38,300.00

Total Award \$ 38,300.00

Total Contracts to be Awarded \$1,039,300.00

and be it further

RESOLVED, that the sum of \$186,288.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

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

RESOLVED, that the County Executive be authorized to issue an Agreement to Advanced Architecture & Planning for providing Construction Administration Services and asbestos testing and monitoring services for an amount not to exceed \$88,600.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00328 – 2008 – ECFSA Grant – 1<sup>st</sup> and 16<sup>th</sup> Floor Renovation in an amount not to exceed \$1,314,188.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to Gerard J. Sentz, P.E., Commissioner of the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 367

RE: Court Facilities Project  
Maintenance Fund  
(COMM. 23E-17)

WHEREAS, the County of Erie is mandated by the New York State Unified Court System to provide maintenance and cleaning services as well as minor and emergency repairs for the 8<sup>th</sup> Judicial District Court Facilities; and

WHEREAS, the NYS Unified Court System will reimburse Erie County for the costs actually expended in the provision of services pursuant to this Agreement over the Five Year term; and

WHEREAS, funds will be deposited into Account 110-405170 – Court Facilities Incentive Aid as they are received; and

WHEREAS, the current contract expired on March 31, 2008 and the Commissioner of Public Works desires to enter into a new contract for a Five Year Term, commencing on April 1, 2008 and ending on March 31, 2013, with each annual contract negotiated on an annual basis.

NOW, THEREFORE, BE IT



RESOLVED, that the County Executive is authorized to enter into an agreement with the New York State Unified Court System for the continuation of the Court Facilities Project Maintenance Fund; and be it further

RESOLVED, that the County of Erie is authorized to accept the receipt of funds on an annual basis from the NYS Unified Court System in reimbursement for the costs actually expended in the provision of services pursuant to this Agreement for an amount to be determined annually over the Five Year term; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and Office of the Unified Court System, attn: Andrew Isenberg, 92 Franklin Street, Buffalo, New York.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 58 – (COMM. 23D-1) Budget Monitoring Report for 8/31/08 to 9/30/08

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DIRECTOR OF INTERGOVERNMENTAL AFFAIRS**

Item 59 – (COMM. 23D-2) Requested Information - Parks Fees

Item 60 – (COMM. 23D-3) Requested Information - REAM

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 61– (COMM. 23D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE CLERK OF THE GOVERNMENT AFFAIRS COMMITTEE**

Item 62 – (COMM. 23D-5) Requested Information - Resume of Director of Six Sigma

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 63 – (COMM. 23M-1) Minutes for Board Meeting Held 9/22/08

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 64 – (COMM. 23M-2) Financial, Sales & Marketing Plan for Third Quarter that Ended 9/30/08

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN OF BOSTON

Item 65 – (COMM. 23M-3) Resolution Supporting EC Core Funding for the EC Soil & Water Conservation Dist.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF GRAND ISLAND

Item 66 – (COMM. 23M-4) Resolution Supporting Restoration of Funding to Cooperative Extension, 4H and EC Soil & Water Conservation Dist.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 67– (COMM. 23M-5) CVB's Five-Year Strategic Plan

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN OF EDEN

Item 68 – (COMM. 23M-6) Resolution Urging Support for EC Funding of Soil & Water Conservation, 4H and Cooperative Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS DEPT. OF ENVIRONMENTAL CONSERVATION

Item 69 – (COMM. 23M-7) NY Fish, Wildlife & Marine Resource - Goals for 2010 - 9/16 to 10/15 - Ecosystem Protection

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

FROM SCOTT TECHNOLOGIES, INC.

Item 70 – (COMM. 23M-8) Fact Sheet - Brownfield Cleanup Program - 225 Erie St., Lancaster, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 71 – (COMM. 23M-9) Agenda Items for Board of Trustees Meeting to be Held on 11/20/08

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 72 – MS. KONST announced the upcoming schedule for Finance, Management/Budget Committee and Legislature Session work on the County Executive's Tentative 2009 Erie County Budget. The Finance, Management/Budget Committee will meet at 10:00 A.M. on Wednesday, November 26, 2008 to complete their work on the budget. That same day, at 12:15 P.M., a Special Session of the Legislature will be held to accept the work of the Finance, Management/Budget Committee, and lay the budget on the table for a required 48 hour period. On Monday, December 1, 2008, at 1:00 P.M., the Legislature will conduct the Annual Meeting for the Adoption of the Budget.

**MEMORIAL RESOLUTIONS**

Item 73 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Donald and Victoria Hess. Mr. Hess was Chair of the Hauptman-Woodward Institute at the Roswell Park Cancer Institute. Chair Marinelli remembered Mr. Hess as a leader in the cultural and political communities of Western New York. Chair Marinelli also requested that when the Legislature adjourns, it do so in memory of Renee Ann (Olszewski) Hennessy of Tonawanda, and Tom Borrelli, a Buffalo News Sportswriter and son of retired political writer George Borrelli. Chair Marinelli further requested that when the Legislature adjourns, it do so in memory of family members of employees in the Erie County Medical Examiner's Office: Bertha Siegel Costantino, Bienvenida Figueroa and Zygfied Osiewicz.

Item 74 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of retired United Auto Workers Union leader George E. Hernandez, who Legislator Reynolds described as a union brother and his mentor when he joined the UAW Union.

Item 75 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Kenneth A. Pokorski, former Mayor of the Village of Sloan; Phyllis Jaye (Nardello) Zielin and Patricia A. (Petrucci) Gesicki. Legislator Mazur also requested that when the Legislature adjourns, it do so in memory of former United States President John F. Kennedy.

Item 76 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Ann E. Stewart, who was a member of the Visiting Church Ushers Association of Buffalo & Vicinity, and the sister of Rev. Richard G. Stewart of Durham AME Zion Church.

Item 77 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Jane F. (Klisiewicz) Wojcik, Michael L. Giordano, Richard S. Gorny, Elaine J. (Bernas) Hughes, Eugene V. Colello and John Sikorskyj.

Item 78 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Jeanne A. Cambria and Ralph P. Abramo, brother-in-law of former Legislature staff member Sam Scinta.

**ADJOURNMENT**

Item 79 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Wednesday, November 26, 2008 at 12:15 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Wednesday, November 26, 2008 at 12:15 p.m. Eastern Standard Time.

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