

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
January 20, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present except Legislator MARSHALL.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Dusza.

Item 1 – CHAIRMAN HOLT directed that the Rules of Legislature for 2005 be tabled.

Item 2 – CHAIRMAN HOLT directed that the Appointment of Majority & Minority Staff be tabled.

Item 3 – CHAIRMAN HOLT directed that the Appointment of Majority & Minority Counsels be tabled.

Item 4 – CHAIRMAN HOLT directed that the communications designating the Minority Newspapers for the year 2005 be RECEIVED, FILED & PRINTED.

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, hereby designate the following newspaper, **The Southtowns Citizen**, published in Orchard Park, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2005, effective January 20, 2005

MICHAEL H. RANZENHOFER
JEANNE Z. CHASE
ELISE M. CUSACK

STEVEN P. McCARVILLE
BARRY A. WEINSTEIN

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, pursuant to Section 214, Subdivision 2 of the County Law, as amended, do hereby designate the following newspaper, VIZ: **The Amherst Bee**, published in Williamsville, New York, having general circulation in the County of Erie, as the official newspaper for the publication of all local laws, notices and other matters required by law to be published for the County of Erie, effective January 20, 2005.

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Item 5 – No tabled items.

Item 6 – No items for reconsideration from previous meeting.

Item 7 –Minutes of previous meeting were tabled.

Item 8 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 9 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Recognizing Andrew Isenberg's Dedicated Service With The County Attorney's Office And Congratulating Him On His New Position With The New York State Office Of Court Administration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Recognizing the Retirement of Ginger Lea Kelly and Extending Our Sincerest Gratitude For Her Dedicated Service To Erie County. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. RANZENHOFER presented a resolution Recognizing Cpt. Jonathan P. Powers For Being Named Young Leader of the Year by the Clarence Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. RANZENHOFER presented a resolution Recognizing Clarence Contemporary Club, Inc. for Being Named Organization of the Year by the Clarence Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. RANZENHOFER presented a resolution Recognizing Berrafato's Char-Pit for Being Named Business of the Year by the Clarence Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. RANZENHOFER presented a resolution Recognizing David and Pat Brace For Being Named Citizens of the Year by the Clarence Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. WEINSTEIN presented a resolution Congratulating Christie Roghschild As She Is Honored by The Interclub Council With The Susan B. Anthony Award. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. MCCARVILLE presented a resolution Congratulating East Aurora Natives Ashley & Brittany Kruse as the 2004 Community Quarterback Award finalists, Nominated by Compass House for 5-Yrs. Volunteerism. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 17 – LEGISLATORS SMITH & HOLT presented a resolution Honoring the 2005 Recipients of the National Conference for Community & Justice Awards. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. DEBENEDETTI presented a resolution Honoring the Residents of Santa Maria Towers. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. KUWIK presented a resolution Honoring Assemblyman Richard A. Smith Upon His Retirement. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 20 – LEGISLATORS SMITH & HOLT presented a resolution Honoring the New Principal of East High School Geraldine Horton. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above twelve resolutions as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 21 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 25 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2004 remain on the table and be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Item 26 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #2) 2004 remain on the table.

GRANTED.

Item 27 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 28 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #1) 2004 remain on the table.

GRANTED.

Item 29 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 30 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #1) 2005 remain on the table.

GRANTED.

Item 31 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 32 – CHAIRMAN HOLT directed that Local Law No. 3 (Print #1) 2005 remain on the table.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 33 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

Re: Western New York Veterans Cemetery. (Intro. 2-1)

A RESOLUTION SUBMITTED BY LEGISLATORS DUSZA & KUWIK

WHEREAS, there currently is not a single Veterans Cemetery in Western New York, and

WHEREAS, there are, have been, and undoubtedly will continue to be, many veterans from Western New York, and

WHEREAS, as a result, there is a real and continuing need for a dedicated Veterans Cemetery in Western New York in order to accommodate these many brave veterans in the aggregate who deserve proper, decent, and full military honors, funerals, and final places of repose, and

WHEREAS, there is available land for such a cemetery, centrally located in Erie County, at the Mount Cavalry Cemetery in Cheektowaga

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby supports the concept of the establishment of such a Veterans Cemetery in Cheektowaga, in Mount Calvary Cemetery, and directs the Erie County Veterans Office to pursue such a project with all due haste, and be it further

RESOLVED, the Erie County Legislature hereby memorializes the President of the United States, the United States Congress, the Governor of New York, and the New York State Legislature to cooperate and immediately create such a Veterans Cemetery as aforesaid, with State-of-the-Art facilities, appropriate historical and neutral considerations, and the highest standards of beauty, aesthetics, dignity, and honor,

Fiscal Impact: To Be Determined

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

Re: Fiscal Accountability And Oversight
Act of 2005. (Intro. 2-2)

A RESOLUTION SUBMITTED BY LEGISLATOR KENNEDY

WHEREAS, given the extraordinary fiscal and other pressures facing Erie County taxpayers, it is essential that Erie County government engage in a comprehensive series of reforms to provide necessary services to the taxpaying public at the lowest possible cost,

NOW, THEREFORE, BE IT

RESOLVED, that by the close of business fourteen days after the passage of this resolution, the Erie County Legislature must be provided with a full and complete list all county vehicles as well as all county employees or officials, including elected and appointed officials, who are currently assigned or provided access to a 24-hour take-home vehicle, and be it further

RESOLVED, along with the list of all county employees or officials who are currently assigned or provided access to a 24-hour take-home vehicle, that the County Executive also provide a clear policy for determining such access to 24-hour take-home vehicles be presented to this Honorable Body for review, and be it further

RESOLVED, that after receiving a listing of vehicles and the policy for their assignment, this Honorable Body shall, within fourteen days of receiving such policy and no later than 28 days from the passage of this resolution, conclude a review of fleet management policy and make recommendations to reduce the number of fleet vehicles and lower the cost to County taxpayers, and be it further

RESOLVED, no vehicles of any kind in any department shall be purchased in Fiscal Year 2005 without explicit approval of the Legislature through appropriate resolution, and in the event that vehicle purchases are necessary, efforts must be made to minimize or eliminate the purchase of SUVs and to instead purchase cheaper, more fuel-efficient passenger vehicles, and be it further

RESOLVED, that with the exception of the County Executive and sworn officers in the Sheriff Department, effective 56 days after the passage of this resolution, all county employees or officials, including elected and appointed officials, who are assigned or provided access to a 24-hour take-home vehicle, must first receive authorization by the County Legislature prior to being assigned and allowed to drive said vehicles, and be it further

RESOLVED, that by the close of business fourteen days after the passage of this resolution, a full and complete inventory of all county-purchased or county owned cellular or other wireless phones, portable wireless devices (such as Blackberry devices, Palm Pilot devices, etc.) and laptop computers with wireless Internet capacity shall be provided to the legislature, along with budget information about the cost of the equipment and services and a policy from the County administration stating the justification for the distribution of such equipment and policies in place to monitor that use and cost for the Legislature's review, and be it further

RESOLVED, that after receiving a listing of cellular or other wireless phones, portable wireless devices and laptop computers with wireless Internet capacity, budget information about the cost of services, and the policy for their assignment, this Honorable Body shall, within fourteen days of receiving such policy and no later than 28 days from the passage of this resolution, conclude a review of wireless technology policy and make recommendations to reduce the number of such devices and lower the cost to County taxpayers, and be it further

RESOLVED, that effective 56 days after the passage of this resolution, all county employees or officials, including elected and appointed officials, who are assigned or provided access county-purchased or county-owned cellular or other C wireless phones, portable wireless devices and laptop computers with wireless Internet capacity must first receive authorization by the County Legislature prior to being assigned or reassigned such equipment, and be it further

RESOLVED, that anyone not covered explicitly in the new policy adopted by the Legislature shall return their equipment to the Director of the Division of Information and Support Services and no County employee or officer shall maintain nor use any such devices without Legislative approval at county cost during 2005, and be it further

RESOLVED, that for every new appointed, exempt or managerial/ confidential class position that is created, another appointed, exempt or managerial/confidential position of equal or greater salary must first be deleted from the budget, and be it further

RESOLVED, that effective January 1, 2005, Giambra Appointees will not accrue one hundred sixty (160) hours (four weeks) of vacation credits starting on January 1, 2005; that in 2005, Giambra Appointees will receive vacation time, sick leave, and personal leave accruals at the same rate as all other non-Giambra managerial-confidential employees; that this action does not amend, alter, diminish or change any other portions or provisions of Communication 14E-14 of July 15, 1999, or any other portions or provisions of Communication 5E-11 of March 2, 2000; that the Director of Budget, Management & Finance, Commissioner of Personnel and the Erie County Comptroller are hereby directed to complete any paperwork and/or SAP computer system modifications to effectuate this change in Giambra Appointee benefits, and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, County Comptroller, County Attorney, County Clerk, District Attorney, and Erie County Sheriff.

Fiscal Impact: Positive for Erie County Taxpayers.

MR. RANZENHOFER moved to amend the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that the amendment be sent to the FINANCE & MANAGEMENT COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. (AYES – 5, NOES – 9.) MARSHALL ABSENT

FAILED.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. (AYES 8, NOES 6). MARSHALL ABSENT

CARRIED.

Item 35 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

Re: Transfer of Public Benefit Funds.
(Intro. 2-3)

A RESOLUTION SUBMITTED BY DUSZA, SMITH, AND CHASE

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

WHEREAS, on December 22, 2004 The Erie County Legislature approved Intro. 30-1 2004 as amended, transferring \$8,000 to the Buffalo Economic Renaissance Corporation, and

WHEREAS, on December 22, 2004 The Erie County Legislature approved Intro. 30-1 2004 as amended, transferring \$500 to The Child Care Coalition, and

NOW, THEREFORE, BE IT,

RESOLVED, that the remaining \$274,078 from Fund Center 100, Account 516000 be transferred over to the 2005 public benefit account, allowing 2004 contractual payments to be made in 2005,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
North Collins Volunteer Fire Company, Inc.	\$1,000	CHASE
Town of Lancaster (Recreation Department)	\$1,000	DUSZA
Roat Acres Community Association, Inc.	\$2,000	CHASE
TOTAL	\$4,000	

And be it further

RESOLVED, that the amount of \$1,000 for the Town of Lancaster (Recreation Department) shown above, should not be added to any funds reservations, since a funds reservation already exists (100000179-18),

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RESOLVED, That a typo be recognized from Intro. 30-1 (2004), the legal name for The Child Care Coalition (\$500) is The Child Care Coalition of the Niagara Frontier, Inc.,

RESOLVED, That a typo be recognized from Intro. 30-1 (2004) approving the transfer of \$8,000 to the Buffalo Economic Renaissance Corporation. This organization was reallocated in Intro 30-3 (2004) and a funds reservation was never created,

RESOLVED, that the correct dollar amount from Intro. 30-1 (2004) should be \$393,612,

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 36 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. (AYES – 5, NOES – 9.) MARSHALL ABSENT

FAILED.

Intro. 2-4 From LEGISLATORS WEINSTEIN, RANZENHOFER, SWANICK, McCARVILLE, CUSACK & MARSHALL Re: Endorsement of the Neighbor Notification Awareness Program.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 37 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 30E-32. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 8

Re: Union Ship Canal – Public Open
 Space Work – Amendatory Resolution.

WHEREAS, The County of Erie is interested in facilitating the re-use of brownfields; and

WHEREAS, The City of Buffalo owns an approximately 20-acre site surrounding the Union Ship Canal which is an abandoned industrial brownfield and desires to construct new roads, utilities, pedestrian walkways and redevelop the parcel into a passive recreational open space; and

WHEREAS, Initial environmental and underwater investigations have been completed in association with state and federal agencies and the County desires to continue the development of the public open space; and

WHEREAS, Funding for the next phase of work was previously approved by resolution (Comm. 13E-25, dated June 21, 2001) and the County would like to amend that resolution to allow the County to enter into contracts with consultants and state and federal funding agencies,

NOW, THEREFORE, BE IT

RESOLVED, That this resolution amends Comm.13E-25, to authorize the County Executive to enter into contracts with the Erie County Industrial Development Agency, Buffalo Urban Development Corporation, the City of Buffalo, the State of New York and its agencies, and the U.S. Army Corps of Engineers and other federal agencies for the purpose of funding projects which will move the Union Ship Canal Public Open Space project forward; and be it further

RESOLVED, That the County Executive is authorized to enter into contracts with consultants and contractors for the purpose of design and construction of the Union Ship Canal Public Open Space; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers, utilities, bike trails, parking areas, and roadways; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the City of Buffalo, Buffalo Urban Development Corporation, Erie County Industrial Development Agency, the State of New York and its agencies; and be it further

RESOLVED, That the County Executive is the representative authorized to act in behalf of the County in all matters related to State Assistance under ECL Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County's governing body in matters related to the project and to State Assistance; and be it further

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RESOLVED, That the County agrees that it will fund its portion of the cost of the project and the funds will be available to initiate the project's filed work within twelve months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, That one certified copy of the authorization be prepared and sent to the Albany office of the New York Department of Environmental Conservation together with the Application for State Assistance; and be further

RESOLVED, That the source of funds will be remaining funds previous authorized by resolution Comm. 13E-25 in June, 2001, available in the approved 2001 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, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

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

CARRIED UNANIMOUSLY.

∅ **DELETE** the third (3rd) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, That the County Executive is authorized to enter into agreements for easements as may be necessary for infrastructure improvements such as sewers, utilities, bike trails, parking areas and roadways; and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 30E-50. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

Re: Revenue Anticipation Note
Resolution.

RESOLUTION NO. 9 - 2005

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$80,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005, AND TO PRESCRIBE THE

TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$80,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2005 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the 2005 fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DUSZA, HOLT, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: DEBENEDETTI, & KENNEDY. (AYES 12, NOES 2). MARSHALL absent

CARRIED.

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Item 39 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 1-1. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

Re: Extension of Deadline for Collection for Real Property Tax.

WHEREAS, under Section 924 of the Real Property Tax Law, collecting officers of county governments shall receive property taxes without interest "on or before the thirty-first day of January or within thirty days of the date of the receipt of the tax roll and warrant pursuant to section nine hundred twenty of this title, whichever is later", and

WHEREAS, under Section 925 of the Real Property Tax Law, county governments have the ability, given the passage of appropriate state legislation, to extend the payment of said property taxes, and

WHEREAS, for instance, Section 925 has been amended several times through state legislation to enable the extension of payment for persons aged sixty-five and older, to allow payment via Internet, and to allow extension of payment for deployed military personnel, and

WHEREAS, for instance, on March 4, 2004, the Erie County Legislature approved Comm. 6E-38, allowing eligible deployed military personnel to extend their payment of the real property tax for no more than ninety days after the February 15th deadline, and

WHEREAS, given the ongoing budget situation affecting Erie County's 2005 Adopted Budget, there are concerns regarding the County's ability to provide to town governments property tax bills for 2005 by January 15, 2005, in order that real property taxes be timely paid by property owners on February 15, 2005, and

WHEREAS, given that possibility, town tax receivers have requested that the County extend the deadline for payment of the real property tax from February 15, 2005 to March 15, 2005, and

WHEREAS, should that request become necessary, only through amendment of Section 925 of the Real Property Tax Law by the New York State Assembly and Senate, and approval by the Governor, can such a deadline be changed,

NOW, THEREFORE, BE IT

RESOLVED, that, given the County's budget situation, and the ongoing, unresolved litigation concerning the County's Adopted 2005 Budget, the Erie County Legislature does hereby request that the New York State Assembly and New York State Senate expeditiously introduce and approve legislation amending the Real Property Tax Law, and that the Governor approve said legislation, to provide Erie County with flexibility to extend the deadline for payment of the real property tax from February 15, 2005 to March 15, 2005, and be it further

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RESOLVED, that certified copies of this resolution be transmitted to the Governor, Assembly Speaker Sheldon Silver, the local delegation of the State Assembly, Senate Majority Leader Joseph Bruno, the local delegation of the State Senate, the County Executive, County Attorney, Budget Director, Director of Real Property, Comptroller, and the Erie County Association of Tax Receivers (c/o Judy Thomas, Collector of Taxes, Town of North Collins, 2205 Langford Road, North Collins, NY 14111).

Fiscal Impact: None for this resolution.

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

CARRIED UNANIMOUSLY.

∅ **DELETE** the first (1st) WHEREAS Clause in its entirety and **REPLACE** with the following:

WHEREAS, the Erie County Tax Act (Special Act, Chapter 812, Laws of 1942) establishes the deadlines for the collection of real property taxes in Erie County, and

∅ **DELETE** the second (2nd) and third (3rd) WHEREAS Clauses in their entirety.

∅ **DELETE** the seventh (7th) WHEREAS Clause in its entirety and **REPLACE** with the following:

WHEREAS, should that request become necessary, only through amendment of the Erie County Tax Act by the New York State Assembly and Senate, and approval by the Governor, can such a deadline be changed,

∅ **DELETE** the first (1st) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that, given the County's budget situation, and the ongoing, unresolved litigation concerning the County's Adopted 2005 Budget, the Erie County Legislature does hereby request that the New York State Assembly and New York State Senate, operating in consultation with the Erie County Executive, expeditiously introduce and approve legislation amending the Erie County Tax Act, and that the Governor approve said legislation, in order that Erie County may extend the deadline for payment of the real property tax from February 15, 2005 to March 15, 2005, and be it further

MS. MARINELLI moved to further amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES:

Item 40 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. McCARVILLE seconded. LEGISLATOR SMITH objected.

CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 2-6 From LEGISLATORS CHASE, RANZENHOFER, SWANICK, WEINSTEIN, McCARVILLE & CUSACK Re: Extension of Deadline for the Collection of Real Property Taxes and/or a One (1) week Suspension. of Penalties and Fees for the Late Payment of Real Property Taxes.

Item 41 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. McCARVILLE seconded. LEGISLATOR MARINELLI objected.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 2-7 From LEGISLATOR RANZENHOFER Re: Financial Accountability and Oversight.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 42 – (Comm. 2E-1) Interim Financial Reports for the Three Months Ended 3/31/04, the Six Months Ended 6/30/04, & the Nine Months Ended 9/30/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 43 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

RE: Custom -Payment in Lieu of Taxes
 (PILOT) agreement for Asbury
 Delaware United Methodist Church
 Restoration Project. (Comm. 2E-2)

WHEREAS, Righteous Babe Records has requested extraordinary assistance from the City of Buffalo through the authorization of a custom PILOT agreement and tax increment financing to allow for completion of restoration efforts associated with the Asbury Delaware United Methodist Church (“the Project”); and

WHEREAS, the City of Buffalo has approved a custom PILOT agreement and has asked the County to allow all PILOT payments generated by the Project to be allocated to the City to allow for the City’s participation in project financing; and

WHEREAS, on October 2, 2003, the Erie County Legislature approved Comm. 16E-7, appropriating \$175,000 from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Fund for the restoration of Asbury Delaware United Methodist Church; and

WHEREAS, in absence of the custom PILOT and tax increment financing plan, the ongoing restoration and completion of the former Asbury Delaware United Methodist Church into a performing arts center and record company headquarters would terminate,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the custom PILOT allocation agreement and any other necessary agreements with the Erie County Industrial Development Agency (ECIDA) to allow all Project PILOT payments to be allocated to the City of Buffalo; 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 Commissioner of the Department of Environment and Planning; and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI & SMITH. NOES: DEBENEDETTI & WROBLEWSKI. (AYES 12, NOES 2). MARSHALL ABSENT

CARRIED.

Item 44 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: Additional County Sales Tax
 Authority Legislation - Home Rule
 Requests. (Comm. 2E-3)

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2004, will expire on February 28, 2005 unless further extended and imposed, and

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of the extended imposition of the additional 1% Erie County sales and compensating use tax, said extended imposition beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget, and

WHEREAS, Assembly Bill No. A. 540 and Senate Bill No. S. 216, now pending before the New York State Legislature, would authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 540, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget and the cessation of services essential to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

EXTENSION OF ADDITIONAL 1% SALES TAX - SENATE

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2004, will expire on February 28, 2005 unless further extended and imposed, and

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of the extended imposition of the additional 1% Erie County sales and compensating use tax, said extended imposition beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget, and

WHEREAS, Senate Bill No. S. 216 and Assembly Bill No. A. 540, now pending before the New York State Legislature, would authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 216, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget and the cessation of services essential to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

IMPOSITION OF FURTHER ADDITIONAL 1% SALES TAX - ASSEMBLY

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of not only an extension of the additional 1% Erie County sales and compensating use tax but also in anticipation of the imposition of a further additional, or "Medicaid Penny", 1% Erie County sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend and impose the additional sales and compensating use taxes will result in an estimated shortfall of nearly \$205 million in the 2005 Erie County budget, and

WHEREAS, Assembly Bill No. A. 541 and Senate Bill No. S. 215, now pending before the New York State Legislature, would authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 541, entitled "AN ACT to amend the tax law, in relation to providing an additional rate of sales and compensating use tax within Erie county."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of nearly \$100 million in the 2005 Erie County budget, the cessation of services essential to the people of Erie County and the inability of Erie County to share \$12.5 million of the net collections from the further additional 1% sales and compensating use tax with its cities, towns and villages.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

IMPOSITION OF FURTHER ADDITIONAL 1% SALES TAX - SENATE

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of not only an extension of the additional 1% Erie County sales and compensating use tax but also in anticipation of the imposition of a further additional, or "Medicaid Penny", 1% Erie County sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend and impose the additional sales and compensating use taxes will result in an estimated shortfall of nearly \$205 million in the 2005 Erie County budget, and

WHEREAS, Senate Bill No. S. 215 and Assembly Bill No. A. 541, now pending before the New York State Legislature, would authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 216, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of nearly \$100 million in the 2005 Erie County budget, the cessation of services essential to the people of Erie County and the inability of Erie County to share \$12.5 million of the net collections from the further additional 1% sales and compensating use tax with its cities, towns and villages.

MEETING NO. 2
January 20, 2005

ERIE COUNTY LEGISLATURE

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. MARINELLI moved to separate the resolution into two parts, Comm. 2E-3-A and Comm. 2E-3-B. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend Comm. 2E-3-A. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

☞ **DELETE** the RESOLUTIONS in their entirety and **REPLACE** with the following attached RESOLUTIONS:

EXTENSION OF ADDITIONAL 1% SALES TAX - ASSEMBLY

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2004, will expire on February 28, 2005 unless further extended and imposed, and

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of the extended imposition of the additional 1% Erie County sales and compensating use tax, said extended imposition beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget, and

WHEREAS, Assembly Bill No. A. 1500 and Senate Bill No. S. 216-A, now pending before the New York State Legislature, would authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

MEETING NO. 2
January 20, 2005

ERIE COUNTY LEGISLATURE

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 1500, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the County of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget and the cessation of services essential to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

EXTENSION OF ADDITIONAL 1% SALES TAX - SENATE

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2004, will expire on February 28, 2005 unless further extended and imposed, and

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of the extended imposition of the additional 1% Erie County sales and compensating use tax, said extended imposition beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget, and

WHEREAS, Senate Bill No. S. 216-A and Assembly Bill No. A. 1500, now pending before the New York State Legislature, would authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 216-A, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of more than \$105 million in the 2005 Erie County budget and the cessation of services essential to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. MARINELLI moved the approval of the resolution as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. (AYES 14, NOES 0). MARSHALL ABSENT

CARRIED.

MS. MARINELLI moved to amend Comm. 2E-3-B. MR. SWANICK seconded. LEGISLATORS CUSACK, McCARVILLE & RANZENHOFER in the negative. LEGISLATOR MARSHALL absent.

CARRIED (11 – 3)

☒ DELETE the RESOLUTIONS in their entirety and REPLACE with the following attached RESOLUTIONS:

IMPOSITION OF FURTHER ADDITIONAL 1% SALES TAX - ASSEMBLY

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of not only an extension of the additional 1% Erie County sales and compensating use tax but also in anticipation of the imposition of a further additional, or "Medicaid Penny", 1% Erie County sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend and impose the additional sales and compensating use taxes will result in an estimated shortfall of nearly \$205 million in the 2005 Erie County budget, and

WHEREAS, Assembly Bill No. A. 1501 and Senate Bill No. S. 215-A, now pending before the New York State Legislature, would authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 1501, entitled "AN ACT to amend the tax law, in relation to providing an additional rate of sales and compensating use tax within Erie County."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of nearly \$100 million in the 2005 Erie County budget, the cessation of services essential to the people of Erie County and the inability of Erie County to share \$12.5 million of the net collections from the further additional 1% sales and compensating use tax with its cities, towns and villages.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

IMPOSITION OF FURTHER ADDITIONAL 1% SALES TAX - SENATE

WHEREAS, the Erie County budget for 2005 was adopted in anticipation of not only an extension of the additional 1% Erie County sales and compensating use tax but also in anticipation of the imposition of a further additional, or "Medicaid Penny", 1% Erie County sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, and

WHEREAS, failure to extend and impose the additional sales and compensating use taxes will result in an estimated shortfall of nearly \$205 million in the 2005 Erie County budget, and

WHEREAS, Senate Bill No. S. 215-A and Assembly Bill No. A. 1501, now pending before the New York State Legislature, would authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 215-A, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the County of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the imposition of a further additional 1% sales and compensating use tax, beginning March 1, 2005 and ending February 28, 2006, will result in an estimated shortfall of nearly \$100 million in the 2005 Erie County budget, the cessation of services essential to the people of Erie County and the inability of Erie County to share \$12.5 million of the net collections from the further additional 1% sales and compensating use tax with its cities, towns and villages.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. MARINELLI moved the approval of the resolution as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, SWANICK, DUSZA, HOLT, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: CUSACK, McCARVILLE, RANZENHOFER, WEINSTEIN, DEBENEDETTI & KENNEDY. (AYES 8, NOES 6). MARSHALL ABSENT

CARRIED.

Item 45 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

RE: Appointment of the Commissioner of Parks, Recreation & Forestry.
(Comm. 2E-4)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Angelo J. Sedita of Tonawanda, New York to the Erie County of the Commissioner of Parks, Recreation & Forestry effective February 19, 2005.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 46 – (Comm. 2E-5) Rath/City Hall Security Systems.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: Appointment to Erie County Sewer District #3 Board of Managers.
(Comm. 2E-6).

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. David C. Millar at 6677 East Eden Road, Hamburg, New York to the Erie County Sewer District #3 Board of Managers for a term to expire December 31, 2007.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 48 – (Comm. 2E-7) – Appointment of the Commissioner of the Department of Mental Health.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 49 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

RE: Appointment to the Buffalo & Erie
 County Public Library Board of
 Trustees. (Comm. 2E-8)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Jack Connors at 5517 Coachman's Lane, Hamburg, New York to the Buffalo & Erie County Public Library Board of Trustees for a term to expire December 31, 2009.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 50 – (Comm. 2E-9) – 2005-09 Consolidated Plan and 2005 Annual Action Plan for the Community Development Block Grant, Emergency Shelter Grant, Home Investment Partnership Program, & American Dream Downpayment Initiative.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

RE: Appointment of Director of the Erie
 County Medical Center Corporation.
 (Comm. 2E-10)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Pastor Michael Badger at Bethesda World Harvest International Church located at 1365 Main Street, Buffalo, New York to the Director of the Erie County Medical Center Corporation for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 52 – (Comm. 2E-11) – Grant Programs – Authorization to Contract.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – (Comm. 2E-12) – Erie County Division of Real Property Tax Services – Agreement with the Town of Grand Island & Personal Services for Assessment Services.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

RE: Extension of Agreement for Snow
and Ice Control on State Highways.
(Comm. 2E-13).

WHEREAS, the County of Erie, pursuant to Section 12 of the Highway Law, relating to control of snow and ice on State highways in towns and incorporated villages, has heretofore entered into an agreement with the State of New York for such purposes, and

WHEREAS, Section 2 of the said agreement provides a method of modification of the map of affected State highways and of annually updating the estimated expenditure, and

WHEREAS, it would be in the best interests of Erie County to extend the agreement as modified and updated, for up to an additional three year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes such extension of the said Snow and Ice Agreement for a yearly period up to three years, to expire June 30, 2007 in the amount of approximately \$1.3 million; and be it further,

RESOLVED, that the County Executive of the County of Erie is hereby authorized and directed on behalf of Erie County to execute an agreement effecting such extension and modification; and be it further,

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit two certified copies of the foregoing resolution to the Commissioner of Public Works, one copy to the Office of the County Executive; one certified copy to the County Comptroller, one certified copy to the County Attorney's Office and one certified copy to the Deputy Commissioner of Public Works, Division of Highways.

MS. MARINELLI moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 55 – (Comm. 2E-14) – Dept. of Probation & Youth Detention Services – Accept Donation of Gymnasium Striping.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 – (Comm. 2E-15) – Semi-Annual Attendance Records – Board of Managers – ECSDs.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (Comm. 2E-16) – Letter to Legislator Marinelli Re: Items in GA Committee – Comm. 19E-62 & Comm. 23E-22.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 58 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

RE: Office of the County Executive –
 Personnel Adjustments. (Comm. 2E-17)

WHEREAS, the Office of the County Executive is currently undergoing a reorganization,
 and

WHEREAS, it is desired to delete the position of Deputy County Executive / Chief of Staff within the Office of the County Executive, and

WHEREAS, this position is currently funded at a salary of \$107,397 annually, and

WHEREAS, it is desired to create the position of Chief of Staff – CE within the Office of the County Executive, and

WHEREAS, this position will be funded at a salary of \$96,943, and

WHEREAS, these adjustments will result in a net savings to the County of Erie of approximately \$10,000,

NOW, THEREFORE BE IT,

RESOLVED, that the position of Deputy County Executive / Chief of Staff (POSITION #2332) in the Office of the County Executive funded at an annual salary of \$107,397 is hereby deleted effective February 18, 2005, and be it further

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RESOLVED, that the position of Chief of Staff – CE (JG 18, Step 5) is hereby created in the Office of the County Executive effective February 19, 2005 to be funded at a salary of \$96,943 annually, and be it further,

RESOLVED, that these adjustments will result in a net savings to the County of Erie of approximately \$10,000, and be it further

RESOLVED, that the County Executive, the Commissioner of Personnel, and the Director of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this personnel adjustment, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Comptroller, the Director of Budget Management & Finance, and the Commissioner of Personnel.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

FROM CHAIRMAN HOLT

Item 59 – (Comm. 2E-18) –2005 Committee Assignments.

RECEIVED, FILED & PRINTED.

2005 Committee Assignments

Community Enrichment

Chairperson Timothy M. Kennedy
Vice-Chair Timothy M. Wroblewski
Members Lynn M. Marinelli

Clerk Paul Henderson

Energy & Environment

Chairperson Raymond K. Dusza
Vice-Chair Lynn M. Marinelli
Members Timothy M. Wroblewski

Clerk Kevin McCarthy

Human Services

Chairperson Albert DeBenedetti
Vice-Chair Demone A. Smith
Members Timothy M. Kennedy

Clerk Shamar Ashley

Finance and Management

Chairperson Demone A. Smith
Vice-Chair Edward J. Kuwik
Members Raymond K. Dusza

Clerk Geoff Szymanski

Public Safety

Chairperson Edward J. Kuwik
Vice-Chair Raymond K. Dusza
Members Demone A. Smith

Clerk Jeremy Rosen

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Economic Development

Chairperson Timothy M. Wroblewski
Vice-Chair Timothy M. Kennedy
Members Albert DeBenedetti

Clerk Kevin McCarthy

Government Affairs

Chairperson Lynn M. Marinelli
Vice-Chair Albert DeBenedetti
Members Edward J. Kuwik

Clerk Geoff Szymanski

George A. Holt, Jr.
 Erie County Legislature Chairman

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 60 – (Comm. 2D-1) Notice of Claim.

Item 61 – (Comm. 2D-2) Notice of Claims.

Item 62 – (Comm. 2D-3) Featherstonhaugh Quarterly Lobbying Report.

The above three items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECMCC

Item 63 – (Comm. 2D-4) – Notice of Annual Meeting of Board of Directors To Be Held On 1/27/05.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 64 – (Comm. 2D-5) – Notice of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (Comm. 2D-6) – Notice of Public Hearing for Comm. 30E-49, Contingency Funds Transfer.

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RECEIVED, FILED & PRINTED.

January 7, 2005

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th floor
Buffalo, New York 14202

RE: Notice of Public Hearing for
Communication 30E-49, Contingency Funds Transfer

Dear Kevin:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned communication, which was approved by the Erie County Legislature on January 6, 2005.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: MELISSA. O. HEIMERL
Assistant County Attorney

encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, January 18, 2005 at 10:00 a.m., concerning appropriations from the County contingency fund in the amount of \$410,000 to fund additional positions in the Erie County Board of Elections for 2005.

The hearing will be held in room 1601, 95 Franklin Street, in the City of Buffalo, New York.

On January 6, 2005, the Erie County Legislature passed Communication 30E-49, as amended. Copies of the resolution are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

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FROM ECMCC

Item 66 – (Comm. 2D-7) – Notice of Regular Meeting of Board of Directors To Be Held On 1/27/05.

Received and filed.

FROM ECC

Item 67 – (Comm. 2D-8) – Notice of Monthly Meeting of the Board of Trustees at ECC to be held 1/26/05.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 68 – (Comm. 2D-9) – Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DEP

Item 69 – (Comm. 2D-10) - SEQR - Negative Declaration - Hamilton Drive and The Bluffs, Town of Evans.

Received and referred to ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 70 – (Comm. 2M-1) – Minutes from NFTA Board Meeting Held 11/22/04.

Received and filed.

FROM PENNY WOLFGANG

Item 71 – (Comm. 2M-2) – Letter Notifying ECL of Judge Wolfgang’s Resignation from the Consumer Protection Committee.

Received and filed.

FROM GARY S. HOWELL

Item 72 – (Comm. 2M-3) – Petition with 1,010 Signatures in Opposition to the Proposed Sales Tax Increase.

Received and filed.

FROM THE ERIE COUNTY ASSOCIATION OF TAX
 RECEIVERS AND COLLECTORS

Item 73 – (Comm. 2M-4) – Petitions to the ECL to Ask NYS Leg. to Extend the Due Date for the Collection of Town/County Taxes for 2005 to 3/15/05.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF TONAWANDA TOWN BOARD

Item 74 – (Comm. 2M-5) – Certified Resolution Requesting Direct Payment of EC Sales Tax to the Town.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECIDA

Item 75 – (Comm. 2M-6) – Notice of Cancellation of 1/10/05 Board Meeting & Announcement of Board Meeting on 2/14/05.

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 76 – (Comm. 2M-7) – EC EMC Meeting Notice of Agenda for 1/18/05 Meeting.

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 77 – (Comm. 2M-8) – Notice of Next Meeting of ECMHCSB to be held 1/20/05 & Minutes of 11/18/04 Meeting.

Received and filed.

FROM THE EMPIRE STATE DEVELOPMENT CORPORATION

Item 78 – (Comm. 2M-9) - General Project Plan for 620 Main Street, Buffalo, by Appraisal.com, Inc.

Item 79 – (Comm. 2M-10) – General Project Plan for 63 Main Street, Tonawanda, by Mueller Services, Inc.

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

MEMORIAL RESOLUTIONS

Item 80 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Adam Sacha.

Item 81 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Rachel Sacha.

Item 82 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Harvey Willing.

Item 83 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Nancy Germaine.

Item 84 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Viola Marshall.

Item 85 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Paul Redlinski.

Item 86 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Steve Zawierucha.

Item 87 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Peter Doyle DDS.

Item 88 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Eleanor L. Praetzel.

Item 89 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Peter C. Schmitt Sr.

ADJOURNMENT

Item 90 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, February 3, 2005. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 3, 2005 at

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2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK