

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 18, 2007**

The Legislature was called to order by Chairman Marinelli.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Ranzenhofer.

Item 1 – MS. WHYTE presented the Rules of the Legislature for 2007 and moved for immediate consideration and approval. No second was properly made. Rules of the Legislature for 2007 were left on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. WHYTE moved for the approval of minutes for Meeting 25 of 2006. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. WEINSTEIN & MR. RANZENHOFER presented a resolution Congratulating the Amherst Chamber of Commerce.

Item 7 – MR. MILLS presented a resolution Honoring the Collins Center Fire Department Upon the Occasion of Their 115th Anniversary.

Item 8 – MR. WEINSTEIN & MR. RANZENHOFER presented a resolution Honoring the Hamister Group for Their Dedication to Our Senior Citizens.

MS. WHYTE presented the above three resolutions and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above three items for Et Al sponsorship and to include the addition of one Miscellaneous Resolution submitted by Legislator Iannello, and four Miscellaneous Resolutions submitted by Legislator Ranzenhofer. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. IANNELLO presented a resolution Honoring Christopher Louis Upon the Occasion of Achieving the Rank of Eagle Scout.

Item 10 – MR. RANZENHOFER presented a resolution to Commend and Honor Town of Clarence Resident Henry Brodowski, who was Named Citizen of the Year for 2007 by the Clarence Chamber of Commerce.

Item 11 – MR. RANZENHOFER presented a resolution to Commend and Honor Town of Clarence Residents Peter and Elaine Wolfe, who have been Named Lifetime Achievers of the Year for 2007 by the Clarence Chamber of Commerce.

Item 12 – MR. RANZENHOFER presented a resolution to Commend and Honor Pizza Inn, for its Exemplary Service to the Town of Clarence as it is Named Business of the Year for 2007 by the Clarence Chamber of Commerce.

Item 13 – MR. RANZENHOFER presented a resolution to Commend and Acknowledge the Garden Friends of Clarence, as they are Named Organization of the Year for 2007 by the Clarence Chamber of Commerce.

MS. WHYTE moved to approve the above eight items as amended. MS. IANNELLO seconded. CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 - CHAIRMAN MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 - CHAIRMAN MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 18 - CHAIRMAN MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL AD HOC COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 19 – MR. KENNEDY presented the following report, moved to separate item No. 2, and moved to approve the balance of the report. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

JANUARY 11, 2007

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 15M-12 (2006)
NFTA: Audited Financial Statement for FY Ended 3/31/06
(4-0)
 - b. COMM. 18M-4 (2006)
BUFFALO PLACE: 2007 Budget
(4-0)
 - c. COMM. 20E-25 (2006)
COUNTY EXECUTIVE: LL 2-2006 - "The Erie County Workforce Development and Diversification New York Certified Worker Training Program"
(4-0)
 - d. COMM. 1M-11 (2007)
NFTA: Annual Operating Budget for FY Ending 3/31/08
(4-0)

2. COMM. 1E-14 (2007)
COUNTY EXECUTIVE

WHEREAS, it is advantageous for Erie County to plow snow on its roadways using one person in the snowplow utilizing the main plow, side wing and salter instead of two people herein referred to as OPP (One-Person Plowing), and

WHEREAS, when the budget cuts of 2005 were made, they were made with the anticipation of OPP being approved thus cutting staff greatly in the Division of Highways, and

WHEREAS, the Collective Bargaining Agreement states that negotiations between AFSCME Local 1095 (Union) and Erie County would continue with regards to OPP before final resolution can be made, and

WHEREAS, negotiations between the Union and Erie County have continued and a tentative agreement has been reached that has been ratified by the Union's rank and file, and

WHEREAS, In anticipation of OPP being approved, \$75,000 was placed in the 2006 O&M budget for the Division of Highways as well as \$110,000 in the 2007 O&M Budget for the Division of Highways in SAP Account Number 500350, and

WHEREAS, the Department of Public Works wishes to have this agreement accepted and fully implemented for the 2006 – 2007 snow season.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes acceptance of the attached OPP Memorandum of Understanding including:

- Training of operators utilizing County personnel as trainers who will be trained in a manner similar to NYSDOT trainers;
- Identification of routes that are attached to the proposed Memorandum of Understanding that were found to be acceptable to both the Union and Erie County personnel;
- Safety issues will be adhered to as defined in the Memorandum of Agreement;
- Only current employees of the Erie County Department of Public Works, Division of Highways (as of October 1, 2006) will be eligible for any pay differential. Any employees employed or assigned to the Division of Highways after that date will not be entitled to the pay differential except those that are on a current eligible recall list. Pay differential will become effective the pay period starting after November 15, 2006 (November 25, 2006).
- A pay differential of two dollars (\$2.00) per hour for straight time hours worked and three dollars (\$3.00) for overtime will be paid to OPP drivers (regardless of their title) for only those hours that the drivers are operating in OPP mode. Funds will be spent from SAP Account Number 500350 and are estimated at approximately \$28,800 for 2006 and \$65,500 for 2007;
- Permanent Laborers not holding a temporary title of Motor Equipment Operator shall receive a lump sum payment at the end of the winter season equivalent to an additional one-dollar per hour for all straight time hours during the Winter Season, which is defined as the pay period starting after November 15, and ending the pay period prior to March 15. The additional stipend will only be paid on straight hours worked and will not be paid on overtime hours, vacation hours, sick hours or any other type of paid leave hours. Funds will be spent from SAP Account Number 500350 and are estimated at approximately \$2,700 for 2006 and \$8,100 for 2007. Only Permanent Laborers employed by the Division of Highways as of October 1, 2006 will be eligible for the additional payment. Any Laborers assigned or employed by the Division of Highways after October 1, 2006 will not be eligible for the additional payment except those that are on a current eligible recall list;
- The overtime wheel will not be changed for OPP and will remain intact regardless of the routes that need to be plowed. During regular shift work, OPP routes will be assigned based on seniority.
- Any employee who held the position of permanent Motor Equipment Operator at the time of March 2005 layoffs, and is presently employed as a Laborer within the division of the Erie County Highway Department shall be immediately reinstated to Permanent Motor

Equipment Operator at the employee's option. Employee's exercising this option will be permanently assigned to facilities as deemed necessary by the County based on seniority. Currently, the list of eligible employees and their position numbers (in parenthesis) include:

- Michael Morehouse (00006469)
 - Darren Vanderwalker (00009124)
 - Christopher Thompson (00005190)
 - M. Abdul-Latif (00003298)
 - Paul Perla (00004921)
 - John Hagerty (00002813)
 - Michael Rizzo (00004229)
 - Daniel Muscato (00004845)
- Therefore, 8 MEO positions are authorized to be created and the above 8 Laborer positions are authorized for deletion if the new title is accepted by the employee. The difference in pay is estimated not to exceed \$36,000 for 2007. For 2007, \$31,000 is authorized to be moved from SAP Account Number 500350 to SAP Account Number 500000 and \$5,000 is authorized to be moved from SAP Account Number 500350 to SAP Account Number 501000;
 - The total number of MEO and Laborer positions contained in the approved 2006 Operations and Maintenance Budget for the Division of Highways will be maintained throughout the 2006 calendar year and all vacancies of MEO and Laborers will be discussed with the Budget Office for approval to be filled within approximately one month of the earliest possible refill date during the Winter Season (see above for dates). In addition, every effort will be made to maintain adequate staffing levels in the 2007 and 2008 Operations and Maintenance Budgets for the Division of Highways. The County shall make every effort to inform the Union of proposed position changes once the 2007 and 2008 O&M Budget is established and approved by the Erie County Legislature.
 - Any grievances filed prior to execution of this agreement dealing with winter overtime issues or OPP will be rescinded by the Union.
 - In that the Terms and Conditions of Employment for existing affected Employees in the Highway Department have been changed to One-Person Plowing (OPP), the compensation agreed upon is only for those Employees who are presently employed and is not intended for newly hired Employees. Therefore, this issue is Non-Grievable

and further be it

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller, one copy to the Commissioner of Personnel.
(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved to approve Item No. 2. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 20 - MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

JANUARY 11, 2006

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-7 (2006)
COMPTROLLER: Parks, Recreation & Forestry - Review of Driving Range/Golf Practice Facility RFP
(4-0)
 - b. COMM. 15E-18 (2006)
MARINELLI: Energy & Environment Matrix Initiatives
(4-0)
 - c. COMM. 25E-19 (2006)
COUNTY EXECUTIVE: ECSTSTA - Engineering Service Agreement - Dated 4/20/00 - Change Order No. 6 - CRA Infrastructure & Engineering, Inc.
(4-0)
 - d. COMM. 25E-22 (2006)
COUNTY EXECUTIVE: ECSSTA - Disinfection Improvements - Contract No. 6STA - Change Order No. 6
(4-0)
 - e. COMM. 1E-12 (2007)
COUNTY EXECUTIVE: ECSSTA - Siemens Building Technologies, Inc. - Energy Performance Contract - Change Order No. 5
(4-0)
 - f. COMM. 1E-15 (2007)
COUNTY EXECUTIVE: ECSSTA - Engineer Term Agreement - Work Order: GPI-10
(4-0)
2. COMM. 22E-27 (2006)
COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2007 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2007 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

| | |
|-------------------|----------------------|
| Sewer District #1 | \$ 453,349.98 |
| Sewer District #2 | \$ 137,373.39 |
| Sewer District #3 | \$ 722,679.94 |
| Sewer District #4 | \$ 524,831.13 |
| Sewer District #5 | \$ 271,399.40 |
| Sewer District #6 | \$1,153,470.61 |
| Sewer District #8 | <u>\$ 602,540.25</u> |
| | \$3,865,644.70 |

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(4-0)

3. COMM. 25E-7 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical support to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County \$500,000 over a three year period to establish the Western New York Stormwater Pollution Prevention Implementation Project; and

WHEREAS, it is necessary to hire an Intern – Environment/Planning (JG-1) (B-100 #2514) to assist with the public education component of the Western New York Stormwater Coalition's stormwater management program.

NOW, THEREFORE BE IT

RESOLVED, that the following position be created in the grant budget:

Add: Part Time (PT) Intern – Environment/Planning, JG-1
Budgeted Salary: \$5,000
SAP Project Number: A00251
WBS Number: A00251.1

And be it further

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

(4-0)

4. COMM. 25E-9 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical support to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County \$328,000 to establish the Western New York Stormwater Coalition Local Ordinance Project; and

WHEREAS, the \$315,000 local cash match is provided by the Western New York Stormwater Coalition; and

WHEREAS, the Erie County Legislature passed a resolution (COMM.10E-14) on June 22, 2006 authorizing the County Executive to enter into agreements with both the New York State Department of Environmental Conservation and the Western New York Stormwater Coalition to accept \$643,000 in grant funding and create a grant budget for these resources; and

WHEREAS, it is necessary to hire an attorney to assist the member municipalities of the Western New York Stormwater Coalition with implementation of their stormwater ordinances; and

WHEREAS, it is necessary to hire a Junior Environmentalist (JG-7) to assist with administration of the project.

NOW, THEREFORE BE IT

RESOLVED, that the following positions are created in their respective grant budgets

Add: Assistant County Attorney (JG-13)
Budgeted Salary: \$47,293
(B-100 #2531)

Junior Environmentalist, JG-7
Budgeted Salary: \$30,587
(B-100 #2532);

and be it further

RESOLVED, that the grant budgets for the Western New York Stormwater Coalition Local Ordinance Project will be revised as follows:

APPROPRIATIONS:

Department of Environment and Planning

| <u>Account</u> | <u>Description</u> | <u>Current Budget</u> | <u>Revisions</u> | <u>Revised Budget</u> |
|----------------|---|---------------------------|------------------|---------------------------|
| 500000 | Salaries | 0 | 133,000 | 133,000 |
| 502000 | Fringe Benefits | 0 | 56,500 | 56,500 |
| 505000 | Office Supplies | 5,000 | 0 | 5,000 |
| 510000 | Local Travel and Mileage | 1,500 | 0 | 1,500 |
| 530000 | Other Expenses | 2,000 | 0 | 2,000 |
| 561410 | Lab and Technical Equipment | 69,500 | (64,500) | 5,000 |
| 516020 | Contractual Services | 315,000 | 0 | 315,000 |
| 916200 | ID Dept. Environment and Planning Services | 125,000 | (125,000) | 0 |
| 916009 | ID Department of Law Services - Grant | <u>125,000</u> | <u>0</u> | <u>125,000</u> |
| | TOTAL APPROPRIATIONS | \$ | \$0 | \$ 643,000 |
| | | 643,000 | | |

Department of Law

| <u>Account</u> | <u>Description</u> | <u>Current Budget</u> | <u>Revisions</u> | <u>Revised Budget</u> |
|----------------|--|---------------------------|------------------|---------------------------|
| 500000 | Salaries | 0 | 88,000 | 88,000 |
| 502000 | Fringe Benefits | 0 | 37,000 | 37,000 |
| 916009 | ID Department of Law Services - Grant | <u>0</u> | <u>(125,000)</u> | <u>(125,000)</u> |
| | TOTAL APPROPRIATIONS | \$ 0 | \$ 0 | \$ 0 |

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

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

(4-0)

5. COMM. 25E-15 (2006)
COUNTY EXECUTIVE

WHEREAS, substantial costs are incurred by residents and municipalities associated with municipal solid waste disposal; and

WHEREAS, a significant portion of municipal solid waste generated by residents of Erie County is yard waste which could be diverted to a regional compost facility; and

WHEREAS, several municipalities have declared an interest in participating in utilizing a regional compost facility if it was economically and logistically feasible; and

WHEREAS, a feasibility study was conducted and expenses were incurred for the development of the study; and

WHEREAS, Erie County is eligible for reimbursement in the amount of \$48,350 for the State share of costs associated with the feasibility study, SAP Project #A.00255 ('03 Correctional Facility Compost); and

WHEREAS, it is necessary that a contract by and between the New York State Department of Environmental Conservation and Erie County be executed for such State aid.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is directed and authorized to enter into a contract with the New York State Department of Environmental Conservation for the Municipal Waste Reduction and Recycling Program; and be it further

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

(4-0)

6. COMM. 25E-16 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie, is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, the former Bethlehem Steel site in Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this under utilized site; and

WHEREAS, the County of Erie, City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, South Buffalo Railway,

and Tecumseh Redevelopment Incorporated have and continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in railroad development and with utilizing NYS Multi-Modal funds for this type of work; and

WHEREAS, the County of Erie has under contract with the New York State Department of Transportation, through the Multi-Modal II Program, \$2 million to be utilized specifically for rail related work on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, Lackawanna Community Development Corporation, City of Lackawanna, South Buffalo Railway, New York State Department of Transportation and other state and federal agencies, and consultants in amounts not to exceed a total of \$50,000, for the purpose of property surveys and engineering design and construction related to railroad work on the former Bethlehem Steel site; and be it further

RESOLVED, that the source of these funds shall be \$50,000 available in the New York State Multi-Modal II Program, PIN ME2028.30A, Contract DO21051; 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, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0)

7. COMM. 25E-20 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individual to the New York State Region 9 Fish and Wildlife Management Board for the term indicated:

REAPPOINTMENT

James H. Agle
7915 Gowanda State Road
Eden, New York 14057

TERM EXPIRES

December 31, 2007

(4-0)

8. COMM. 25E-21 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Donald Gallo Consultant Engineer, P.C. and Greenman-Pedersen, Inc. by Agreement dated January 1, 2005 to

provide construction inspection services on various construction projects throughout the County Sewer Districts and the Southtowns Treatment Agency service area; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management, has completed the design of a number of new system improvements throughout the County Sewer Districts and is in need of inspectors to supplement its staff during the construction of these facilities; and

WHEREAS, the Department of Environment and Planning is recommending extending the term of the agreement to the Donald Gallo Consultant Engineer, P.C. and Greenman-Pederson, Inc. Agreement dated January 1, 2005 to December 31, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that Engineering Agreement with Donald Gallo Consultant Engineer, P.C. and Greenman-Pedersen, Inc. Agreement dated January 1, 2005 be approved extending the term agreement, and be it further

RESOLVED, that the Deputy Commissioner of the Division of Sewerage Management is hereby directed to execute a no cost time extension with the firm of Donald Gallo, Consulting Engineer, P.C., 589 Delaware Avenue, Buffalo, New York 14202, and Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 165, Buffalo, New York 14225 to provide the needed engineering services; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Gregory Dudek, Assistant County Attorney.

(4-0)

9. COMM. 25E-26 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie supports the potential for wind generated electrical power along the Lake Erie Shoreline and has worked with various public and private partners to access resources from the New York State Energy Research and Development Authority (NYSERDA) to assess this potential and promote development; and

WHEREAS, the County of Erie in partnership with BQ Energy, LLC, has been successful in securing two grants from NYSERDA to assess the existing wind resource off the Erie County Shoreline and to support the development of wind power facilities in Lackawanna at the former Bethlehem Steel site now referred to as the Steel Winds project, and

WHEREAS, NYSERDA has identified Erie County as a subcontractor to BQ Energy in their grant agreements for both projects and designated a total of \$30,000 (\$15,000 from each grant) to compensate Erie County for its role as designated in the project work plan; and

WHEREAS, it is necessary for Erie County to enter into an agreement with BQ Energy, LLC, to access the grant resources available from NYSERDA in order to implement the Project.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with BQ Energy, LLC, for an amount not to exceed \$30,000 to provide services as indicated in BQ Energy's grant agreement with NYSERDA, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the County Comptroller.

(4-0)

10. COMM. 1E-10 (2007)

COUNTY EXECUTIVE

WHEREAS, the Town of Hamburg has become part of Erie County Sewer District No. 3 (ECSO No. 3); and

WHEREAS, ECSO No. 3 is desirous of having a joint construction project with the Town of Hamburg to rebuild part of the Labelle Avenue sanitary sewers when the Town reconstructs the storm culvert under the road in 2007; and

WHEREAS, the Town of Hamburg will now be rebuilding a storm culvert under Labelle Avenue; and

WHEREAS, Erie County Sewer District No. 3 desires to replace the sanitary sewers under a culvert in Laballe Avenue; and

WHEREAS, the cost to replace the sanitary sewers under said culvert along Labelle Avenue is \$6,500.00.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Hamburg for the rebuilding of the Labelle Avenue sanitary sewers together with the Town's reconstruction of the culvert under the road is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an intermunicipal agreement with the Town of Hamburg 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 Comptroller be authorized and directed to reimburse the Town of Hamburg in an amount not to exceed \$6,500 from ECSO No. 3 Capital Account C.00039 for the replacement of the Labelle Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning; and one certified copy each to Joel A. Giambra, County Executive; Mark C. Polancarz, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; James M. Hartman, Director of Budget, Management and Finance; and Steven Walters, Town Supervisor, Town of Hamburg.

(4-0)

11. COMM. 1E-17 (2007)

COUNTY EXECUTIVE

WHEREAS, the Wanakah Sewer District has requested the County to provide sanitary sewer system operations and maintenance services; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management will have an opportunity to evaluate the condition of the Wanakah Sewer District collection system during the operations and maintenance period and recommends that the County enter into an Agreement accordingly.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Wanakah Sewer District Board of Commissioners for an intermunicipal agreement to operate and maintain the Wanakah Sewer District collection system and; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to provide operation and maintenance services to the Wanakah Sewer District by Erie County/Erie County Sewer District No. 3 subject to approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; Gregory J. Dudek, Assistant County Attorney; and the County Director of Budget, Management and Finance.

(4-0)

12. COMM. 1E-18 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract 22 PS-A to Donald J. Braasch Construction, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, 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, Division of Sewerage Management has recommended the final acceptance of Contract 22 PS-A in the amount of

\$967,030.29 which includes Change Order No. 1 (final), a decrease of (\$24,169.71) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 22 PS-A between the County of Erie and Donald J. Braasch Construction, Inc., 1661 Lakeview Road, Lakeview, New York 14085, be accepted in the amount of \$967,030.29 which includes Change Order No. 1 (final), a decrease of (\$24,169.71); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 22 PS-A in Capital Project C.00032, between the County of Erie and Donald J. Braasch Construction, Inc. in the amount of \$967,030.29 and make final payment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, 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.
(4-0)

13. COMM. 1E-19 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Greenman Pedersen, Inc. (formerly Pratt and Huth Associates), to provide engineering services, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services associated with the agreement are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Greenman Pedersen, Inc. (formerly Pratt and Huth Associates) dated February 3, 2000 at the final contract amount of \$308,711.44.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated February 3, 2000 between the County of Erie/Erie County Sewer District No. 1 and Greenman Pedersen, Inc. (formerly Pratt and Huth Associates) be formally closed-out in the final contract amount of \$308,711.44, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement in Erie County Sewer District No. 1 Capital Project C.00032 and cancel all remaining balances between the County of Erie/Erie County Sewer District No. 1 and Greenman Pedersen, Inc. (formerly Pratt and Huth Associates) related to the agreement, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, 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.

(4-0)

14. COMM. 1E-20 (2007)

COUNTY EXECUTIVE

WHEREAS, the Woodlawn Sewer District has requested the County to provide sanitary sewer system operations and maintenance services; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management will have an opportunity to evaluate the condition of the Woodlawn Sewer District collection system during the operations and maintenance period and recommends that the County enter into an Agreement accordingly.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Woodlawn Sewer District Board of Commissioners for an intermunicipal agreement to operate and maintain the Woodlawn Sewer District collection system and; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to provide operation and maintenance services to the Woodlawn Sewer District by Erie County/Erie County Sewer District No. 3 subject to approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; Gregory J. Dudek, Assistant County Attorney; and the County Director of Budget, Management and Finance.

(4-0)

15. COMM. 1E-21 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-A, General, to Summit Construction Group, Inc. for the disinfection improvements at the Lackawanna and Southtowns Sewage Treatment Plants; 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. 6ST-A, General, in the final contract amount of \$2,011,655.07 which includes Change Order No. 7 (final), a decrease of \$4,703.31 in the Southtowns Bond Account C.00038 and a decrease of \$3,838.84 in the Erie County Sewer District No. 6 Bond Account C.00037 for a net decrease of \$8,542.15, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-A, General, between the County of Erie and Summit Construction Group, Inc., 6 Lancaster Parkway, Lancaster, NY 14086 is accepted in the amount of \$2,011,655.07, which includes Change Order No. 7 (final), a decrease of \$4,703.31 in the Southtowns Bond Account C.00038 and a decrease of \$3,838.84 in the Erie County Sewer District No. 6 Bond Account C.00037 for a net decrease of \$8,542.15, 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. 6ST-A, General, between the County of Erie and Summit Construction Group, Inc. in the amount of \$2,011,655.07 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 Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and James Hartman, Director of Budget and Management.

(4-0)

16. COMM. 1E-22 (2007)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, Erie County has successfully conducted a model Indoor Air Quality (IAQ) Program since 1988; and

WHEREAS, representatives from regional Native American population centers have expressed interest in developing a program to minimize risks associated with toxic air pollutants and to utilize Erie County's expertise in indoor air quality, commercial environmental assistance, and the collection of household hazardous waste; and

WHEREAS, the USEPA has awarded the Erie County Department of Environment and Planning (ECDEP) a grant in the amount of \$67,122 to establish a two-year program to implement a multifaceted risk reduction effort for indoor and outdoor air pollutants; and

WHEREAS, the current budget was established by resolution dated October 12, 2006 (Comm. 17E-23); and

WHEREAS, the USEPA has awarded an additional \$15,000 in grant funding for the Project, contingent upon execution of an Assistance Amendment; and

WHEREAS, a budget revision is necessary to effectively utilize the supplemental Project funding.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to execute the USEPA Assistance Amendment; and be it further

RESOLVED, that the Erie County Department of Environment and Planning is hereby authorized to make the necessary changes to the Erie County Tribal Community Reducing Toxic Air Pollutants Project budget to effectively utilize the grant funding, and be it further

RESOLVED, that the existing budget will be revised as follows:

APPROPRIATIONS:

| <u>Account</u> | <u>Description</u> | <u>Current Budget</u> | <u>Revisions</u> | <u>Revised Budget</u> |
|----------------|---|---------------------------|------------------|---------------------------|
| 916200 | ID Environment and Planning Services | \$53,172 | \$7,500 | \$60,672 |
| 505000 | Office Supplies | 0 | 0 | 0 |
| 510000 | Local Mileage | 1,000 | 0 | 1,000 |
| 516020 | Professional Service Contract & Fees | 12,950 | 7,500 | 20,450 |
| | TOTAL APPROPRIATIONS: | \$67,122 | \$15,000 | \$82,122 |

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

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

(4-0)

**THOMAS A. LOUGHRAN
CHAIRMAN**

LEGISLATOR RESOLUTIONS

Item 21 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Fair Reimbursement for Housing State Prisoners in the Erie County Jail (INTRO 2-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, KOZUB**

WHEREAS, in 2007 Erie County allocated over \$56 million to operate the Erie County Jail and Holding Center; and

WHEREAS, Erie County continues to struggle with the continual escalation of costs associated with its jail; and

WHEREAS, one reason for the escalation of costs is a direct result of New York State policies which unfairly shift the cost of housing "State Ready" inmates and Parole Violators to local counties; and

WHEREAS, a "State Ready" prisoner is an individual who has been convicted of a state crime and has been sentenced to a term in a State Prison and a Parole Violator is an individual who has violated a condition of their parole and is being held in a County Jail awaiting a Parole violation hearing; and

WHEREAS, New York State mandates that Erie County hold "State Ready" prisoners and Parole Violators in Erie County Facilities but fails to reimburse Erie County for the actual cost of holding these; and

WHEREAS, it costs Erie County \$115 per day to hold "State Ready" prisoners and Parole Violators but the State only reimburses the County \$42 per day. Thus, it costs the County \$73 per day to hold these State Prisoners; and

WHEREAS, while the numbers vary week to week, Erie County holds an average of 100 State prisoners a week in Erie County jails. For example:

During the week of January 1, 2007 there were 16 "State Ready" prisoners and 87 parole violators in Erie County jails for a total of 103 State prisoners. It cost Erie County \$82,915 to hold these prisoners but the State only reimbursed Erie County \$30,283. Thus, Erie County taxpayers paid \$52,633 to hold 103 State prisoners during the week of January 1, 2007; and

WHEREAS, on a yearly basis, it costs Erie County approximately \$2.7 million to house State prisoners in the Erie County Jail; and

WHEREAS, New York State Governor Elliott Spitzer has a stated policy goal of reducing the amount of property taxes paid by New York taxpayers; and

WHEREAS, the Erie County Legislature encourages Governor Spitzer to reimburse Erie County and all counties in New York the actual cost of housing state prisoners as a way of reducing the property tax burden.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the State of New York to lift the burden that unfunded mandates places on the taxpayers of Erie County; and be it further

RESOLVED, that the Erie County Legislature calls upon the State of New York to fully reimburse Erie County for the actual cost it incurs to hold State Prisoners in the County Jail; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Governor of the State of New York, the State Legislative Delegation, the Erie County Sheriff, the New York State Department of Criminal Justice Services, County Executive, Budget Director, and the Comptroller.

MS. WHYTE moved to amend the resolution by including Et Al sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 22 - CHAIRMAN MARINELLI directed the following resolution be sent to the PERSONNEL AD HOC COMMITTEE

GRANTED.

INTRO 2-2 from LEGISLATOR MARINELLI Re: Legislature Personnel Re-Engineering & Adjustments

Item 23 – MR. KENNEDY presented the following resolution and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

RE: Calling for NYS to Strengthen Laws and Increase Penalties Against Child Predators (INTRO 2-3)

**A RESOLUTION SUBMITTED BY
LEGISLATOR KENNEDY**

MR. KENNEDY moved to amend the item by adding the following resolution and including Et Al sponsorship. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

WHEREAS, since the mid-1990's, The United States of America has led international efforts to bring attention to sex offenses committed against children, which included the passage of the Sex Crimes Against Children Prevention Act of 1995; and

WHEREAS, throughout the years, New York State and municipalities contained within have enacted policies and laws that assist in preventing and deterring crimes against children under the age of 18; and

WHEREAS, New York State has passed laws to penalize sex offenders, enhance the ability of law enforcement to monitor convicted sex offenders, and further educate the public on protecting their children; and

WHEREAS, even under the most stringent of environments, child predators are driven to commit crimes against minors, by any means available to them, often with little or no regard for the consequences their actions create both for them and their victims; and

WHEREAS, the means by which these child predators often perpetrate these crimes against minors involves computers, computer devices, the Internet and other networks, which grant a distinct anonymity to the offender toward the victim; and

WHEREAS, it is necessary for government to continue its role in protecting children, the most vulnerable population, through the passage of strong legislation that will enhance law enforcement's ability to investigate and prosecute crimes against such population as well as increase the penalties against the convicted offenders; and

WHEREAS, New York State is currently considering legislation as proposed in 2006 in the Assembly (A 12114) by Mark Schroeder, D-Buffalo, with similar legislation proposed in the Senate (S 4124) by Michael Balboni, R-East Williston, that creates a new offense of "a computer sex crime against a child," and increases penalties for such offenses; and

WHEREAS, a Program Bill sponsored by then-Attorney General Eliot Spitzer establishes the criteria set forth in the aforementioned legislation currently being considered by the New York State Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports all levels of government continuing diligent efforts toward preventing child sexual predators from carrying out their crimes against children under the age of 18, and be it further

RESOLVED, that the Erie County Legislature does hereby go on record in full support of the proposed New York State legislation strengthening the law and increasing penalties to those who perpetrate a computer sex crime against a child, and be it further

RESOLVED, that the Clerk of the Legislature is instructed to send certified copies of this resolution to Governor Eliot Spitzer, Attorney General Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the New York State Legislature in its entirety, and all municipalities in Erie County.

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

CARRIED UNANIMOUSLY.

Item 24 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Deliberations Between ECMCC and
Kaleida (INTRO 2-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOCKLEAR, MARINELLI, MILLS,
RANZENHOFER, KONST, MAZUR, IANNELLO, AND LOUGHRAN**

WHEREAS, The Erie County Medical Center Corporation (“ECMCC”), is a public benefit corporation organized and existing under the laws of New York State, and as such is an autonomous and independent entity distinct from the County of Erie, however; ECMCC remains a highly subsidized beneficiary of the Erie County treasury; and

WHEREAS, the structure, extent and nature of Erie County’s financial obligations to ECMCC are generally defined under the enabling legislation which created ECMCC (NYSPAL Section Article 10-C) and more specifically pursuant to a stipulated order and consent decree (the “Decree”) which was entered into by ECMCC and the County of Erie on or about January 5, 2006; and

WHEREAS, ECMCC has outlined and summarized the expected and future financial obligations of Erie County as amended by and defined by the Decree, which outline is attached hereto as Attachment “A”; and

WHEREAS, on or about November 28, 2006, the New York State Commission on Health Care Facilities in the 21st Century (the “Commission”) has issued its final report which includes the finding that within one year “the facilities controlled by [ECMCC] and Kaleida Health should be joined under a single unified governance structure under the control of an entity other than [ECMCC], Kaleida Health or any public benefit corporation. The new entity should have a singly unified board with powers sufficient to consolidate services into centers of excellence;” and

WHEREAS, the principals of ECMCC and Kaleida Health are working together and undertaking discussions and analysis to accomplish compliance with the Commission’s directive; and

WHEREAS, compliance with the Commission’s directive, will necessarily have substantial legal, economic, financial and social implications for Erie County and for its residents.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby call upon the CEOs of ECMCC and Kaleida Health to periodically address this honorable body and provide ongoing reports and information with regard to their findings and the status and development of their plan to accomplish compliance with the Commission’s directive; and be it further

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

MS. WHYTE moved to amend the resolution. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

DELETE the original resolution in its entirety and replace with the following:

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOCKLEAR, MARINELLI, WHYTE, MILLS,
RANZENHOFER, KONST, MAZUR, AND LOUGHRAN**

WHEREAS, The Erie County Medical Center Corporation (“ECMCC”), is a public benefit corporation organized and existing under the laws of New York State, and as such is an autonomous and independent entity distinct from the County of Erie; however, ECMCC remains a highly subsidized beneficiary of the Erie County treasury; and

WHEREAS, the structure, extent and nature of Erie County’s financial obligations to ECMCC are generally defined under the enabling legislation which created ECMCC (NYSPAL Section Article 10-C) and more specifically pursuant to a stipulated order and consent decree (the “Decree”) which was entered into by ECMCC and the County of Erie on or about January 5, 2006; and

WHEREAS, ECMCC has outlined and summarized the expected and future financial obligations of Erie County as amended by and defined by the Decree, which outline is attached hereto as Attachment “A”; and

WHEREAS, on or about November 28, 2006, the New York State Commission on Health Care Facilities in the 21st Century (the “Commission”) has issued its final report which includes the finding that within one year “the facilities controlled by [ECMCC] and Kaleida Health should be joined under a single unified governance structure under the control of an entity other than [ECMCC], Kaleida Health or any public benefit corporation. The new entity should have a singly unified board with powers sufficient to consolidate services into centers of excellence;” and

WHEREAS, the principals of ECMCC and Kaleida Health are working together and undertaking discussions and analysis to accomplish compliance with the Commission’s directive; and

WHEREAS, compliance with the Commission’s directive, will necessarily have substantial legal, economic, financial and social implications for Erie County and for its residents.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby call upon the CEOs of ECMCC and Kaleida Health to periodically address this honorable body and provide ongoing reports and information with regard to their findings and the status and development of their plan to accomplish compliance with the Commission’s directive; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

RE: Obtaining State-Pledged Monies for Erie County's Fiscal Stability (INTRO 2-5)

**A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI, KOZUB, KENNEDY, HOLT,
MAZUR, LOCKLEAR, IANNELLO, REYNOLDS, AND LOUGHRAN**

WHEREAS, As part of the State's 2006-07 budget, the State Legislature appropriated \$18 million to the Erie County Fiscal Stability Authority to encourage cost saving initiatives by the Erie County government; and

WHEREAS, The appropriation language specifically says that "at least fifty percent of the amount appropriated shall be held by the Authority to match recurring savings achieved by the County through implementation of such initiatives"; and

WHEREAS, In Erie County's four-year plan submission, \$9.1 million of savings was achieved in fiscal year 2006 that are budgeted to recur in 2007, including:

| | |
|--|-------------|
| Reduction of Residential Treatment Facility Expenditures | \$1,997,859 |
| Reduction of Personnel Services through Vacancy Control | \$2,300,000 |
| Reduction in Library Expenditures | \$3,351,801 |
| Personnel Savings in Highways Division | \$1,025,964 |
| Personnel Reduction in County Executive's Office | \$ 213,667 |
| Change to Managerial Health Care Benefits | \$ 215,000 |

Thus, \$9 million of Efficiency Grant monies have been requested by the administration's four-year plan to be reserved in an account to provide against unexpected negative events in the 2007 fiscal year. Moreover, it is expected that these funds would go at the end of the fiscal year to restoration of the county's reserve fund balance; and

WHEREAS, Rebuilding the reserve fund balance is an important strategic priority for the county, evidenced as well by the recent voter-approved charter changes, and to further enhance the county's credit rating from Wall Street. Also, the proposed use of the \$9 million for this purpose is consistent with the fifty percent matching concept provided by the State Legislature; and

WHEREAS, With regards to other Efficiency Grant proposals, the County needs clear guidelines and timetables from the Fiscal Stability Authority with regards to how these monies can be obtained and utilized to implement cost-saving ideas. The Authority to date has approved only \$400,000 of over \$4 million of grant requests from the County.

NOW, THEREFORE, BE IT

RESOLVED, The Legislature supports the proposed use of \$9 million of the Efficiency Grant monies to build the County's reserve fund balances and in 2007 towards road and CHIPS funding and requests the Fiscal Stability Authority to act favorably upon this proposal; and be it further

RESOLVED, The Legislature supports the administration's request for funds to be applied to the charter approved changes with performance based budgeting; and be it further

RESOLVED, The Legislature calls upon the Fiscal Stability Authority to act expeditiously upon proposals from the County for use of other Efficiency Grant monies which enhances the county's credit rating, keeps re-engineering efforts moving forward and stabilizes the finances; and be it further

RESOLVED, The Legislature shares its request as expressed in this resolution and directs the Clerk to send certified copies to member of the Erie County Fiscal Stability Authority, Governor, State Comptroller, Assembly Ways & Means Committee Chair, Senate Finance Chair, County Executive, County Budget Director, County Attorney, Comptroller, and members of the Western New York State legislative delegation.

MS. WHYTE moved to amend the resolution. MS. KONST seconded. MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED (12 - 1).

DELETE the first resolve clause and replace with the following:

RESOLVED, the Legislature supports the proposed use of \$9 million of efficiency grant monies to build the County's reserve fund balances and in 2007 towards road and CHIPS funding and requests the Fiscal Stability Authority to act favorably upon this proposal; and be it further

MS. WHYTE moved to approve the resolution as amended. MR. KENNEDY seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED (10 - 3).

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: Support for NYSAC Report (INTRO 2-6)

**A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI, MILLS,
KOZUB, HOLT, RANZENHOFER, KONST, MAZUR, LOCKLEAR,
IANNELLO, REYNOLDS, AND LOUGHRAN**

WHEREAS, the New York State Association of Counties issued “The Road to Property Tax Relief runs through our Counties: A Partnership for Change”, with several worthy recommendations for New York State action to positively impact the relationship with and fiscal impacts on county governments; and

WHEREAS, this report can be accessed on-line at www.nysac.org; and

WHEREAS, notable of the seven recommendations that would assist Erie County and its continuing quest for fiscal stability include:

1. Continue Medicaid Reform
2. Reform State policy for housing state prisoners in local jails
3. Cap Pre-school Education and Early Intervention programs; and

WHEREAS, among the proposals for strengthening the state-county partnership is the call for the Governor to create a new intergovernmental cabinet post for better partnering and state-county relations, particularly since the Governor’s State of the State message (pages 11 & 12) references *Revitalizing Distressed Cities, Towns and Neighborhoods*, and should recognize the vital role of county governments in delivering services to the communities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record to support these recommendations; and be it further

RESOLVED, that the Erie County Legislature requests the Erie County Fiscal Stability Authority – a state created and state appointed entity overlaid on a government that is largely state mandated – to review this report and submit comments back to the Erie County Legislature and its appointing bodies, namely, the Governor, the Assembly, the Senate and the State Comptroller; and be it further

RESOLVED, that certified copies be transmitted to the Governor, NYS Assembly Speaker, Senate Majority Leader, WNY legislative delegation, NYSAC chair and director, County Executive, Budget Director, Erie County Fiscal Stability Authority members.

MS. WHYTE moved to amend the resolution. MS. KONST seconded. MR. WEINSTEIN voted in the negative.

CARRIED (12 – 1).

DELETE the third enumerated sentence in the third Whereas clause.

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

CARRIED UNANIMOUSLY.

Item 27 – MS. WHYTE presented the following resolution and moved for immediate consideration. No second was properly made. The item was left on the table.

INTRO 2-7 from LEGISLATORS MARINELLI, MILLS, KOZUB, KENNEDY, RANZENHOFER, KONST, MAZUR, LOCKLEAR, IANNELLO, REYNOLDS and LOUGHRAN.
Re: Calling Upon NYS to Create a Constitutional Convention

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 28 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 25E-2. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

RE: Erie County Sheriff's Office
WNY Law Enforcement Task Force &
Services for Human Trafficking Victims
Grant (COMM. 25E-2)

WHEREAS, the United States Department of Justice has awarded \$450,000 to The Erie County Sheriff's Office to participate in a joint project with the U. S. Attorney's Office, Western District of New York, to form the WNY Task Force on Human Trafficking, and

WHEREAS, these funds will be used to create one (1) Deputy Sheriff Officer, Pay Grade 8 to act as the program manager of this three year grant, and

WHEREAS, these funds will allow the Sheriff's Office to promote a training program for law enforcement officers throughout the entire Western New York area to increase their ability to identify and assist victims of human trafficking.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the United States Department of Justice and is authorized to accept funding in the amount of \$450,000 and be it further

RESOLVED, that the Sheriff's Office is authorized to create one (1) Deputy Sheriff Officer, Pay Grade 8 in the grant fund, and be it further

RESOLVED, that authorization is hereby provided to budget those funds for the first year of the grant as follows:

SHERIFF'S OFFICE - GRANT FUND
Law Enforcement Task Forces and Services for Human Trafficking Victims

| <u>Revenue</u> | <u>Increase</u> |
|---|-------------------|
| Business Area 115 – Sheriff’s Office | |
| Account 414020 – Miscellaneous Federal Aid | <u>\$ 150,000</u> |
| Total Revenue | <u>\$150,000</u> |
| <u>Appropriation</u> | <u>Increase</u> |
| Business Area 115 – Sheriff’s Office | |
| Account 500000 – Personal Services | 53,525 |
| Account 500320 – Uniform Allowance | 750 |
| Account 500340 – Line-Up | 5,000 |
| Account 501000 – Overtime | 10,000 |
| Account 502000 – Fringe Benefits | 28,625 |
| Account 505000 – Office Supplies | 3,000 |
| Account 505200 – Clothing Supplies | 250 |
| Account 510000 – Local Mileage Reimbursement | 3,500 |
| Account 510100 – Out of Area Travel | 5,500 |
| Account 516020 – Professional Services & Fees | 21,500 |
| Account 530000 – Other Expenses | 3,500 |
| Account 561410 – Lab & Technical Equipment | <u>14,850</u> |
| Total Appropriation | <u>\$ 150,000</u> |

and it be further

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

MS. WHYTE moved to approve the item. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. RANZENHOFER moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 20E-18. MR. WEINSTEIN seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN and LOCKLEAR. NOES: IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. (AYES: 4; NOES: 9)

FAILED.

SUSPENSION OF THE RULES

Item 30 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-21 from the COUNTY EXECUTIVE Re: Convention Center and Visitors Bureau 2006 Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 31 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-22 from the COUNTY EXECUTIVE Re: Convention Center and Visitors Bureau and the Film Commission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 32 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-23 from the COUNTY EXECUTIVE Re: Department of Information and Support Services Addition of Laborer

Received and referred to the PERSONNEL COMMITTEE.

Item 33 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-24 from the COUNTY EXECUTIVE Re: Charter Changes, Department of Real Property Tax Services, Office of Public Advocacy

Received and referred to the PERSONNEL COMMITTEE.

Item 34 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 2-8 from KONST, WHYTE, MARINELLI, LOUGHRAN, REYNOLDS, KOZUB, MAZUR, KENNEDY, LOCKLEAR and IANNELLO Re: Review of Ethical Conduct Guidelines

Received and referred to the PERSONNEL COMMITTEE.

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

GRANTED.

INTRO 2-9 from WHYTE and KENNEDY Re: Health Implications and Regulations of Trans Fats

Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR LOUGHRAN

Item 36 – (COMM. 2E-1) Letter from Assemblyman Hoyt: Logging in Erie County

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 37 – (COMM. 2E-2) 2007 Erie County Capital Budget – Intro 1-5 (2007)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 38 – (COMM. 2E-3) Audit and Review of Operations of the Erie County Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 39 – (COMM. 2E-4) Copy of Letter to ECFSA Finance Committee Chair Re: Property Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LOUGHRAN

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: Re-Appointment to Erie County Fisheries
Advisory Board (COMM. 2E-5)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Charles Godfrey to the Erie County Fisheries Advisory Board for a term to expire December 31, 2011.

FROM LEGISLATOR MARINELLI

Item 41 – (COMM. 2E-6) 2007 Committee Assignments

Received, Filed and Printed.

2007 COMMITTEE ASSIGNMENTS

Community Enrichment

Chairperson: Michele M. Iannello
Vice-Chairperson: Robert B. Reynolds, Jr.
Members: Thomas A. Loughran
Michael H. Ranzenhofer
Clerk: Jeremy Rosen

Economic Development

Chairperson: Timothy M. Kennedy
Vice-Chairperson: Kathy Konst
Members: Robert B. Reynolds, Jr.
John J. Mills
Clerk: Geoffrey M. Szymanski

Energy & Environment

Chairperson: Thomas A. Loughran
Vice-Chairperson: Daniel M. Kozub
Members: George A. Holt, Jr.
John J. Mills
Clerk: Paul Tarapacki

Finance & Management

Chairperson: Robert B. Reynolds, Jr.
Vice-Chairperson: Maria R. Whyte
Members: Kathy Konst
John J. Mills
Clerk: John C. Davis

Government Affairs

Chairperson: George A. Holt, Jr.
Vice-Chairperson: Cynthia E. Locklear
Members: Maria R. Whyte
Michael H. Ranzenhofer
Clerk: Geoffrey M. Szymanski

Health

Chairperson: Cynthia A. Locklear
Vice-Chairperson: Thomas J. Mazur
Members: Thomas A. Loughran
Dr. Barry A. Weinstein
Clerk: Paul Henderson

Human Services

Chairperson: Thomas J. Mazur
Vice-Chairperson: Michele M. Iannello
Members: Timothy M. Kennedy
Dr. Barry A. Weinstein
Clerk: Paul Henderson

Personnel Ad Hoc

Chairperson: Kathy Konst
Vice-Chairperson: Maria R. Whyte
Members: Daniel M. Kozub
John J. Mills
Clerk: John Calvin Davis

Public Safety

Chairperson: Daniel M. Kozub
Vice-Chairperson: Timothy M. Kennedy
Members: Michele M. Iannello
John J. Mills
Clerk: Jeremey Rosen

FROM LEGISLATOR MILLS

Item 42 – (COMM. 2E-7) Appointment to the Board of Directors for the Commission on the Status of Women

Received, Filed and Printed.

January 12, 2007

Chairwoman Lynn Marinelli
92 Franklin Street – 4th Floor
Buffalo, New York 14202

Dear Chairwoman Marinelli:

The Minority Caucus of the Erie County Legislature wishes to put forth the name of Mrs. Katherine B. Roach as our nominee to fill our available appointment on the Board of Directors for the Commission on the Status of Women. Mrs. Roach's information is as follows:

Mrs. Katherine B. Roach
9 Argyle Park
Buffalo, New York 14222

Thank you for your consideration on this matter.

Sincerely,

John J. Mills
Minority Leader

FROM LEGISLATOR IANNELLO

Item 43 – (COMM. 2E-8) Copy of Letter to ECFSA Finance Committee Chair Re: Property Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SMITH

Item 44 – (COMM. 2E-9) Letter of Resignation

Received, Filed and Printed.

January 11, 2007

Honorable Lynn M. Marinelli
Chair, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Chair Marinelli:

Please be advised that effective at 11:59 p.m. on January 11, 2007, I am resigning as Erie County Legislator representing the 7th District.

Thank you.

Sincerely,

Demone A. Smith
Legislator-7th District

Cc: Mr. Robert M. Graber
Clerk, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 2E-10) District Attorney’s Office – Salary Change

Received and referred to the PERSONNEL COMMITTEE.

Item 46 – (COMM. 2E-11) Open Item – Sewer District Bond Authorization

Item 47 – (COMM. 2E-12) DEP – No-Cost Budget Revision 2 for the City of Buffalo Recycling Coordinator Grant

Item 48 – (COMM. 2E-13) DEP – No-Cost Budget Revision 2 for the NYSDEC Recycling Program

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

Item 49 – (COMM. 2E-14) 2007 Annual Action Plan for the Community Development Block Grant, Emergency Shelter

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 50 – (COMM. 2E-15) DSS – Full Services Schools Contract Increase

Item 51 – (COMM. 2E-16) Senior Services – Authorization to Amend the CSE, EISEP and SNAP Grant Budgets

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 52 – (COMM. 2E-17) Senior Services – Authorization to Revise the HEAP Budget

Item 53 – (COMM. 2E-18) CPS – Forensic Laboratory 2006-2007 – Paul Coverdell Forensic Laboratory Improvement Act Grant

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

Item 54 – (COMM. 2E-19) Probation & Youth Detention Services – Division of Criminal Juvenile Accountability Block Grant Projects

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 55 – (COMM. 2E-20) Appointments/Reappointments to the Senior Services Advisory Board

Received, Filed and Printed.

January 16, 2007

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: Appointments/Reappointments to the Senior Services Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby appoint/reappoint the following individuals on the Senior Services Advisory Board.

APPOINTMENTS

| <u>Name and Address</u> | <u>Term Expiration</u> |
|--|------------------------|
| Bonnie DeGweek 182 Pine Street East Aurora, New York 14052 | December 31, 2009 |
| Tonnalee Batchelor University at Buffalo 3425 Main Street | December 31, 2009 |

128 Parker Hall, Room 128
Buffalo, New York 14214

Deborah Quinones
2945 Grand Island Boulevard
Grand Island, New York 14072

December 31, 2009

REAPPOINTMENTS

Name and Address

Term Expiration

Eileen Jacobi
7650 Sisson Highway
Eden, New York 14057

December 31, 2009

William Schultz
167 Woodbridge Avenue
Buffalo, New York 14214

December 31, 2009

Percy Smith
83 Detroit Street
Buffalo, New York 14206

December 31, 2009

Jane Stanley
9033 Rockwood Road
Boston, New York 14025

December 31, 2009

Richard Szczepanski
3475 Clinton Street
West Seneca, New York 14224

December 31, 2009

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jdl

cc: Appointees
Commissioner Pamela Krawczyk

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 56 – (COMM. 2D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE

Item 57 – (COMM. 2D-2) Copy of Letter to ECFSA Finance Committee Chair Re: Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

Item 58 – (COMM. 2D-3) Notice of Board of Trustees Meeting to be Held 1/24/07

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE PROGRESSIVE DEMOCRATS OF AMERICA

Item 59 – (COMM. 2M-1) Request to Introduce a Resolution Regarding the Iraq War

Received and filed.

FROM CORINA BERMAN

Item 60 – (COMM. 2M-2) Circus Ban in Buffalo

Received and filed.

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 61 – (COMM. 2M-3) 2006 Year-End Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECFSA

Item 62 – (COMM. 2M-4) Request for Comments on the Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ASSEMBLYMAN MIKE COLE

Item 63 – (COMM. 2M-5) Receipt of Certified Resolution

Received and filed.

FROM THE TONAWANDA TOWN BOARD

Item 64 – (COMM. 2M-6) Certified Resolution Re: Direct Payment to the Town of the Town's Portion of the Sales Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECFSA

Item 65 – (COMM. 2M-7) Resolution Approved Unanimously by the ECFSA

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 66 – Ms. Locklear requested that when the Legislature adjourns, it do so in memory of Carol A. McNulty.

Item 67 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Eleanor M. Greenan.

Item 68 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Elizabeth (Rhodes) Rocco.

Item 69 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Norman A. Polanski Sr.

Item 70 – Mr. Ranzenhofer requested that when the Legislature adjourns, it do so in memory of John T. Cavagnaro.

Item 71 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Joanna Piglowski.

Item 72 – Ms. Whyte requested that when the Legislature adjourns, it do so in memory of the 3,000 American Soldiers who lost their lives in the War in Iraq.

ADJOURNMENT

Item 73 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. IANNELLO moved that the Legislature adjourn until Thursday, February 1, 2007, at 2 p.m. Eastern Standard Time. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 1, 2007, at 2 p.m. Eastern Standard Time.

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