

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 7, 2008

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Mills.

An Invocation was held, led by Ms. Konst, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Whyte.

Item 1 - CHAIR MARINELLI directed that the Rules of the Legislature for 2008 be tabled.

Item 2 - No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 - MS. WHYTE moved for the approval of the Minutes for Session 1 of 2008. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 - MR. KOZUB presented a resolution In Memory of Norman H. Seele, Sr.

Item 7 – MS. IANNELLO presented a resolution Recognizing Jeff Loder as "Firefighter of the Year" for 2007.

Item 8 – MS. IANNELLO presented a resolution Recognizing Steve Kopf for His Fifth Consecutive Semester on Niagara University's Dean's List in the Fall of 2007.

Item 9 – MS. IANNELLO presented a resolution Recognizing Jean-Francois Gournard, Ph.D.'s Elevation to the Rank of "Commandeur" by France's L-Ordre Des Palmes Academiques.

Item 10 – MS. IANNELLO presented a resolution Recognizing Angela Diebold's Receipt of the Diocese of Buffalo's St. Christopher Award.

Item 11 – MS. IANNELLO presented a resolution Recognizing Nathan Keefe's Receipt of the Diocese of Buffalo's Catholic Youth Spirit Award.

Item 12 – MS. IANNELLO presented a resolution Recognizing Chris Affuso's Promotion to the Position of Manager of U.S. Engineering and Construction Network at Praxair, Inc.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Item 13 – MS. IANNELLO presented a resolution Recognizing Captain Paul M. Gugg's Assumption of Command for Coast Guard Sector San Francisco.

Item 14 – MS. IANNELLO presented a Memorial Resolution for John E. "Jack" Ward.

Item 15 – MR. KENNEDY presented a resolution Honoring Jeremy Bauer, Brian Kaempf, Patrick Weisansal Upon Reaching the Rank of Eagle Scout.

Item 16 – MS. IANNELLO presented a resolution Recognizing Marcia Burn's Receipt of the New York State Magistrates Court Clerks Association Inc Court Clerk of 2007 Award.

Item 17 – MS. MARINELLI presented a resolution In Memory of Joseph J. Cottrell.

Item 18 – MR. REYNOLDS presented a resolution Honoring Coast Guard Petty Officer Second Class Steven M. Ruh of North Boston NY.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above thirteen items by including Et Al Sponsorship and adding one from Legislator Ranzenhofer. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above fourteen items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

GRANTED.

Item 22 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 23 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2008 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 24 - MR. MAZUR presented the following report, moved to separate item Number 2 and approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

JANUARY 31, 2008

HEALTH & HUMAN SERVICES
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7D-1 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (5-0)
 - b. COMM. 7D-3 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (5-0)
 - c. COMM. 10D-2 (2007)
BOARD OF HEALTH: Minutes from 3/8/07 Meeting
 (5-0)
 - d. COMM. 1E-2 (2008)
MARINELLI: Letter to Operation Pets Program Re: 2008 Budget Accountability Act
 (5-0)

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

- e. COMM. 1E-4 (2008)
MARINELLI: Letter to Meals on Wheels for WNY Re: 2008 Budget Accountability Act (5-0)
- f. COMM. 1E-5 (2008)
MARINELLI: Letter to Ken-Ton Meals on Wheels Re: 2008 Budget Accountability Act (5-0)
- g. COMM. 1E-7 (2008)
MARINELLI: Letter to Alden Meals on Wheels Re: 2008 Budget Accountability Act (5-0)
- h. COMM. 1E-8 (2008)
MARINELLI: Letter to Vive La Casa Re: 2008 Budget Accountability Act (5-0)
- i. COMM. 2M-5 (2008)
MEALS ON WHEELS FOR WNY: Reply to Comm. 1E-4 (5-0)
- j. COMM. 2M-8 (2008)
OPERATION PETS: Reply to Comm. 1E-2 (5-0)
- k. COMM. 2M-15 (2008)
ALTERNATIVE CARE SERVICES OF WNY (ALDEN'S MEALS ON WHEELS):
Reply to Comm. 1E-7 (5-0)
- l. COMM. 2M-18 (2008)
VIVE – LA CASA: Reply to Comm. 1E-8 (5-0)
2. COMM. 2E-19 (2008)
COUNTY EXECUTIVE
WHEREAS, the Department of Social Services has received a special 12 month grant in the amount of \$80,000 to conduct the Safety Net Assistance Program, and

WHEREAS, this program is targeted to serve 300 Safety Net Public Assistance recipients who have a disabling physical or mental condition that limits participation in education and employment activities, and

WHEREAS, clients with medical, substance addiction or federal benefit pending exemption status related to work requirements will be assessed to determine their need for employment support, rehabilitation or linkage to community providers as appropriate, and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, this resolution provides for salary, fringe, travel and equipment costs for the addition of a Senior Caseworker position and establishes a grant fund for this purpose, and

WHEREAS, there is no fiscal impact to this resolution as this special grant is fully funded through the New York State Office of Temporary and Disability Assistance.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Full Time Salaries	\$46,378
502000	Fringe Benefits	18,551
510000	Local Mileage	5,000
561410	Lab and Technical Equipment	8,071
561420	Office Equipment	<u>2,000</u>
	Total Expenditure	<u>\$80,000</u>
409000	State Aid	<u>\$80,000</u>
	Total Revenue	<u>\$80,000</u>

and be it further

RESOLVED, that the following staff position is created in the new grant fund:

- (1) Senior Caseworker JG 9
 (B-100 # 3535)

and be it further

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

(5-0)

3. COMM. 2E-21 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$299,268 from the New York State Department of Health Bureau of Tuberculosis (TB) control to reduce morbidity, mortality and disability associated with Tuberculosis, and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, there are sufficient funds available in the grant to accommodate this staffing adjustment, and

WHEREAS, in order to efficiently provide outreach services to the community to reduce morbidity and mortality from TB and provide TB services to an ever increasing refugee population, which has a higher burden of TB infection than the general population, it is necessary to create one Full Time Registered Nurse position JG 8, Step 0, and delete one vacant Full Time Licensed Practical Nurse position (position number 6211), JG 4.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Registered Nurse JG 8, Step 0, is hereby created and one vacant full-time position of Licensed Practical Nurse, JG 4 position number 6211, is hereby deleted as indicated on B100 Control #3353.

The following personnel detail is hereby submitted:

TITLE: Registered Nurse	FUNDING: 100% State Funded
JG: 8	CIVIL SERVICE: No
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$47,016	
ANNUAL BENEFITS: \$13,612	

and be it further

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

4. COMM. 2E-27 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Program(III-C-1) and the Disease Prevention and Health Promotion (III-D) grants for the period January 1, 2007 to December 31, 2007, and the Weatherization Referral and Packaging Program (WRAP-SOFA) grant for the extended period October 1, 2006 to October 31, 2007, and

WHEREAS, the Department of Senior Services regularly reviews grant budgets and actual costs, and recommends budget revisions that will maximize use of federal funds and cover all pertinent costs, and

WHEREAS, the grant budgets need to be revised.

NOW, THEREFORE, BE IT

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12007, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$224,520	\$29,480	\$254,000
516020	Food Services - Sodexho	\$1,166,309	-\$29,480	1,136,829
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the III-D grant, 163III-D2007, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$21,674	\$3,326	\$25,000
530000	Other Expenses	\$8,345	-\$3,326	5,019
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-SOFA grant, 163WRAP-SOFA0607, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$177,207	3,852	\$181,059
502000	Fringe Benefits	70883	694	71,577
510000	Local Mileage	7,171	-136	7,035
	Other Expenses (Last			
530000	Resort)	138,319	-4,157	134,162
980000	ID DISS Services	4,283	-253	4,030
TOTAL CHANGE			<u>\$0</u>	

and be it further

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

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

(5-0)

THOMAS J. MAZUR
CHAIR

Item 25 - MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

JANUARY 31, 2008

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 2

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18D-3 (2007)
LEGISLATURE AIDE: Relay of Message from Charles Griffasi to Appear Before Community Enrichment Committee
 (6-0)
 - b. COMM. 1E-9 (2008)
MARINELLI: Letter to Buffalo Niagara Film Commission Re: 2008 Budget Accountability Act
 (6-0)
 - c. COMM. 1E-10 (2008)
MARINELLI: Letter to Buffalo Niagara Convention Center Re: 2008 Budget Accountability Act
 (6-0)
 - d. COMM. 1E-11 (2008)
MARINELLI: Letter to Buffalo Niagara Convention & Visitors Bureau Re: 2008 Budget Accountability Act
 (6-0)

BETTY JEAN GRANT
CHAIR

Item 26 - MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

JANUARY 31, 2008

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 2

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

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 18M-5 (2007)
BUFFALO PLACE: "2008 Budget"
 (5-0)

TIMOTHY M. KENNEDY
CHAIR

Item 27 - MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

RESOLUTION NO. 31

JANUARY 31, 2008

PUBLIC SAFETY COMMITTEE
 REPORT NO. 2

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-49 (2007)
MARINELLI: Public Safety Committee Matrix Training
 (6-0)
 - b. COMM. 26D-1 (2007)
LABOR RELATIONS: Opinion and Award; Compulsory Interest Arbitration between Erie County and the Sheriff of Erie County and Erie County Sheriff's Police Benevolent Assn.
 (6-0)
 - c. COMM. 2E-31 (2008)

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

COMPTROLLER: Comm. 2E-17 – New Accountant Position in Department of Emergency Services
 (6-0)

2. COMM. 2E-5 (2008)

DISTRICT ATTORNEY

WHEREAS, the District Attorney through the Victim Witness Assistance Program Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Victim Witness Grant Budgets in Book B for 2007; and

WHEREAS, the executed contract received from the NYS Crime Victims Board authorizes funding levels different from the adopted budget, namely additional funding to be provided to Child and Family Services – Haven House.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness Grant to match final state authorized funding levels, to be adjusted as follows:

VICTIM WITNESS ASSISTANCE GRANT
 114VICTIMWTNSS0708
 October 1, 2007 to September 30, 2008

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
409000 State Revenue	\$ 290,000	\$ 38,000	\$ 328,000
479000 County Share Contribution	89,977	-0-	89,977
Total Revenue	\$ 379,977	\$ 38,000	\$ 417,977

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Personal Services	\$ 275,350	\$ (2,350)	\$ 273,000
500350 Other Employee Payments	1,820	-0-	1,820
501000 Overtime	-0-	1,000	1,000
502000 Fringe Benefits	111,807	1,503	113,310
505000 Office Supplies	-0-	96	96
510000 Local Mileage Reimbursement	1,500	-0-	1,500
510100 Out of Area Travel	1,500	(1,099)	401
516020 Professional Services	2,000	500	2,500
530000 Other Expenses	-0-	350	350
516000 Contractual:			
Child & Family Services	-0-	38,000	38,000
911490 ID DA Grant Services	(14,000)	-0-	(14,000)

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Total Appropriations	\$ <u>379,977</u>	\$ <u>38,000</u>	\$ <u>417,977</u>
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and be it further

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

(6-0)

3. COMM. 2E-14 (2008)
COUNTY EXECUTIVE

WHEREAS, the Division of Emergency Medical Services provides emergency medical training to first responders, emergency medical technicians, advanced emergency medical technicians and paramedics throughout the County, and

WHEREAS, the Division coordinates all medical communications between ambulances, hospitals and emergency medical health care providers in and around the County by working closely with the Department of Central Police Services, and

WHEREAS, Division personnel support the coordination of advanced life support operations in Erie County for those emergency medical services providers who receive medical direction from Erie County Medical Center in cooperation with the office of Pre-hospital Care; and

WHEREAS, The Erie County Charter Section 11 C.03 states that “the Division of Emergency Medical Services shall be headed by a Deputy Commissioner”, and

WHEREAS, in order to effectively and efficiently oversee these programs it will be necessary to create one full-time position of Deputy Commissioner – Emergency Medical Services, JG XIV, Step 0, and

WHEREAS, funds are available in the Adopted 2008 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Deputy Commissioner – Emergency Medical Services, JG XIV, Step 0, is hereby created as indicated on B100 control # 3481.

The following personnel detail is hereby submitted:

TITLE: Deputy Commissioner – Emergency Medical Services	
JG: XIV	FUNDING: General Fund
STEP: 0	CIVIL SERVICE: MC
ANNUAL SALARY: \$ 51,232	CIVIL SERVICE LIST: No
AMOUNT FOR REMAINDER OF 2008: \$ 51,232	

and be it further

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, that authorization is granted to make the following budgetary adjustments in the 2008 budget, fund 110:

Health Department

Public Health Laboratories Division Fund Center 12730

Decrease Account #516020 – Professional Services, Contracts and Fees \$51,232

Emergency Medical Services Division Fund Center 12720

Increase Account #500000 – Full Time Salaries \$51,232

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, the Department of Emergency Services, and the Department of Law.

(6-0)

4. COMM. 2E-16 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$1,425,066.00 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, Legislative Resolution dated October 11, 2007, (Comm. 14E-40) authorized a grant in the amount of \$1,425,066.00 in Federal resources to provide funding for personnel and purchase equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the present funding for this grant for Urban Area Security Initiative funds (UASI) is under the Department of Central Police Services; and

WHEREAS, the Department of Emergency Services' goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the grant should be moved to the Department of Emergency Services to comply with the intent of the funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust Homeland Security Grant, HS165UASIF060708, to include the cost centers of the Department of Emergency Services and to transfer all remaining balances within the grant to said cost centers; and be it further

MEETING NO. 3

**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008**

ERIE COUNTY LEGISLATURE

RESOLVED, that all current and future positions within this grant shall be budgeted in the cost center of the Department of Emergency Services; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services, the Department of Central Police Services, the County Comptroller, and the County Attorney.

(6-0)

5. COMM. 2E-28 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York Governor's Traffic Safety Committee has awarded Erie County a grant in the amount of \$25,432; and

WHEREAS, the grant will be used to establish a Traffic Safety Program and fund a part-time instructor to make Driver Safety presentations at Erie County High Schools; and

WHEREAS, all expenses under the Traffic Safety Program are 100% reimbursable by New York State; and

WHEREAS, no local matching dollars are required to receive this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County executive is hereby authorized to enter into agreement with New York state to accept funding for the Traffic Safety Program; and be it further

RESOLVED, that the following transactions are authorized to establish a Traffic Safety Grant and amend the 2008 County Budget to reflect new revenues and expenses as follows:

CENTRAL POLICE SERVICES
TRAFFIC SAFETY GRANT
Cost Center #1650060 STOP-DWI/TRAFFIC SAFETY
Grant #165TRAFFICSFTY0708

APPROPRIATIONS

AMOUNT

ACCT. #500010	Part-Time Wages	17,996
	Traffic Safety Instructor, Job Grade 10, 19 hrs/week	
ACCT. #502000	Fringe Benefits	1,440
ACCT. #505000	Office Supplies	1,000
ACCT. #510000	Local Mileage	1,399
ACCT. #510100	Out of Area Travel	1,000
ACCT. #510200	Training & Education	600
ACCT. #530000	Other Expense	600
ACCT. #980000	ID DISS Services	<u>1,400</u>

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

	TOTAL	
	APPROPRIATIONS	<u>25,435</u>
REVENUES		
ACCT. #479100	Other Contributions	<u>25,435</u>
	TOTAL REVENUES	<u>25,435</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of County Executive, the Office of the Comptroller, Division of Budget, Management, and Finance, and the STOP-DWI Office.

(6-0)

TIMOTHY M. WROBLEWSKI
CHAIR

Item 28 - MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANAMOUSLY.

RESOLUTION NO. 32

JANUARY 31, 2008

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 1

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5D-2 (2007)
COUNTY ATTORNEY: Legal Opinion of Local Law Intro. No. 1-2007
 (6-0)
 - b. COMM. 7E-1 (2007)
MILLS: Copy of Letter to Konst Re: Rules, Procedures, and Terms and Conditions in Place for the Removal of an Elected Official
 (6-0)
 - c. COMM. 11E-7 (2007)
COMPTROLLER: IRS Policy on Mobile Telephones for Employees

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

- (6-0)
- d. COMM. 13E-3 (2007)
CLERK: Rath Building Auto Bureau
(6-0)
- e. INTRO 14-1 (2007)
RANZENHOFER, MILLS & WEINSTEIN: Support for Relocation of the Downtown Auto Bureau Into the Rath Building
(6-0)
- f. COMM. 16E-8 (2007)
COMPTROLLER: Audit of the Dept. of Law – Risk Retention Fund & Professional Services Contracts and Fees Accounts for the Period Jan. 1, 2005 to December 31, 2006
(6-0)
- g. COMM. 16D-15 (2007)
COUNTY ATTORNEY: Audit of the Risk Retention Fund and Professional Services Contract and Fees Accounts for the Period 1/1/05 – 12/31/06
(6-0)
- h. INTRO 17-2 (2007)
KONST: Proposed Changes to the Erie County Ethics Code
(6-0)
- i. INTRO 18-9 (2007)
MARINELLI, KONST, MAZUR & LOCKLEAR: Joining County Clerk Hochul in Opposition to Governor's Policy Regarding Illegal Immigrants Obtaining NYS Drivers Licences
(6-0)
- j. INTRO 18-10 (2007)
RANZENHOFER, MILLS, WEINSTEIN & KONST: Opposing Implementation of Plan To Allow Illegal Aliens to Obtain NYS Drivers Licenses
(6-0)
- k. INTRO 21-3 (2007)
IANNELLO: Requesting the DISS and Office of the Comptroller Conduct an Investigation and Report to the Legislature Regarding the Status of Surplus Computers and Related Equipment
(6-0)
- l. COMM. 1E-1 (2008)
COMPTROLLER: Intro 22-2 (2007) – Legislature Requests for Information Concerning Surplus Computers and Related Components and County-Owned Assets
(6-0)

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

- m. COMM. 1E-12 (2008)
MARINELLI: Letter to Niagara Erie Regional Coalition Re: 2008 Budget Accountability Act
 (6-0)
- n. COMM. 1E-13 (2008)
COUNTY EXECUTIVE: Veto of Local Law Intro No. 10-2007
 (6-0)
- o. COMM. 2M-16 (2008)
NIAGARA ERIE REGIONAL COALITION: Reply to Comm. 1E-12
 (6-0)
2. INTRO. 3-13 (2007)
MARINELLI, WHYTE, KONST, KOZUB, MAZUR & REYNOLDS
 WHEREAS, in Erie County's Four-Year Plan is a Matrix Initiative entitled "Establish 'Countystat' System to Improve Management Accountability and Planning;" and

WHEREAS, Countystat is a variation of the Citi-Stat program. Citi-Stat is a computer database system that allows City governments to regularly review every aspect of its government. The program serves as a transparent accountability and management tool through which the city can collect and thoroughly analyze data on an array of civic issues; and

WHEREAS, the CitiStat program was invented by the City of Baltimore which claims that the program has enabled the City to save \$350 Million in the 6-years since its initial implementation; and

WHEREAS, it is likely that a Countystat program would help the County identify savings and efficiencies not currently apparent that would allow County government to operate more efficiently; and

WHEREAS, the Mayor of the City of Buffalo implemented a CityStat program in the City of Buffalo since June 2006; and

WHEREAS, the Erie County Legislature is interested in hearing a report from the City of Buffalo regarding the implementation of CitiStat.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls upon the County Executive to report to the Government Affairs Committee on the progress made on this Matrix Initiative; and be it further

RESOLVED, the Erie County Legislature does hereby request that a representative from the City of Buffalo appear before the Government Affairs Committee and discuss the successes and shortcomings of the implementation of the Citi-Stat program within the City of Buffalo; and be it further

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution are to be sent to the County Executive, the Mayor of the City of Buffalo and the Erie County Fiscal Stability Authority.
 (6-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 29 - MR. KOZUB presented the following report, moved to separate item Number 2 and approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANAMOUSLY.

RESOLUTION NO. 33

JANUARY 31, 2008

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 2

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-11 (2007)
COUNTY EXECUTIVE: Open Item – Sewer District Bond Authorization
 (6-0)
 - b. COMM. 9E-9 (2007)
COUNTY EXECUTIVE: Sewerage Management – Personnel Request
 (6-0)
 - c. COMM. 12E-16 (2007)
COUNTY EXECUTIVE: ECSD No. 8 – East Aurora Collection System Replacement – Bid Opening
 (6-0)
 - d. COMM. 12E-28 (2007)
COUNTY EXECUTIVE: ECSD No. 3 – Village of Hamburg Collection System – Bid Opening
 (6-0)
 - e. COMM. 12E-36 (2007)
COUNTY EXECUTIVE: ECSD No. 3 – Elimination of Greenmeadow Pump Station – Bid Opening
 (6-0)
 - f. COMM. 12E-39 (2007)

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

- COUNTY EXECUTIVE:** ECSD No. 3 – Southtowns Wastewater Treatment Facility – Roof Replacement – Bid Opening
(6-0)
- g. COMM. 12E-48 (2007)
COUNTY EXECUTIVE: ECSD No. 6 – Bethlehem Park Pump Station & Collection System Improvements – Bid Opening
(6-0)
- h. COMM. 1E-3 (2008)
MARINELLI: Letter to Cooperative Extension Service Re: 2008 Budget Accountability Act
(6-0)
- i. COMM. 1E-6 (2008)
MARINELLI: Letter to Erie County Soil & Water Conservation Re: 2008 Budget Accountability Act
(6-0)
- j. COMM. 2E-23 (2008)
COUNTY EXECUTIVE: ECSD Nos. 3 & 6 – Engineer Term Agreement – Work Order: MPI-8
(6-0)
- k. COMM. 2E-24 (2008)
COUNTY EXECUTIVE: DEP – ECSD Nos. 1, 2, 3, 4, 5 & 6 – Engineer Term Agreement – DiDonato Associates – Change Order No. 2
(6-0)
1. COMM. 2M-7 (2008)
NYS COMPTROLLER: Establishment of the EC Sewer District No. 8
(6-0)
2. COMM. 26E-6 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Office of Geographic Information Services operates a state of the art Geographic Information System (GIS), consisting of computer hardware, communication technology, GIS software, trained personnel, and almost one Terabyte of GIS data; and

WHEREAS, it is essential to maintain the County's GIS technology infrastructure and keep critical GIS data up to date in order to protect and improve upon the County's investments in the GIS system and to ensure the continued availability of mapping services, such as Internet Mapping, and high quality and accurate GIS data; and

WHEREAS, over recent years there has been a rapid rise in interest in computer mapping, resulting in the Erie County GIS Office continually receiving requests from private companies

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

asking for digital copies of the County's GIS datasets, especially the property parcels in a GIS software-specific format, so that they may incorporate this data into their private business enterprise; and

WHEREAS, the Erie County Real Property Tax Unit of the Division of Budget, Management, and Finance has an established fee schedule for agencies who wish to acquire the County's property parcels in a digital engineering format (AutoCAD) and routinely sells the AutoCAD parcel data to private firms and agencies; and

WHEREAS, the Erie County Department of Environment and Planning – Office of Geographic Information Services wishes to establish a fee schedule for private agencies and firms who request property data in a GIS specific data format, modeled on the existing Tax Mapping Unit AutoCAD fee schedule but which reflects the added value of maintaining and providing the parcel data in a geographic information system database.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Department of Environment and Planning is authorized to institute the "Geographic Information System Parcel Data Fee Schedule" excluding for municipalities as attached to this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the Director of the Division of Budget, Management and Finance.

Proposed Fee Schedule for Geographic Information System Data

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

	Finance Division		Environment & Planning
	Current		* Proposed
	AutoCAD	Number of	GIS
Area	Fee	Parcels in Area	Fee
Buffalo	\$ 100.00	95,280	\$ 500.00
City of Tonawanda	\$ 100.00	6,433	\$ 50.00
Lackawanna	\$ 100.00	6,798	\$ 50.00
Amherst, Williamsville	\$ 50.00	38,639	\$ 250.00
Cheektowaga, Sloan, Depew	\$ 50.00	34,294	\$ 250.00
Clarence	\$ 50.00	11,715	\$ 50.00
Grand Island	\$ 50.00	8,980	\$ 50.00
Hamburg Town, Hamburg Village, Blasdell	\$ 50.00	24,278	\$ 100.00
Lancaster Town, Lancaster Village, Depew	\$ 50.00	17,503	\$ 100.00
Orchard Park Town, Orchard Park Village	\$ 50.00	11,573	\$ 50.00
Town of Tonawanda, Kenmore	\$ 50.00	28,942	\$ 150.00
West Seneca	\$ 50.00	18,182	\$ 100.00
Alden Town, Alden Village	\$ 25.00	3,808	\$ 50.00
Aurora, East Aurora	\$ 25.00	6,167	\$ 50.00
Boston	\$ 25.00	3,641	\$ 50.00
Brant, Farnham	\$ 25.00	1,395	\$ 50.00
Colden	\$ 25.00	1,882	\$ 50.00
Collins, Gowanda	\$ 25.00	2,268	\$ 50.00
Concord, Springville	\$ 25.00	4,243	\$ 50.00
Eden	\$ 25.00	3,476	\$ 50.00
Elma	\$ 25.00	5,402	\$ 50.00
Evans, Angola	\$ 25.00	9,789	\$ 50.00
Holland	\$ 25.00	1,964	\$ 50.00
Marilla	\$ 25.00	2,241	\$ 50.00
Newstead, Akron	\$ 25.00	3,760	\$ 50.00
North Collins Town, North Collins Village	\$ 25.00	1,972	\$ 50.00
Sardinia	\$ 25.00	1,725	\$ 50.00
Wales	\$ 25.00	1,498	\$ 50.00
Any individual village	\$ 25.00		\$ 50.00
ENTIRE COUNTY	\$ 1,150.00	357,848	\$ 2,500.00
Custom GIS Parcel Data (non-municipal boundary)			.02 per parcel/ minimum of \$25 per order
* Note: GIS fee based on # of parcels, rounded to even amount, with minimum of \$50/ order			
CD cost per CD	\$ 2.00		\$ 2.00

(6-0)

3. **COMM. 2E-18 (2008)**
COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,123,650 for fiscal year 2007 by the U.S. Department of Housing and Urban Development under HOME; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with Western New York AmeriCorps Fund (AmeriCorps) in an amount not to exceed \$95,000 for the purpose of renovating 20 School Street in the Town of West Seneca for low/moderate income housing; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing projects.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

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

ATTACHMENT A

NAME OF PROJECT: HOME/Community Housing Development Organizations
(CHDO) Funding for Program Years 2007

SKILL REQUIRED: Funds Available Only to Qualified CHDOs as Required by HUD

COMMITTEE MEMBERS PROJECT RANKING:

Western New York
AmeriCorps Fund

Committee Members

Approved

Thomas J. Dearing, Community Planning Coordinator
Erie County Dept. of Environment & Planning

Approved

Christopher Hull, Director of Community Development
Town of Hamburg

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

Approved	Louisa Frazier Merritt, Housing Director Buffalo Urban League
Approved	Bradley Dossinger, CRA, Regional Officer M & T Bank
Approved	Jennifer Wood, Dept. Senior Services Erie County
Approved	Nancy Dollard, Town of West Seneca

Two CHDOs responded to the request for proposals, the other being the Angola Senior Housing Project in the Village of Angola. The Angola Senior Housing Project resolution was previously approved by the Erie County Legislature for funding.

In my opinion in recommending Western New York AmeriCorps Fund to develop affordable housing for low-income in the Town of West Seneca, the Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code.

Scoring sheets and other material related to this matter are available for review at the DEP offices during regular business hours.

HOLLY A. SINNOTT, Commissioner
Department of Environment and Planning

(6-0)

4. COMM. 2E-22 (2008)

COUNTY EXECUTIVE

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

WHEREAS, the ECDEP and the Research Foundation of SUNY at Buffalo State College are partners on a new grant from the U.S. Environmental Protection Agency the funds of which are dedicated to implementing an Illicit Connection Trackdown and Evaluation Project; and

WHEREAS, the Illicit Connection Trackdown and Evaluation Project will provide 43 regulated municipalities in Erie and Niagara County with the knowledge and expertise that will enable them to comply with New York State requirements to detect and eliminate illicit discharges to their stormsewer systems; and

WHEREAS, the Research Foundation of SUNY at Buffalo State College has provided \$64,280 to the ECDEP to assist with developing a protocol and training module for municipalities to detect, sample, and track down the source of illicit discharges to their storm sewer systems.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College to accept \$64,280 in new grant funding to develop a protocol and training module for municipalities to detect, sample, and track down the source of illicit discharges to their storm sewer systems; and be it further

RESOLVED, that the revenue from the Illicit Connection Trackdown and Evaluation Project is hereby appropriated in the new grant as follows:

REVENUE:

420499	Other Local Source Revenue – Buffalo State College	\$ 64,280
	TOTAL REVENUE	\$64,280

APPROPRIATIONS:

500000	Personnel Services	\$45,000
502000	Fringe Benefits	\$19,280
	TOTAL APPROPRIATIONS	\$64,280

and be it further

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

RESOLVED, that the following position will be transferred from the Stormwater Outfall Mapping Project Budget (A.00251):

Solid Waste Recycling Specialist (JG XII) Position
 B-100 No. 000 000 3283
 Budgeted Annual Salary: \$59,266

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management; Holly A. Sinnott, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(6-0)

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

5. COMM. 2E-25 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning needs to retain an Engineer to provide evaluation and design for the Vanderbilt Pumping Station Upgrade ORF – Chlorine Chamber Influent Weir Modifications and Depew Pumping Station Forcemains Valve Replacement in Erie County Sewer District No. 4; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Conestega-Rovers & Associates (CRA).

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Conestega-Rovers & Associates (CRA) be retained at a cost not to exceed \$393,838.78; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm Conestega-Rovers & Associates (CRA) to provide the needed engineering services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$393,838.78 for the Agreement from Sewer Capital Account C.00063, as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send and one (1) certified copy each to the County Executive; the Erie County Comptroller; Gregory Dudek, Assistant County Attorney; the Director of Budget and Management and two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
 (6-0)

DANIEL M. KOZUB
CHAIR

MR. KOZUB moved to approve item Number 2. MR. KENNEDY seconded.

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

AYES: RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE, and WROBLEWSKI. (AYES: 14, NOES: 0)

CARRIED UNANIMOUSLY.

Item 30 - MS. KONST presented the following report, moved to separate item Number 2 and approve the balance of the report. MS. WHYTE seconded.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

CARRIED UNANAMOUSLY.

RESOLUTION NO. 34

JANUARY 31, 2008

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 2

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-6 (2007)
RANZENHOFER & MILLS: In Support of NYSAC Recommendations Regarding Relief of Elimination of Unnecessary State Requirements
 (6-0)
 - b. COMM. 3E-34 (2007)
COUNTY EXECUTIVE: Re-Levy of Erroneous Taxes for Property Located in the City of Buffalo Known as the Bed of Fulton Street and Owned by the Seneca Gaming Corporation
 (6-0)
 - c. COMM. 3E-46 (2007)
MARINELLI: Finance & Management Committee Matrix Training
 (6-0)
 - d. INTRO 5-7 (2007)
WHYTE: Sale of Tax Liens vs. Landbanking as an Economic Development Strategy
 (6-0)
 - e. INTRO 7-3 (2007)
WEINSTEIN, MILLS & RANZENHOFER: Refinancing of Ten County Bonds
 (6-0)
 - f. COMM. 2E-6 (2008)
COMPTROLLER: Management Letter for Erie County for Year Ending 12/31/06
 (6-0)
 - g. COMM. 2M-9 (2008)
TOWN OF TONAWANDA TOWN BOARD: Requesting Direct Payment of Erie County Sales tax to the Town
 (6-0)
2. COMM. 17D-2 (2007) **AS AMENDED**

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

DIRECTOR OF REAL PROPERTY TAX SERVICES
AMENDMENT “A”

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing);

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 207483 through 207523 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2007 Petition No. 207,483.00

ASSESSOR Cancel \$528.90

S-B-L 256.00-1-2.2 144000 EDEN

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$528.90	Town/SpecialDist/School
	144000 EDEN		\$528.90
	Relevy School	\$528.90	144001 EDEN CENTRAL

RPTL 550 (2) - DUPLICATE PARCEL
 DELETE ENTIRE PARCEL FROM TAX ROLL

FISCAL YEAR 2007 Petition No. 207,484.00

ASSESSOR Cancel \$2,715.34

S-B-L 238.08-1-12 144000 EDEN

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,715.34	Town/SpecialDist/School
	144000 EDEN		\$2,715.34
	Relevy School	\$2,715.34	144001 EDEN CENTRAL

RPTL 550 (2) - DUPLICATE PARCEL
 DELETE ENTIRE PARCEL FROM TAX ROLL

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

S-B-L 28.03-4-15

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$589.52	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$589.52	
	Relevy School	\$589.52	142203 WILLIAMSVILLE CENT

RPTL 550 (2) - FAILED TO APPLY BASIC STAR

REFUND TO BE ISSUED TO: TINA A JULIANO & JUAN F VASQUEZ

FISCAL YEAR 2006

Petition No.

207,489.00

ASSESSOR

Refund

\$510.24

S-B-L 173.07-2-12

146001 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$510.24	Town/SpecialDist/School
<u>Charge To :</u>	146001 ORCHARD PARK	\$510.24	
	Relevy School	\$510.24	146001 ORCH PARK CENTRAL

RPTL 550 (2) - FAILED TO APPLY BASIC STAR

REFUND TO BE ISSUED TO: THOMAS WOJCIECHOWSKI

FISCAL YEAR 2007

Petition No.

207,490.00

ASSESSOR

Refund

\$490.60

S-B-L 173.07-2-12

146001 ORCHARD PARK

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

RPTL 550(2) - FAILED TO APPLY BASIC STAR

REFUND TO BE ISSUED TO: THOMAS WOJCIECHOWSKI

FISCAL YEAR 2007

Petition No.

207,491.00

ASSESSOR

Refund

\$396.68

S-B-L 254.00-1-16.1

144000 EDEN

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$396.68	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$396.68
	Relevy School	\$396.68	144001 EDEN CENTRAL

RPTL 550(2) - WRONG ASSESSED VALUE
REFUND TO BE ISSUED TO: BRIAN & CATHRINE HACKFORD

FISCAL YEAR 2007 Petition No. 207,492.00

ASSESSOR Refund \$962.04

S-B-L 125.29-1-1./7948 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$962.04	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$962.04
	Relevy School	\$962.04	146801 WEST SENECA CENT

RPTL 550 (2) - FAILED TO APPLY ENHANCED STAR
REFUND TO BE ISSUED TO: LOUIS D'AMIRO

FISCAL YEAR 2007 Petition No. 207,493.00

ASSESSOR Refund \$82.77

S-B-L 147.03-2-7 144200 ELMA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$82.77	Town/SpecialDist/School
<u>Charge To :</u>	144200 ELMA		\$82.77
	Relevy School	\$82.77	144201 IROQUOIS CENTRAL

RPTL 550(2) - FAILED TO APPLY AGED STAR
REFUND TO BE ISSUED TO: DANIEL RUPP

FISCAL YEAR 2007 Petition No. 207,494.00

ASSESSOR Refund \$589.51

S-B-L 80.07-2-22 142289 AMHERST

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$589.51	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$589.51	
	Relevy School	\$589.51	142203 WILLIAMSVILLE CENT

RPTL 550 (2) - FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: MICHAEL P. JURKOWSKI

FISCAL YEAR 2007 Petition No. 207,495.00

ASSESSOR Refund \$194.51

S-B-L 196.09-6-20.12 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$194.51	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG	\$194.51	
	Relevy School	\$194.51	144801 HAMBURG CENTRAL

RPTL 550 (2) - WHOLLY EXEMPT
CANCEL AND REISSUE TAX BILL

FISCAL YEAR 2007 Petition No. 207,496.00

ASSESSOR Refund \$1,549.87

S-B-L 183.17-2-15.2 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,549.87	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG	\$1,549.87	
	Relevy School	\$1,549.87	144801 HAMBURG CENTRAL

RPTL 550 (2) - WHOLLY EXEMPT
CANCEL AND REISSUE TAX BILL

FISCAL YEAR 2007 Petition No. 207,497.00

ASSESSOR Refund \$1,613.23

S-B-L 160.18-1-8 144803 HAMBURG

	Acct. No. 112	\$0.00	County
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MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

	Acct. No. 132	\$1,613.23	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$1,613.23
	Relevy School	\$1,613.23	144801 HAMBURG CENTRAL

RPTL 550 (2) - WHOLLY EXEMPT
 CANCEL AND REISSUE A NEW TAX BILL

FISCAL YEAR 2004 Petition No. 207,498.00

ASSESSOR Refund \$299.39

S-B-L 201.16-1-5 146600 WALES

	Acct. No. 112	\$189.06	County
	Acct. No. 132	\$110.33	Town/SpecialDist/School
66021 WALES FIRE DIST #1		\$82.19	
<u>Charge To :</u>	146600 WALES		\$28.14

RPTL 550 (2):

FISCAL YEAR 2005 Petition No. 207,499.00

ASSESSOR Refund \$283.69

S-B-L 201.16-1-5 146600 WALES

	Acct. No. 112	\$177.69	County
	Acct. No. 132	\$106.00	Town/SpecialDist/School
66021 WALES FIRE DIST #1		\$74.60	
<u>Charge To :</u>	146600 WALES		\$31.40

FISCAL YEAR 2006 Petition No. 207,500.00

ASSESSOR Refund \$304.41

S-B-L 201.16-1-5 146600 WALES

	Acct. No. 112	\$199.59	County
	Acct. No. 132	\$104.82	Town/SpecialDist/School
66021 WALES FIRE DIST #1		\$73.32	
<u>Charge To :</u>	146600 WALES		\$31.50

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2005 Petition No. 207,501.00

 ASSESSOR Refund \$559.03

S-B-L 201.16-1-5 146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$559.03	Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES		\$559.03
	Relevy School	\$559.03	145001 HOLLAND CENTRAL

RPTL 550(2) - INCORRECT ASSESSED VALUE
REFUND TO BE ISSUED TO: KATHLEEN SAINSBURY

FISCAL YEAR 2006 Petition No. 207,502.00

 ASSESSOR Refund \$619.54

S-B-L 201.16-1-5 146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$619.54	Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES		\$619.54
	Relevy School	\$619.54	145001 HOLLAND CENTRAL

RPTL 550(2) - INCORRECT ASSESSED VALUE
REFUND TO BE ISSUED TO: KATHLEEN SAINSBURY

FISCAL YEAR 2006 Petition No. 207,504.00

 ASSESSOR Cancel \$580.22

S-B-L 193.00-1-8.3 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$580.22	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$580.22
	Relevy School	\$580.22	144401 LAKE SHORE CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
NEW TAX BILL TO BE ISSUED TO: JOYCE HAWKINS

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

FISCAL YEAR 2007 Petition No. 207,505.00

ASSESSOR Cancel \$560.44

S-B-L 193.00-1-8.3 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$560.44	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$560.44	
	Relevy School	\$560.44	144401 LAKE SHORE CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
 NEW TAX BILL TO BE ISSUED TO: JOYCE HAWKINS

FISCAL YEAR 2005 Petition No. 207,506.00

ASSESSOR Refund \$626.88

S-B-L 78.32-3-7 146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$626.88	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$626.88	
	Relevy School	\$626.88	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY BASIC STAR
 REFUND TO BE ISSUED TO: JEFFREY E SPRIEGEL SR.

FISCAL YEAR 2006 Petition No. 207,507.00

ASSESSOR Refund \$619.80

S-B-L 78.32-3-7 146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$619.80	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$619.80	
	Relevy School	\$619.80	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY BASIC STAR
 REFUND TO BE ISSUED TO: JEFFREY E SPRIEGEL SR

FISCAL YEAR 2007 Petition No. 207,508.00

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

ASSESSOR Refund \$611.09

S-B-L 78.32-3-7 146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$611.09	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$611.09	
	Relevy School	\$611.09	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY BASIC STAR
 REFUND TO BE ISSUED TO: JEFFREY E. SPRIEGEL SR.

FISCAL YEAR 2007 Petition No. 207,509.00

ASSESSOR Cancel \$147.38

S-B-L 41.20-10-40 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$147.38	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$147.38	
	Relevy School	\$147.38	142203 WILLIAMSVILLE CENT

RPTL 550(2): DUPLICATE PARCEL, DELETE FROM TAX ROLL
 REFUND TO BE ISSUED TO: JOSEPH & MARCIA DINARDO

FISCAL YEAR 2007 Petition No. 207,510.00

ASSESSOR Refund \$1,916.67

S-B-L 123.36-5-25 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,916.67	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$1,916.67	
	Relevy School	\$1,916.67	143009 SLOAN UNION #9

RPTL 550(2): TOWN OWNED PROPERTY SHOULD BE EXEMPT
 REFUND TO BE ISSUED TO: TOWN OF CHEEKTOWAGA

FISCAL YEAR 2007 Petition No. 207,511.00

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

ASSESSOR Refund \$527.28

S-B-L 215.00-2-8.2 143400 COLDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$527.28	Town/SpecialDist/School
<u>Charge To :</u>	143400 COLDEN		\$527.28
	Relevy School	\$527.28	145001 HOLLAND CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
 REFUND TO BE ISSUED TO: JENNIFER LEE L LAGA

FISCAL YEAR 2007 Petition No. 207,516.00

ASSESSOR Refund \$188.10

S-B-L 61.00-2-9 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$188.10	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$188.10
	Relevy School	\$188.10	145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
 REFUND TO BE ISSUED TO: JOHN ALFIER

FISCAL YEAR 2007 Petition No. 207,518.00

ASSESSOR Refund \$476.58

S-B-L 160.12-1-5.11 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$476.58	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$476.58
	Relevy School	\$476.58	144801 HAMBURG CENTRAL

RPTL 550(2): AMOUNT OF BASIC STAR
 REFUND TO BE ISSUED TO: EMILY R & MICHAEL SMACZNIAK

FISCAL YEAR 2007 Petition No. 207,520.00

ASSESSOR Refund \$269.48

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

S-B-L 159.19-1-20./A 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$269.48	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$269.48
	Relevy School	\$269.48	144804 FRONTIER CENTRAL

RPTL 550(2): AMOUNT OF BASIC STAR

REFUND TO BE ISSUED TO: EAGLECREST LIMITED PARTNERSHIP

FISCAL YEAR 2007 Petition No. 207,521.00

ASSESSOR Refund \$247.02

S-B-L 159.19-1-21.1/A 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$247.02	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$247.02
	Relevy School	\$247.02	144804 FRONTIER CENTRAL

RPTL 550(2): AMOUNT OF BASIC STAR

REFUND TO BE ISSUED TO: BG MHC/LAKESHORE MANAGEMENT INC.

FISCAL YEAR 2007 Petition No. 207,523.00

ASSESSOR Cancel \$3,239.63

S-B-L 777.00-48-2.1 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,239.63	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$3,239.63
	Relevy School	\$3,239.63	144001 EDEN CENTRAL

RPTL 550(2): EXCEEDED CEILING VALUE

ISSUE NEW TAX BILL TO: NORFOLK SOUTHERN RAILWAY

AMENDMENT "B"

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, the Director has investigated the validity of such applications (see attached listing);

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 208001 through 208015 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2007 Petition No. 208,001.00

ASSESSOR Cancel \$251.42

S-B-L 196.09-6-20.11 144803 HAMBURG

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$251.42 Town/SpecialDist/School
Charge To : 144803 HAMBURG \$251.42

Relevy Village \$251.42 Village of HAMBURG
 RPTL 550(2): MISTAKE IN TRANSCRIPTION OF A RELEVIED VILLAGE TAX
 ISSUE NEW TAX BILL TO: PATRICIA MICHALIK & JOSEPH MECCA

FISCAL YEAR 2007 Petition No. 208,002.00

ASSESSOR Refund \$770.01

S-B-L 67.65-5-22 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$770.01 Town/SpecialDist/School
Charge To : 142289 AMHERST \$770.01
 Relevy School \$770.01 142201 AMHERST CENTRAL

RPTL 550(2): WRONG ASSESSED VALUE
 REFUND TO BE ISSUED TO: KURT C KISTNER

FISCAL YEAR 2007 Petition No. 208,003.00

ASSESSOR Refund \$482.67

S-B-L 91.19-6-1 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

	Acct. No. 132	\$482.67	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$482.67	
	Relevy School	\$482.67	143002 CHEEK. UNION #2

RPTL 550(2): AMOUNT OF BASIC STAR
 REFUND TO BE ISSUED TO: ANTHONY TIRANNO

FISCAL YEAR	2007	Petition No.	208,004.00
	ASSESSOR	Refund	\$112.28

S-B-L 182.09-1-11.121/ 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$112.28	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG	\$112.28	
	Relevy School	\$112.28	

RPTL 550(2): INCORRECT BASIC STAR AMOUNT APPLIED
 REFUND TO BE ISSUED TO: 5455 SOUTHWESTERN BLVD LLC

FISCAL YEAR	2008	Petition No.	208,005.00
	ASSESSOR	Cancel	\$744.48

S-B-L 67.65-5-22 142289 AMHERST

	Acct. No. 112	\$264.27	County
	Acct. No. 132	\$480.21	Town/SpecialDist/School
	22020 EGGERTSVILLE DIST #6	\$101.67	
<u>Charge To :</u>	142289 AMHERST	\$378.54	

FISCAL YEAR	2008	Petition No.	208,006.00
	ASSESSOR	Cancel	\$170.33

S-B-L 41.20-10-40 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$170.33	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$170.33	

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
 DELETE AND ISSUE NEW TAX BILL TO: JOSEPH & MARCIA DINARDO

FISCAL YEAR 2008 Petition No. 208,007.00

 ASSESSOR Cancel \$376.00

S-B-L 207.07-2-15 144489 EVANS

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$376.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$376.00

FISCAL YEAR 2008 Petition No. 208,008.00

 ASSESSOR Cancel \$16.23

S-B-L 251.00-1-13./A 144489 EVANS

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$16.23 Town/SpecialDist/School

Charge To : 144489 EVANS \$16.23

RPTL 550(2): UNLAWFUL ENTRY AS PER PETITION #207432
 ISSUE NEW TAX BILL TO: US ENERGY DVLP CORP

FISCAL YEAR 2008 Petition No. 208,009.00

 ASSESSOR Cancel \$149.00

S-B-L 220.00-2-4 144489 EVANS

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$149.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$149.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS
 NEW TAX BILL TO BE ISSUED TO: JOSEPH NELSON JR

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2007 Petition No. 208,010.00

ASSESSOR Cancel \$8,437.89

S-B-L 777.00-46-2.1 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$8,437.89	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$8,437.89	
	Relevy School	\$8,437.89	143003 CHEEK. UNION #3

RPTL 550(2): EXCEEDS RAILROAD CEILING VALUE
 NEW TAX BILL TO BE ISSUED TO: NORFOLK SOUTHERN RAILWAY

FISCAL YEAR 2008 Petition No. 208,011.00

ASSESSOR Cancel \$235.83

S-B-L 56.20-13-1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$235.83	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$235.83	
	Relevy School	\$235.83	142203 WILLIAMSVILLE CENT

RPTL 550(2): CHARGED AN EXTRA GARBAGE IN ERROR
 CORRECTED TAX BILL TO BE ISSUED TO: JAMES C WELCH

FISCAL YEAR 2008 Petition No. 208,012.00

ASSESSOR Cancel \$986.18

S-B-L 53.23-3-12 146489 TONAWANDA

	Acct. No. 112	\$986.18	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$0.00	

RPTL 550(2): APPLIED AN EXEMPTION REMOVAL IN ERROR
 NEW TAX BILL TO BE ISSUED TO: ANDREW WALLACE

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

FISCAL YEAR 2006 Petition No. 208,013.00

ASSESSOR Cancel \$144.00

S-B-L 250.12-12-44 144489 EVANS

Acct. No. 112 \$144.00 County

Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$0.00RPTL 550(2): INCORRECT SPECIAL DISTRICTS
NEW TAX BILL TO BE ISSUED TO: RICHARD WARD

FISCAL YEAR 2008 Petition No. 208,014.00

ASSESSOR Cancel \$149.00

S-B-L 250.12-12-44 144489 EVANS

Acct. No. 112 \$149.00 County

Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$0.00RPTL 550(2): INCORRECT SPECIAL DISTRICTS
NEW TAX BILL TO BE ISSUED TO: RICHARD WARD

FISCAL YEAR 2007 Petition No. 208,015.00

ASSESSOR Cancel \$396.00

S-B-L 250.12-12-44 144489 EVANS

Acct. No. 112 \$0.00 County

Acct. No. 132 \$396.00 Town/SpecialDist/School

44069 ERIE CO SEW DIST 2 \$250.00

Charge To : 144489 EVANS \$146.00

(6-0)

3. COMM. 2E-32 (2008)
COMPTROLLER

WHEREAS, in the County's Adopted 2008 Budget, the Office of Comptroller has two (2) new Accountant Auditor titles; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, the Office of Comptroller has had significant difficulty in recruiting for existing Accountant Auditor titles due to the County's salary scale, and is already experiencing difficulty in recruitment at this level; and

WHEREAS, as the Office of Comptroller's Division of Audit and Control is growing and undertaking more audits and more complex audits, we also have a need for management oversight of our audit teams; and

WHEREAS, the Office of Comptroller requests the re-establishment of a Job Group 13 Senior Auditor title in the Division of Audit and Control with our office expecting to promote within the Division to that title; and

WHEREAS, the Office of Comptroller believes that by deleting the two (2) new Job Group 9 Accountant Auditor titles, we will be able to successfully recruit and compete against private sector accounting/audit firms for experienced personnel; and

WHEREAS, the deletion of the two new Accountant Auditor titles and creation of a new Senior Auditor title, along with the subsequent vacating of a existing filled Job Group 11 Staff Auditor title to be filled along with a new 2008 Staff Auditor title will enable the Comptroller's Division of Audit and Control to operate most efficiently and effectively; and

WHEREAS, the Office of Comptroller projects a savings to the County through such adjustments of more than \$19,000 in salary and more than \$7,500 in fringe benefits.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby delete the following two Accountant Auditor positions: 51005415 and 51005416, and does hereby authorize the creation of a new Senior Auditor title; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of Budget and Management, Comptroller, Commissioner of Personnel and Erie County Fiscal Stability Authority.

(6-0)

KATHY KONST
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 35

RE: Region 9 Open Space Conservation Plan
Advisory Committee Appointments
(INTRO 3-1)

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for an appointment of an Erie County representative to the Region 9 Open Space Conservation Plan Advisory Committee; and

WHEREAS, the proper functioning of the Open Space Conservation Plan Advisory Committee on behalf of and directly for the County of Erie and the other five Western New York counties that comprise the advisory committee is necessary for the operation of many services and programs; and

WHEREAS, the Region 9 Open Space Conservation Plan Advisory Committee has in its makeup 13 members. Six of the members are appointed by County Legislatures and seven by the New York State Department of Environmental Conservation and the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, the County Legislature for each county is requested to select an individual to serve on the Open Space Conservation Plan Advisory Committee, and the representative may be a member of the legislature or some other office in the county government or a citizen who the legislature selects; and

WHEREAS, each regional advisory committee is responsible for developing categories of land protection which represents the interests of their county and the region as a whole.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Legislator Robert B. Reynolds Jr. as the Erie County representative to the Region 9 Open Space Conservation Plan Advisory Committee; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Erie County Legislator Robert B. Reynolds Jr. (1 Main Street, Hamburg, N.Y. 14075), the Erie County Region 9 Fish and Wildlife Management Board (c/o Russell D. Biss, Natural Resources Supervisor, 182 E. Union, Suite #3, Allegany, N.Y. 14706-1328), and the office of Erie County Executive Chris Collins.

Item 32 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

INTRO 3-2 from MARINELLI Re: Appointments to the Erie County Region 9 Fish and Wildlife Management Board.

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

GRANTED.

INTRO 3-3 from REYNOLDS Re: Residential Solar Power Energy Systems Equipment Exemption.

Item 34 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-4 from KOZUB Naming the Erie County Family Court Building "The Honorable Vincent E. Doyle Family Court Building."

Item 35 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 3-5 from IANNELLO Urging the Governor and the State Legislature Include Budgetary Language to Increase Probation Reimbursement to the Statutorily Required Fifty Percent.

Item 36 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 3-6 from IANNELLO Supporting the Governor's Proposal to Consolidate Article 6 of the County Law with Respect to the Local Wireless 911 Surcharge.

Item 37 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 3-7 from IANNELLO Opposing Governor Spitzer's Proposed Amendments to the Indigent Defense Program.

Item 38 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

GRANTED.

INTRO 3-8 from MILLER-WILLIAMS Support for Michigan Street African American Heritage Corridor Commission.

Item 39 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-9 from MILLER-WILLIAMS Urging the General Services Administration to Locate the Proposed New FBI Headquarters in Downtown Buffalo.

Item 40 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-10 from MARINELLI, MILLER-WILLIAMS & WHYTE 2008 Budget and Grant Funded Services and Grant Funded Employees.

Item 41 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

RE: Notice of Proposals and
 Legislative Hearings Concerning
 Brant-Evans Agricultural District
 (EC #9)
 (INTRO 3-11)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS REYNOLDS, MARINELLI, WHYTE, MILLS, KOZUB,
KENNEDY, GRANT, RATH, AND RANZENHOFER

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Brant-Evans Agricultural District (EC #9) which was created in 1976 and recertified every 8 years thereafter; and

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Amherst Agricultural District (EC #17) which was created in 1991 and recertified every 8 years thereafter; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Sardinia Agricultural District (EC #5) which was created in 1974 and recertified every 8 years thereafter; and

WHEREAS, the 2007 30-day open period for inclusion into agricultural districts has taken place according to Article 25AA of New York State Agricultural Markets Law; and

WHEREAS, each 8-year review of agricultural districts each will have a 30-day period for public comment and/or modification of the agricultural districts; and

WHEREAS, the Agricultural Markets Law directs the County Legislature to hold public hearings on the aforementioned actions at places within the districts or otherwise readily accessible places and to publish a notice of public hearing in a newspaper with general circulation within the districts; and

WHEREAS, a copy of the agricultural district maps containing these districts or maps of parcels for inclusion are on file in the County Clerk's Office and with the respective Town Clerks.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice of the proposals, periods and public hearings in newspapers having general circulation within the Towns of the involved agricultural districts, that notice be posted in at least five conspicuous places within the Towns, and that notice also be sent to all the affected municipalities; and be it further

RESOLVED, that after a 30-day period, the Legislature hereby directs the Clerk to refer the 8-year agricultural district reviews and the 2007 30-day open period review to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board (AFPB) for a report and recommendations; and be it further

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Wednesday, March 5, 2008 at 6:00 p.m. in the Conference Room of Eden Town Hall 2795 East Church Street Eden concerning the 2007 30-day open period for inclusion into an agricultural district; and be it further

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Wednesday, March 12, 2008 at 6:00 p.m. in the Conference Room of the Evans Town Hall at 8787 Erie Road Angola concerning the 8-year review of the Brant-Evans Agricultural District, Erie County # 9; and be it further

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Wednesday, March 19, 2008 at 7:30 p.m. in the cafeteria of the Sardinia Town Hall at 12370 Savage Road Sardinia concerning the 8-year review of the Sardinia Agricultural District, Erie County #6; and be it further

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Thursday, March 27, 2008 at 6:00 p.m. in the Council Chambers of the Amherst Municipal Building at 5583 Main Street Williamsville concerning the 8-year review of the Amherst Agricultural District, Erie County #17, and be it further

RESOLVED, that the Clerk of the Legislature be directed to publish a notice of the public hearings in newspapers having general circulation within the towns in the areas of the above agricultural districts, that notice be posted within the district, and that notice also be sent to the affected municipalities, and landowners affected by modifications; and be it further

RESOLVED, that 5 copies of this resolution be sent to the Erie County Department of Environment and Planning, and one copy to the Town Supervisors and Clerks of Amherst, Boston, Brant, Eden, Evans, Holland, and Sardinia.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 42 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

RE: Support for the Holy Family Senior
Housing Project
(INTRO 3-12)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR KENNEDY

WHEREAS, The Erie County Legislature is committed to supporting the development of decent, safe, sanitary and affordable housing for residents of Erie County; and

WHEREAS, the Erie County Legislature is aware that one of the largest segments of the Western New York population are residents of retirement age; and

WHEREAS, the growing number of residents in Erie County who will reach retirement age in the next five years is increasing; and

WHEREAS, Erie County recognizes that there will be an unmet need for decent, safe, sanitary and affordable housing for these senior residents; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, Erie County is committed to fostering the adaptive reuse of vacant property;
 and

WHEREAS, the proposed Holy Family Senior Project currently being developed by Delta Development of WNY, Inc. and Living Communities, LLC will convert the former Holy Family Elementary School to thirty-five units of affordable housing for senior citizens in the South Buffalo area and this project will help to address this unmet need for senior housing; and

WHEREAS, in addition to the planned affordable housing units, the Holy Family Project plans to house a permanent site for the South Buffalo Food Pantry currently being operated out of the old school building serving hundreds of families in the Greater South Buffalo Community; and

WHEREAS, the Holy Family Senior Project can reduce its operating expenses with a Payment In Lieu of Taxes (P.I.L.O.T.) from Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the continued development of decent, safe, sanitary and affordable housing for senior citizens in Western New York and specifically the Holy Family Project in South Buffalo, and be it further

RESOLVED, that the Erie County Legislature does hereby approve a Payment In Lieu of Taxes (P.I.L.O.T.) for the Holy Family Project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Bernadette Harlan, Director of Delta Development, US Congressman Brian Higgins, NYS Assemblyman Mark Schroeder, City of Buffalo Mayor Byron Brown.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

RE: Resolution to Garner Income for Erie County from the Existing Lease with M/A Com and the NYS Office of Technology at the Erie County Public Safety Campus
 (INTRO 3-13)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KENNEDY, WROBLEWSKI, KOZUB,
MILLER-WILLIAMS, IANNELLO, WHYTE, REYNOLDS,
LOUGHRAN AND RATH

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, A Preliminary Partnership Agreement was executed between OFT and Erie County on April 28, 2005. Which agreement provided that Erie County would work with OFT to participate in the Statewide Wireless Network (SWN) as a Full System Partner; and

WHEREAS, as a Full System Partner Erie County agreed to share county owned infrastructure, personnel, and space with M/A Com and OFT; and

WHEREAS, as a Full System Partner, Erie County entered into a lease agreement with M/A Com and OFT commencing on September 19, 2005 and terminating September 19, 2010. The lease at the option of the tenant (M/A Com/OFT) may be renewed for five consecutive terms of five years each; and

WHEREAS, the tenant (M/A Com/OFT) shall pay the land lord no rent for use of the premises for the initial term *and* renewal terms of the lease; and

WHEREAS, as a Full System Partner Erie County participated in the SWN Primary Region build out, scheduled for completion and local operation in Erie County by December 2006; and

WHEREAS, as a Full System Partner Erie County participated in the Primary Region Build Out testing in the Fall of 2007; and

WHEREAS, the results of the Primary Region Build Out testing were not optimal for local Erie County first responders; and

WHEREAS, the final price quote for the Full System SWN partnership was significantly more expensive than Erie County could afford; and

WHEREAS, Erie County ended their Full System Partnership Agreement with OFT in January 2008 due to equipment and tie in cost, timing and technology issues; and

WHEREAS, the entire premise of the lease between Erie County and M/A Com/OFT is based on Erie County's Full System Partnership Agreement with OFT.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County will alert M/A Com and OFT that the terms of the lease need to be renegotiated in light of Erie County no longer being a Full System Partner; and be it further

RESOLVED, that Erie County will alert M/A Com that the space at the Erie County Public Safety Building will remain available to M/A Com and OFT at full market value per square foot of the space leased; and be it further

RESOLVED, that the County will alert M/A Com and OFT that the Antennas at the Erie County Public Safety Building will remain available to M/A Com and OFT at full market value of the antenna space is leased; and be it further

MEETING NO. 3

**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008**

ERIE COUNTY LEGISLATURE

RESOLVED, that the County will alert M/A Com and OFT that the 800 frequencies that Erie County turned over to M/A Com will be returned to Erie County ownership for the county's own use; and be it further

RESOLVED, that the County will alert M/A Com and OFT that any space that OFT and M/A Com intend to utilize on Erie County communications towers will be prioritized for use for Erie County Public Safety; and be it further

RESOLVED, that any other agreed to use of Erie County property by OFT or M/A Com prior to the dissolution of the Full System Partnership will be renegotiated; and be it further

RESOLVED, should M/A Com and OFT choose not to pay full market value for the County assets that they intend to lease for the SWN project, Erie County will begin eviction proceedings against M/A Com and OFT at the Erie County Public Safety Campus; and be it further

RESOLVED, certified copies of this resolution be sent to New York State Governor Eliot Spitzer, New York State Attorney General Andrew Cuomo, New York State Comptroller Tom DiNapoli, The New York State Office for Technology, United States Congressman Brian Higgins, United States Congressman Joseph Crowley, United States Congresswoman Nita Lowey, Western New York State Delegation, New York State Assemblyman Richard Brodsky, New York State Assemblywoman RoAnn Destito, New York State Assemblyman Joseph Lentol, Erie County Executive Chris Collins, Erie County Sheriff Timothy Howard, Erie County Commissioner of Emergency Services Greg Skibinski, and the Erie County Fire Advisory Board.

MS. WHYTE moved to amend the item by adding MS. GRANT as a Co-Sponsor. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded. CHAIR MARINELLI and MR. RANZENHOFER voted in the negative.

CARRIED. (12-2)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

RE: Urging the State Legislature and the Governor to Take Aggressive Action to Rebuild New York State's Economy
(INTRO 3-14)

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

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, New York State has suffered from lagging job and population growth when compared to the rest of the nation over the past decade; and

WHEREAS, New York's percentage of population growth since the Census of 2000 has earned a rank of 43rd in the nation; and

WHEREAS, 28 counties in Upstate New York have lost population since the last census as our citizens move to other areas due in part to lack of jobs, opportunity and overburdening local property taxes; and

WHEREAS, only 3 of New York's 62 counties have met or exceeded the nation's population growth levels threatening the state's prominence as an economic engine of our nation's economy; and

WHEREAS, all of our State's counties will benefit from a growing and robust state economy; and

WHEREAS, the creation and retention of good jobs are a priority for all county governments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the Governor and the New York State Legislature to enact a State budget which will take aggressive action to rebuild New York's economy in both our Upstate and Downstate regions of New York State; and be it further

RESOLVED, that the Erie County Legislature supports the development of an economic development strategy which encompasses the following elements:

- \$450 million Agribusiness Fund to help spur agriculture development through new food processing plants and access to new markets for the State's farms;
- Upstate Revitalization Blueprint Fund which will provide state resources for development of new shovel-ready sites and other projects of major need as identified by local leaders;
- Downstate Revitalization Fund which will provide funding to distressed communities downstate to encourage new private investment and job creation;
- Development of new, workforce housing in the hard-pressed Upstate communities, which are having difficulty maintaining a skilled workforce due to the high cost of housing;
- Increases the state's commitment to tourism promotion and marketing through the I Love NY tourism advertising and local tourism matching grant program;

MEETING NO. 3

**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008**

ERIE COUNTY LEGISLATURE

- In collaboration with local economic development officials, reform of the Empire Zone Program to provide for greater accountability for job creation and investment goals while maintaining local flexibility and control;
- Investments in high technology and green technology companies with growth potential in all regions of New York State;
- Restoration of state funding for local Empire Zone administrative costs which were excluded from the Executive Budget proposal;
- Extension of the Power for Jobs program and the development of new energy programs which target power allocations to employers who create jobs, new investment and energy conservation;
- Venture capital and new funding allocation for new start ups with growth potential that commercialize the research undertaken at the Centers for Excellence in New York State;
- Changes to the brownfields remediation program to allow greater flexibility for clean up; and be it further

RESOLVED, that the Erie County Legislature calls upon the Governor and the State Legislature to provide significant mandate relief and measurable goals to counties and all local governments as a way to reduce the burden of property taxes on both businesses and our citizens, as an integral part of a New York State Economic Revitalization strategy; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Governor Spitzer, the New York State Legislature and Daniel Gundersen, Chief Executive Officer of Empire State Development – Upstate and all others deemed necessary and proper.

MS. WHYTE moved to amend the item by adding MR. KENNEDY, MS. MILLER-WILLIAMS, MR. RANZENHOFER, MS. WHYTE, MS. GRANT, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS, MR. LOUGHRAN and MR. RATH as Co-Sponsors. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 45 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

INTRO 3-15 from WHYTE, KENNEDY, GRANT & LOUGHRAN State-Wide IDA Reform.

Item 46 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

RE: Taxpayer Protection for Refund
 Anticipation Loans
 (INTRO 3-16)

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATORS WHYTE, MILLER-WILLIAMS & GRANT**

WHEREAS, certain paid commercial tax preparers and other businesses, working with banks, offer their customers financial products related to income tax refunds including *refund anticipation loans* (RALs), which are short-term loans secured by expected tax refunds that taxpayers sometimes use to get quick access to money they expect to receive from the Internal Revenue Service (IRS), *refund anticipation checks* (RACs), which involve setting up a temporary bank account for a consumer without an account and issuing a check from the temporary account after the IRS has direct deposited the consumer's tax refund, *assisted direct deposit* (ADDs) which involves setting up a temporary account for deposit of a tax refund before transferring the refund to the taxpayer; and

WHEREAS, RALs and other financial products are aggressively and sometimes deceptively marketed using terms like "Fast Money", "Instant Money", "Rapid Refund" and "Money Now" to low-income individuals who live paycheck to paycheck and feel compelled to apply for RALs because of their dire financial situations; and

WHEREAS, individuals who are not fully informed are applying for RALs that have excessive fees and interest (up to 700%) that are allowable because the loans are backed by federally insured banks not subject to state usury laws; and

WHEREAS, a disproportionate number of New Yorkers (25% in 2003) who are eligible for the anti-poverty and pro-worker Earned Income Tax Credit (EITC) apply for a RAL, as compared to New Yorkers not eligible for the EITC (4% in 2003) who apply for a RAL; and

WHEREAS, Buffalo was recently named the second-poorest city in the country, with 42% of children under 18 and almost 30% of its total population living in poverty; and

WHEREAS, low-income Buffalo neighborhoods have some of the highest percentages (upwards of 44%) of individuals eligible for EITC applying for RALs and paying RAL fees in New York State; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, the EITC helps offset the disproportionate share of payroll, sales and excise taxes that low income individuals pay allowing them to use the money instead to cover expenses like rent, utilities, child care and transportation, making it easier for individuals to keep working and improving their and their families lives; and

WHEREAS, the money lost to tax preparation fees and RAL interest in is better used to improve the lives of its most vulnerable citizens and their families; and

WHEREAS, the money used by EITC eligible individuals in Erie County to pay for fees and interest—upwards of \$5 million—is money lost to the struggling local economy; and

WHEREAS, New York City passed in 2003 a local ordinance (Int 0383-2003) requiring tax preparers offering RALs to disclose to all customers in language easily understood and accessible, the fees associated with taking out a RAL, including a side-by-side comparison of the refund a customer would receive *without* taking out an RAL and the refund he or she would receive if taking out an RAL; and

WHEREAS, New York City law requires the tax preparer to present this information in both English and Spanish so as to make the information more widely available and understood to minority populations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports the safeguard of the EITC by federal, state, and local governments to ensure that money goes to the taxpayers for whom it is entitled; and be it further

RESOLVED, that the Erie County Legislature supports passage of legislation in New York State, particularly State Senate Bill S01677 and State Assembly Bill 1795, requiring better regulation of the practice of tax preparation, especially those of brokers who facilitate RALs, in order to ensure consumer protection; and be it further

RESOLVED, that the Erie County Legislature requests that the Law Department of Erie County, using the successful passage of New York City's law (Int 0383-2003) as a model, draft a similar ordinance requiring RAL brokers to prominently display all associated fees and interest rates and inform customers that they could receive their full refund from IRS in less than two weeks time if they have a bank account and use direct deposit; and be it further

RESOLVED, that upon receipt of this ordinance from the Law Department, the Erie County Legislature formally adopt and implement this noble effort to prevent the exploitation of low income individuals; and be it further

RESOLVED, that Erie County will work to develop, expand and support existing opportunities for citizens to access free tax preparation services and increase their financial literacy, therefore, ultimately improving the overall quality of life of them and their families.

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

MS. WHYTE moved to amend the item by adding MR. KOZUB, MR. KENNEDY, MR. RANZENHOFER, MS. KONST, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, CHAIR MARINELLI, MR. REYNOLDS, MR. LOUGHRAN and MR. RATH as Co-Sponsors, and to attach New York State Senate Bill S01677 and State Assembly Bill A1795. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 47 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

RE: Audit of the NYS Thruway Authority
By NYS Comptroller Thomas P.
DiNapoli
(INTRO 3-17)

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

WHEREAS, In November, 2007, New York State Comptroller Thomas P. DiNapoli initiated a New York State Thruway Authority audit in response to the request of several state and federal elected leaders; and

WHEREAS, On January 27, 2008, State Comptroller DiNapoli released his audit of the New York State Thruway Authority; and

WHEREAS, State Comptroller DiNapoli stated that the Thruway Authority should call off its proposed July 2008 toll hike and postpone future hikes until it has conducted a thorough analysis of its own operations, expenses and revenues, as well as prioritized its capital projects; and

WHEREAS, Comptroller DiNapoli asserted that the New York State Thruway is too important to the upstate economy to unnecessarily raise tolls, thereby driving up the cost of doing business and the cost of living in the state; and

WHEREAS, Comptroller DiNapoli issued an opinion – based on audit findings – that the Thruway Authority, prior to proposing toll hikes, should examine its own spending first and manage its own finances better; and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, According to the Comptroller's audit, the Thruway Authority substantially understated its projected revenues from the federal government and overstated its expenses in order to justify the July 2008, January 2009, July 2009 and January 2010 proposed toll increases; and

WHEREAS, Prior to this latest attempt by the Thruway Authority to hike tolls over the next three years, the Authority has already increased tolls twice since 2005; and

WHEREAS, The State Comptroller's review and audit uncovered the following areas of concern: the Authority significantly underestimated federal funding; the Authority has not implemented serious cost-reduction measures; the Authority did not collect \$27.5 million in unpaid tolls and penalties over a six-year period; the Authority plans \$160 million in non-essential capital projects that could be delayed to save money; the authority engages in high spending on non-thruway operations, such as the canal system; and the canal corporation revitalization projects were 49% over budget and at least two years behind schedule; and

WHEREAS, To address these troubling financial and management problems, State Comptroller DiNapoli recommends that the following steps, among others, be taken by the New York State Thruway Authority: 1) to perform a comprehensive, top-to-bottom analysis of operations to identify where costs can be reduced. This analysis should be performed prior to any proposed toll increase; 2) to use a collection agency or other means to improve the collection of delinquent E-ZPass tolls, 3) to evaluate the benefits of raising revenue through private sector advertising and sponsorship; 4) to base all equipment replacement estimates on documented needs assessments; 5) to develop management reports showing the progress and dollars spent on each capital project; 6) to prioritize the projects in future capital plans to facilitate any adjustments needed in response to unanticipated funding shortages; 7) to identify the non-essential capital projects that can be deferred until after 2012; and 8) to document the basis for the inflationary increases in construction contracts.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in offering appreciation to New York State Comptroller Thomas P. DiNapoli for his expeditious and thorough handling of this audit; and be it further

RESOLVED, That the Erie County Legislature also goes on record to express its thanks to state and federal public officials, most notably New York State Senator Dale M. Volker and Congressman Brian Higgins, who made an appeal to the State Comptroller to conduct the aforementioned audit; and be it further

RESOLVED, That the Erie County Legislature recognizes the importance of the audit findings of State Comptroller DiNapoli and urges the New York State Thruway Authority to take immediate action in implementing the Comptroller's recommendations; and be it further

RESOLVED, That, based on the findings in the recently released audit of the New York State Thruway Authority, the Erie County Legislature further goes on record to oppose the proposed Thruway toll hikes scheduled for July 2008, January 2009, July 2009 and January 2010; and be it further

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, That certified copies of this resolution be forwarded to State Comptroller Thomas P. DiNapoli; Michael Fleischer, Executive Director of the New York State Thruway Authority; members of the Western New York Congressional and State Legislative Delegations; Governor Eliot Spitzer; Erie County Executive Christopher Collins, and the Erie County Fiscal Stability Authority.

Item 48 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-18 from KOZUB, WHYTE, GRANT, LOUGHRAN, KENNEDY & REYNOLDS
Re: Legislative Imposition of Terms of Contract.

Item 49 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-19 from RANZENHOFER, MILLS & RATH Re: Use of GPS Devices in Erie County Vehicles.

Item 50 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-20 from RATH, MILLS, RANZENHOFER & MARINELLI Re: STAR Programs Application in Erie County and the Role of the Local State Delegation.

Item 51 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 3-21 from MILLS & KONST Re: Permitting Snowboarding at Emery and Chestnut Ridge Parks.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 52 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 2E-17. MR. WROBLEWSKI seconded.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

RE: Department of Emergency Services
 Position Adjustments for Homeland
 Security
 (COMM. 2E-17)

WHEREAS, Federal funding for Erie County Homeland Security Grants has decreased over prior years, and

WHEREAS, allowable administrative expense based on formula driven Federal funding levels has therefore also decreased, and

WHEREAS, the 2008 Budget for the Department of Emergency Services contains a level of reimbursement which is higher than provided by the Federal Grants, and

WHEREAS, a review by the Department of Emergency Services and the Division of Budget and Management has determined that two currently budgeted job group 13 Homeland Security administrative positions can no longer be sustained by the revised reimbursement levels, and

WHEREAS, it has been determined that the creation of a position of Accountant, job group 9, is sufficient to meet needed Homeland Security monitoring and financial reporting requirements, and

WHEREAS, approval of this resolution will meet the goals and objectives of the Homeland Security Grant and conform with the intent of the funding.

NOW, THEREFORE, BE IT

RESOLVED, that the positions of Senior Administrative Assistant Homeland Security, job group 13, in the Department of Emergency Services and Grant Monitoring Specialist Homeland Security, job group 13, in the Department of Central Police Services, are hereby eliminated, and be it further

RESOLVED, that the following budget adjustments reflecting the net impact of the personnel adjustments in the operating fund are hereby authorized,

Fund 110 Appropriation - 2008 Budget	
Department of Central Police Services	Decrease
500000 Personnel Services	50,294
502000 Fringe Benefits	6,312
 Department of Emergency Services	
500000 Personnel Services	38,648

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

502000 Fringe Benefits		4,844
	Total Decrease	100,098
		Increase
916700 ID Billing Emergency Services		100,098
	Net Cost	-0-

and be it further

RESOLVED, that the position of Accountant, job group 9, is hereby established in the Homeland Security Grant, HS165UASIF060708, utilizing available balances in the personal services account, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services, the County Comptroller, and the County Attorney.

MS. WHYTE moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 53 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE from further consideration of COMM. 1E-23. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Youth Bureau – A Partnership
 For Youth Grant
 (COMM. 2E-20)

WHEREAS, the Youth Bureau has been notified of an award in the amount of \$206,294 from the New York State Department of Labor of a grant entitled “A Partnership for Youth”, and

WHEREAS, these grant funds will be used to fund community agencies providing services including tutoring, alternative secondary services, summer employment opportunities linked to occupational skills and academic training, and leadership development activities to at-risk youth for the period October 1, 2007 – September 30, 2008, and

WHEREAS, these funds will enable the Youth Bureau to plan, administer and support special delinquency prevention programs in the community to youth under the age of twenty-one (21) who are at risk of entering the criminal justice system and also enable collaboration with the Workforce Investment Bureau (WIB) to link youth to academic and occupational skills training, and

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,****RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

WHEREAS, subsequent to a Request for Proposals (RFP), the Erie County Youth Bureau has recommended funding be awarded to seven (7) youth agencies, and

WHEREAS, no additional County funds are required to accept the grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract in the amount of \$206,294 for the "A Partnership For Youth" grant program, and be it further

RESOLVED, that the following grant is established in the Youth Bureau the period October 1, 2007 through September 30, 2008:

Youth Bureau, Fund Center 12530, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Buffalo & Erie County Workforce Investment Bureau	\$44,000
516010	Be-A-Friend	\$48,000
516010	Hispanics United of Buffalo	\$20,294
516010	Northwest Buffalo Community Center	\$22,000
516010	Catholic Charities	\$31,000
516010	Buffalo Public Schools - Father Belle Center	\$31,000
516010	West Seneca Youth Bureau – Americorps	<u>\$10,000</u>
	Total Expenditure	<u>\$206,294</u>
408000	State Aid Youth Programs	<u>\$206,294</u>
	Total Revenue	<u>\$206,294</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services, the Youth Bureau, the Erie County Comptroller's Office and the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 54 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

INTRO 3-22 from KENNEDY, WROBLEWSKI, KOZUB, REYNOLDS, IANNELLO, KONST, GRANT & WHYTE Re: Requesting NYS Comptroller to Perform Full Scale Audit of Statewide Wireless Network (SWN) Primary Region Build Out

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 55 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 44

RE: Resolution to Adopt a \$50,000 Grant to the Erie County Clerk from the Local Government Records Management Improvement Fund [LGRMIF]. (COMM. 3E-44)

WHEREAS, the Erie County Clerk's Office has submitted a grant application to the Local Government Records Management Improvement Fund [LGRMIF], and

WHEREAS, the LGRMIF has approved of a \$50,000 grant to the Erie County Clerk for the shelving and storage of records under such terms and conditions as stated in the grant, and

WHEREAS, the County Clerk as Records Management Officer must maintain the county's records in an appropriate manner, which requires funding, and

WHEREAS, the 2008 Budget does not provide for sufficient funding to the County Clerk for the proper shelving and storage of records.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby adopts and accepts from the LGRMIF the \$50,000 grant that it has appropriated to the County Clerk for shelving and storage of the county's records under such terms and conditions as stated in the grant, and be it further

RESOLVED, that the County Executive execute the Grant Acceptance Form or such other documents as may be required for the county to receive the grant, and be it further

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

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

CARRIED UNANIMOUSLY.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Item 56 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-45 from MARINELLI Re: 2008 Committee Assignments

Received, Filed and Printed.

2008 Committee Assignments

Finance & Management

Chairperson: Kathy Konst
 Vice-Chairperson: Robert B. Reynolds Jr.
 Members: Betty Jean Grant
 Maria R. Whyte
 John J. Mills
 Clerk: John Calvin Davis

Health and Human Services

Chairperson: Thomas J. Mazur
 Vice-Chairperson: Barbara Miller-Williams
 Members: Betty Jean Grant
 Robert B. Reynolds Jr.
 Edward A. Rath, III
 Clerk: Paul P. Henderson

Government Affairs

Chairperson: Barbara Miller-Williams
 Vice-Chairperson: Maria R. Whyte
 Members: Daniel M. Kozub
 Robert B. Reynolds Jr.
 John J. Mills
 Clerk: Kevin J. Hosey

Economic Development

Chairperson: Timothy M. Kennedy
 Vice-Chairperson: Kathy Konst
 Members: Timothy M. Wroblewski
 Barbara Miller-Williams
 Edward A. Rath, III
 Clerk: James C. Gambino

Energy & Environment

Chairperson: Daniel M. Kozub
 Vice-Chairperson: Thomas A. Loughran
 Members: Kathy Konst
 Maria R. Whyte
 John J. Mills
 Clerk: Paul M. Taracki

Public Safety

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

Community Enrichment

Chairperson: Betty Jean Grant
 Vice-Chairperson: Michele M. Iannello
 Members: Timothy M. Kennedy
 Thomas A. Loughran
 Thomas J. Mazur

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Clerk: Michael H. Ranzenhofer
 Paul M. Tarapacki

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 57 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

RE: Appointments to the Records
 Commission
 (COMM. 3E-1)

RESOLVED, that the Erie County Legislature does hereby confirm the following appointments to the Erie County Records Commission:

APPOINTEE

DESIGNEE FOR

Diane Terranova
 560 Lake Avenue
 Lancaster, New York 14086

Erie County Comptroller

Cynthia Van Ness
 Director of Library and Archives
 Buffalo & Erie County Historical Society
 22 Nottingham Court
 Buffalo, New York 14216

Librarian of the EC Historical Society

Dr. Patrick Keem
 8 Highbrook Court
 Orchard Park, New York 14127

Minority Leader of the EC Legislature

Diane Blaser
 60 Heussey Avenue
 Buffalo, New York 14220

Concurrence of the Clerk, Executive
 and Legislature

FROM LEGISLATOR KENNEDY

Item 58 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded. MR. KENNEDY abstained.

CARRIED. (13-0-1)

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 46

RE: Lease Agreement for
 Legislative Office Space
 (COMM. 3E-2)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Frank Green for Legislative office space for Timothy M. Kennedy, located at 1928 South Park Ave. #4, Buffalo, New York 14220 for a monthly rate of \$699.

FROM LEGISLATOR RANZENHOFER

Item 59 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. RATH seconded. MR. RANZENHOFER abstained.

CARRIED. (13-0-1)

RESOLUTION NO. 47

RE: Lease Agreement for
 Legislative Office Space
 (COMM. 3E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with North Forest Properties #5, LLC for Legislative office space for Michael H. Ranzenhofer, located at 8201 Main Street, Suite 12, Williamsville, New York 14221 for a monthly rate of \$600.

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 3E-4) 1% Sales Tax Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM LEGISLATOR MAZUR

Item 61 – (COMM. 3E-5) Letter Regarding Committee Meeting Absence

Received & Filed.

FROM LEGISLATOR WHYTE

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

CARRIED. (13-0-1)

RESOLUTION NO. 48

RE: Lease Agreement for
 Legislative Office Space
 (COMM. 3E-6)

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Concerned Ecumenical Ministries, for Legislative office space for Maria R. Whyte, located at 286 Lafayette Ave., Buffalo, New York 14213 for a monthly rate of \$675.

FROM CHAIR MARINELLI

Item 63 – (COMM. 3E-7) Policies and Procedures of the Erie County Legislature for 2008

Received & Filed.

Item 64 – (COMM. 3E-8) Letter to the County Executive Concerning Erie County Economic Development Policies

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 65 – (COMM. 3E-9) State Authorization for the Private Sale of Bonds by Negotiated Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 66 – (COMM. 3E-10) Letter to Parks Commissioner James Hornung, Sr.

Received & Filed.

FROM LEGISLATOR MILLS

Item 67 – (COMM. 3E-11) Letter Regarding Session #3 Absence

Received, Filed and Printed.

February 5, 2008

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

Dear Chairwoman Marinelli,

As I will unavoidably be out of town on February 7, 2008, I am unable to attend session on that date.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Thank you.

Yours Truly,

John J. Mills
 Erie County Legislator – 13th District

cc: Robert M. Graber, Clerk
 Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 68 – (COMM. 3E-12) Extension of the Additional 1% Sales Tax

Item 69 – (COMM. 3E-13) Extension & Sharing of Additional 1% Sales and Compensating Use Tax; Amendment of Erie County Sales and Use Tax Resolution

CHAIR MARINELLI directed that the above two items will be considered later in the agenda.

Item 70 – (COMM. 3E-14) Creation of Grants Management Office

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 71 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

RE: Department of Probation – Juvenile
 Accountability Block Grant Award
 (JABG) from the NYS Division of
 Criminal Justice
 (COMM. 3E-15)

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

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department grant funds for the purpose of establishing a Juvenile Accountability Block Grant Program that enables juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing juvenile recidivism by removing barriers to treatment, and

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

WHEREAS, the award will enable the Probation Department to set up a flexible service fund for juveniles sentenced to probation to help with compliance with Court ordered substance abuse screening/treatment and mental health screening/treatment by paying for transportation and co-payments for the visit, and

WHEREAS, the award requires a local county share of matching funds in the amount of \$1,609, which is available in the Probation Department's Maintenance and Repairs Account, #506200.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the New York State Division of Criminal Justice Services in the amount of \$14,484, and be it further

RESOLVED, that the \$1,609 required in local county matching funds is hereby transferred within the Probation Departments 2007 budget from account #506200, Repairs & Maintenance into account # 559000, County Share Revenue; and be it further

RESOLVED, that the budget for the JABG grant, 126JABG0708, be established as follows:

Erie County Department of Probation
 Fund 281 – Business Area 126
 Juvenile Accountability Block Grant
 November 1, 2007 to October 31, 2008

Revenue

Acct.	Amount
409000 – State Aid	
Revenues	\$14,484
479000 County Share	<u>\$1,609</u>
Total:	\$16,093

Appropriations

Acct.	Amount
530000 – Other Expenses	\$14,000
516020 – Professional	
Service Contracts	<u>\$2,093</u>
Total	\$16,093
Net Impact	\$-0-

and be it further

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

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

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

Item 72 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

RE: Establishment of Petty Cash Fund in the County Executive's Office (COMM. 3E-16)

RESOLVED, that in accordance with Section 2.06 of the Erie County Administrative Code, a revolving Petty Cash Fund is hereby established in the County Executive's Office in the amount of two hundred and fifty dollars (\$250), and be it further

RESOLVED, that certified copies of this resolution be sent to the Comptroller, Director of Purchase, Division of Budget and Management and the County Executive's Office.

Item 73 – MR. KENNEDY presented to following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

RESOLUTION NO. 51

RE: Deputy Commissioner for Envir. Control, Commissioner of Labor Relations, and Veterans Service Officer Positions, Variable Minimums (COMM. 3E-17)

WHEREAS, In order for the administration to maintain its practice of hiring the best and brightest to fill the most challenging positions in Erie County government it is important that they are compensated appropriately, and

WHEREAS, The administration is prepared to fill the Commissioner of Labor Relations, Deputy Commissioner of Environmental Control and the Veterans Service Officer position pending action from your honorable body, and

WHEREAS, salaries for these positions were determined based on the County's 2001 pay scale, and

WHEREAS, all positions are currently funded in the budget

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body approves the following positions:

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

<u>Position</u>	<u>Job Group</u>	<u>Step</u>	<u>Salary</u>
Commissioner of Labor Relations	17	4	\$82,416
Veterans Service Officer	13	4	\$57,610
Deputy Commissioner for Environmental Control	17	3	\$82,416

and be it further

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

MS. WHYTE moved to send the item to committee for further consideration. MR. REYNOLDS seconded.

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

AYES: GRANT, IANNELLO, LOUGHRAN, REYNOLDS, WHYTE and WROBLEWSKI.
NOES: RANZENHOFER, RATH, KENNEDY, KONST, KOZUB, MARINELLI, MAZUR and MILLER-WILLIAMS. (AYES: 6, NOES: 8)

FAILED.

CHAIR MARINELLI directed that the Legislature enter into recess at 3:15 P.M.

CHAIR MARINELLI declared the Legislature reconvened at 3:32 P.M.

All Members Present, except Legislator Mills.

CHAIR MARINELLI directed that a roll-call vote be taken on approval of the item.

AYES: RANZENHOFER, RATH, GRANT, KENNEDY, KONST, KOZUB, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. NOES: IANNELLO and LOUGHRAN. (AYES: 12, NOES: 2)

CARRIED.

Item 74 – (COMM. 3E-18) Dunn Tire Park - 2007 - Parking Lot Lighting Improvements, Construction Contingency Increase

Item 75 – (COMM. 3E-19) Botanical Gardens - Remedial Structural Repairs - Consultant Contract Fee Increase

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

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

Item 76 – (COMM. 3E-20) Department of Social Services Non-Residential Domestic Violence Contract

Item 77 – (COMM. 3E-21) Department of Social Services Preventive Services Contracts Cost of Living Allowance

Item 78 – (COMM. 3E-22) Department of Health - Children with Special Needs Division

The above three items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 79 – (COMM. 3E-23) Department of Central Police Services - Forensic Laboratory: 2007-2008 Firearm Lab Capacity Enhancement Initiative

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 80 – (COMM. 3E-24) Department of Health - Bathing Beach Water Quality Monitoring and Notification Program 10/1/07 - 9/30/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 81 – (COMM. 3E-25) Fire Training Academy - New Live Burn Building

Item 82 – (COMM. 3E-26) Department of Emergency Services - Authorization to Contract with James Lee Witt and Associates

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

Item 83 – (COMM. 3E-27) Appointment of Director of Equal Employment Opportunity

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 84 – (COMM. 3E-28) Appointment of Commissioner of Senior Services

Item 85 – (COMM. 3E-29) Appointment of Commissioner of Mental Health

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

Item 86 – (COMM. 3E-30) Appointment of Director of Veterans Services

Item 87 – (COMM. 3E-31) Support for NYS Occupational Safety & Health - Hazard Abatement Board Grant

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

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

Item 88 – (COMM. 3E-32) Preparation of Village 2007 Tax Rolls & Bills

Received, Filed and Printed.

TO THE ERIE COUNTY LEGISLATURE 2007-2008

STATEMENT, MATERIALS AND LABOR IN PRODUCING

VILLAGE BILLS AND THE SPREADING OF ASSOCIATED COSTS:

Tax Bills	\$ 4,000.00
Tax Rolls, Assessment Roll & Worksheets	1,000.00
Wages	4,201.51
Data Processing Time	6,020.94
Total Cost	\$ 15,222.45
Cost per parcel	\$ 0.428319

Village	Parcels	Rate
Akron	1149	\$ 0.428319
Alden	876	\$ 0.428319
Angola	950	\$ 0.428319
Blasdell	1174	\$ 0.428319
Depew	6653	\$ 0.428319
East Aurora	2600	\$ 0.428319
Farnham	216	\$ 0.428319
Gowanda	1222	\$ 0.428319
Hamburg	3667	\$ 0.428319
Kenmore	5684	\$ 0.428319
Lancaster	4323	\$ 0.428319
North Collins	534	\$ 0.428319
Orchard Park	1176	\$ 0.428319
Sloan	1603	\$ 0.428319
Springville	1610	\$ 0.428319
Williamsville	2103	\$ 0.428319

35540

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Item 89 – (COMM. 3E-33) Preparation of City of Tonawanda Tax Rolls & Bills

Received, Filed and Printed.

TO THE ERIE COUNTY LEGISLATURE 2007-2008

STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY OF TONAWANDA

BILLS AND THE SPREADING OF ASSOCIATED COSTS:

Tax Bills	\$	240.00
Tax Rolls, Assessment Roll & Worksheets		235.00
Wages		990.30
Data Processing Time		1,613.99
Total Cost	\$	3,079.29

Item 90 – (COMM. 3E-34) Preparation of School District Tax Rolls & Bills

Received, Filed and Printed.

TO THE ERIE COUNTY LEGISLATURE: 2007-2008

STATEMENT, MATERIALS AND LABOR IN PRODUCING

SCHOOL DISTRICT TAX BILLS

AND THE SPREADING OF ASSOCIATED COSTS:

School District Costs		2007
Tax Bills	\$	12,000.00
Tax Roll Paper		1,500.00
Data Processing Charges		52,401.78
Wages		64,516.53
Total	\$	130,418.31

262,087 PARCELS →→ 0.497614579 Cost per parcel

AKC1 Out of County	\$	50.00
City of Tonawanda		50.00
ATT1 and SCC1 Flat Charge @ \$100.00 each		200.00
Clarence 8 Cross-References		80.00

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Total to Spread: Cost per parcel and Flat Charge \$ 130,798.31

<u>School District</u>	<u>Parcels</u>	<u>Rate</u>	<u>Amount Due</u>
ALDEN	5010	0.497614579	\$ 2,493.05
AKRON	4415	0.497614579	2,246.97
AMHERST	9130	0.497614579	4,543.22
SWEET HOME	10875	0.497614579	5,411.56
ATTICA	0	0	100.00
EAST AURORA	6280	0.497614579	3,125.02
CHEEKTOWAGA	8165	0.497614579	4,063.02
MARYVALE	7439	0.497614579	3,701.75
CLEVELAND HILL	4598	0.497614579	2,288.03
SLOAN	5172	0.497614579	2,573.66
CLARENCE	11215	0.497614579	5,660.75
SPRINGVILLE	6463	0.497614579	3,216.08
DEPEW	6821	0.497614579	3,394.23
EDEN	4779	0.497614579	2,378.10
FRONTIER	16256	0.497614579	8,089.22
GRAND ISLAND	8524	0.497614579	4,241.67
GOWANDA	1404	0.497614579	698.65
HAMBURG	9994	0.497614579	4,973.16
HOLLAND	3395	0.497614579	1,689.40
IROQUOIS	7657	0.497614579	3,810.23
LANCASTER	16440	0.497614579	8,180.78
LAKE SHORE	10359	0.497614579	5,154.79
NORTH COLLINS	2460	0.497614579	1,224.13
ORCHARD PARK	13099	0.497614579	6,518.25
PIONEER	894	0.497614579	444.87
SILVER CREEK	0	0	100.00
KENMORE-TONAWANDA	26501	0.497614579	13,187.28
WILLIAMSVILLE	26758	0.497614579	13,315.17
WEST SENECA	21501	0.497614579	10,699.21
CITY OF TONAWANDA	6483	0.497614579	3,276.04
TOTAL	262,087		\$ 130,798.31

Item 91 – (COMM. 3E-35) Preparation of City of Lackawanna Tax Rolls & Bills

Received, Filed and Printed.

TO THE ERIE COUNTY LEGISLATURE 2007-2008

STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY OF LACKAWANNA

BILLS AND THE SPREADING OF ASSOCIATED COSTS: 2008

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Lackawanna City Taxes

Tax Bills	\$	275.00
Tax Rolls, Assessment Roll & Worksheets		500.00
Wages		2,671.50
Data Processing Time		1,613.99
Total Cost	\$	5,060.49

Item 92 – (COMM. 3E-36) Department of Senior Services - Authorization of Enter into a Professional Services Contract in the Long Term Care Point of Entry Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 93 – (COMM. 3E-37) Semi-Annual Attendance Records - Board of Managers - EC Sewer Districts

Item 94 – (COMM. 3E-38) EC Sewer District No. 5 - Clarence Town District No. 9 - Service Agreement

Item 95 – (COMM. 3E-39) Erie County Clean School Bus Initiative

Item 96 – (COMM. 3E-40) 2008 Annual Action Plan for the Community Development Block Grant, Emergency Shelter Grant, and Home Investment

Item 97 – (COMM. 3E-41) NYS DEC Grant - Erie County Waste Reduction and Recycling Coordination/Education Program for the City

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

FROM CHAIR MARINELLI

Item 98 – (COMM. 3E-42) Designation of Legislature Representative on the Buffalo Niagara Convention & Visitors Bureau Board of Directors

Received & Filed.

FROM THE COUNTY CLERK

Item 99 – (COMM. 3E-43) Erie County Clerk's Office Recording Page - Establishment of Sewer District No. 8

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Received & Filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 100 – (COMM. 3D-1) Agenda for 1/24/08 Board of Trustees Meeting

Received and filed.

FROM THE COUNTY ATTORNEY

Item 101 – (COMM. 3D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 102 – (COMM. 3D-3) NYS Grant Application Submission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE STOP-DWI OFFICE

Item 103 – (COMM. 3D-4) Probation/STOP-DWI - Home Visitation Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM AFSCME LOCAL #1095

Item 104 – (COMM. 3M-1) Rebidding of Youth Detention Worker Shifts

Received and filed.

FROM KEN-TON MEALS ON WHEELS

Item 105 – (COMM. 3M-2) Submission of Budget, Per 2008 Budget Accountability Act Environment

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE WNY CLIMATE ACTION COALITION

Item 106 – (COMM. 3M-3) Letter to County Executive Concerning "Green Jobs Petition"

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC BAR ASSOCIATION

Item 107 – (COMM. 3M-4) Aid to Indigent Prisoners Society Inc. - Assigned Counsel Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 108 – (COMM. 3M-5) Unaudited Comparative Financial Statements for Years Ended 12/31/07 & 2006

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE OFFICE OF THE STATE COMPTROLLER

Item 109 – (COMM. 3M-6) Report Entitled "Estate Management by Public Administrators"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 110 – (COMM. 3M-7) Notice of Hearings

Received and filed.

FROM THE OFFICE OF THE STATE COMPTROLLER

Item 111 – (COMM. 3M-8) Audit of NYS Thruway Authority - Proposed Toll Increases

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EMERSON SCHOOL OF HOSPITALITY

Item 112 – (COMM. 3M-9) Dept. of Athletics - Sign Installation Information

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 113 – (COMM. 3M-10) Minutes of Board of Directors Meeting Held 6/21/07

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

FROM THE NFTA

Item 114 – (COMM. 3M-11) NFTA Board Minutes for Meeting Held 12/17/07

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 115 – (COMM. 3M-12) Quarterly Report of the Assigned Counsel Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHAIR MARINELLI directed that the Legislature enter into recess at 3:46 P.M.

CHAIR MARINELLI declared the Legislature reconvened at 11:13 A.M. on February 13, 2008.

All Members Presents.

FROM THE COUNTY EXECUTIVE

Item 116 – (COMM. 3E-12) Extension of the Additional 1% Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 117 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

RESOLUTION NO. 52

RE: Extension & Sharing of Additional
1% Sales and Compensating Use Tax;
Amendment of Erie County Sales and
Use Tax Resolution
(COMM. 3E-13)

RESOLUTION

of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax, pursuant to Chapter of the Laws of 2008.

Be it enacted by the Legislature of the County of Erie, as follows:

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending [February twenty-nine] November thirtieth, two thousand [eight] ten, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are hereby further amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending [February 29, 2008] November 30, 2010, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after [March] December first, two thousand [eight] ten. With respect to the tax rate of 3 percent effective [March] December first, two thousand [eight] ten, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to [March] December first, two thousand [eight] ten, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to [February twenty-nine] November thirtieth, two thousand [eight] ten. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to [March] December first, two thousand [eight] ten, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 4. Imposition of compensating use tax.

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after [March] December first, two thousand [eight] ten, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after [March] December first, two thousand [eight] ten, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after [March] December first, two thousand [eight] ten, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after [March] December first, two thousand [eight] ten, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after [March] December first, two thousand [eight] ten, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (D) of clause (1) of Section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

(D) With respect to the additional tax of one percent imposed effective for the period beginning March first, nineteen hundred eighty-nine, and ending [February twenty-nine] November thirtieth, two thousand [eight] ten, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

Section 5. Subdivision (g) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

(g) [The] Commencing March 1, 2008, and each March first thereafter, the County shall allocate the first twelve million five hundred thousand dollars (\$12,500,000) of the net collections received after March first from the additional one percent rate of sales and compensating use taxes imposed during the period commencing [January 1, 2007] March 1, 2008, and ending [February 29, 2008] November 30, 2010, by sections 2 and 4 of this resolution [shall be allocated] to the cities of the County and the area in the County outside the cities and such net collections shall be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law in effect on January 1, 2006, and shall be subject to all provisions of such agreement governing the net collections for such cities and area, and the County shall retain the remainder of such net collections which shall be used by the County for any

MEETING NO. 3**FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008****ERIE COUNTY LEGISLATURE**

County purpose and such remainder shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 6. This enactment shall take effect March first, two thousand eight.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. (AYES: 15, NOES: 0)

CARRIED UNANIMOUSLY.

MEMORIAL RESOLUTIONS

Item 118 - Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Robert Lee Miller.

Item 119 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of John E. 'Jack' Ward.

Item 120 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of Bobby J. Strong.

Item 121 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Kathleen Purcell, and on this day which would have been the 100th birthday of his grandmother, DeChantal O'Brian Kennedy Rafferty.

Item 122 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of George Henry McCoy and Tom Hartman.

Item 123 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Robert J. Montgomery and Dennis Abrams.

Item 124 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of All Veterans who gave their lives in military service to our country.

Item 125 - Chair Marinelli requested that when the Legislature adjourns, it do so with a moment of silence.

ADJOURNMENT

Item 126 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 3
FEBRUARY 7, 2008, FOLLOWING RECESS,
RECONVENED ON FEBRUARY 13, 2008

ERIE COUNTY LEGISLATURE

MS. WHYTE moved that the Legislature adjourn until Thursday, February 21, 2008 at 2 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, February 21, 2008 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE