

**ERIE COUNTY LEGISLATURE  
MEETING NO. 14  
JULY 10, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Mills, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Reynolds.

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 13 from 2008. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. RATH presented a resolution Honoring Clara Kwaczala Upon the Celebration of Her 100th Birthday.

Item 6 – MR. WROBLEWSKI presented a resolution Honoring EC Deputy Sheriff Thomas Meredith Upon Receiving the National Sheriff's Association Deputy of the Year Award.

Item 7 – MR. KENNEDY presented a resolution Congratulating Joe Wolf on His Retirement as Athletic Director from St. Joseph's Collegiate Institute.

Item 8 – MR. MAZUR & MR. REYNOLDS presented a resolution Welcoming Triplet Convention 2008, "Multiples in the Mist," to Buffalo Niagara.

Item 9 – MR. KENNEDY presented a resolution Honoring Patrick Kane Upon Winning the 2008 NHL Calder Trophy for Rookie of the Year.

Item 10 – MR. KENNEDY presented a resolution Honoring Donald Kane for His Years of Public Service and Community Involvement.

Item 11 – MS. IANNELLO presented a resolution Congratulating Jaimee Lyn Harmon Upon Receiving the Second Place Trophy in Senator Antoine Thompson's Spelling Bee.

MS. WHYTE moved for consideration of the above seven items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above seven items by including Et Al Sponsorship, and adding one for MR. KENNEDY and one for MS. MILLER-WILLIAMS. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above nine items as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 12 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 19 - MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

JULY 2, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13E-1 (2008)  
**COMPTROLLER:** Audit of the Department of Social Services Internal Controls Over Cash Receipts, Cash Disbursements and Near-Cash Equivalents  
(5-0)
  - b. COMM. 13D-11 (2008)  
**ASSISTANT DIRECTOR FOR ADMINISTRATION, DEPARTMENT OF HEALTH:** Revised Plan of Correction for the Article 28 Statement of Deficiencies  
(5-0)
  - c. COMM. 13M-6 (2008)  
**NYS DEPARTMENT OF HEALTH:** Response Regarding Article 28D & TC Survey 1/10/2008, Status of Plan of Correction  
(5-0)
2. COMM. 13E-25 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, Erie County is entitled to additional State share for medical assistance costs available for long-term managed care and for "Overburden" eligible clients upon discharge from mental health institutions during specific calendar years subsequent to 1985; and

WHEREAS, it is estimated that litigating retroactive claims in Erie County could result in recoveries that exceed \$2,000,000; and

WHEREAS, Nancy Rose Stormer, P.C, a law firm in Utica, is the sole vendor with knowledge and experience in the highly specialized area of Overburden recovery; and

WHEREAS, the contingency fee of 20% of all recoveries received by Erie County will cover all costs of the contract; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to execute a contract for overburden recovery with Nancy Rose Stormer, P.C. and, be it further

RESOLVED, that Section 19.08 County Charter requirement for Request for Proposals is hereby waived and, be it further

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

(5-0)

3. COMM. 13E-27 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health received a revised grant award from Health Research Inc. in the amount \$2,644,985 of for the purpose of funding breast, cervical and colorectal cancer screening for low income, asymptomatic, underserved men and women aged 18 and over, for the period 4/1/08 – 3/31/13; and

WHEREAS, Partners for Prevention Clinical Services is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department; and

WHEREAS, the Erie County Health Department is the fiscal intermediary for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from New York State Department of Health with the amount budgeted in FY 08-09 as follows:

Partners for Prevention Clinical Services  
4/1/08 – 3/31/09

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$528,997</u>
	Total	<u>\$528,997</u>

EXPENSES		
516020	Contractual Clinical Services	<u>\$528,997</u>
	Total	<u>\$528,997</u>

and be it further

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

(5-0)

4. COMM. 13E-28 (2008)

**COUNTY EXECUTIVE**

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

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

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

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

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

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

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services, Fund 110, Department 120

		Current Budget	Changes	Amended Budget
<b>REVENUES</b>				
Account	Description			
414000	Federal Aid	0	<u>\$143,883</u>	\$143,883

	TOTAL REVENUE		<u>\$143,883</u>	
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APPROPRIATIONS

516010	Crisis Services	91,500	\$46,397	\$137,897
516010	Hispanics United of Buffalo	111,250	25,546	136,796
516010	Child and Family Services	262,788	<u>71,940</u>	334,728
	TOTAL APPROPRIATIONS		<u>\$143,883</u>	

and be it further

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

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

(5-0)

5. COMM. 13E-29 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B), the Congregate Dining (III-C-1), the Home Delivered Meal Program (III-C-2), the Disease Prevention and Health Promotion (III-D) and the Elder Caregiver Support Grant (III-E) grants for the period January 1, 2008 to December 31, 2008; and

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

WHEREAS, the Department of Senior Services reviewed the program budgets and service objectives and desires to allocate the additional funds for:

III-B - minor residential repairs for seniors and for replacing the aging Going Places vans used throughout the Senior Services network;

III-C-1 - food preparation services for the Stay Fit Dining program;

III-C-2 - meal preparation services for the home delivered meal program;

III-D – exercise equipment and supplies for use at various senior centers as part of the health and wellness and club 99 exercise programs; and

WHEREAS, the Department will be able to provide additional services to seniors in Erie County that will allow them to remain independent in their own homes and healthy; and

WHEREAS, the Department contracts with Meals on Wheels of WNY, Inc., (MOWs), to provide home delivered meals to homebound seniors in Erie County under the III-C-2 grant; and

WHEREAS, the contract with MOWs needs to be amended to reflect the additional funding; and

WHEREAS, the III-B, III-C-1, III-C-2, III-D and III-E grant budgets need to be revised; and

WHEREAS, any additional local match will be met by subcontractor match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Titles III funds from New York State Office for Aging; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with Meals on Wheels of WNY, Inc. as authorized herein; and be it further

RESOLVED, that the III-B grant (163III-B2008) 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	\$1,466,529	\$174,405	\$1,640,934
	TOTAL REVENUE		<u>\$174,405</u>	
APPROPRIATIONS				
	Other Exp-Minor Residential			
530000	Repairs	\$0	\$64,405	\$64,405
561440	Motor Vehicles	54,000	110,000	164,000
	TOTAL APPROPRIATIONS		<u>\$174,405</u>	

and be it further

RESOLVED, that the III-C-1 grant (163III-C-12008) 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	\$1,375,141	\$71,833	\$1,446,974
466320	Subcontractor Match	11349	5,216	16,565
	TOTAL REVENUE		<u>\$77,049</u>	
APPROPRIATIONS				

	Professional Services- Food			
516020	Preparation	\$1,204,218	\$71,833	\$1,276,051
	Professional Services- Clean-up			
516020	Services	88,387	<u>5,216</u>	93,603
	TOTAL APPROPRIATIONS		<u>\$77,049</u>	

and be it further

RESOLVED, that the III-C-2 grant (163III-C-22008) 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	\$745,447	<u>\$15,230</u>	\$760,677
	TOTAL REVENUE		<u>\$15,230</u>	
APPROPRIATIONS				
516010	Meals on Wheels of WNY, Inc	\$1,215,918	<u>\$15,230</u>	\$1,231,148
	TOTAL APPROPRIATIONS		<u>\$15,230</u>	

and be it further

RESOLVED, that the III-D grant (163III-D2008) 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	\$104,472	<u>\$10,000</u>	\$114,472
	TOTAL CHANGE		<u>\$10,000</u>	
APPROPRIATIONS				
530000	Other Expenses	\$8,345	<u>\$10,000</u>	\$18,345
	TOTAL CHANGE		<u>\$10,000</u>	

and be it further

RESOLVED, that the III-E grant (163III-E2008) 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	\$603,183	<u>-14,000</u>	\$589,183
	TOTAL REVENUE		<u>-14,000</u>	



APPROPRIATIONS

516020	Professional Svs- Adult Day Care	\$162,500	<u>-14,000</u>	\$148,500
	<b>TOTAL APPROPRIATIONS</b>		<u><u>-14,000</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)

6. COMM. 13E-30 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Office of Public Advocacy-Office for the Disabled and the Sheriff's Office are planning a county-wide saturation effort focused on Handicapped Parking; and

WHEREAS, the program, Project ACCESS, is designed to promote parking availability for persons with disabilities through the cooperative efforts of law enforcement, other government agencies, the business community, as well as the media, and involves informational and educational components, as well as enforcement efforts designed to increase compliance and cooperation; and

WHEREAS, as specified in Chapter 497 of the Laws of 1999 of the Vehicle and Traffic Law every county shall establish a handicapped parking education program for the purpose of providing education, advocacy and increased public awareness of handicapped parking laws; and

WHEREAS, in order to fund educational programs the statute provides for the imposition of a mandatory surcharge for violations relating to handicapped parking spaces, a portion of which are remitted to the County. These monies must be used to fund handicapped parking education programs; and

WHEREAS, Project ACCESS meets this criteria and the County has funds available from the Handicapped Parking Surcharge to fund the costs associated with this program; and

WHEREAS, the Erie County Sheriff's Office will incur overtime costs while assisting the Office for the Disabled in enforcing the Handicapped Parking laws; and

WHEREAS, expense will be incurred for office supplies, and printing costs, such as posters, correspondence, pamphlets and related materials to increase public awareness.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to appropriate funds for Project ACCESS, a handicapped parking education program, as follows:

Office of Public Advocacy – Fund Center 109

ACCOUNT

REVENUE

Increase

406890	Handicapped Parking Surcharge	\$19,000
ACCOUNT	EXPENSE	Increase
530000	Other	\$2,000
505000	Office Supplies	\$2,000
910900	ID Office of Public Advocacy	<u>\$15,000</u>
		\$19,000

Sheriff's Department - Fund Center 11510

ACCOUNT	EXPENSE	
501000	Overtime	\$15,000
910900	ID Office of Public Advocacy	<u>(\$15,000)</u>
		- 0 -

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to make the necessary budgetary adjustments as outlined above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel, the Erie County Sheriff, the Director of the Office for the Disabled, and the Director of Budget and Management.  
(5-0)

**THOMAS J. MAZUR  
CHAIR**

Item 20 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

JULY 2, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13D-9 (2008)  
**PUBLIC WORKS:** Performance Assurance Reports Pertaining to Energy Performance Contract for EC Sheriff's Department and B & EC Public Library  
(5-0)

2. COMM. 13E-8 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, Cazenovia Recovery Systems, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the Project, located at 2665-2671 Main Street in the City of Buffalo, New York, will contain 24 one-bedroom and two-bedroom apartments for low and very low income persons; and

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

WHEREAS, in order to make the Project economically feasible for Cazenovia Recovery Systems, Inc. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Cazenovia Recovery Systems Inc. relating to the Amherst Station Apartments and all other agreements necessary to conclude this Project; and be it further

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

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

(5-0)

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

WHEREAS, the Town of Lancaster is requesting the County of Erie to grant a permanent easement on the above County owned parcel of land located in the Town of Lancaster; and

WHEREAS, the Town of Lancaster is developing a bike path using New York State DEC grant funds; and

WHEREAS, the Town of Lancaster bike path will cross over land owned by the County of Erie; and

WHEREAS, a condition of the NYS grant requires a permanent easement be granted by the owner of record; and

WHEREAS, the Director of Real Property Tax Services has determined that this easement can be granted; and

WHEREAS, the Advisory Review Committee (ARC) has reviewed and approved this proposal; and

WHEREAS, the parties of the first part, in consideration of other goods and valuable consideration of One and 00/100 Dollars (\$1.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right of way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities on the subject property; and

WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property; and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld; and

WHEREAS, the party of the first part hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the permanent easement conveyed herein; and

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities; and

WHEREAS, the party of the second part agrees to maintain the property as deemed appropriate and indemnify and hold harmless the County of Erie from any litigation that may arise and name the County of Erie as an additional insured and provide the County Attorney with proof of such insurance certificate.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Executive is authorized and directed to execute to the Town of Lancaster in consideration of the sum of One and 00/100 Dollar (\$1.00) a Permanent easement on the following:

All that tract or parcel of land situate in the Town of Lancaster, County of Erie, and State of New York, being part of Lot No. 8 in Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point on the Easterly boundary Walter Winter Drive (67 feet wide) at its point of intersection with the division line of the lands now or formerly of the County of Erie (L. 8942, P.587) on the North, and the lands now or formerly of Larry Paul Robinson and Charlene Brandel Robinson (L. 9380 P.226 ) on the South; thence,

1. North 0 ° 46'20" East, 25.14 feet along the said easterly boundary of Walter Winter Drive (67') to a point; thence,
2. North 84 ° 40'48" East a distance of 107.90 feet through the property now or formerly of the County of Erie (L.8942, P.587) to a point on the division line between the lands now or formerly of the County of Erie (L. 8942, P.587) on the West and the lands now or formerly of the Town of Lancaster Industrial Development Agency (L11102, P8619) on the East; thence,
3. South 05 ° 19'12" East, 25.00 feet along the last mentioned division line to a point on the first mentioned division line between the lands now or formerly of the County of Erie (L. 8942, P.587) on the North and the lands now or formerly of Larry Paul Robinson and Charlene Brandel Robinson (L. 9380 P.226 ) on the South; thence,
4. South 84 ° 40'48" West a distance of 110.57 feet along the said first mentioned division line to the Point of Beginning; containing 0.063 acres or 2,731 square feet more or less.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney and the Department of Real Property Tax Services.

(5-0)

4. COMM. 13E-17 (2008)

**COUNTY EXECUTIVE**

WHEREAS, The County Legislature via Comm. 19E-32 of July 14, 2005 authorized Erie County to negotiate an inter-municipal agreement with the Town of Evans to establish a Project for the construction of the Lake Shore Shoreline Trail; via Comm. 25E-9 of November 10, 2005 resolved to have the County of Erie with the Town of Evans advance construction of the Project; via Comm. 12E-53 of July 12, 2007 approved the use of Wendel-Duchscherer as project engineers to design the improved recreational access to the County waterfront; and

WHEREAS, in order to advance the Project, Erie County will provide the improvement of drainage along a section of Lake Shore Road (County Road 111) with the construction of closed drainage system and a portion of regraded open ditch, from Ainsworth Parkway to Roat Drive at an approximate cost of \$140,000.00; and

WHEREAS, the Town of Evans will provide the materials for this phase of the project at an approximate cost of \$37,000.00; and

WHEREAS, it will be necessary for the County of Erie to engage the construction inspection services of project engineers, Wendel-Duchscherer at a cost of \$26,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an inter-municipal agreement with the Town of Evans in connection with the advancement of the Project; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the acceptance by the Department of Public Works – Division of Highways the necessary materials provided by the Town of Evans for this Project; and be it further

RESOLVED, that the Erie County Bureau of Purchase, on behalf of the Erie County Department of Public Works, bid and award a construction contract not to exceed \$140,000.00 from Fund A.00213 Lake Shore Shoreline Trail – Drainage Phase 1; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a construction inspection services agreement with Wendel-Duchscherer not to exceed \$26,000.00 from Fund A.00213 Lake Shore Shoreline Trail – Drainage Phase 1; and be it further

RESOLVED, that a certified copy of this resolution be filed with the Town of Evans Town Clerk; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, the Office of the Comptroller and the Department of Environment and Planning.  
(5-0)

5. COMM. 13E-18 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for replacing the existing roof at the Jesse Nash Health Center on June 5, 2008; and

WHEREAS, Grove Roofing Services, Inc. is the lowest responsible bidder for the work; and

WHEREAS, the Erie County Department of Public Works along with the Architect are recommending award to the lowest responsible bidder; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of Stievater & Associates for providing professional design services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Stievater & Associates for providing professional design services for the Jesse Nash Health Center – Roof Replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Jesse Nash Health Center – Roof Replacement Project with Grove Roofing Services, Inc. for an amount not to exceed \$238,800.00; and be it further

RESOLVED, that the sum of \$33,200.00 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 returned to the contingency fund, and be it further

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Stievater & Associates for professional design services for the Jesse Nash Health Center – Roof Replacement Project for an amount not to exceed \$22,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00070 – 2003 – Roof Replacement & Waterproofing in an amount not to exceed \$294,000.00; 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 & Finance, and the Office of the Comptroller.  
(5-0)

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

Item 21 – MR. WROBLEWSKI presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

JULY 2, 2008

PUBLIC SAFETY COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-2 (2008)  
**COMPTROLLER:** Copy of Letter to County Executive Concerning Emergency Audit of Department of Central Police Services  
(6-0)
  - b. COMM. 10E-5 (2008)  
**COUNTY EXECUTIVE:** Appointment of Commissioner of Central Police Services  
(6-0)

2. COMM. 11E-26 (2008)  
**SHERIFF**

WHEREAS, the Sheriff's Office hired a Supervising Auto Mechanic on March 15, 2008 at Pay Grade 8 Step 0 (\$32,017); and

WHEREAS, that wage is not appropriate for the level of expertise required to fulfill the job responsibilities of this position; and

WHEREAS, this position was budgeted at \$46,852 in the 2008 budget, therefore requiring no additional tax dollars to raise the salary of this employee to a Pay Grade 8 Step 3 (\$37,781); and

WHEREAS, the Sheriff's Office benefits by the employment of this employee by realizing a significant savings in the cost of maintenance performed by this employee rather than using outside vendors.

NOW, THEREFORE, BE IT

RESOLVED, that the Sheriff's Office be granted a variable minimum of a Job Group 8, Step 3 for the title of Supervising Auto Mechanic; and be it further

RESOLVED, that this rate increase be made effective retroactive to the date of his employment on March 15, 2008; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, Erie County Comptroller, the Department of Personnel and the Office of the Sheriff for implementation.

(5-1) Legislator Iannello voted in the negative.

3. INTRO 13-6 (2008)  
**MILLS & RANZENHOFER**

WHEREAS, in July, 2007, 17-year-old Michelle Arout was killed when the vehicle in which she was a passenger was involved in an accident while drag racing on a public roadway on Staten Island; and

WHEREAS, on May 8, 2008, 5-year-old Jordan McLean was killed when the vehicle in which he was a passenger was struck by a vehicle involved in a drag race on a public roadway in Queens; and

WHEREAS, that same day, 24-year-old Mark Harhigh of Lancaster and 21-year-old Melanie Page of Cheektowaga were killed as the result of an accident which occurred during a drag race on a public roadway in Lancaster; and

WHEREAS, innocent people are dying as a result of thrill-seeking behavior; and

WHEREAS, New York State Senate Bill 8020A would increase the penalties for repeat offenders who engage in drag racing on public roadways.

NOW, THEREFORE, BE IT



RESOLVED, that this Legislative Body pause in its deliberations to acknowledge the importance of “Michelle and Jordan’s Law” and urge the immediate passage and chaptering of New York State Senate Bill 8020A and a companion bill in the New York State Assembly, which will increase the penalties for repeat offenders who engage in drag racing on public roadways; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, Attorney General Andrew Cuomo, the local delegation to the New York State Legislature and County Executive Christopher Collins.

(6-0)

4. COMM. 13E-15 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the existing County Radio System was installed in the mid-1950’s and it is not able to handle the day-to-day needs of County-Wide communications and requires constant maintenance and repairs; and

WHEREAS, the new County-Wide state-of-the-art 400 MHZ Communication System will provide enhanced County-Wide coverage and be able to handle current needs, saving the County in costly repairs; and

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

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to DiDonato Associates for providing Design and Construction Documents for the new 400 MHZ Communication System.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to DiDonato Associates for providing Professional Design and Construction Document Services for the Emergency Services and Public Safety – 400 MHZ Communications System Project for an amount not to exceed \$195,000.00; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from the 2008 capital project – Emergency Services and Public Safety – 400 MHZ County-Wide Communications System for an amount not to exceed \$195,000.00; 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.

(6-0)

5. COMM. 13E-16 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the County has identified the need to protect capital infrastructure such as telecommunications and data/internet services from fire and other catastrophic events; and

WHEREAS, installation of fire suppression systems throughout County-owned facilities will save the County from costly equipment replacement and down time of critical infrastructure; and

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

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Buffalo Engineering, PC for providing an assessment of need to protect the County's critical telecommunication and data/internet services in the event of a building fire or disaster.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Buffalo Engineering, PC, for providing an assessment of need study to provide fire suppression systems throughout County-owned facilities to protect critical infrastructure such as telecommunications and data/internet services for an amount not to exceed \$27,500.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00047 – 2002 – Code Compliance; 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.  
(6-0)

6. COMM. 13E-20 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Sheriff has been cited by the New York State Commission of Corrections for overcrowding conditions at the Erie County Holding Center (EHC) and Erie County Correctional Facility (ECCF); and

WHEREAS, the Sheriff has asked the County to update and complete the EHC and ECCF Expansion Study started in 1997 and 2005; and

WHEREAS, the Sheriff must provide a plan to the New York State Commission of Corrections to alleviate the overcrowding conditions at the EHC and ECCF; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the architectural firm of Kideney Architects for Professional Architectural Services; and

WHEREAS, the County Executive is requested to issue a Supplemental Agreement to Kideney Architects for updating and completing the ECHC and ECCF Expansion Study.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Kideney Architects for completing the ECHC and ECCF Expansion Study in an amount not to exceed \$175,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00085 – 2003 – Master Plan for Jail Expansion in an amount not to exceed \$175,000.00; 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.  
(6-0)

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

MR. WROBLEWSKI moved to amend item Number 3. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Delete both RESOLVE clauses and Insert the following:

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge the importance of the passage of New York State Senate Bill S.8020-A, "Michelle and Jordan's Law," and urge sponsorship and passage of identical legislation in the New York State Assembly, which will increase the penalties for repeat offenders who engage in drag racing on public roadways; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Dean Skelos, Attorney General Andrew Cuomo, the local delegation to the New York State Legislature and County Executive Christopher Collins.

MR. WROBLEWSKI moved to approve item Number 3 as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 22 - MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

JULY 2, 2008	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13D-1 (2008)  
**PUBLIC WORKS:** Storm Water Annual Report Year 5  
(6-0)
  - b. COMM. 13D-8 (2008)  
**DEPUTY COMPTROLLER - AUDIT:** Letter Regarding Audit of Internal Controls in Erie County Division of Sewerage Management at Sewer District #3  
(6-0)
  - c. COMM. 13M-3 (2008)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** Notice Regarding Strategies for Ecosystem Protection  
(6-0)
  - d. COMM. 13M-10 (2008)  
**NYS DEPARTMENT OF AGRICULTURE & MARKETS:** Request for Proposals for Farmland Protection Implementation Projects  
(6-0)
2. COMM. 13E-21 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Legislature had awarded Contract No. 32, to Milherst Construction, Inc. for the installation of a new sanitary sewer to eliminate a failing pumping station; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 32, Broadway West Pump Station Elimination, in the final contract amount of \$98,923.90, which includes Change Order No. 1 (final), a decrease of \$10,220.10 in the Erie County Sewer District No. 1 Bond Account C.00057 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 32, Broadway West Pump Station Elimination between the County of Erie and Milherst Construction, Inc., 2601 Millersport Highway, Getzville, New York 14068 is accepted in the amount of \$98,923.90, which includes Change Order No. 1 (final), a

decrease of \$10,220.10 in the Erie County Sewer District No. 1 Bond Account C.00057 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 32, Broadway West Pump Station Elimination, between the County of Erie and Milherst Construction, Inc. in the amount of \$98,923.90 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michal 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.

(6-0)

3. COMM. 13E-22 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management retained CRA Infrastructure and Engineering, Inc. (CRA) to perform services associated with completing a study of the sanitary sewer service structure in the Town of Amherst, Town of Clarence, Village of Williamsville, and Erie County Sewer District No. 5; and

WHEREAS, the study results to date indicate that sanitary sewer services would be provided at an overall lower cost if a merger occurred and a single entity were responsible for said services; and

WHEREAS, the Town of Amherst, Town of Clarence, Village of Williamsville, and the County of Erie formed a Steering Committee to evaluate the single sanitary sewer service provider model and have identified the County of Erie as the preferred service provider; and

WHEREAS, the Steering Committee wishes to retain CRA Infrastructure and Engineering, Inc. to provide additional assistance with implementing a potential merger of service with the County of Erie (Phase II of the study); and

WHEREAS, a change order to CRA Infrastructure and Engineering, Inc. agreement with the County of Erie must be executed to retain CRA for Phase II of the feasibility study.

**NOW, THEREFORE BE IT**

RESOLVED, that a change order to CRA Infrastructure & Engineering, Inc. agreement be approved in an amount not to exceed \$56,500 to complete Phase II of the merger feasibility study; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute a Change Order with the firm of CRA Infrastructure & Engineering, Inc., 285 Delaware Avenue Suite 500, Buffalo, New York 14202, to provide the needed consultant services subject to approval by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to modify the Erie County Sewer District No. 5 operating fund budget with an increase of \$56,500 to

Account 516020 – Professional Service Contracts and an increase of \$56,500 to Account 402190 – Use of Fund Balance; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the County Comptroller, the County Director of Budget; and two (2) certified copies to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

4. COMM. 13E-23 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the City of Lackawanna has initiated plans to undertake the rehabilitation of the road in Holland Avenue in the City of Lackawanna; and

WHEREAS, Erie County/Erie County Sewer District No. 6 is responsible for storm sewers and storm receivers in the City of Lackawanna including Holland Avenue between Wilson and Eaton Street; and

WHEREAS, Erie County/Erie County Sewer District No. 6 and the City of Lackawanna desire to enter into an Intermunicipal Agreement to coordinate and facilitate storm receivers and the road rehabilitation project in order to achieve cost containment and efficiency and to minimize inconvenience to the public.

NOW, THEREFORE, BE IT

RESOLVED, that an Intermunicipal Agreement between the County on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to combine the storm receiver replacement in Holland Avenue with the City of Lackawanna Holland Avenue road rehabilitation project at a cost not to exceed \$50,000.00 is hereby approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate the costs of the County's share of the project from Sewer Capital, Erie County Sewer District No. 6, Account C.00064; 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 Management and Gregory Dudek, Assistant County Attorney.

(6-0)

5. COMM. 13E-24 (2008)  
**COUNTY EXECUTIVE**

a) WHEREAS, County of Erie/Erie County Sewer District No. 2, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of

available data, has herby determined that the Project generally described as the Sweetland Pump Station, ORF Improvements and ForceMain, identified as CWSRF Project No. 6646-13; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

b) WHEREAS, County of Erie/Erie County Sewer District No. 8, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the East Aurora Sanitary Sewer Rehab, identified as CWSRF Project No. 6649-09; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT



RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

c) WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Village of Blasdell Treatment Plant Decommission Project, identified as CWSRF Project No. 6649-10; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

d) WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Village of Blasdell Infiltration/Inflow Project, identified as CWSRF Project No. 6649-11; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The           COUNTY EXECUTIVE            
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

e) WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Sewer District No. 3 Infiltration/Inflow and Pump Station Rehab Project, identified as CWSRF Project No. 6649-12; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

f) WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Boston Town Districts 1, 3 & 4 Rehab Project, identified as CWSRF Project No. 6649-13; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

g) WHEREAS, County of Erie/Erie County Sewer District No. 6, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Infiltration/Inflow, Pump Station and Treatment Plant Rehab Project, identified as CWSRF Project No. 6650-12; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The           COUNTY EXECUTIVE            
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

h) WHEREAS, County of Erie/Erie County Sewer District No. 6, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Lackawanna Treatment Plant Upgrade/Elimination Project, identified as CWSRF Project No. 6650-13; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT



RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

i) WHEREAS, County of Erie/Erie County Sewer District No. 1, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Infiltration/Inflow and Pump Station Rehab Project, identified as CWSRF Project No. 6696-07; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

j) WHEREAS, County of Erie/Erie County Sewer District No. 5, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Infiltration/Inflow Rehab Project, identified as CWSRF Project No. 6697-04; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The           COUNTY EXECUTIVE            
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

k) WHEREAS, County of Erie/Erie County Sewer District No. 4, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Depew/Vanderbuilt Pump Station Rehab Project, identified as CWSRF Project No. 6699-07; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

1) WHEREAS, County of Erie/Erie County Sewer District No. 4, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Infiltration/Inflow, Pump Station and ORF Rehab Project, identified as CWSRF Project No. 6699-08; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

(6-0)

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

**LEGISLATOR RESOLUTIONS**

Item 23 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 14-1 from LOUGHRAN. Resolution to Hold a Public Referendum to Reduce the Size of the EC Legislature from 15 to 9 Members.

Item 24 - CHAIR MARINELLI directed that the following item be Received, Filed and Printed.

GRANTED.

INTRO 14-2 from MILLS & REYNOLDS. Appointment to the EC Soil & Water Conservation District.

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointments to the Erie County Soil & Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil & Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one is from the Farm Bureau and three serve as At-Large Members; and

WHEREAS, in further accordance with New York State law, the Erie County Legislature shall appoint members to the District Board, where presently there is a vacancy on the Board in the at-large position formerly held by Rosemary Bapst.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Sam Chiavetta residing at P.O. Box 1, Brant, N.Y. 14027 to the at-large position for the Board of Directors for the Erie County Soil & Water Conservation District for a 3-year term, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Erie County Soil & Water Conservation District (50 Commerce Way, East Aurora, N.Y. 14052) and Mr. Sam Chiavetta (P.O. Box 1, Brant, N.Y. 14027).

Item 25 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 14-3 from IANNELLO, WHYTE & REYNOLDS. EC Employees to Turn Off PC's as an Energy & Cost Saving Measure.

Item 26 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: Supporting an Efficiency Grant for Relocating the County Clerk's DMV and County Attorney's Office to the Rath Building  
(INTRO 14-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS KONST & MARINELLI**

WHEREAS, on May 1, 2008, the County of Erie submitted an application to the Erie County Fiscal Stability Authority for an efficiency grant to fund the County Clerk's initiative to relocate the Erie County Clerk's Auto Bureau to the Rath Building, as well as to fund the planned relocation of the County Attorney's Office to the Rath Building; and

WHEREAS, this efficiency proposal would net more than \$2,000,000 in savings over a five-year period through the re-engineering of county space that will both increase productivity and enhance customer service; and

WHEREAS, the relocation would specifically result in the elimination of costly leases and additional expenses associated with leasing space in non-county owned buildings, to wit in excess of \$1 million over 5 years for the Auto Bureau, and \$1,044,400, representing the cost of an estimated, new five-year lease for the County Attorney's Office; and

WHEREAS, the savings would be even greater when taking into account any tenant-funded improvements that may be required in these non-county owned buildings; and

WHEREAS, this project also includes enhanced space utilization for the following county operations: Real Property, Budget Division, Labor Relations, EEO, Veterans and the Status of Women, and will result in increased efficiencies and improved work flows to enhance customer service.

NOW, THEREFORE, BE IT



RESOLVED, that the Erie County Legislature convey its full support for the efficiency grant application submitted by Erie County to the Erie County Fiscal Stability Authority on May 1, 2008 in the amount of \$1,772,000 to fund the relocation of both the DMV, under the auspices of the Erie County Clerk, as well as the County Attorney's Office to the Rath Building; and be it further

RESOLVED, that the County Legislature acknowledge with appreciation the more than \$2,000,000 million in net taxpayer savings over a five-year period that will ensue from the termination of rental leases for non-county owned property; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, the County Clerk, the County Attorney, the Budget Director, the Director of Real Estate/Space Utilization and the Executive Director of the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 27 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 14-5 from WHYTE. Senior Service Contracts with Local Non-Profit Agencies.

Item 28 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 14-6 from WHYTE. Socialization and Recreational Opportunities for Seniors.

Item 29 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 14-7 from WHYTE. Expansion of Transportation Services to Seniors.

Item 30 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

RE: Request for the Submission of a  
Comprehensive Plan from the  
Commissioner of Parks & Recreation  
Related to Expenditure of \$300,000  
Provided for Parks in the 2008 Adopted  
Budget  
(INTRO 14-8)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE & REYNOLDS**

WHEREAS, the Erie County Legislature recognizes that the parks, pools, beaches and recreation centers located in Erie County are invaluable community and regional resources which should be staffed and maintained in a manner to insure their continued use and enjoyment by all residents of Erie County; and

WHEREAS, the Erie County Legislature provided \$300,000 in the 2008 Adopted Budget expressly for the purpose of maintaining and enhancing these valuable community assets as well as providing for adequate compensation and training for the staff employed to manage these valuable community assets; and

WHEREAS, the 2008 Adopted Budget required prior to the expenditure of these resources that the Erie County Legislature approve a comprehensive plan developed by the Department of Parks and Recreation, which provided for the maintenance, management and preservation of these invaluable county resources.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does formally request that the Administration submit a comprehensive plan for the expenditure of the \$300,000 contained in the 2008 Adopted Budget for legislative approval detailing how the Administration purposes to expend these resources; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the Commissioner of Parks and Recreation and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY, MS. MILLER-WILLIAMS, MS. GRANT, MR. MAZUR and MR. LOUGHRAN as Co-Sponsors. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 31 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: Sardinia Agricultural District (EC #6)  
(INTRO 14-9)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS REYNOLDS, WHYTE, MILLS, KOZUB, RANZENHOFER, KONST,  
MAZUR, WROBLEWSKI, IANNELLO, LOUGHRAN & RATH**

WHEREAS, the Sardinia Agricultural District (EC #6) was initially created December 19, 1974 and recertified every 8 years thereafter; and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-A.1, specifies that the County legislative body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter; and

WHEREAS, pursuant to a resolution on February 13, 2008, the Erie County Legislature directed the Clerk of the Legislature to publish a public notice of the district's review; and

WHEREAS, the District was duly referred to the Erie County Department of Environment and Planning and to the Agricultural and Farmland Protection Board of this Legislature for review of the District; and

WHEREAS, on the 19<sup>th</sup> of March 2008, pursuant to public notice, a public hearing was held at the Sardinia Town Hall; where various matters were presented and discussed; and

WHEREAS, on the 1<sup>st</sup> of May 2008, the Agriculture and Farmland Protection Board discussed and recommended the approval and reaffirmation of the Brant Evans Agricultural District to the Erie County Legislature; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act of 1975 and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District with no modification has been reviewed and determined to have no significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and reaffirm the existing Sardinia Agricultural District (E.C. # 6) with no modification (no additions/deletions) and the SEQR Negative Declaration; and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward the necessary documentation to the appropriate officials of the State of New York in accordance with the Agriculture and Markets Law; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Commissioner of the Erie County Department of Environment and Planning; and be it further

RESOLVED, that one certified copy of this resolution be sent to the Chairman of Farmland Protection Board, Sardinia Town Supervisor and Town Clerk as well as Holland Town Supervisor and Town Clerk.

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 32 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

RE: Brant Evans Agricultural District  
(EC #9)  
(INTRO 14-10)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS REYNOLDS, WHYTE, MILLS, KOZUB, RANZENHOFER,  
MAZUR, WROBLEWSKI, IANNELLO, LOUGHRAN & RATH**

WHEREAS, the Brant Evans Agricultural District (EC #9) was initially created June 21, 1976 and recertified every 8 years thereafter the last year being 2001; and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-A.1, specifies that the County legislative body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter; and

WHEREAS, pursuant to a resolution on February 13, 2008, the Erie County Legislature directed the Clerk of the Legislature to publish a public notice of the district's review; and

WHEREAS, the District was duly referred to the Erie County Department of Environment and Planning and to the Agricultural and Farmland Protection Board of this Legislature for review of the District; and

WHEREAS, on the 12<sup>th</sup> of March 2008, pursuant to public notice, a public hearing was held at the Evans Town Hall; where various matters were presented and discussed; and

WHEREAS, on the 1<sup>st</sup> of May 2008, the Agriculture and Farmland Protection Board discussed and recommended the approval and reaffirmation of the Brant Evans Agricultural District to the Erie County Legislature; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act of 1975 and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District with no modification has been reviewed and determined to have no significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and reaffirm the existing Brant Evans Agricultural District (E.C. #9) with no modification (no additions/deletions) and the SEQR Negative Declaration; and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward the necessary documentation to the appropriate officials of the State of New York in accordance with the Agriculture and Markets Law; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Commissioner of the Erie County Department of Environment and Planning; and be it further

RESOLVED, that one certified copy of this resolution be sent to the Chairman of Farmland Protection Board, Brant Town Supervisor and Town Clerk as well as Evans Town Supervisor and Town Clerk.

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 33 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: Amherst Agricultural District (EC #17)  
(INTRO 14-11)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS REYNOLDS, WHYTE, MILLS, KOZUB, RANZENHOFER,  
MAZUR, WROBLEWSKI, IANNELLO, LOUGHRAN & RATH**

WHEREAS, the Amherst Agricultural District (EC #17) was initially created June 23, 1991 and recertified in the year 1999; and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-A.1, specifies that the County legislative body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter; and

WHEREAS, pursuant to a resolution on February 13, 2008, the Erie County Legislature directed the Clerk of the Legislature to publish a public notice of the district's review; and

WHEREAS, the District was duly referred to the Erie County Department of Environment and Planning and to the Agricultural and Farmland Protection Board of this Legislature for review of the District; and

WHEREAS, on the 27<sup>th</sup> of March 2008, pursuant to public notice, a public hearing was held at the Amherst Municipal Building; where various matters were presented and discussed; and

WHEREAS, on the 1<sup>st</sup> of May 2008, the Agriculture and Farmland Protection Board discussed and recommended the approval and reaffirmation of the Amherst Agricultural District to the Erie County Legislature; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act of 1975 and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District with no modification has been reviewed and determined to have no significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and reaffirm the existing Amherst Agricultural District (E.C. #17) with no modification (no additions/deletions) and the SEQR Negative Declaration; and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward the necessary documentation to the appropriate officials of the State of New York in accordance with the Agriculture and Markets Law; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Commissioner of the Erie County Department of Environment and Planning; and be it further

RESOLVED, that one certified copy of this resolution be sent to the Chairman of Farmland Protection Board, Amherst Town Supervisor and Amherst Town Clerk.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. RANZENHOFER

seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 31 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 13E-26 (2008). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: Indigent Defense – Supplemental  
Appropriation  
(COMM. 13E-26)

WHEREAS, Article 18-B of New York State County Law, requires counties to provide and fund indigent defense services; and

WHEREAS, limited reimbursement for this mandated expense was established a few years back with the creation of the Indigent Legal Services Fund (ILSF) under State Finance Law section 98-b; and

WHEREAS, one of the provisions of the law requires counties to comply with maintenance of effort (MOE) provisions, which states that each county must show an increase in local share funding for indigent defense services from one year to the next; and

WHEREAS, failure to demonstrate an increase in local share funding would result in the loss of the entire reimbursement, potentially jeopardizing over \$2,200,000 for Erie County in 2009; and

WHEREAS, because Erie County was able to qualify for the 2008 disbursement from the ILSF the county was able to receive unanticipated revenue; and

WHEREAS, in order to prevent a future problem for Erie County we are proposing an additional \$200,000 in spending in 2008 to prevent a loss of revenue in 2009, source of funds in 2008 shall be the unanticipated revenue from the ILSF funding; and

WHEREAS, the Legal Aid Bureau of Buffalo and the Erie County Bar Association Assigned Counsel Program have developed program recommendations which will enhance indigent defense services in Erie County and also avoid non compliance with State Finance Law in 2009.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to amend the 2008 indigent defense services contracts of the Legal Aid Bureau of Buffalo and the Erie County Bar Association Assigned Counsel Program in order to provide additional funding in the amount of \$100,000 for each agency for the enhancement of indigent defense services; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized within the 2008 Budget of the County Attorney's Office:

Fund 110			
Fund Center 16010 County Attorney's Office			
			<u>Increase</u>
Revenue	405210	State Aid Indigent Defense	\$200,000
		Legal Aid Bureau Indigent	
Expense	516601	Defense	100,000
	516602	EC Bar Assn. Indigent Defense	<u>100,000</u>
		Total Expense Increase	\$200,000
		Net Change	0

and be it further

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

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 35 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-32 from the COUNTY EXECUTIVE Re: DSS - First Deputy Commissioner of Social Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 36 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-33 from the COUNTY EXECUTIVE Re: Operation Prime Time Amendment

RESOLUTION NO. 241



WHEREAS, the Erie County Youth Bureau has an appropriation of \$714,285 in the 2008 Adopted Budget for Operation Prime Time for community based organization contracts for the eight week school summer recess period and contracts have been authorized at 80% of that total; and

WHEREAS, the Department was able to leverage \$50,000 of the remaining unused local share to secure additional State of \$47,000 for a total of \$97,000 in additional funding to be used for 2008 Operation Prime Time subject to final New York State Office of Children and Family Services approval; and

WHEREAS, the Youth Bureau analyzed the 54 agency proposals and recommends increases to 27 as they can extend operating hours beyond 6 PM, have facilities with a diverse and substantial array of recreational activities and have a demonstrated performance record with the Prime Time program; and

WHEREAS, the recommended list for amended funding to 27 contracts is as follows:

	Original Approved Reso	Approved 80% Revised	Increased State & County Funding	Revised Amount
Bob Lanier Center	10,000	8,000	2,000	10,000
Boy Scouts Of America	35,000	28,000	7,000	35,000
Boys & Girls Club of Buffalo	30,000	24,000	6,000	30,000
Boys & Girls Club of Eden Inc.	10,000	8,000	2,000	10,000
Boys & Girls Club of Holland	10,000	8,000	2,000	10,000
Boys & Girls Club of the North Towns	15,000	12,000	3,000	15,000
Boys & Girls Club of East Aurora	15,000	12,000	3,000	15,000
Buffalo Alliance for Education	20,000	16,000	4,000	20,000
Center for Exploratory and Perceptual Arts	15,000	12,000	3,000	15,000
Community Action Organization	40,000	32,000	8,000	40,000
Computers for Children	25,000	20,000	5,000	25,000
Cradle Beach Camp	15,000	12,000	3,000	15,000
CRUCIAL Human Services	12,285	9,828	1,200	11,028
Delavan Grider Community Center	15,000	12,000	3,000	15,000
Erie Regional Housing Development Corp.	15,000	12,000	3,000	15,000
Lt. Col. Matt Urban Human Services Center	17,000	13,600	3,400	17,000
Massachusetts Avenue Project	15,000	12,000	3,000	15,000
Northwest Buffalo Community Center	38,000	30,400	7,600	38,000
Old First Ward Community Center	15,000	12,000	3,000	15,000
Police Athletic League of Buffalo	32,000	25,600	6,400	32,000
Schiller Park Community Services	22,000	17,600	4,400	22,000
Seneca Babcock Community Association	15,000	12,000	3,000	15,000
Town of Tonawanda Youth, Parks, Recreation	10,000	8,000	2,000	10,000
Valley Community Association	15,000	12,000	3,000	15,000

West Seneca Americorp	5,000	4,000	1,000	5,000
Westside Community Services	15,000	12,000	3,000	15,000
YMCA Buffalo Niagara	10,000	8,000	2,000	10,000

and

WHEREAS, there is no fiscal impact to the 2008 Adopted Budget based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to execute Operation Prime Time contracts and agreements for an additional \$97,000; and be it further

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

MS. WHYTE moved to approve the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 37 – (COMM. 14E-1) Second Quarter Report of Sales Tax Apportionment & Distribution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – MS. WHYTE presented the following resolution and requested immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

RE: Technical Amendments to 2007  
Consolidated Bond Resolution.  
(COMM. 14E-2)

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

CARRIED UNANIMOUSLY.

Insert the following Resolution:

RESOLUTION NO. 242-2008

BOND RESOLUTION DATED July 10, 2008

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 19, 2007, TO EXPAND THE PROJECT SCOPE FOR VARIOUS ROAD AND BRIDGE PROJECTS.

(Introduced) July 8, 2008

(Adopted) July 10, 2008

Recitals

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various capital projects included in the 2007 Capital Budget of the County, pursuant to the bond resolution adopted April 19, 2007 by said Legislature, and hereinafter referred to; and

WHEREAS, it is now necessary to amend the description of the scope of work for various road and bridge projects.

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

**Section (A).** Row 11 of the schedule attached to Resolution 120-2007 of said County duly adopted by the Legislature on April 19, 2007 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
11-a	INTERSECTION IMPROVEMENTS – VARIOUS (construction only)	C	\$6,545,700	\$331,950	\$6,213,750	10 yrs par 20(b)	This project will provide funding to add left turn lanes to several roads. The locations for the proposed improvements are: Maple Road at Flint, North Forest and Hopkins (PIN 5755.33), Youngs/Aero (PINS 5756.46) and Harris Hill at Wehrle and Pleasant View (PIN 5756.47). The total cost of this project in	P. B233 & B238

							2007 is estimated to be \$6,545,700. The State reimburses \$981,855 and Federal government \$5,231,895 for the majority of the project. County cost represents the balance.	
11-b	INTERSECTION IMPROVEMENTS – VARIOUS (right-of-way acquisition)	S	\$51,000	\$2,550	\$48,450	30 yrs par 21	This project will provide funding for ROW acquisition. The location for the proposed acquisition is Harris Hill at Wehrle and Pleasant View (PIN 5756.47). The total cost of this project in 2007 is estimated to be \$51,000. The State reimburses \$7,650 and Federal government \$40,800 for the majority of the project. County cost represents the balance.	P. B233 & B238

**Section (B).** Row 12 of the schedule attached to Resolution 120-2007 of said County duly adopted by the Legislature on April 19, 2007 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference

12-a	TONAWANDA CREEK ROAD RECONSTRUCTION (construction only)	S	\$3,150,000	\$525,000	\$2,625,000	10 yrs par 20(b)	This project will fund the reconstruction of Tonawanda Creek road, between Westphalenger and Transit Roads. A slope failure along the south bank of Tonawanda Creek resulted in the loss of the roadway for approximately 250 feet. The Federal government will reimburse \$2,296,875 and the State government \$328,125 of the construction costs for the majority of the project. County cost represents the balance.	P. B233 & B238
12-b	TONAWANDA CREEK ROAD RECONSTRUCTION (right-of-way acquisition only)	S	\$50,000	\$50,000	\$0	30 yrs par 21	This project will fund the acquisition of rights-of-way for Tonawanda Creek road, between Westphalenger and Transit Roads. County cost represents 100 percent of the total cost of the project.	P. B233 & B238

**Section (C).** Row 13 of the schedule attached to Resolution 120-2007 of said County duly adopted by the Legislature on April 19, 2007 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference

13-a	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM – DPW (COUNTY WIDE) (construction only)	C	\$15,838,000	\$791,900	\$15,046,100	10 yrs par 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-b	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM – DPW (COUNTY WIDE) (right-of-way acquisition only)	C	\$1,812,000	\$90,600	\$1,721,400	30 yrs par 21	The Capital Budget provides \$90,600 to finance the County share of funding for rights-of-way acquisition for various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$271,800) and Federal government 80 percent (\$1,449,600). Bridges for	P. B233 & B239



BOND RESOLUTION DATED July 10, 2008

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 29, 2008, TO EXPAND THE PROJECT SCOPE FOR VARIOUS ROAD AND BRIDGE PROJECTS.

(Introduced) July 8, 2008

(Adopted) July 10, 2008

Recitals

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various capital projects included in the 2008 Capital Budget of the County, pursuant to the bond resolution adopted May 29, 2008 by said Legislature, and hereinafter referred to; and

WHEREAS, it is now necessary to amend certain estimated costs and the description of the scope of work for various road and bridge projects.

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

**Section (A).** The caption of resolution No. 183-2008 of said County duly adopted by the Legislature on May 29, 2008, entitled:

BOND RESOLUTION DATED MAY 29, 2008.

“BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2008 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$97,230,215 , APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$43,940,215 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$2,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$51,090,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.”

is hereby amended to read as follows:

BOND RESOLUTION DATED July 10, 2008, AMENDING THE BOND RESOLUTION ADOPTED MAY 29, 2008.



“BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2008 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$95,343,115, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$42,053,248 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$2,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$51,089,867 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.”

**Section (B).** Row 11 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
11-a	ROAD DESIGN & ROW PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE) (design only)	C	\$442,540	\$22,127	\$420,413	5 yrs par 62 (2nd)	The Capital Budget provides \$22,127 to finance the County share of road projects which are eligible for State and Federal aid. County cost represents approximately 5 percent of the total project. The State reimburses 15 percent (\$66,381) and Federal government 80 percent (\$354,032). Roads earmarked for design are: East Robinson/North French Road (Niagara Falls Blvd. To Sweet Home) (PIN 5755.43) and North Forest Road (Millersport to Dodge Road) (PIN 5753.74).	p. B-239

11-b	ROAD DESIGN & ROW PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE) (right-of-way acquisition)	C	\$378,900	\$93,900	\$285,000	30 yrs par 21	The Capital Budget provides \$93,900 to finance the County share of road projects which are eligible for State and Federal aid. County cost represents approximately 25% percent of the total project. The State reimburses (\$45,000) and Federal government (\$240,000). Roads earmarked for ROW acquisitions are: East Robinson/North French Road (Niagara Falls Blvd. To Sweet Home) (PIN 5755.43) and North Forest Road (Millersport to Dodge Road) (PIN 5753.74).	p. B-239
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**Section (C).** Row 13 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
13-a	UNANTICIPATED ROAD AND BRIDGE DESIGN AND ROW FEDERAL AID PROGRAM (design only)	C	\$8,200	\$8,200		5 yrs par 62 (2nd)	This project will ensure sufficient funding for scoping new projects. This includes design and other costs.	p. B-239

13-b	UNAN TICIP ATED ROAD AND BRID GE DESI GN AND ROW FEDE RAL AID PROG RAM (right- of-way acqui sition)	C	\$1,800	\$1,800		30 yrs par 21	This project will ensure sufficient funding for ROW acquisitions.	p. B-239
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**Section (D).** Row 15 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
15-a	ROAD DESI GN AND ROW- FEMA PROJ ECTS (desig n only)	C	\$680,000	\$85,000	\$595,000	5 yrs par 62 (2nd)	The Capital Budget provides \$85,000 to finance the County share of road projects which are eligible for FEMA aid due to damages occurred by past storms. County cost represents approximately 12.5 percent of the total project. The State reimburses 12.5 percent (\$85,000) and Federal government 75 percent (\$510,000). Roads to be designed are Tonawanda Creek, Groth, Vermont Street, Blakeley Corner and Zoar Valley.	p. B-240

15-b	ROAD DESIGN AND ROW-FEMA PROJECTS (right-of-way acquisition)	C	\$10,000	\$10,000	\$0	30 yrs par 21	The Capital Budget provides \$10,000 to finance the County share of road projects which are eligible for FEMA aid due to damages occurred by past storms. County cost represents 100 percent of the total project. Road to be completed is Vermont Street.	p. B-240
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**Section (E).** Row 16 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
16	HOPKINS ROAD SLIDE - DESIGN	C	\$225,000	\$225,000	\$0	5 yrs par 62 (2nd)	A planning design analysis initiated by the U.S. Army Corps of Engineers in August 2002 has shown that Ransom Creek appears to have eroded its banks at five key locations along the study area, and has impacted Hopkins Road. It is necessary to stabilize the eroding slope. An anchored sheet pile stabilization alternative was initially selected. However, an alternative method, soil mixing, may be used based on the latest guidance from USACE. The total local share design costs of this project to the County is estimated to be \$225,000.	p. B-240

**Section (F).** Row 19 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 is hereby amended to read as follows:

A	A-1	B	C	D	F	G
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Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
19-a	BRIDGE DESIGN AND ROW PROJECTS-FEDERAL AID PROGRAM-DPW (COUNTY WIDE) (design only)	C	\$2,407,800	\$120,390	\$2,287,410	5 yrs par 62 (2nd)	The capital budget provides \$120,390 to finance the County share of funding for the design of various bridges which are eligible for State and Federal aid. County cost represents 5 percent of the total project. The State reimburses 15 percent (\$361,170) and the Federal government 80 percent (\$1,926,240). Bridges to be designed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Pavement Road Bridges (PIN 5755.38), Cedar Street Bridge (PIN 5757.21), Clarence Center Road Bridge (PIN 5757.28), Swift Mills Road Bridge (PIN 5757.29), Rapids Road Bridge (PIN 5757.30), Lake Avenue Bridge (PIN 5758.40) and Abbott Road Bridge (PIN 5758.74).	p. B-241
19-b	BRIDGE DESIGN AND ROW PROJECTS-FEDERAL AID PROGRAM-DPW (COUNTY WIDE) (right-of-way acquisition and construction)	C	\$69,000	\$3,450	\$65,550	20 yrs par 92	The capital budget provides \$3,450 to finance the County share of funding for the design of various bridges which are eligible for State and Federal aid. County cost represents 5 percent of the total project. The State reimburses 15 percent (\$10,350) and the Federal government 80 percent (\$55,200). Bridges for which ROW are to be acquired are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25).	p. B-241

**Section (G).** The amendments of the bond resolution set forth in Sections A through F, inclusive, of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

**Section (H).** This Amending Resolution shall take effect immediately upon approval by the County Executive.

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

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

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.  
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 14E-4) DWI Crash Response Team (CRT)

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – (COMM. 14E-5) Create Public Health Nurse Position - Immunization Action Plan Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 42 – (COMM. 14E-6) County Work Order/Management System - Consultant Contract Fee Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – (COMM. 14E-7) Fire Training Academy - 2008 - New Live Burn Building

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 44 – (COMM. 14E-8) Old County Hall - Window Repair and Clock Tower Roof Replacement

Item 45 – (COMM. 14E-9) Ralph Wilson Stadium - 2008 - Site Work and Miscellaneous Capital Improvements

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 46 – (COMM. 14E-10) ECSD Nos. 3/8 - Technical Adjustment

Item 47 – (COMM. 14E-11) Pollution Prevention, Recycling and Reuse - Technical Assistance Project Contracts for Engineering Feasibility Studies for Partner Companies

Item 48 – (COMM. 14E-12) Design Contract Amendment - Erie Canalway Trail Project

Item 49 – (COMM. 14E-13) ECSD No. 3 - NYS Water Pollution Control Revolving Loan Program

Item 50 – (COMM. 14E-14) Lakeshore Shoreline Trail (aka Evans Multi-Use Pathway) - Congestion Mitigation and Air Quality Funding Agreement

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

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

RE: Juvenile Accountability Block  
Grant Award (JABG) from NYS  
DCJS  
(COMM. 14E-15)

WHEREAS, the Department of Probation is responsible for making sentencing recommendations, providing supervision and services to address the needs of juveniles in the Juvenile Justice System and improve the quality of life in our community; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department grant funds for the purpose of establishing a Juvenile Accountability Block Grant Program that enables juvenile courts and juvenile Probation Officers to be more effective in addressing the needs of juveniles involved with probation; and

WHEREAS, the grant award will enable the Probation Department to establish a fund which will cover professional service contract fees and travel expenses for these consultants, as well as training fees and all associated travel expenses for Probation staff; and

WHEREAS, Kim English and Roger Przbylski developed, conducted and prepared the findings for the “What Works” recidivism reduction research study that they are presenting, and a comprehensive study of this caliber has not been done locally; and

WHEREAS, Kim English and Roger Przbylski are experts in training; criminal justice planning; research, evaluation and policy analysis; and cost-benefit analysis.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the New York State Division of Criminal Justice Services in the amount of \$12,693; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with the following contractors for training purposes:

Kim English, 7227 West 8<sup>th</sup> Avenue, Lakewood, Colorado 80214  
Roger Przbyski, 7227 West 8<sup>th</sup> Avenue, Lakewood, Colorado 80214

and be it further

RESOLVED, that the necessary funds to cover the cost of these contracts have been appropriated using the grant funds covered in this resolution; and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures for the professional service contracts with Kim English and Roger Przbyski as they are sole source providers of this research, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the budget for the JABG Grant, JB08-1003-E00, contract T522250, be established as follows:

Erie County Probation Department  
Fund 281 – Business Area 126  
Juvenile Accountability Block Grant – Training Fund  
July 1, 2008 to June 30, 2009

Revenue

<u>Account</u>	<u>Amount</u>
409000 – State Aid Revenues	<u>\$12,693</u>
TOTAL	\$12,693

Appropriations

<u>Account</u>	<u>Amount</u>
516020 – Professional Service Contracts	\$ 6,500
510200 – Training & Education	\$ 3,468
510000 – Local Mileage	\$ 675
510100 – Out of Area Travel	\$ 2,050
TOTAL	\$ 12,693
NET IMPACT	\$ 0

and be it further



RESOLVED, that the Director of Budget and Management be authorized to adjust the budget as required to comply with state approved funding levels; and be it further

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

Item 52 – (COMM. 14E-16) Supplemental Agreement with NYSDOT, Right-of-Way Incidentals and Acquisition - Youngs Road and Aero Drive Intersection Improvements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

RE: Emergency Contract to Collect  
COBRA Premiums  
(COMM. 14E-17)

WHEREAS, the County of Erie by collective bargaining agreements and Federal Law is mandated to provide COBRA health insurance options to separated employees and their dependants; and

WHEREAS, the method of collections by the Service provider changed in 2007, due to the carving out of the pharmaceutical coverage; and

WHEREAS, this left a disruption in timely payments of collections and could have caused a break in an individual's health insurance coverage; and

WHEREAS, the P&A Group had been a long standing County provider of pre-tax payroll deduction services; and

WHEREAS, the P&A Group had all of the necessary interfaces to the SAP benefits module in place and has a COBRA benefits collection service available; and

WHEREAS, the County had an immediate need to rectify the collections process to be compliant with the collective bargaining agreements and Federal Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an emergency services contract with the P&A Group to collect COBRA payments; and be it further

RESOLVED, that the contract be effective 1/1/08 through the period necessary to hold an RFP process and select a vendor; and be it further

RESOLVED, that the contract of \$8.00 per month per COBRA application will be paid from the current Professional Fees and Services budget of the Erie County Personnel Office.

Item 54 – (COMM. 14E-18) Supplemental Agreement with NYSDOT, Construction and Construction Inspection, Parkview Drive Bridge Over Murder Creek

Item 55 – (COMM. 14E-19) ECDPW - General Architectural/Engineering and Testing Services Agreement for Highways and Buildings

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

RE: Appointment to Erie Community  
College Board of Trustees  
(COMM. 14E-20)

RESOLVED, the Erie County Legislature does hereby confirm the re-appointment of Ray Gallagher, 27 Pine Grove Park, Hamburg, New York 14075, to the Erie Community College Board of Trustees for a term to expire on June 30, 2018.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

RE: Acceptance of NYS  
Occupational Safety & Health-  
Hazard Abatement Board Grant  
(COMM. 14E-21)

WHEREAS, Erie County has embarked upon an aggressive risk management and safety program; and

WHEREAS, efficiency grant funds have been secured to contract with Great Lakes Environmental and Safety Consultants to perform a gap analysis of existing safety policies, procedures and training; and

WHEREAS, the County has been awarded \$38,660 from the NYS Occupational Safety and Health-Hazard Abatement Board to provide safety training in accordance of the gap analysis recommendations; and

WHEREAS, the training provided will assist the workforce in identifying, analyzing and mitigating potential hazards in the work area.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorize the County Executive to enter into contract with the NYS Occupational Safety and Health Hazard Abatement Board to accept the funds and Great Lakes Environmental and Safety Consultants to provide the training; and be it further

RESOLVED, the Erie County Legislature does hereby provide authorization to establish the Personnel Department's NYS Hazard Abatement Board Grant as follows:

NYS Hazard Abatement Board Grant  
August 1, 2008 to July 31, 2009  
Fund: 281, Cost Center: 16110, Grant: 161HAZARDABATE0809

Revenues	
409000 State Revenue	\$38,660
Appropriations	
516020 Pro Ser Cnt & Fees	\$38,660

and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Department of Personnel; the Division of Budget and Management; Office of the Comptroller and the Department of Law.

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded. MR. KOZUB abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 248

RE: To Amend the Current P&A Contract  
for Pre-Tax Parking Collections to  
Include Pre-Tax Bus Passes  
(COMM. 14E-22)

WHEREAS, the rising cost of gasoline has everyone in the community looking for ways to cut their transportation cost; and

WHEREAS, the County of Erie had to suspend the pre-tax bus pass program due to the budget crisis in 2005; and

WHEREAS, the employees and the Unions have asked on repeated occasions to reinstate the pre-tax bus program; and

WHEREAS, the County Personnel Office has been able to find a vender to perform the service of pre-tax bus pass distribution at no cost to the County; and

WHEREAS, the P&A Group will do all of the administrative work and distribution of passes, and have the employees set up to order on-line, as well as already has all necessary interfaces with the County SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to amend the current pre-tax parking contract to include pre-tax bus passes; and be it further

RESOLVED, that the cost of the monthly fee of \$5.25 be passed on to the employees that opt to use the program.

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

RE: Sale Approval of County-Owned  
Properties Sold at Public Auction on  
June 25, 2008  
(COMM. 14E-23)

WHEREAS, pursuant to prior legislative authorization, a public auction of county-owned properties was conducted for Erie County at the Erie County Legislative Chambers, on June 25, 2008; and

WHEREAS, at said public auction, bids totaling the sum of \$7,350.00 were accepted as to (25) twenty-five properties, as set forth on the list attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that as to those twenty-five (25) properties, the sale of same is hereby approved, confirmed and ratified; and be it further

RESOLVED, that the County Executive, provided that the full amount of the bid and applicable fees and commissions have first been paid, is hereby authorized and directed to execute, deliver and record a Quit-Claim Deed conveying to the particular bidder-designated purchaser(s) all of the County of Erie's right, title and interest in and to the properties whose public auction sale is approved herein.

County Owned Sale – 6/25/08

<u>TOWN</u>	<u>ADDRESS</u>	<u>SBL#</u>	<u>PURCHASE PRICE</u>
Amherst	1 Brian Road	69.07-2-1	\$500.00
Evans/Angola	68 Grove Street	235.19-5-25	\$500.00

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Evans	Clay Avenue	251.13-3-28	\$200.00
Evans	Clay Avenue	251.13-3-16	\$200.00
Evans	Dawn Avenue	250.14-3-19	\$800.00
Evans	Walden Avenue	251.13-2-4	\$200.00
Grand Island	Baseline Road	24.17-1-4	\$400.00
Hamburg	Webster Avenue	171.70-3-2	\$200.00
Hamburg	Webster Avenue	171.70-3-3	\$200.00
Hamburg	Webster Avenue	171.70-3-4	\$200.00
Hamburg	Webster Avenue	171.70-3-5	\$200.00
Hamburg	Webster Avenue	171.70-3-6	\$200.00
Hamburg	Webster Avenue	171.70-3-7	\$200.00
Hamburg/Blasdell	Miller Avenue	151.62-4-25	\$200.00
Lancaster	Brunswick Road	115.06-5-10	\$200.00
Lancaster	Lake Avenue	126.11-4-13	\$200.00
Lancaster	Mohawk Place	93.20-4-30	\$500.00
Lancaster	Wendell Street	115.06-4-46	\$500.00
Tonawanda	10 N. Ellwood Avenue	66.84-2-18	\$500.00
West Seneca	Bullis Road	135.04-2-50	\$200.00
West Seneca	Grant Street	152.05-6-10.1	\$200.00
West Seneca	Grant Street	152.05-6-14	\$200.00
West Seneca	Grant Street	152.05-6-21.1	\$200.00
West Seneca	Sharon Drive	125.17-3-31.1	\$250.00
West Seneca	Terrace Blvd	125.13-3-21	\$200.00

Item 60 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

RE: Acceptance of \$792,000 from T-Mobile  
USA Inc.  
(COMM. 14E-24)

WHEREAS, the Erie County Department of Emergency Services operates FCC license microwave frequencies; and

WHEREAS, Erie County Emergency Services microwave frequencies have been auctioned off by the FCC. T-Mobile USA Inc. was the successful bidder and is required to compensate the County of Erie to relocate its existing FCC licensed microwave frequencies.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive will be authorized to enter into contract with T-Mobile USA Inc. to accept the \$792,000 for the relocation of the Department of Emergency Services microwave frequencies; and be it further

RESOLVED, that the Department of Emergency Services will file a resolution on the allocation of the \$792,000 to be used towards the build out of the 400Mhz radio system utilized by the Department of Emergency Services, the Volunteer Fire Service, the Department of Central Police Services, and Police Departments, including the Sheriff's Office; and be it further

RESOLVED, that the build out of the 400 Mhz radio system will enable Erie County Emergency Services, Central Police Services, Sheriff, Volunteer Fire Departments and Police agencies to enhance their interoperable communications capabilities; 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 Emergency Services, Central Police Services, Sheriff, the County Comptroller, and the County Attorney.

Item 61 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

RE: Acceptance of Homeland Security Grant  
Program Regarding Community  
Preparedness  
(COMM. 14E-25)

WHEREAS, the Erie County Department of Emergency Services was awarded a grant from the New York State Emergency Management Organization (SEMO) to provide funding in the amount of \$48,104; and

WHEREAS, Community Emergency Response Team (“CERT”) training to the local K-12 School community will be conducted during the period July 1, 2007- June 30, 2010; and

WHEREAS, Erie Community College Department of Workforce Development provides professional development training including delivery of training on-site and administration and management of program services to local K-12 community citizens; and

WHEREAS, the Erie County Department of Emergency Services would like to establish a relationship with Erie Community College’s Department of Workforce Development to administer, coordinate, and train local volunteers as a “CERT” for county’s community preparedness program; and

WHEREAS, ECC desires to enter into this relationship with Erie County Department of Emergency Services for the provision of Community Preparedness training services on behalf of participating local High School Administrators, Staff, Teachers, and Junior and Senior High School students.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the County Executive to accept funding from the New York State Emergency Management Organization (SEMO) on behalf of the Erie County Department of Emergency Services; and be it further

RESOLVED, that authorization is also provide to the County Executive to subcontract with Erie Community College for the provision of Community Emergency Response Team (“CERT”) training to the local K-12 School community to be performed by the ECC Department of Workforce Development in the amount of \$48,104; and be it further

RESOLVED, that authorization is hereby provided to establish the following grant in the budget of the Department of Emergency Services:

Department of Emergency Services – Fund Center  
16700  
Community Emergency Response Team Grant

Revenue	Increase
409000 State Aid (SEMO)	\$48,104
Expense	
516010 Contractual Payments	\$48,104

and be it further

RESOLVED, that the Erie County Department of Emergency Services will work in conjunction with the Erie Community College Department of Workforce Development to complete the tasks of the awarded grant; 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 Emergency Services, the Erie Community College Board of Trustees, the Erie Community College Workforce Development Department, the County Comptroller, and the County Attorney.

Item 62 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

RE: Buffalo Zoo Children's Exhibit  
Agreement  
(COMM. 14E-26)

WHEREAS, the County of Erie desires to improve the exhibits at the Buffalo Zoo and public recreational facilities in the County; and

WHEREAS, Erie County desires to assist in the implementation of said project and has allocated \$1,000,000 in the 2008 County Capital Budget for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract not to exceed \$1,000,000 with the Buffalo Zoological Society and other involved agencies, including the City of Buffalo and New York State Empire State Development; and be it further

RESOLVED, that the source of County funds will be \$1,000,000 available as so contained in the adopted 2008 Erie County Capital Budget; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; and the County Attorney.

Item 63 – (COMM. 14E-27) Department of Probation - IMPACT V

Received and Filed.

Item 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

RE: Chestnut Ridge Park Casino – Roof



Replacement and Exterior  
Improvements  
(COMM. 14E-28)

WHEREAS, the existing roof has been leaking for years and has deteriorated to the point where portions of the building are roped off due to falling ceiling and insulation materials; and

WHEREAS, the exterior building cornices, trim boards and masonry walls have deteriorated to the point where boards are missing and masonry has shifted or cracked, causing water and rodents to enter the building; and

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

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Stievater & Associates for providing Design and Construction Documents for the Chestnut Ridge Park Casino – Roof Replacement and Exterior Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Steivater & Associates for providing Professional Design and Construction Document Services for the Chestnut Ridge Park Casino – Roof Replacement and Exterior Improvements Project for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00322 – 2008 – Improvements to Chestnut Ridge Park Casino in an amount not to exceed \$50,000.00; 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 and the Erie County Department of Parks, Recreation and Forestry.

Item 65 – (COMM. 14E-29) Approval for \$150K Plan for County Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 14E-30) Hyatt Hotel, Emigrant Bank, ECIDA & Erie County Intercreditor Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – (COMM. 14E-31) ECSD No. 3 - Engineer Term Agreement - DiDonato Associates - Work Order DA-1

Received and Filed.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE EMPLOYEES OF THE EC PROBATION DEPARTMENT**

Item 68 – (COMM. 14D-1) Petition of Appeal to Ensure that a Qualified Probation Director and Deputy Be Appointed

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 69 – (COMM. 14D-2) Budget Monitoring Report for Period Ending May 31, 2008

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 70 – (COMM. 14D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ERIE COMMUNITY COLLEGE**

Item 71 – (COMM. 14D-4) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE ECIDA**

Item 72 – (COMM. 14M-1) 2007 Audited Financial Statements & Management Letter

Item 73 – (COMM. 14M-2) Buffalo Redevelopment Fund Joint Report

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NFTA**

Item 74 – (COMM. 14M-3) NFTA Board Minutes for Meeting Held on May 27, 2008

Item 75 – (COMM. 14M-4) Audited Financial Statements for Fiscal Year Ending March 31, 2008

Item 76 – (COMM. 14M-5) FY 2008 Annual 17A Report

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 77 – (COMM. 14M-6) Materials Distributed at the June 26, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CORNELL EXTENSION ERIE COUNTY

Item 78 – (COMM. 14M-7) Information on Several Programs Impacting Erie County

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYS URBAN DEVELOPMENT CORPORATION

Item 79 – (COMM. 14M-8) Notice of Proposed Lead Agency Designation for Richardson Olmsted Complex Master Plan

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 80 – (COMM. 14M-9) PARIS Report for Fiscal Year Ending March 31, 2008

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE VILLAGE OF ALDEN

Item 81 – (COMM. 14M-10) Certified Resolution Regarding Resolution Real Property Tax Law Section 339-Y

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 82 – (COMM. 14M-11) Certified Resolution Regarding Erie County Green Energy Efforts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 83 – CHAIR MARINELLI announced that the next Quarterly Committee Chairs and Liaisons Meeting will be held tomorrow, Friday, July 11, 2008 at 10:00 A.M. in the Legislature Caucus Room.

Item 84 – CHAIR MARINELLI thanked Legislature staff members Carolyn Cyrus and Andrew Kulyk for their work on the recently completed Inventory Project, and the timely completion of their work.

Item 85 – MS. KONST announced that the Finance & Management Committee will hold an Informational Meeting on Monday, July 14, 2008 at 11:00 A.M. for the purpose of hearing comments and discuss INTRO 11-2 (2008), “Terminating Sales Tax Revenue Distribution Agreement of December 30, 1977.” Ms. Konst said that this meeting will start the discussion on this matter.

**MEMORIAL RESOLUTIONS**

Item 86 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Catherine M. “Kitty” (Stasio) LaFalce, mother of former Congressman John J. LaFalce. Chair Marinelli also requested that the Legislature adjourn in memory of former Legislator William F. Robinson, and recalled his valued assistance when she became a legislator and expressed fond memories of sharing breakfast with Mr. Robinson and one recent breakfast with Mr. Robinson and Democratic Party activist Carmela Trippi.

Item 87 - Legislator Miller-Williams requested that when the Legislature adjourns, it also do so in memory of former Legislator William F. “Bill” Robinson, who she described as a “mentor and perfect gentleman,” thirty-year Member of the Erie County Democratic Committee, and four-term member of the Erie County Legislature. Legislator Miller-Williams (and Legislator Grant) had just returned from services for Mr. Robinson at St. Luke’s Church in Buffalo.

Item 88 - Legislator Mazur requested that when the Legislature adjourns, it also do so in memory of former Legislator Robinson, who he said he had the pleasure to serve with in the Legislature and called a “saintly man.” Legislator Mazur also requested that when the Legislature adjourns, it do so in memory of Derrick “Bell” Robinson. Legislator Mazur also requested that when the Legislature adjourns, it do so in the memories of nine victims of homicide in the City of Buffalo this summer: Kevin M. Smith, Aretha Martin, Jermaine Martin, Kenneth Williams, Gregory Milhouse, Sebrun Daniels, William Benton, Matthew Elliott and Drayton Collins.

Item 89 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Ellen Saintcross, Mary Jane Monaco and Mrs. Torbuzzi.

Item 90 - Legislator Grant requested that when the Legislature adjourns, it also do so in memory of two victims of a shooting Monday night in Buffalo. Legislator Grant also requested that when the Legislature adjourns it also do so in memory of former Legislator Robinson, who she described as a “wonderful gentleman who made a difference.” Legislator Grant recalled Mr.

Robinson visiting her district office last year. She also requested that the Legislature further adjourn in memory of former Erie County Legislator Barry A. Robinson, former Legislator William F. Robinson's son.

Item 91 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Donald Marquadt.

Item 92 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Robert Moriarty, and former Supreme Court Justice David Mahoney. Legislator Ranzenhofer further requested that when the Legislature adjourns, it also do so in memory of former Legislator Robinson, who he described as a "class man" and "a man of his word."

**ADJOURNMENT**

Item 93 - 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 Thursday, July 17, 2008 at 2:00 p.m. Eastern Standard Time. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, July 17, 2008 at 2:00 p.m. Eastern Standard Time.

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