

May 17, 2012

PUBLIC SAFETY COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 9E-6 (2012)

MILLS: "Appointment to the EC Bar Association's Aid to Indigent Prisoners Society, Assigned Counsel Program Board of Directors"
(6-0)

2. INTRO 7-2 (2012)

**RATH, MILLS, DIXON,
HARDWICK & LORIGO**

WHEREAS, New York State General Municipal Law currently prohibits emergency rescue and first aid squads created under General Municipal Law from charging a fee for transporting sick or injured individuals to a hospital for medical treatment; and

WHEREAS, private ambulance companies providing similar services are allowed to charge fees, which are frequently paid by an insurance carrier; and

WHEREAS, a number of volunteer emergency rescue and first aid squads have expressed an interest in establishing a fee schedule, to allow for recovery from insurance companies for services provided; and

WHEREAS, such permission would result in less need for tax dollars paid by taxpayers in the districts covered by the emergency rescue and first aid squads; and

WHEREAS, several local emergency rescue and first aid squads have established or are establishing separate not-for-profit 501(c)(3) corporations in order to seek reimbursement from insurance companies; and

WHEREAS, these not-for-profits, upon collecting reimbursement from insurance companies, do not seek co-payments from individuals receiving services or from those without insurance; and

WHEREAS, the New York State Comptroller has recently questioned the propriety of establishing separate not-for-profit entities to provide emergency services in conjunction with local fire companies; and

WHEREAS, New York State Senate Bill 4856 and Assembly Bill 7291 would allow for a fee schedule to be created by emergency rescue and first aid squads; and

WHEREAS, signing the bills into law would allow emergency services provider to bill insurance companies for services provided, thus reducing the need for tax dollars, and obviate the need for separate not-for-profit first aid squads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as supporting New York State Senate Bill 4856 and Assembly Bill 7291, which would amend General Municipal Law to allow emergency rescue and first aid squads to establish fee schedules; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo and the Western New York Delegation of the New York State Senate and Assembly.
(6-0)

3. INTRO 8-1 (2012)

DIXON

WHEREAS, New York State Vehicle and Traffic Law §1144-a, more commonly known as the "Move Over" law, requires motorists on parkways or controlled access highways to move from a lane in which an emergency vehicle displaying a red or amber flashing light, or from a lane immediately adjacent to the shoulder which is occupied by such an emergency vehicle; and

WHEREAS, the law does not include emergency vehicles displaying blue lights; and

WHEREAS, fire police vehicles typically display blue lights; and

WHEREAS, as such, New York State's "Move Over" law does not apply to fire police vehicles;
and

WHEREAS, fire police frequently find themselves in dangerous and intense traffic situations; and

WHEREAS, fire police should be afforded similar protections as police and tow truck operators.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests that the New York State Legislature amend New York State Vehicle and Traffic Law §1144-a to include emergency vehicles displaying blue lights; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo and the Western New York Delegation of the New York State Senate and Assembly.
(6-0)

4. COMM. 9E-23 (2012)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$2,323,000 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization from the Erie County Legislature is required for the County Executive to enter into a contract with the NYS Department of Homeland Security to accept \$2,323,000 in grant funding to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$2,323,000 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions from existing Department of Emergency Services Homeland Security grants to SHSP FY 2011 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services
FY 2011 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$2,323,000
Appropriations	Increase

Account 500000 Full Time Salaries	\$350,575
Account 502000 Fringe Benefits	170,900
Account 516020 Professional Contracts & Fees	64,203
Account 561410 Equipment (Lab & Tech)	1,129,076
Account 510100 Travel	15,322
Account 516030 Maintenance Contracts	<u>592,924</u>
Total Appropriations	2,323,000

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 and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Health c/o Tracy Chalmers, the County Comptroller, and the County Attorney.
(6-0)

TIMOTHY R. HOGUES
CHAIR