

ERIE COUNTY LEGISLATURE
MEETING NO. 4
February 3, 2005

The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Marshall.

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

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

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

Item 4 – CHAIRMAN HOLT directed that the designation of the Majority Newspapers for the year 2005 be tabled.

Item 5 – No tabled items.

Item 6 – No items for reconsideration from previous meeting.

Item 7 – Minutes of previous meeting were tabled.

Item 8 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 9 – MR. KUWIK presented a resolution Recognizing Father Peter Drilling, Pastor of St. Anthony's Church in Lackawanna. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI presented a resolution Recognizing February 15, 2005 as Susan B. Anthony Day in Erie County. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 11 – MS. MARINELLI presented a resolution Recognizing February 14, 2005 as Project H.O.P.E. Day in Erie County. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 12 – LEGISLATORS SMITH & HOLT presented a resolution Honoring Faith Missionary Baptist Church Upon Its 50th Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 13 – MR. WROBLEWSKI presented a resolution Honoring Roger Batt for Receiving a Perfect Score On His S.A.T. Examination. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 14 – MR. WROBLEWSKI presented a resolution Honoring West Seneca Boy Scout Mathew Dimmig From Troop #517 For Developing a Library for Disabled Individuals. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 15 – LEGISLATORS SMITH & HOLT presented a resolution Recognizing Lillian J. Davis Willson, Executive Director of St. Philip's Community Center. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 16 – MR. MCCARVILLE, MINORITY CAUCUS presented a resolution Honoring the 2005 Buffalo News Short Story Winners: Cathy Hofher, Mary E. Zablocki, & Craig W. Turner. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 17 – MR. SWANICK, MINORITY CAUCUS presented a resolution Honoring the Career Of Spencer P. Schofield As He Retires from Public Service With The County of Erie. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 18 – MR. WEINSTEIN presented a resolution Congratulating Erie County Public Works Commissioner Maria Lehman as She Receives the National President's Medal from the American Society of Civil Engineers. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above ten resolutions as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 23 – MS. MARINELLI presented Local Law Intro. 16-1 (2004) and moved to receive and file the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #2) 2005 remain on the table and be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 25 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 26 – MS. MARINELLI presented Local Law Intro. 18-1 (2004) and moved to receive and file the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 27 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 28 – MS. MARINELLI presented Local Law Intro. 1-1 (2005) and moved to receive and file the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
 LOCAL LAW NO. ____ - 2005
 LOCAL LAW INTRO NO. 1- 200:5
 PRINT NO.2

A LOCAL LAW amending Erie County Local Law No. 1-1959, as amended, constituting the Erie County Charter, establishing and convening a commission, to be known as the Citizens' Budget Review Commission of Erie County.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. AMENDING SECTION 305 OF THE ERIE COUNTY CHARTER.

Section 305. Division of budget and management. There shall be in the office of the county executive a division of budget and management headed by a director of budget and management who shall be appointed by and will serve at the pleasure of the county executive. The director of budget and management shall assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller. The director of budget and management shall report to the county executive on the implementation of such audit recommendations and his actions pertaining to efficiency and productivity monitoring.

All reference contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

Section 2. CREATING NEW SECTION 1814 OF THE ERIE COUNTY CHARTER.

Section 1814 (a). The Citizens' Budget Review Commission.

The Citizens' Budget Review Commission shall be established to assist and advise the Erie County Legislature in the oversight of the County's Budget and to monitor County finances, ensure the long-term fiscal stability of Erie County', prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems.

Upon the adoption of this Local Law the Erie County Legislature hereby creates a Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.

Section 1814 (b). Commission Purview and Reporting.

The Citizens' Budget Review Commission shall study the fiscal operations of the County of Erie in their full scope. The Commission shall provide regular reports to the Legislature at the conclusion of each fiscal quarter, and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the County Legislature. The Commission shall file its annual report with the Erie County Legislature annually on or before October 15.

Section 1814 (c). Membership; Terms; Vacancies.

The Citizens' Budget Review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie County. Such members shall be appointed by the Erie County Legislature upon recommendation from the following entities:

- A. One (1) member shall be recommended and are pointed by the Erie County Executive.
- B. One (1) member shall be recommended annually by the Chair of the Erie County Legislature and confirmed by the Legislature.
- C. One (1) member shall be recommended annually by the Majority Leader on behalf of the majority members of the Erie County Legislature and confirmed by the Legislature.
- D. One (1) member shall be recommended annually by the Minority Leader on behalf of the minority members of the Erie County Legislature and confirmed by the Legislature.
- E. One (1) member shall be appointed who has professional experience as a certified public accountant. After receiving a list of at least three qualified candidates who have been recommended by the Western New York chapter of the New York State Association of Certified Public Accountants, the Legislature shall then appoint one individual from this list to the Commission.
- F. One (1) member shall be appointed who has professional experience in the banking and finance industry. After receiving a list of at least three qualified candidates who have been recommended by banking institutions and credit unions located within Erie County, the Legislature shall then appoint one individual from this list to the Commission.
- G. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance. After receiving a list of at least three qualified candidates who have been recommended by the Bar Association of Erie County, the Legislature shall then appoint one individual from this list to the Commission.
- H. One (1) member shall be appointed who has professional experience with organized labor. After receiving a list of at least three qualified candidates who have been recommended by Buffalo AFL-CIO Central Labor Council, the Legislature shall then appoint one individual from this list to the Commission.

- I. One (1) member shall be appointed from the Erie County business community. After receiving a list of at least three qualified candidates who have been recommended by the Buffalo Niagara Partnership, the Legislature shall then appoint one individual from this list to the Commission.
- J. Two (2) members shall be appointed by the Erie County Legislature based upon recommendations from the public and shall be construed to represent a cross-section of the County's diverse population and a depth of appropriate experience and expertise.
- K. The Comptroller of the County of Erie shall be an ex-officio, non-voting member of the Commission. Only the Comptroller, not a designee, shall be seated on the Commission.
- L. The Director of Budget and Management shall be an ex-officio, non-voting member of the Commission. Only the Director of Budget and Management, not a designee, shall be seated on the Commission.
- M. The Erie County Attorney shall be an ex-officio, non-voting member of the Commission. Only the Erie County Attorney, not a designee, shall be seated on the Commission.

With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the County, nor be a member of another County Board or Commission during the term of his/her appointment to the Citizens' Budget Review Commission of Erie County.

The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.

Members shall serve without compensation. Staff support shall be provided by the staff of the Erie County Legislature under the direction of the Clerk of the Erie County Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.

Section 1814 (d). Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chairperson for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice-chairperson, who shall serve as chairperson in the chairperson's absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.

Section 1814 (e). Meetings.

The Commission shall hold monthly public meetings to review the County's finances, including year-to-date and year-end projections for the County Budget. In addition to these monthly public meetings, the Citizens' Budget Review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the Erie County Legislature. All meetings of the Commission shall be subject to the

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Open Meetings Law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be held on such days and at such hours so as to encourage the maximum amount of public awareness and shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked-in to the Erie County Legislature and are to be made available to the public for inspection during regular business hours.

Section 1814 (f). Powers of the Commission and Information Available to Commission.

The Commission shall have the power to make such studies and investigations into the County's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical information, including monthly budget reports, relating to the County's budget and finances from the Comptroller of the County, the County Executive, and his appointed Director of Budget and Management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the County's finances.

In addition to any other information requested by the commission, the Director of Budget and Management shall submit to the Commission monthly budget reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.

Section 1814 (g). Failure to Provide Timely Information.

Should the County Executive, his appointed Director of Budget and Management, or anyone fail to provide information including but not limited to the budget reports requested in sub-section (f) above, the Chair of the Commission shall notify the Clerk of the Erie County Legislature and the Chair of the Erie County Legislature. in writing, and the Chair of the Legislature shall compel that such information be provided to the Commission by exercising the powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No. 1-1959, as amended, constituting the Erie County Charter.

Section 3. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part this law or in it~; application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law, provided, however that the provisions of this local law shall expire and be deemed repealed on and after January 1, the year two thousand and seven.

TIMOTHY M. KENNEDY
 LYNN M. MARINELLI
 EDWARD J. KUWIK
 ALBERT DEBENEDETTI
 RAYMOND K. DUSZA
 CHARLES M. SWANICK
 STEVEN P. MCCARVILLE

GEORGE A. HOLT, JR.
 MICHAEL H. RANZENHOFER
 DENISE E. MARSHALL
 DEMONE A. SMITH
 TIMOTHY M. WROBLEWSKI
 JEANNE Z. CHASE
 ELISE M. CUSACK

FISCAL IMPACT: Positive for the taxpayers of Erie County and necessary for maintaining a balanced budget.

MS. MARINELLI moved the approval of the Local Law. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 30 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 31 – MS. MARINELLI presented Local Law Intro. 3-1 (2005) and moved to receive and file the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI moved to take out of order Comm. 4E-5. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded. LEGISLATORS CUSACK, MARSHALL, RANZENHOFER & WEINSTEIN were in the negative.

CARRIED (11 – 4).

Re: Imposition of Further Additional 1%
 Sales and Compensating Use Tax;
 Amendment of Erie County Sales and
 Use Tax Resolution. (Comm. 4E-5)

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 2005.

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

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-eight, [two thousand five] two thousand six, 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 28, [2005] 2006, 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 first, [two thousand five] two thousand six. With respect to the tax rate of 3 percent effective March first, [two thousand five] two thousand six, 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 first, [two thousand five] two thousand six, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February twenty-eight, [two thousand five] two thousand six. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March first, [two thousand five] two thousand six, 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.

(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 first, [two thousand five] two thousand six, 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 first, [two thousand five] two thousand six, 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 first, [two thousand five] two thousand six, 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 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 first, [two thousand five] two thousand six, 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 first, [two thousand five] two thousand six, 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-eight [two thousand five] two thousand six, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

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Section 5. This enactment shall take effect March first, two thousand five.

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded. LEGISLATORS CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & WEINSTEIN were in the negative.

CARRIED (10-5).

€ **DELETE** the RESOLUTION in its entirety and **REPLACE** with the following RESOLUTION:

RESOLUTION

of the

Legislature of Erie County increasing taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York.

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

Section 1. 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 by adding a new section 4-A to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning March 1, 2005, and ending February 28, 2006. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

Section 2. A new subdivision (E) is added to 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, to read as follows:

(E) With respect to the additional taxes imposed at the rate of one percent by section 4-A of this resolution, for the period beginning March 1, 2005, and ending February 28, 2006, in respect to the use of property used by the purchaser in this county prior to March 1, 2005.

Section 3. A new subdivision (f) is added to 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, to read as follows:

(f) Net collections from the additional one percent rate of taxes imposed during the period commencing March 1, 2005, and ending February 28, 2006, by section 4-A of this resolution shall be paid to the county and shall be used by the county solely for county purposes and 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. Provided, however, that twelve million five hundred thousand dollars of such net collections shall be subject to the revenue sharing formula set forth in a resolution adopted by the Erie County Legislature on December 7, 2004 [Comm. No. 26E-4, as amended].

Section 4. This enactment shall take effect March 1, 2005.

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

CHAIRMAN HOLT directed that a roll call vote be taken.

MS. MARINELLI moved to recess (02/03/05 @ 5:03 pm). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to reconvene (02/04/05 @ 4:18 pm). MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

All Members Present.

CHAIRMAN HOLT directed that the CLERK announce the results of the roll call vote on Comm. 4E-3. Vote was recorded as follows:

AYES: CHASE, SWANICK, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN & DEBENEDETTI. (AYES 9, NOES 6).

FAILED. (DID NOT MEET REQUIRED 10 VOTE THRESHOLD.)

Received and filed.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

January 27, 2005

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

a. Item Page -2004 (Intro. 4-24)
SCHROEDER & WROBLEWSKI: Ensuring Reinvestment of Waterfront Revenue in Buffalo's Outer Harbor Lands.
 (5-0)

b. Item Page -2004 (Comm. 4E-43)
SCHROEDER: 2004 Economic Development Committee Agenda.
 (5-0)

c. Item Page -2004 (Comm. 5M-6)
NFTA: Request for Qualifications for the Development of Buffalo's Outer Harbor.
 (5-0)

d. Item Page -2004 (Comm. 15M-11)
EMPIRE STATE DEVELOPMENT: Supplemental Draft Environmental Impact Statement for Erie Canal Harbor Project.
 (5-0)

e. Item Page -2004 (Intro. 17-3)
SCHROEDER: Establishing a Presidential Library on the Buffalo Waterfront.
 (5-0)

f. Item Page -2004 (Comm. 19E-18)
COUNTY EXECUTIVE: Veto Message – Local Law Intro. No. 9-2004.
 (5-0)

g. Item Page -2004 (Comm. 19M-26)
WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION: Western Erie Canal Heritage Corridor Management Plan.
 (5-0)

h. Item Page -2004 (Comm. 20E-11)
COUNTY EXECUTIVE: Naming of New Casino at Sprague Brook Parks.
 (5-0)

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- | | | | | |
|----|---|---|-------|------------------------------------|
| | Item | Page | -2004 | (Comm. 22E-1) |
| i. | SMITH: | Copy of Letter to NFTA Re: Buffalo Intermodal Transportation Center Project.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 23E-16) |
| j. | COUNTY EXECUTIVE: | Roof Replacement – School 84 at EJ Meyer Site.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 25M-3) |
| k. | NFTA: | Cash Flow Statements for 4/1/04 – 3/31/05 & Projected Cash Flow for 10/1/04 – 9/30/05.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 25M-8) |
| l. | CITY OF BUFFALO COMMON COUNCIL: | Certified Resolution Re: Proposed Private Bridge at International Rail Bridge Site.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 26M-2) |
| m. | NFTA: | 17A Report & Capital Expenditure Report for 2 nd Quarter of Fiscal Year Ending 3/31/05.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 26M-8) |
| n. | WESTERN ERIE CANAL CORRIDOR PLANNING COMMISSION: | Western Erie Canal Heritage Corridor Management Plan.
(5-0) | | |
| | Item | Page | -2005 | (Comm. 2M-9) |
| o. | EMPIRE STATE DEVELOPMENT CORPORATION: | General Project Plan for 620 Main Street, Buffalo, by Appraisal.com, Inc.
(5-0) | | |
| | Item | Page | -2005 | (Comm. 2M-10) |
| p. | EMPIRE STATE DEVELOPMENT CORPORATION: | General Project Plan for 63 Main Street, Tonawanda, by Mueller Services, Inc.
(5-0) | | |
| 2. | Item | Page | -2004 | AS AMENDED
(Comm. 8E-21) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the Erie County Department of Public Works, Division of Highways is planning to reconstruct Maple Road Intersections (CR 192) at Flint, North Forest and Hopkins Roads, in the Town of Amherst, County of Erie, and

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WHEREAS, in order to facilitate the reconstruction of the road, it will be necessary for the County to acquire by fee, permanent easement or temporary easement, portions of real property in the vicinity of the road, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works, or her authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the reconstruction of this road:

<u>Parcel Number</u>	<u>Township</u>
56.17-4-3	Amherst
56.62-1-1	Amherst

and be it further

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated by the County Legislature for the Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Reconstruction of Maple Road project such appropriations having been made by Resolution Communication Number 9E-59 on May 22, 2003, and included in the 1999 Federal Aid Various Roads and Bridges Program (SFG 420-134), and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner – Highways, the County Comptroller, the County Attorney, and the Director of Budget, Management and Finance.
 (5-0)

3. Item Page -2004 (Intro. 30-7)

CHASE, KUWIK, DEBENEDETTI, DUSZA, SMITH & McCARVILLE

WHEREAS, the New York State Thruway Authority recently released their plan to raise tolls for Capital Improvement projects that include moving certain toll barriers and reconstructing others, and

WHEREAS, the preliminary New York State Thruway Authority plans indicate a willingness to move the Williamsville toll barrier, but give no sign that the Lackawanna toll barrier will also be relocated, and

WHEREAS, for over ten years local officials have lobbied the New York State Thruway Authority, the Legislature and the Governor to relocate the Lackawanna toll barrier, and

WHEREAS, the recent announcement is a devastating blow to residents and businesses in the Erie County Southtowns, and

WHEREAS, Erie County is one of the only regions in New York State where daily commuters are burdened with paying a toll simply to commute to work each day, and

WHEREAS, simply put, the Lackawanna toll barrier divides our community and has a significant and severe impact on commerce in our region, and

WHEREAS, now is the time to correct past inequities and do what is right for residents and businesses in Erie County by moving the Lackawanna toll barrier out of Erie County, and

WHEREAS, if the New York State Thruway Authority does not consent to move the Lackawanna toll barrier out of Erie County, then any plan to raise tolls should be clearly and univocally opposed by Erie County officials, local officials, residents and business owners.

NOW THEREFORE, BE IT

RESOLVED, the Erie County Legislature is committed to promoting economic development and protecting taxpayers in Erie County, and be it further

RESOLVED, that this Honorable Body implores the New York State Thruway Authority to move the Lackawanna toll barrier beyond the Erie County border, and be it further

RESOLVED, that this Honorable Body commits itself to vehemently opposing any plan put forth by the New York State Thruway Authority that calls for raising tolls, but not for the relocation of the Lackawanna toll barrier, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York delegation to the New York State Legislature, The New York State Thruway Authority, Erie County Executive Joel A. Giambra and Commissioner of Public Works Maria Lehman.

Fiscal Impact: None.

(5-0)

4. Item Page -2004 (Comm. 30E-23)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works (ECDPW) is currently engaged in the engineering phase of the rehabilitation of North French Road from Sweet Home Road to Transit Road in the Town of Amherst, and

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WHEREAS, the above-referenced project is a locally-administered Federal Aid Design project (Marchiselli Agreement No. D022004) with Liro Engineers as contracted consultants; and 80% of the total project costs are expected to be reimbursed through the New York State Department of Transportation (NYSDOT), and

WHEREAS, the Government Employees Insurance Company (GEICO) will be locating an office on land owned by the Uniland Development Company (Uniland), such land is located on North French Road in the vicinity of Interstate 990, and

WHEREAS, the added traffic caused by the large number of employees driving to and from the GEICO office will require reconfiguration of portions of North French Road and the Interstate 990 on-ramps and off-ramps, and

WHEREAS, since the County is already slated to perform rehabilitation roadwork near the new GEICO facility, the NYSDOT has agreed to allow the ECDPW to also perform additional design and construction work in the area in order to accommodate the increased traffic from GEICO employees (hereinafter "Additional Work"), and

WHEREAS, the Additional Work will be paid for by a grant from the Erie County Industrial Agency (ECIDA) in an amount not to exceed \$2,590,000 (hereinafter "Grant"), such Grant consists of funding from the NYSDOT in the amount of \$2,090,000.00 and funding from Uniland in the amount of \$500,000, less ECIDA costs and disbursements of administering the grant, and

WHEREAS, the creation of a new capital project is necessary for the purposes of the project,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into a Grant Agreement with the ECIDA wherein the County agrees to perform additional design and construction work on North French Road near the new GEICO facility, and the ECIDA agrees to fund the Additional Work with a Grant to the County, and be it further,

RESOLVED, that the Grant shall be in an amount not to exceed \$2,590,000, such Grant consists of funding from the NYSDOT in the amount of \$2,090,000 and funding from Uniland in the amount of \$500,000, less ECIDA costs and disbursements of administering the Grant, and be it further,

RESOLVED, that a new capital project with \$2,590,000 as revenue, and an equal amount of \$2,590,000 as appropriations be established, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Department of Public Works, Division of Highways; one copy to the Office of the County Executive; one copy to the Director of Budget, Management & Finance; one copy to the County Comptroller; and one copy to the County Attorney.
(5-0)

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MS. MARINELLI moved to amend the report to correct typo. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

1 (i.) should read Comm. 22E-1.

MS. MARINELLI moved to separate item #2 (Comm. 8E-21) and moved the approval of the balance of the report as amended. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to send item #2 back to the ECONOMIC DEVELOPMENT COMMITTEE

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

January 27, 2005

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

1. RESOLVED, that the following items are hereby received and filed.

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|----|--|------|-------|---------------------|
| | Item | Page | -2004 | (Intro. 4-25) |
| a. | HOLT, SCHROEDER, SMITH, DUSZA & WROBLEWSKI: ECWA & The Buffalo Water Board/Buffalo Water Authority.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 7D-2) |
| b. | DEP: Buffalo River Walleye Management Project – A Plan for Restoration.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 17M-2) |
| c. | NYSDOH: Health Consultation – Former NL Industries Site – Off-Site Residential Properties, Village of Depew. | | | |

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(4-0) Legislator Chase absent.

- d. Item Page -2004 (Comm. 17M-6)
ECWA: MOU – Agreement Between City of Buffalo & Erie County for Water Services.
 (4-0) Legislator Chase absent.
- e. Item Page -2004 (Intro. 19-14)
DEBENEDETTI & DUSZA: Opposition to National Fuel Gas' Request for a Significant Rate Increase.
 (4-0) Legislator Chase absent.
- f. Item Page -2004 (Comm. 19M-1)
ECWA: MOU W/Buffalo Water Board.
 (4-0) Legislator Chase absent.
- g. Item Page -2004 (Comm. 19M-25)
LYNDA STEPHENS: Letter to Chairman Holt Re: ECWA Proposed Consolidation with Buffalo Water Authority.
 (4-0) Legislator Chase absent.
- h. Item Page -2004 (Comm. 20E-19)
HOLT & DUSZA: Letter to EC Environmental Management Council Re: Mandatory Pesticide Notification Act.
 (4-0) Legislator Chase absent.
- i. Item Page -2004 (Comm. 21E-5)
DEBENEDETTI: Copy of Letter to NYS Comptroller Re: ECWA Audit.
 (4-0) Legislator Chase absent.
- j. Item Page -2004 (Comm. 22E-35)
COUNTY EXECUTIVE: DEP – ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency – A/E Agreement for Construction Inspection Services.
 (4-0) Legislator Chase absent.
- k. Item Page -2004 (Comm. 22D-8)
DEP: SEQR – Solicitation for Lead Agency Status – Hamilton Drive & the Bluffs.
 (4-0) Legislator Chase absent.
- l. Item Page -2004 (Comm. 22M-1)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Evaluation & Report Concerning Pesticide Neighbor Notification Law.
 (4-0) Legislator Chase absent.
- m. Item Page -2004 (Comm. 23E-9)
COUNTY EXECUTIVE: ECSD Nos. 4 & 6 – Engineering Service Agreements – Greenman – Pedersen – Comm. 18E-41, Change Order No. 1.
 (4-0) Legislator Chase absent.

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- n. Item Page -2004 (Comm. 23E - 10)
COUNTY EXECUTIVE: ECSD No. 2, 4 & 6 – Engineering Service Agreements – Comm. 18E-41 – URS Corporation.
(4-0) Legislator Chase absent.
- o. Item Page -2004 (Comm. 23D-6)
DEP: SEQR – Lead Agency Status – Contract 37, Didion & Brunck Roads Sanitary Sewer, Town of Lancaster.
(4-0) Legislator Chase absent.
- p. Item Page -2004 (Comm. 25E-34)
COUNTY EXECUTIVE: ECSD Nos. 1-6 – User Charge Rates.
(4-0) Legislator Chase absent.
- q. Item Page -2004 (Comm. 25E-36)
COUNTY EXECUTIVE: ECSD No. 2 – Engineering Agreement Dated 8/29/02 – URS Corporation – Change Order No. 2.
(4-0) Legislator Chase absent.
- r. Item Page -2004 (Comm. 25E-37)
COUNTY EXECUTIVE: ECSD No. 2 – Lake Street & Point Breeze Pumping Station Forcemains – EC Highway Department – Bridge Replacement.
(4-0) Legislator Chase absent.
- s. Item Page -2004 (Comm. 25M-2)
NEW YORK POWER AUTHORITY: Lewiston Pump-Generating Plant-Plant Upgrade Feasibility Study.
(4-0) Legislator Chase absent.
- t. Item Page -2004 (Comm. 25M-10)
NYSDEC: Fact Sheet – Proposed Remedial Activities at Boone Park, City of Buffalo.
(4-0) Legislator Chase absent.
- u. Item Page -2004 (Comm. 26E-5)
COUNTY EXECUTIVE: ECSD No. 5 – Fox & Company – Buffalo – Amendment No. 2.
(4-0) Legislator Chase absent.
- v. Item Page -2004 (Comm. 26E-23)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Southtowns Sand Filters Project – Contract No. 1ST-G Change Order No. 1 – C.O. Falter Construction.
(4-0) Legislator Chase absent.
- w. Item Page -2004 (Comm. 26M-3)
TOWN OF AURORA: Certified Resolution Re: Authorization of Agreement with Erie County for Town’s Sanitary Sewer System.
(4-0) Legislator Chase absent.

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|-----|---|------|-------|----------------|
| | Item | Page | -2004 | (Comm. 30E-36) |
| x. | COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Southtowns Sand Filters Project – Contract No. 1ST-G Change Order No. 2 – C.O. Falter Construction. (4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 30D-8) |
| y. | DEP: SEQR – Negative Declaration – Didion & Brunck Roads Sanitary Sewers. (4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 30D-12) |
| z. | DEP: SEQR – Solicitation for Lead Agency Status – Extension of ECSD No. 3 to be known as the Village of Hamburg Extension. (4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 30M-16) |
| aa. | NYS COMPTROLLER: Order of State Comptroller Re: Increase & Improvement of Facilities – ECSD No. 2. (4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 1M-9) |
| bb. | NYS DEPT OF AGRICULTURE & MARKETS: Erie County Agricultural District Nos. 1 & 14. (4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 2E-15) |
| cc. | COUNTY EXECUTIVE: Semi-Annual Attendance Records – Board of Managers - ECSDs. (4-0) Legislator Chase absent. | | | |

2. Item Page -2004 **AS AMENDED**
 (Comm. 23E-23)
COUNTY EXECUTIVE
 RESOLUTION NO. 24.

RESOLUTION DATED _____, 2005

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY

SEWER DISTRICT NO. 3 AND MAKING OTHER

DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) November 1, 2004.

(Adopted) _____, 2005.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated

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September 15, 2004 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated September 15, 2004, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 470 on the 4th day of November, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 16th day of December, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on December 16, 2004, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being in parts of Lots Nos. 50 and 51, Township 9, Range 7, and Lots Nos. 2, 3, 10, 11, 12, 19 and 20, Township 9, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point on the north line of Lot No. 3, Township 9, Range 8 of the Holland Land Company's Survey, sixteen hundred twenty-one (1621) feet west from the west line of South Park Avenue and on the east line of the former Hamburg Railway right-of-way; thence southerly along said east line of right-of-way, fourteen hundred sixty-eight and twenty-three hundredths (1468.23) feet to the center of North Street; thence westerly seventeen hundred eighty-six and thirty-four hundredths (786.34) feet, on a line parallel with and one hundred fifty (150) feet north of the north line of Norwood Avenue and said line extended easterly, to the center of Camp Road, formerly known as Lake Street, at its intersection with the southerly line of land formerly owned by Russell Harrington which line is the northerly line of the Village of Hamburg, which said line is also the north line of Hamburg Addition; thence northeasterly along the center of said street, one hundred fifty (150) feet; thence westerly parallel with the north line of said village, one hundred thirteen and eighty-nine hundredths (113.89) feet to easterly line of land of Erie Railroad; thence southwesterly along said southeasterly line of railroad, three hundred seventy-one and seven tenths (371.7) feet; thence westerly, on a line about two hundred sixty (260) feet north of the north line of Church Street, seven hundred ninety-six and two tenths (796.2) feet; thence southwesterly, at an angle of thirty-five degrees three minutes (35 03'), from west to south, to the east line of premises conveyed to Lee by Deed recorded in the Erie County Clerk's Office in Liber 6679 of Deeds at page 297; thence northerly along the east line of Subdivision Lot No. 1 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, a distance of twenty-five (25) feet to the northeast corner of said Subdivision Lot No. 1; thence continuing northerly along the east line of said subdivision shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, and along the east line of premises conveyed to Chester J. Hosjan by Deed recorded in the

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Erie County Clerk's Office in Liber 7413 of Deeds at page 55, and along the east line of premises conveyed to Hamburg Congress of Jehovan's Witnesses, a total distance of one thousand eight hundred forty-five (1845) feet to a point on the north line of said Lot No. 11; thence easterly along the north line of said Lot No. 11 a distance of one thousand eighty and twenty-four hundredths (1080.24) feet to the southeast corner of Subdivision Lot No. 113 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence northerly along the east line of said Subdivision Lot No. 113 and said east line extended northerly along the east line of Subdivision Lot No. 25 and said east line extended northerly along the east line of Subdivision Lot No. 213 and said east line extended northerly, along the east line Subdivision Lot No. 208 and said east line extended northerly to a point on the north line of Subdivision Lot No. 202, all as shown on said map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence easterly along the north line of said Subdivision Lot No. 202 and said north line extended easterly along the north line of Subdivision Lots Nos. 180 and 179 and the north line of said Subdivision Lot No. 179 extended easterly and the north line of Subdivision Lot No. 146 and the north line of said Subdivision Lot No. 146 extended easterly to a point on the southwest line of Camp Road, State Highway No. 1067; thence northwesterly along the southwest line of Camp Road, State Highway No. 1067, to the south-line of premises conveyed to James B. McCloskey by Deed recorded in the Erie County Clerk's Office in Liber 2351 of Deeds at page 498; thence westerly along said south line of premises conveyed to McCloskey to the southwest corner of premises conveyed to Camp Road, Inc. by Deed recorded in the Erie County Clerk's Office in Liber 6155 of Deeds at page 484; thence north six degrees thirty-seven minutes seventeen seconds (6 37'17") west a distance of four hundred twenty-three and seven tenths (423.7) feet to a point; thence north thirty-six degrees thirty-eight minutes eighteen seconds (36 38'18") east a distance of one hundred sixty (160) feet to a point on the southwest line of Camp Road where said line is intersected by the northwest line of premises conveyed to Borst by Deed recorded in the Erie County Clerk's Office in Liber 6031 of Deeds at page 402; thence northwesterly along the southwest line of said Camp Road to a point on the existing line of the Village of Hamburg established March 28, 1966 at the intersection with the west line of Sunset Drive extended northerly; thence continued northwesterly along said southwesterly line of the Athol Springs-Hamburg State Highway No. 1067, County of Erie, six hundred eighty-three and eighty-five hundredths (683.85) feet to the extension northeasterly of the northerly line of lands conveyed to William Reith by Deed recorded in the Erie County Clerk's Office in Liber 3411 of Deeds at page 164 on July 22, 1943; thence southwesterly along said extended northerly line and said northerly line of Reith as aforesaid, which line is the southerly line of lands of Edward Pauly, a total distance of sixty-six and twenty-two hundredths (66.22) feet to a point on the southwest line of Camp Road, said point being three hundred seventy-five and ninety hundredths (375.90) feet southeast of the southerly line of the New York State Thruway, thence northwest along the southwest line of Camp Road twenty-seven and eighty-five hundredths (27.85) feet to the south line of the Niagara Mohawk Power Corporation, thence south sixty-two degrees six minutes fifty-nine seconds (62 06'59") west along the said south line of the Niagara Mohawk Power Corporation a distance one thousand nine hundred sixty-nine and seventy-six hundredths (1,969.76) feet to a point, thence north eighty-nine degrees forty-three minutes fifty-six seconds (89 43'56") west a distance five hundred forty-eight and ninety-nine hundredths (548.99) feet to the southeasterly line of the New York State Thruway; thence southwesterly along the southeasterly line of the New York State Thruway, fourteen hundred and eighty-seven hundredths (1400.87) feet to the westerly line of lands conveyed to Parkway Investors, Inc. by Deed recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431; thence southerly along said Parkway Investors, Inc. west line, seventeen hundred forty-one (1741) feet to an angle point in said westerly

line; thence continuing southwesterly along the westerly line of lands conveyed to Parkway Investors, Inc. by Deed recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431, one hundred seventy-one and forty-three hundredths (171.43) feet to a point in the center line of the Cooper Ridge Road, running thence southeasterly along the center line of Cooper Ridge Road; thirty-nine and fifty-nine (39.59) feet to an angle in said center line; running thence southeasterly and continuing along said center line; two hundred twenty-nine and eleven hundredths (229.11) feet to an angle in said center line, running thence southeasterly and continuing along said center line, seventy-four and ninety-one hundredths (74.91) feet to a point, running thence northeasterly, one thousand nineteen and fifty-three hundredths (1,019.53) feet to a point in the east line of Lot No. 20 distant three hundred twelve and twenty hundredths (312.20) feet northerly from the southeast corner of Lot No. 20; thence south on the east line of Lot No. 20, three hundred twelve and twenty hundredths (312.20) feet to the southeast corner of Lot No. 20 (the southwest corner of Lot No. 12); thence easterly along the south line of Lot No. 12, seven hundred ten and eighty-two hundredths (710.82) feet to a point, said point being the northwest corner of lands conveyed to Bertha Breuss and one by Deed recorded in the Erie County Clerk's Office in Liber 4870 of Deeds at page 175, thence southerly along the east line of lands conveyed to Breuss, as aforesaid, one thousand seventy three and twenty-two hundredths (1,073.22) feet to a point; thence easterly and parallel with the north line of Lot No. 11, four hundred four and two tenths, (404.2) feet to the westerly line of lands conveyed to Eugene J. Fox and wife by Deed recorded in the Erie County Clerk's Office in Liber 3519 of Deeds at page 40; thence southerly along the west line of lands conveyed to Eugene J. Fox as aforesaid, six hundred thirty-six and sixty-eight hundredths (636.68) feet to a point on the centerline of Cooper Ridge Road also known as Pleasant Avenue; thence easterly along the aforementioned center line ninety-four (94) feet; thence northerly on a line parallel with the west line of lands conveyed to Albert Straight by Deed recorded May 29, 1950 in the Erie County Clerk's Office in Liber 4715 of Deeds at page 297, two hundred fifty (250) feet; thence east and parallel with the center line of Pleasant Avenue eighty-five (85) feet to a point in the west line of lands conveyed to Albert Straight by Deed aforesaid; thence north and along the west line of lands conveyed to Albert Straight by Deed aforesaid, one thousand sixteen and two tenths (1016.2) feet, thence easterly one hundred seven and fifty-one hundredths (107.51) feet to a point; thence north four hundred fifty (450) feet to a point on the south line of Lot No. 12, said point being eight hundred ninety-three and eighty-nine hundredths (893.89) feet west of the northwest corner of lands conveyed to Russell Trippi by Deed recorded in the Erie County Clerk's Office on September 1, 1950, in Liber 4778 of Deeds at page 421; thence easterly along the south line of Lot No. 12, eight hundred ninety-three and eighty-nine hundredths (893.89) feet to the northwest corner of lands conveyed to Russell Trippi by Deed as aforesaid; thence southerly parallel to the east line of Lot No. 11, eighteen hundred twenty-three and sixteen hundredths (1823.16) feet to the center line of Cooper Ridge Road, also known as Pleasant Avenue, running thence northwesterly along the center line of Pleasant Avenue, thirty and ninety-one hundredths (30.91) feet to the extension northerly of the easterly line of Lenora Drive; running thence southerly along the extension northerly of the easterly line of Lenora Drive twenty-six and twenty-seven hundredths (26.27) feet to the southerly line of Pleasant Avenue; running westerly along the southerly line of Pleasant Avenue a distance of sixty (60) feet to the westerly line of Lenora Drive; running thence northerly along the extension northerly of the westerly line of Lenora Drive, twenty-six and twenty-seven hundredths (26.27) feet to the center line of Pleasant Avenue; running thence northwesterly along the center line of Pleasant Avenue, one hundred ten and sixteen hundredths (110.16) feet to the extension northerly of the westerly line of Subdivision Lot No. 1, Cover No. 1858; running thence southerly along the said westerly line of Subdivision Lot No. 1 as extended and the said westerly line of Subdivision Lot No.

1, two hundred twelve and twelve hundredths (212.12) feet to the northerly line of Subdivision Lot No. 2, Cover No. 1858; running thence westerly along the said northerly line of Subdivision Lot No. 2, Cover No. 1858, one hundred (100) feet to the west line of Uebelhack; thence southerly along the westerly line of Uebelhack a distance of one thousand four hundred thirteen and eighty-six hundredth (1413.86) feet to the northerly line of Westview Avenue fifty (50) feet wide as shown under Cover No. 1858, extended westerly to the intersect said westerly line of lands conveyed to Uebelhack and his wife by Deed recorded in the Erie County Clerk's Office in Liber 1595, of Deeds at page 470; thence easterly along said northerly line of Westview Avenue as extended westerly three hundred five and four hundredths (305.04) feet to the easterly line of Lenora Drive; thence northerly along the easterly line of Lenora Drive a distance of one hundred twenty-six and eight tenths (126.8) feet; thence easterly at an angle with the last described line measured from the north to the east of ninety degrees, forty-eight minutes (90 48') a distance of three hundred forty-eight and fifty-two hundredths (348.52) feet to the west line of Milford Street; thence south along the west line of Milford Street, one hundred twenty-six and fifty-five hundredths (126.55) feet to the north line of Westview Avenue; thence east sixty (60) feet to the east line of Milford Street; thence north along the east line of Milford Street, one hundred twenty-six and five tenths (126.5) feet; thence east along the north line of Westview Subdivision and the present Village line, approximately six hundred seventy-seven (677) feet, to the Village line established in May 1874; thence south along said line about eleven hundred twenty-three (1123) feet to the easterly line of the Erie Railroad; thence southwesterly along the southeasterly line of said railroad, approximately twenty-one hundred eighty-seven (2187) feet, to the southwesterly line of property formerly owned by John C. Trefts; thence southeasterly, by various courses approximately nine hundred ninety-six (996) feet, to the center of Pierce Avenue; thence northeasterly along the center of Pierce Avenue, thirty-eight (38) feet to the northwest corner of Edward Renschler's property; thence southeasterly along said Renschler's northeasterly line and part of the southwesterly line of Rosedale Avenue, and said line extended six hundred sixty-three (663) feet to the north line of Henry J. Turner; thence east along Turner's north line about seven hundred eighty (780) feet to Eighteen Mile Creek; thence northeasterly up Eighteen Mile Creek approximately twenty-one hundred fifty-eight (2158) feet to the original south line of the Village; thence east along said south line about thirty-nine hundred twenty-two (3922) feet to the original east line of the Village; thence north along said east line approximately one thousand eight hundred fifty-seven and three tenths (1857.3) feet, to the northwest line of Newton Road; thence northeasterly along said northwesterly line of Newton Road approximately ninety-five and eighty-six hundredths (95.86) feet, to the southwest corner of subplot 97 as shown on a subdivision map of Grandview addition filed under Map Cover No. 1243; thence northerly along the west line of said subplot 97 two hundred six and sixty hundredths (206.60) feet to the south line of subplot 99, Cover 1243; thence continuing northerly along the west line extended of said subplot 97 twenty-five (25) feet; thence easterly at right angles approximately forty-eight and eighty hundredths (48.80) feet to the northerly extension of the east line of said subplot 97; thence northerly along said east line extended of said subplot 97 approximately seventy-four and ninety hundredths (74.90) feet to the southwesterly line of the right-of-way formerly owned by the Buffalo and Susquehanna Railway Company, thence southeasterly along said right-of-way line to the southwest corner of lands conveyed by Adaline B. Higgins, formerly Adaline Ovenburg, to Lillian H. Greanoff by Deed recorded in the Erie County Clerk's Office in Liber 5200 of Deeds at page 551; thence running northerly along the westerly line of said lands conveyed by Adaline B. Higgins, a distance of sixty-six (66) feet to the northeasterly line of said Buffalo and Susquehanna Railway Company; thence southeasterly along the said Railway Company's northeasterly line, being also the southwesterly line of lands known as subplot 38 and Newton Place as shown on Cover Map No. 1392

filed in the Erie County Clerk's Office, to its intersection with the northwesterly line of Newton Road; thence northeasterly along the said northwesterly line of Newton Road to the northeast line of said Newton Place; thence northwesterly along the northeasterly line of Newton Place, being also the southwesterly line of sublots 43 and 44 as shown on said Cover Map No. 1392 to the southwest corner of said subplot No. 43; thence northerly along the west line of said subplot 43, a distance of one hundred eighty-eight and eighteen hundredths (188.18) feet to a point on the south line of Lot No. 51, Township 9, Range 7; thence easterly along said south line of Lot 51 a distance of approximately five hundred fourteen and four tenths (514.4) feet; thence north, parallel with and two hundred forty-two (242) feet west from the center of McKinley Parkway; two hundred eight (208) feet; thence east two hundred forty-two (242) feet to the east line of Lot 51, Township 9, Range 7, being also the center of McKinley Parkway; thence northerly along the east line of said Lot 51, and along the center of McKinley Parkway a distance of three hundred fourteen and four tenths (314.4) feet to a point, thence westerly at an interior angle of ninety degrees, sixteen minutes (90 16'), a distance twenty-eight (28) feet; thence north parallel with the east line of Lot No. 51 and twenty-eight (28) feet west therefrom two thousand one hundred nineteen and three tenths (2119.3) feet; thence westerly a distance of five (5) feet to the westerly line of McKinley Parkway; thence northerly along the westerly line of McKinley Parkway three hundred (300) feet to a point; thence easterly at an angle of ninety degrees twenty minutes (90 20') a distance of thirty-three (33) feet to the center line of McKinley Parkway, said center line being the east line of Lot No. 51 Township 9, Range 7; thence northerly along said easterly line of Lot No. 51, a distance of nine hundred three and four hundredths (903.04) feet, to the southerly line of lands conveyed to Corthell Towles and recorded in the Erie County Clerk's Office in Liber 4528 of Deeds at page 126; thence westerly along the southerly line of Corthell Towles and the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 3711 of Deeds at page 73, and along the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 5009 of Deeds at page 542, a distance of twenty-eight (28) feet to a point which is five (5) feet east of the west line of McKinley Parkway; thence northerly and parallel with the center line of McKinley Parkway a distance of one thousand sixteen (1016) feet to a point, which point is five (5) feet north of the south line of Clark Street; thence southwesterly and parallel with the center line of Clark Street, a distance of approximately two thousand one hundred eighty-seven twenty-five hundredths (2187.25) feet to a point; thence northwesterly a distance of sixty-one (61) feet to the northwesterly line of Clark Street; thence southwesterly along the northwesterly line of Clark Street a distance of eight hundred seventy-seven and ninety-seven hundredths (877.97) feet to the intersection of the northwesterly line of Clark Street and the east line of lands conveyed to the Buffalo and Susquehanna Railroad Company by Deed recorded in the Erie County Clerk's Office in Liber 980 of Deeds at page 608; thence northerly along the east line of said lands conveyed to the Buffalo and Susquehanna Railroad Company a distance of one hundred ninety-seven and thirty-two hundredths (197.32) feet to a point; thence southeasterly at an exterior angle of forty degrees fifty-three minutes (40 53') a distance of fifteen and twenty-eight hundredths (15.28) feet to a point; thence north at an interior angle of forty degrees fifty-three minutes (40 53') along a line parallel to and ten (10) feet distance from the easterly right-of-way line of the said Buffalo and Susquehanna Railroad a distance of two hundred sixteen and ninety-eight hundredths (216.98) feet to a point; thence westerly at an interior angle of ninety degrees sixteen minutes (90 16') a distance of ten (10) feet to a point on the east line of said Buffalo and Susquehanna Railroad; thence north along the said east line of the Buffalo and Susquehanna right-of-way to the north line of Lot 51, Township 9, Range 7, of the Holland Land Company's Survey; thence west along the said north line of Lot 51, a distance of sixty-six (66) feet to the west

line of the Buffalo and Susquehanna Railroad right-of-way; thence south along the said west line of the Buffalo and Susquehanna right-of-way a distance of three hundred seventy-five and four hundredths (375.04) feet to the south line of lands conveyed to the Village of Blasdell by Deed recorded in the Erie County Clerk's Office in Liber 991 of Deeds at page 285; thence westerly along the south line of said lands conveyed to the Village of Blasdell a distance of four hundred twenty-four and seventy-five hundredths (424.75) 14 feet to a point; thence southerly and parallel with the east line of South Park Avenue a distance of one hundred fifty (150) feet to a point; thence westerly at an angle of ninety degrees (90) with the last mentioned line a distance of one hundred seventy-five (175) feet to the east line of South Park Avenue; thence southerly along the east line of South Park Avenue, a distance of five hundred seventy-eight and four tenths (578.04) feet; thence easterly along a line parallel with the south line property conveyed to David M. Hannah and Gerard A. Braun by Deed recorded in the Erie County Clerk's Office in Liber 6252 at page 630, extended and seven (7) feet northerly therefrom a distance of one hundred seventy-five (175) feet; thence southerly at an exterior angle of ninety degrees fifty-seven minutes two seconds (90 57'02") a distance of seven (7) feet; thence easterly at an interior angle of ninety degrees fifty-seven minutes two seconds (90 57'02"), a distance of twelve (12) feet; thence southerly parallel with the east line of South Park Avenue and a distance one hundred eighty-seven (187) feet easterly therefrom a distance of one hundred eighty-six and thirty-five hundredths (186.35) feet to the north line of the Village of Hamburg as extended December 17, 1917; thence west one hundred eighty-seven (187) feet to the east line of South Park also known as Buffalo Street; thence south on the east line of Buffalo Street, one hundred fifty and seventeen hundredths (150.17) feet; thence westerly along the northerly line of Maplewood Subdivision extended easterly a distance of thirty-three (33) feet to a point on the center line of South Park Avenue; thence northerly along the said center line of South Park Avenue three hundred eleven and seventy-four hundredths (311.74) feet to a point; thence westerly to a point two hundred sixty-two and twenty-five hundredths (262.25) feet west of the center of South Park Avenue and one hundred twenty-four and ninety-one hundredths (124.91) feet north of the north line of Legion Drive; thence southerly one hundred fifty-seven and ninety-one hundredths (157.91) feet to a point in the center line of Legion Drive and two hundred twenty-five (225) feet west of the west line of South Park Avenue; thence easterly along the center line of Legion Drive to a point two hundred eight (208) feet west of the center line of South Park Avenue; thence southerly and parallel with said center line of South Park Avenue a distance of thirty-three (33) feet to the southerly line of Legion Drive; thence westerly along the southerly line of Legion Drive a distance of five hundred twenty-five and eighty-four hundredths (525.84) feet to the intersection of the said southerly line of Legion Drive with the northwesterly line of Division Street; thence northeasterly along the northwesterly line of Division Street extended and along the northwesterly line of Division Street a distance of one hundred thirty-eight and six tenths (138.6) feet to a point; thence northerly along the west line of Division Street seven hundred seventy-eight and six tenths (778.6) feet to a point; thence east fifty (50) feet to the point of intersection of the north line of Norway Place and the east line of Division Street; thence northerly along a line parallel with and five hundred forty (540) feet west of the east line of Lot 4, Township 9, Range 8, a distance one hundred eighty-three (183) feet to the south line of Lot 4, Township 9 , Range 8, thence east five hundred forty (540) feet to the southeast corner of Lot 4; thence north along the east line of Lot 4, said east line also being the center line of South Park Avenue, a distance of three hundred (300) feet to a point on the east line of Lot 4, thence west five hundred f o r t y (540) feet to the east line of Division Street , thence north along a line parallel with five hundred forty (540) feet west of the east line of Lot 4, a distance of three hundred (300) feet to a point; thence westerly along a line parallel with and six hundred (600) feet north of the south line of the said Lot 4, Township 9, Range 8, a distance of one thousand one hundred forty-

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three (1,143) feet to a point on the west line of lands conveyed to the County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 2295 of Deeds at page 321; thence southerly along the said west line of lands conveyed to the County of Erie, a distance of six hundred (600) feet to a point on the south line of Lot 4, Township 9, Range 8; thence easterly along the said south line of Lot 4, Township 9, Range 8, a distance of thirteen (13) feet to the place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0) Legislator Chase absent.

3. Item Page -2004 (Comm. 23E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 14H to Visone Construction, Inc. for the Erie County Sewer District No. 3 Milestrip Road Sanitary Sewer Modification; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 14H in the final contract amount of \$75,599.54 which includes Change Order No. 1 (final), a decrease of \$9,520.46, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 14 H between the County of Erie and Visone Construction, Inc. 79 Sheldon Avenue, Depew, NY 14043 is accepted in the amount of \$75,599.54, which includes Change Order No. 1(final), a decrease of \$9,520.46, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 14H in Erie County Sewer District No. 3 Operating Fund 220.183.506.200 (220.853.830.823) between the County of Erie and Visone Construction, Inc. in the amount of \$75,599.54, release of retention and cancel the remaining balance; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J.

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Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.
 (4-0) Legislator Chase absent.

4. Item Page -2004 (Comm. 23E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded the Oxygen Generation System Replacement Contract to Praxair, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of the Oxygen Generation System Replacement Contract in the final contract amount of \$1,113,053.73, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Oxygen Generation System Replacement Contract between the County of Erie and Praxair, Inc., 175 East Park Drive, Tonawanda, New York 14151 is accepted in the amount of \$1,113,053.73, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Oxygen Generation System Replacement Contract between the County of Erie and Praxair, Inc. in the amount of \$1,113,053.73 and release all retention and make final payment from Erie County Sewer District No. 3, Southtowns Improvements, Bond Account C.00038 (430-915); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Chase absent.

5. Item Page -2004 (Comm. 25E-22)

COUNTY EXECUTIVE

WHEREAS, the Western Chapter, New York State Horse Council is applying to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for a grant under the Recreational Trails Program for a trail project to be located in the Hunters Creek Park and Emery Park sites located within the territorial jurisdiction of the Erie County Legislature; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located",

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County hereby does approve and endorse the application of the Western Chapter, New York State Horse Council for a grant under the Recreational Trails Program for a trail project known as Trail Signage and Public Education Material – Hunters Creek Park and Emery Park, Erie County Park System, and located within the County of Erie; and be it further

RESOLVED, that should the Western Chapter, New York State Horse Council be unable to do so, said property shall be maintained by the County of Erie consistent with the rules promulgated by the New York State Office of Parks, Recreation, and Historic Preservation; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Parks, Recreation and Forestry; and the County Comptroller.

(4-0) Legislator Chase absent.

6. Item Page -2004 (Comm. 25E-31)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 27SA to Allstate Power Vac, Inc. for the Erie County Sewer District No. 1 Clinton Trunk and Related Areas Sewer Rehabilitation; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 27SA in the final contract amount of \$468,287.85 which includes Change Order No. 1 (final), a decrease of \$89,562.15, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 27SA between the County of Erie and Allstate Power Vac, Inc. 928 E. Hazelwood Lane, Rahway, NJ 07065 is accepted in the amount of \$468,287.85 which includes Change Order No. 1(final), a decrease of \$89,562.15 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 27SA between the County of Erie and Allstate Power Vac, Inc. in Bond Account C.00032.1 (430-694)in the amount of \$468,287.85 and the release of retention; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.

(4-0) Legislator Chase absent.

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7. Item Page -2004 (Comm. 25E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide Construction Inspection Services on various projects throughout the County Sewer Districts and the Southtowns Sewage Treatment Agency service area; and

WHEREAS, the Department of Environment and Planning has recommended the firms of Donald Gallo Inc., 589 Delaware Avenue, Buffalo, New York, 14202 and Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York, 14225;

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Donald Gallo, Consulting Engineer, P.C. and Greenman-Pedersen, Inc., be retained at a cost not to exceed \$200,000.00 each; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Donald Gallo, Consulting Engineer, P.C., 589 Delaware Avenue, Buffalo, New York 14202 and Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225, to provide the needed Engineering Construction Inspection Services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$200,000.00 for each agreement from the various Erie County Sewer District Capital Accounts and/or Sewer Operating Fund Balances as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the following Sewer Capital Accounts and Sewer Operating Accounts be used as needed and as determined to be necessary by the Commissioner of Environment and Planning:

	<u>Description</u>	<u>Bond Account</u>
SEWER CAPITAL ACCOUNTS:		
ECSD #1	Increase & Improvement of Facilities	C.00057
ECSD #1	Increase & Improvement of Facilities (1994)	C.00032
ECSD #1	Increase & Improvement of Facilities	**
ECSD #2	Increase & Improvement of Facilities (1992)	C.00028
ECSD #2	Increase & Improvement of Facilities (1998)	C.00036
ECSD #2	Increase & Improvement of Facilities (1998)	C.00002
ECSD #2	A.P.B.I. Southwestern Interceptor	C.00004
ECSD #2	Increase & Improvement of Facilities	C.00011
ECSD #2	Increase & Improvement of Facilities	C.00013
ECSD #2	Increase & Improvement of Facilities	**
ECSD #3	Boston Valley Extension	C.00019

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ECSD #3	Southtowns Increased Improvements (1997)	C.00038
ECSD #3	A.P.B.I. Greenmeadow SW P.S. Improvements	C.00003
ECSD #3	Increase & Improvement of Facilities (1998)	C.00039
ECSD #3	Southtowns Expansion	C.00010
ECSD #3	Increase & Improvement of Facilities	C.00012
ECSD #3	Increase & Improvement of Facilities	C.00014
ECSD #3	Southtowns Increase Improvements	C.00015
ECSD #3	Increase & Improvement of Facilities	**
ECSD #4	Increase & Improvement of Facilities (1994)	C.00031
ECSD #4	Increase & Improvement of Facilities	C.00030
ECSD #4	Increase & Improvement of Facilities (1994)	**
ECSD #5	Increased Facilities	C.00056
ECSD #5	Increased Improvements (1996)	C.00035
ECSD #5	Sisters of St. Joseph	C.00009
ECSD #5	A.P.B.I. Spaulding Lake	C.00020
ECSD #5	Increase & Improvement of Facilities	**
ECSD #6	Increase & Improvement of Facilities (1995)	C.00037
ECSD #6	Increase & Improvement of Facilities (1995)	C.00001
ECSD #6	Increase & Improvement of Facilities	**

All future bond accounts which may be approved during the three (3) year term of the engineering agreement.

** To Be Assigned

SEWER OPERATING ACCOUNTS:

ECSD #s 1-4-5	220 181 516 020
ECSD #2	220 182 516 020
ECSD #3/Southtowns	220 183 516 020
ECSD #6	220 186 516 020

and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an Engineering Firm under this resolution; and be further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.
(4-0) Legislator Chase absent.

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

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2005 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2005 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 497,710.14
Sewer District #2	\$ 150,776.38
Sewer District #3	\$ 637,572.80
Sewer District #4	\$ 386,134.89
Sewer District #5	\$ 197,775.00
Sewer District #6	<u>\$1,149,179.85</u>
	\$3,019,149.06

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner; Nancy Naples, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.
 (4-0) Legislator Chase absent.

9. Item Page -2004 (Comm. 25D-19)

DEP

RESOLUTION NO. 25 -2004

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) November 16, 2004.

(Adopted) _____, 2005.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and

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created on February 22, 1961 (the "District") to provide sewer services to the Villages of Depew and Lancaster and the Towns of Lancaster, West Seneca, Alden and Cheektowaga; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 4 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 4 on September 15, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 7,765 linear feet of sewer, the installation of new Didion and Brunck Road sanitary sewers, the upgrading and/or replacement of pumping stations, and the reconstruction of the overflow retention facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,850,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$4.07 for the District, except that those portions of the District located in the Town of Lancaster outside of any village is \$9.67; and

WHEREAS, said County Legislature duly adopted Resolution 446 on October 21, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on December 2, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 4, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,850,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,850,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 3. This resolution shall take effect immediately.

(4-0) Legislator Chase absent.

10. Item Page -2004 (Comm. 30E-37)

COUNTY EXECUTIVE

WHEREAS, the Legislature awarded an engineering contract to URS Corporation then known as URS Greiner, Woodward Clyde Group Consultants, Inc., for a study on consolidation and elimination of small sewage treatment plants in the Spaulding Lakes area of Clarence on March 18, 1999, COMM 25E-30; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement with URS Corporation dated March 18, 1999 in the amount of \$29,763.88, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated March 18, 1999 between the Erie County Sewer District No. 5 and URS Corporation, then known as URS Greiner, Woodward Clyde Group Consultants, Inc., be formally closed-out in the final amount of \$29,763.88 and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances related to the March 18, 1999 engineering agreement, Bond Account C.00035 (430-798) between Erie County and URS Corporation; and be it further,

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RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one (1) certified copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Chase absent.

11. Item Page -2005 (Comm. 1E-13)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC, to provide engineering services, and

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

WHEREAS, the Erie County Department: of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC dated September 11, 1996 at the final contract amount of \$314,387.77.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated September 11, 1996 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$314,387.77, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement and cancel all remaining balances between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC dated September 11, 1996, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Chase absent.

12. Item Page -2005 (Comm. 1E-14)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 58EV/H to Sicar, Inc. for the Erie County Sewer District No. 2 Sanitary Sewer Rehabilitation Project; and

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

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WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 58EV/H in the final contract amount of \$670,001.80 which includes Change Order No. 2(final), a decrease of \$69,936.10, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 58EV/H between the County of Erie and Sicar, Inc., 1128 Jamison Road, Elma, New York 14059 is accepted in the amount of \$670,001.80, which includes Change Order No. 2(final), a decrease of \$69,936.10, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 58EV/H between the County of Erie and Sicar, Inc. in the amount of \$670,001.80 and release all retention and make final payment from Erie County Sewer District No. 2 Bond Account C.00011 (430-340); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.
 (4-0) Legislator Chase absent.

13. Item Page -2005 (Comm. 2E-9)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and' program application materials,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie: County HOME Consortium, is hereby authorized to submit a Year 2005-09 Consolidated Plan and accompanying 2005 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2005 Action Plan dollar amounts as indicated.

1. Erie County Consortium Community Development Block Grant Program:	\$3,566,676
2. Emergency Shelter Grant Program:	\$ 124,203
3. HOME Investment Partnership Program:	\$1,192,485
4. American Dream Downpayment Initiative:	\$ 42,263
5. Town of Hamburg Community Development Block Grant Program:	\$ 505,273

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs; and be it further

RESOLVED, that 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.
(4-0) Legislator Chase absent.

RAYMOND DUSZA
CHAIRMAN

MS. MARINELLI moved to amend the report to correct a typo. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

1 (b.) should read Comm. 7D-2.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to separate items #2 (Comm. 23E-23), #9 (Comm. 25D-19) and moved the approval of the balance of the report as amended. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #2 (Comm. 23E-23). MR. DUSZA seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #9 (Comm. 25D-19). MR. DUSZA seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

January 27, 2005

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | | |
|------|--|-------|----------------|-------|----------------|
| a. | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 10E-1)</td> </tr> </table> <p>MARINELLI: Letter to County Executive Re: Support for Town of Tonawanda Fire Training Facility.
 (6-0) Chairman Holt present as Ex-Officio Member.</p> | Item | Page | -2004 | (Comm. 10E-1) |
| Item | Page | -2004 | (Comm. 10E-1) | | |
| b. | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 11M-6)</td> </tr> </table> <p>EC PROBATION OFFICERS ASSOCIATION: Letter Re: Local Law Establishing User Fees.
 (6-0) Chairman Holt present as Ex-Officio Member.</p> | Item | Page | -2004 | (Comm. 11M-6) |
| Item | Page | -2004 | (Comm. 11M-6) | | |
| c. | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 13E-1)</td> </tr> </table> <p>DISTRICT ATTORNEY: Letter Opposing Cuts in Buffalo Fire Investigation Unit.
 (6-0) Chairman Holt present as Ex-Officio Member.</p> | Item | Page | -2004 | (Comm. 13E-1) |
| Item | Page | -2004 | (Comm. 13E-1) | | |
| d. | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 13M-1)</td> </tr> </table> <p>CSEA LOCAL 815: Filling the Six Vacant Probation Officer Positions Funded in the 2004 Budget.
 (6-0) Chairman Holt present as Ex-Officio Member.</p> | Item | Page | -2004 | (Comm. 13M-1) |
| Item | Page | -2004 | (Comm. 13M-1) | | |
| e. | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 19E-59)</td> </tr> </table> <p>COUNTY EXECUTIVE: Probation & Youth Detention Services – Detention Facility Staff Adjustments.
 (6-0) Chairman Holt present as Ex-Officio Member.</p> | Item | Page | -2004 | (Comm. 19E-59) |
| Item | Page | -2004 | (Comm. 19E-59) | | |

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- | | | | | |
|----|--|------|-------|----------------|
| | Item | Page | -2004 | (Comm. 21M-4) |
| f. | INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS – LOCAL 41: | | | |
| | Copy of letter to Legislator Marinelli Re: Untimely Payments on County Projects. | | | |
| | (6-0) Chairman Holt present as Ex-Officio Member. | | | |
| | | | | |
| | Item | Page | -2004 | (Intro. 23-8) |
| g. | CHASE & McCARVILLE: Supporting the Override of the Governor’s Veto for Additional | | | |
| | Funding for NYS Office of Fire Prevention & Control. | | | |
| | (6-0) Chairman Holt present as Ex-Officio Member. | | | |
| | | | | |
| | Item | Page | -2004 | (Comm. 23D-16) |
| h. | DEP: Restoring the Fire Tower Contract. | | | |
| | (6-0) Chairman Holt present as Ex-Officio Member. | | | |
| | | | | |
| | Item | Page | -2004 | (Comm. 23M-3) |
| i. | TOWN OF COLDEN: Certified Resolution Re: Continuance of Service by EC Sheriff’s | | | |
| | Department. | | | |
| | (6-0) Chairman Holt present as Ex-Officio Member. | | | |
| | | | | |
| | Item | Page | -2004 | (Comm. 25D-16) |
| j. | EMERGENCY SERVICES: Effect of Proposed 2005 Budget Cuts on Department of | | | |
| | Emergency Services. | | | |
| | (6-0) Chairman Holt present as Ex-Officio Member. | | | |
| | | | | |
| 2. | Item | Page | -2004 | (Comm. 22E-22) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the New York State Crime Victim’s Board awarded the Department of Probation and Youth Detention Services \$40,100 to provide services to crime victims for the grant period of October 1, 2004 to September 30, 2005, and

WHEREAS, the funds to sustain one (1) Crime Victim Advocate created in the first year of funding to assist probation officers with crime victims are included in the grant, and

WHEREAS, the International Institute of Buffalo New York Inc., will provide translation services to crime victims with language barriers. The contract is in the sum of One thousand dollars (\$1, 000) for the duration of the grant period October 1, 2004 to September 30, 2005, and

WHEREAS, grant funds from the New York State Crime Victim’s Board will allow for enhancement of services to crime victims and the community.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with the New York State Crime Victim’s Board to accept funding in the amount of \$ 40,100 for the grant period of October 1, 2004 through September 31, 2005, and be it further

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RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the International Institute of Buffalo NY, Inc. for the amount of \$1,000 for the period of 10-01-04 to 09-30-05. The International Institute of Buffalo New York, Inc will provide translation services to crime victims with language barriers, and be it further

RESOLVED, that the following budget is hereby authorized:

Grant Fund
 Department 126-Probation
 Crime Victim's Board
 October 1, 2004 to September 30, 2005

Appropriation	Amount
500000 Personnel Services	\$29,141
502000 Fringe Benefits	7,863
510100 Out of Area Travel	1,000
516020 Prof Srvcs Contracts	1,000
505000 Office Supplies	<u>1,096</u>
Total	\$40,100

Revenue	Amount
409000 State Aid	<u>\$40,100</u>
Total	\$40,100

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the County Comptroller and the Division of Budget, Management and Finance.
 (6-0) Chairman Holt present as Ex-Officio Member.

3. Item Page -2004 (Comm. 23E-8)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Probation and Youth Detention Services will enter into a contract with the New York State Eighth Judicial District to provide services in the amount of \$201,177 for the Erie County Family Juvenile Treatment Court from October 1, 2003 to September 30, 2006, and

WHEREAS, the funds to sustain one (1) Probation Officer will be provided to supervise youth placed in the Family Juvenile Treatment Court, to provide home visits, contacts with school and service providers, and to appear at Court appearances and collaborative meetings of the Treatment Court, and

WHEREAS, contract funds from the New York State Eighth Judicial District will allow for enhancement of services to juveniles, their families and the community, and

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WHEREAS, the addition of a Probation Officer, Job Grade 11, is reflected on B-100 Position Authorization Form, Control Number 424 in the SAP System.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with the New York State Eighth Judicial District to accept funding in the amount of \$201,177 for the grant period of October 1, 2003 through September 20, 2006:

Department 260-Probation and Youth Detention Services
 New York State Eighth Judicial District
 October 1, 2003 to September 30, 2006

Appropriation	Year One	Year Two	Year Three
500000 Personnel Services	\$52,811	\$52,811	\$52,811
502000 Fringe Benefits	<u>14,248</u>	<u>14,248</u>	<u>14,248</u>
Total	\$67,059	\$67,059	\$67,059
Revenue			
409000 State Revenue	<u>\$67,059</u>	<u>\$67,059</u>	<u>\$67,059</u>
Total	\$67,059	\$67,059	\$67,059

and be it further

RESOLVED, that a position of Probation Officer, Job Grade 11, is hereby created in the aforementioned grant, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the County Comptroller and the Division of Budget, Management and Finance.
 (6-0) Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 23E-13)

COUNTY EXECUTIVE

WHEREAS, the Departments of Probation and Youth Detention Services and Central Police Services have been working together to establish a networked management information system to improve the coordination of services to youth, and

WHEREAS, grant funding will allow the development of the Managed Information System, probation overtime allowing for the prompt intervention of juvenile arrestees and a contract with Child and Adolescent Treatment Services to provide assessments and referrals to families and juveniles arrested in the City of Buffalo, and

WHEREAS, an extension from September 30, 2004 to December 31, 2004 and reallocation of funds have been made available by the New York State Division of Criminal Justice Services (DCJS).

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NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby requested for the County Executive to extend the current contract to December 31, 2004 under the Juvenile Accountability Incentive Block Grant (JAIBG) Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the following transfers are hereby authorized to amend the budget of the JAIBG Grant in the Departments of Probation and Central Police Services to implement this program as follows:

Grant Fund
 Department 650-Probation
 Juvenile Accountability Incentive Block Grant
 October 1, 2003 to December 31, 2004

Appropriation	From	Change	To
501000 Overtime	13,500	+ 1,500	15,000
502000 Fringe Benefits	4,847	- 3,647	1,200
505000 Office Supplies	1,000	-1,000	- 0
980000 DISS Expense	0	+ 1,780	1,780
510000 Mileage	100	0	100
516020 Prof Srvcs Contracts	46,900	+4,100	51,000
510100 Out of Area Travel	3,000	-1,500	1,500
561410 Lab & Tech Equip	<u>5,556</u>	<u>-5,556</u>	<u>0</u>
Total Appropriation	74,903	-4,323	70,580

Grant Fund
 Department 260 – Central Police Service
 Juvenile Accountability Incentive Block Grant
 October 1, 2003 to December 31, 2004

Appropriation	From	Change	To
500000 Personnel	64,213	4,787	69,000
502000 Fringe	19,309	-679	18,630
505000 Ofc Supplies	702	-702	0
516020 Prof Srvcs Contracts	78,120	-6,120	72,000
561410 Lab & Tech Equip	<u>25,325</u>	<u>- 22,610</u>	<u>2,715</u>
Total Appropriation	187,669	-25,324	162,345

and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Probation and Youth Detention Services, the Department of Central Police Services and the Office of the County Executive.

(6-0) Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 25E-17)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the S.T.O.P. Violence Against Women Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2003, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the S.T.O.P. Violence Against Women Grant to reflect actual expenses incurred and to properly close out the grant as of September 30, 2004, to be adjusted as follows:

S.T.O.P. VIOLENCE AGAINST WOMEN GRANT
 114STOPVIOLNCE0304
 (formerly #281 787)
October 1, 2003 – September 30, 2004

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
409000 State Aid Revenue	\$ 75,000	\$ - 0 -	\$ 75,000
479000 County Share Contribution	45,593	\$ - 0 -	45,593
Revenue	<u>\$ 120,593</u>	<u>\$ - 0 -</u>	<u>\$ 120,593</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Personal Services	\$ 98,847	(6,300)	\$ 92,547
502000 Fringe Benefits	21,746	6,300	28,046
Appropriations	\$ 120,593	\$ - 0 -	\$ 120,593

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, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 25E-24)

COUNTY EXECUTIVE

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WHEREAS, the District Attorney through the Be Safe Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2003, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Be Safe Grant to reflect actual expenses incurred and to properly close out the grant as of September 30, 2004, to be adjusted as follows:

BE SAFE GRANT
 114BESAFE0304
 (formerly #281 788)
October 1, 2003 – September 30, 2004

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
414000 Federal Aid	\$ 305,119	\$ - 0 -	\$ 305,119
Revenue	<u>\$ 305,119</u>	<u>\$ - 0 -</u>	<u>\$ 305,119</u>
 <u>Appropriation</u>	 <u>ORIGINAL</u>	 <u>CHANGE</u>	 <u>FINAL</u>
500000 Personal Services	\$ 166,045	- 0 -	\$ 166,045
502000 Fringe Benefits	29,888	9,500	39,388
510000 Local Mileage	500	- 0 -	500
510100 Out of Area Travel	12,720	(3,000)	9,720
516010 Contractual Payments	80,716	- 0 -	80,716
516020 Professional Services	<u>15,250</u>	<u>(6,500)</u>	<u>8,750</u>
Appropriations	\$ 305,119	\$ - 0 -	\$ 305,119

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, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 25E-25)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the BESAFE Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2004, and

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WHEREAS, the contract received from the United States Department of Justice authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

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

BESAFE GRANT

114BESAFE0405
 (formerly #282 105)
 October 1, 2004 – September 30, 2005

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
414000 Federal Revenue	\$ 300,000	\$ 64,080	\$ 364,080
479000 County Share Contribution	12,558	(12,558)	- 0 -
Total Revenue	\$ 312,558	\$ 51,522	\$ 364,080

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Full Time Salaries	\$ 164,956	\$ 2,476	\$ 167,432
502000 Fringe Benefits	49,602	745	50,347
510100 Out of Area Travel	13,000	(2,530)	10,470
510200 Training & Education	- 0 -	3,000	3,000
516010 Contractual	75,000	37,557	112,557
516020 Professional Services	10,000	10,274	20,274
Total Appropriations	\$ 312,558	\$51,522	\$ 364,080

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, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 25E-26)

COUNTY EXECUTIVE

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$575,293 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 December 11, 2003, (Comm. 6E-20) authorized a grant in the amount of \$575,293 in Federal resources to implement the training, exercising, and evaluation of First Responders capabilities to deal with chemical, biological, radiological, nuclear, and explosive (CBRNE) incidents; and

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WHEREAS, a part-time intern-Homeland Security, JG-1, the Homeland Security and Training Coordinator JG-11 and the current Deputy Commissioner-Office of Disaster Preparedness in the Department of Emergency Services (DES) JG-14 will continue to implement this program; and

WHEREAS, exercise design, implementation and training will continue to be conducted by Emergency Services staff; and

WHEREAS, the grant will fund the cost of equipment, supplies, travel, and other expenses involved with this program.

NOW, THEREFORE BE IT

RESOLVED, that the grant be adjusted to reflect the revised contract with New York State Criminal Justice Services so that exercise design, implementation and training will be conducted by the Department of Emergency Services staff, and be it further

RESOLVED, that the proper equipment, supplies, travel, and other expenses will be covered under this grant, and be it further

RESOLVED, that the following budgetary accounts be revised in order to complete the above tasks:

Department of Homeland Security
 Homeland Security Exercise and Evaluation Program (HSEEP) Grant

	Present Legislation	Proposed Revision	New Revised Revenue Grant
SFG684-SAP414010 Federal Aid-Other	<u>\$575,293.</u>	<u>\$ 0</u>	<u>\$575,293.</u>
Total Revenue	<u>\$575,293</u>	<u>\$ 0</u>	<u>\$575,293</u>

Appropriations:

SFG800-SAP500000 Personnel	\$150,929.	\$+ 24,303.	\$175,232.
SFG801-SAP501000 Overtime	\$ 12,500.	\$- 12,500.	\$ 0
SFG805-SAP502000 Fringe Benefits	\$ 34,652.	\$ + 2,684.	\$ 37,336.
SFG810-SAP505000 Office Supplies	\$ 40,000.	\$ 0	\$ 40,000.
SFG811-SAP505200 Protective Clothing	\$ 25,000.	\$- 25,000.	\$ 0
SFG825-SAP510100 Out of Area Travel	\$ 11,020.	\$+ 53,980.	\$ 65,000.
SFG826-SAP530000 Other Expenses	\$ 77,459.	\$- 19,959.	\$ 57,500.
SFG830-SAP516020 Contractual Svces.	\$ 35,000.	\$ 0	\$ 35,000.
SFG880-6700-SAP916700 Interfund Payments-DES	\$ 18,733.	\$- 18,733.	\$ 0
SFG933-SAP561410 Lab and Tech. Equipment	<u>\$170,000.</u>	<u>\$- 4,775.</u>	<u>\$165,225.</u>

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(SFG933) – SAP – 561410 Lab and Tech Equip	<u>5,000</u>	<u>+2,000</u>	<u>7,000</u>
TOTAL	\$206,209	\$ 4,286	\$ 210,495

and be it further

RESOLVED, that additional equipment to be purchased will allow us to continue to update our Comprehensive Emergency Management Plan, and be it further

RESOLVED, that the necessary emergency management software and updates be paid for and distributed to all municipalities of Erie County, and be it further

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

(6-0) Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 30E-21)
COUNTY EXECUTIVE

WHEREAS, the Department of Probation has established an Intensive Community Intervention Project in Cheektowaga through the Title V Grant to fund a Probation Officer for six months and a consultant for 75 hours to complete the fiscal obligations for the grant, and

WHEREAS, an extension and reallocation of funding in the amount of \$38,715 for the time period of September 30, 2004 to February 28, 2005 have been made available by the New York State Division of Criminal Justice Services (DCJS).

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to extend the current contract to February 28, 2005 under the Title V Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the following transactions are authorized to amend the budget of the Title V Grant in the Probation and Youth Detention and Central Police Services Departments:

Grant Fund
 09-30-04 to 02-28-05

Title V
 Project # 730 Probation/Youth Detention Services Department

Appropriations	From	Change	To
Acct. 50000 Personnel	\$81,515.00	+\$28,436.80	\$109,951.80
Acct. 50200 Fringe Benefits	\$22,855.00	+\$8,550.95	\$31,405.95
Acct. 530000 Other Expenses	\$2,390.00		\$2,390.00
Acct. 545000 Rental	\$550.00		\$550.00
Acct. 505000 Office Supplies	0	+\$6.00	\$6.00

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Acct 516020 Pro Ser Cnt /Fees	<u>0</u>	<u>+\$1,721.25</u>	<u>\$1,721.25</u>
Total	\$107,310.00	\$38,715.00	\$146,025.00

And be it further

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal do not apply since the award of contract which will be for an aggregate amount of less than \$10,000, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Probation and Youth Detention Services.

(6-0) Chairman Holt present as Ex-Officio Member.

11. Item Page -2004 (Comm. 30E-39)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Operation IMPACT Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budget, and

WHEREAS, the contract received from the New York State Government has been amended and therefore, authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

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

OPERATION IMPACT GRANT
 114IMPACT0405
 April 1, 2004 – March 31, 2005

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
409000 State Revenue	\$ 611,928	\$ - 0 -	\$ 611,928
Total Revenue	<u>\$ 611,928</u>	<u>\$ - 0 -</u>	<u>\$ 611,928</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Full Time Salaries	\$ 302,566	\$ - 0 -	\$ 302,566
502000 Fringe Benefits	85,209	- 0 -	85,209
505000 Office Supplies	- 0 -	3,000	3,000
510100 Out of Area Travel	17,147	(6,000)	11,147
510200 Training & Education	5,000	- 0 -	5,000
516010 Contractual	181,110	- 0 -	181,110
530000 Other Expenses	- 0 -	3,000	3,000

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561410 Lab & Technical Equipment	10,500	- 0 -	10,500
911400 ID District Attorney Services	<u>10,396</u>	<u>- 0 -</u>	<u>10,396</u>
Total Appropriations	<u>\$ 611,928</u>	<u>\$ - 0 -</u>	<u>\$ 611,928</u>

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, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

12. Item Page -2004 (Comm. 30E-40)

COUNTY EXECUTIVE

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 Grant Budgets in Book B for 2003, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness Assistance Program Grant to reflect actual expenses incurred and to properly close out the grant as of September 30, 2004, to be adjusted as follows:

VICTIM WITNESS ASSISTANCE PROGRAM GRANT

114VICTIMWTNSS0304

October 1, 2003 – September 30, 2004

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
409000 State Aid	\$255,201	\$ - 0 -	\$ 255,201
479000 County Share Contribution	<u>69,907</u>	<u>- 0 -</u>	<u>69,907</u>
Revenue	<u>\$ 325,108</u>	<u>\$ - 0 -</u>	<u>\$ 325,108</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Full Time Salaries	254,380	\$ (6,900)	\$ 247,480
501000 Overtime	2,000	- 0 -	2,000
502000 Fringe Benefits	70,728	6,900	77,628
510000 Local Mileage	2,298	- 0 -	2,298
510100 Out of Area Travel	1,700	- 0 -	1,700
510200 Training and Education	1,770	- 0 -	1,770
530000 Other Expenses	300	- 0 -	300
561410 Lab & Technical Equip.	1,932	- 0 -	1,932
911490 ID DA Grant Services	(10,000)	- 0 -	(10,000)
Appropriations	\$ 325,108	\$ - 0 -	\$ 325,108

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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, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

13. Item Page -2004 (Comm. 2E-14)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Probation and Youth Detention Services has a need for the striping of the gymnasium floor, but lacks the funds to do so, and

WHEREAS, the Buffalo Bills Alumni Association, as a part of their community outreach, wants to donate \$2,100 for the striping of the gymnasium floor at the Erie County Secure Detention Facility, and has specified the Western New York Floor Company, 103 Potomac Street, Rochester, New York 14611-1632 to do the work, and

WHEREAS, the Erie County Department of Probation and Youth Detention Services would like to accept the donation of \$2,100 to pay for the striping of the gymnasium floor.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Department of Probation and Youth Detention Services be authorized by the Erie County Legislature to accept the donation of \$2,100 from the Buffalo Bills Alumni Association, which specifies the Western New York Floor Company, 103 Potomac Street, Rochester, New York 14611-1632 do the striping of the gymnasium floor at the Erie County Secure Detention Facility, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Department of Probation and Youth Detention Services, the Office of the Comptroller, the Department of Public Works, the Erie County Attorney's Office, and the Bureau of Purchase.

(6-0) Chairman Holt present as Ex-Officio Member.

EDWARD J. KUWIK
CHAIRMAN

MS. MARINELLI moved to amend the report to correct typos. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item # 4. should read Comm. 23E-13.

Item #5 should read Comm. 25E-17.

CARRIED UNANIMOUSLY.

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MR. KUWIK moved the approval of the balance of the report as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

January 27, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, that the following items are hereby received and filed.

a.

Item	Page	-2004	(Comm. 9E-12)
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COMPTROLLER: Audit - Division of Purchase - Office Furniture Procurement for 1/1/01 - 12/31/03.
 (6-0) Chairman Holt present as Ex-Officio Member.

b.

Item	Page	-2004	(Comm. 9E-21)
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DEBENEDETTI: Copy of Letter to Comptroller Re: Risk Retention Fund.
 (6-0) Chairman Holt present as Ex-Officio Member.

c.

Item	Page	-2004	(Comm. 9E-22)
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DEBENEDETTI: Copy of Letter to Budget Director Re: Risk Retention Fund.
 (6-0) Chairman Holt present as Ex-Officio Member.

d.

Item	Page	-2004	(Intro. 11-21)
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SCHROEDER: Fairness and Equity Sharing the 1% Sales Tax with the City of Buffalo, All Municipalities & School Districts.
 (6-0) Chairman Holt present as Ex-Officio Member.

e.

Item	Page	-2004	(Comm. 11M-17)
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NYS COMPTROLLER: Copy of Letter to Legislator DeBenedetti Re: Audit of ECMCC.
 (6-0) Chairman Holt present as Ex-Officio Member.

f.

Item	Page	-2004	(Comm. 13D-5)
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BUDGET, FINANCE & MANAGEMENT: Response to Audit - Division of Purchase - 1/1/01 - 1/31/03.
 (6-0) Chairman Holt present as Ex-Officio Member.

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- Item Page -2004 (Intro. 15-10)
g. **MARSHALL, MINORITY CAUCUS:** An Act to Amend State Finance Law in Relation to Establishing a Contingency Budget and Other Budget Reforms.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 17E-3)
h. **COMPTROLLER:** Response to Legislator DeBenedetti's Request for Information Re: Risk Retention Fund.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Intro. 19-2)
i. **MARSHALL:** Restoring a Senior Account Clerk Position in Youth Services.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Intro. 19-16)
j. **HOLT:** Support for Continuation of Grant Funded Services.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-10)
k. **HOLT & MARINELLI:** Letter to County Executive Requesting Information Regarding County's Fiscal Condition & Projected Deficit.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-11)
l. **COUNTY EXECUTIVE:** Social Services/Parks Staff Transfer.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-19)
m. **COMPTROLLER:** Letter to Legislator Marinelli Re: Proposed 2004 Budget Amendments.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-22)
n. **MARINELLI:** Letter to County Executive Re: Systematic 2005 Budget Preparation Process.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-31)
o. **DEBENEDETTI:** Letter to Budget Director Re: ECMC Accounts Payable.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-34)
p. **COMPTROLLER:** Letter to Budget Director Re: ECMCC.
(6-0) Chairman Holt present as Ex-Officio Member.
- Item Page -2004 (Comm. 19E-35)
q. **COMPTROLLER:** Letter to Budget Director Re: Centralized Accounts in Comptroller's Office.
(6-0) Chairman Holt present as Ex-Officio Member.

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- r. Item Page -2004 (Comm. 19E-42)
DEBENEDETTI: Letter to Comptroller Re: DPW Audit.
(6-0) Chairman Holt present as Ex-Officio Member.
- s. Item Page -2004 (Comm. 19D-27)
COUNTY ATTORNEY: Letter to Chairman Holt Declaring Amendments to Adopted 2004
Budget Null & Void.
(6-0) Chairman Holt present as Ex-Officio Member.
- t. Item Page -2004 (Comm. 19M-49)
CSEA LOCAL 815: Request to Review List of Recent Lay-Offs.
(6-0) Chairman Holt present as Ex-Officio Member.
- u. Item Page -2004 (Comm. 21E-1)
DEBENEDETTI: Copy of Letter to Comptroller Re: Comm. 11E-28 (As Amended) -
County Management of City Parks.
(6-0) Chairman Holt present as Ex-Officio Member.
- v. Item Page -2004 (Comm. 21E-6)
DEBENEDETTI: Copy of Letter to County Attorney Re: Utilization of Fund Balance.
(6-0) Chairman Holt present as Ex-Officio Member.
- w. Item Page -2004 (Comm. 21E-19)
COUNTY EXECUTIVE: Memorandum to Legislators Re: Request for Additional 2% EC
Sales Tax.
(6-0) Chairman Holt present as Ex-Officio Member.
- x. Item Page -2004 (Comm. 21D-1)
BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for Period Ending
6/30/04.
(6-0) Chairman Holt present as Ex-Officio Member.
- y. Item Page -2004 (Comm. 21D-3)
BUDGET, MANAGEMENT & FINANCE: Copy of Letter to Comptroller Re: (Comm.
21E-7).
(6-0) Chairman Holt present as Ex-Officio Member.
- z. Item Page -2004 (Comm. 21D-7)
COUNTY ATTORNEY: Letter to Legislator DeBenedetti Re: Retention of Outside
Counsel - Furniture Audit.
(6-0) Chairman Holt present as Ex-Officio Member.
- aa. Item Page -2004 (Comm. 22E-2)
COMPTROLLER: Copy of Letter to Fleet Services Director & Emergency Services
Director Re: SUV Purchases.

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(6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22E-3)
 bb. **DEBENEDETTI:** Copy of Letter to Fleet Services Director & Emergency Services Director
 Re: SUV Purchases.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22E-4)
 cc. **DEBENEDETTI:** Copy of Letter to Fleet Services Director Re: Questions Regarding
 County Vehicle Policy.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22E-8)
 dd. **COMPTROLLER:** Letter to Legislature Re: Restructuring Outstanding Indebtedness.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22E-9)
 ee. **COMPTROLLER:** Management Letter for 2003 ECMC Audit.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22E-39)
 ff. **DEBENEDETTI:** Letter to Personnel Re: Position Control & Vacancy Data.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22D-6)
 gg. **COUNTY ATTORNEY:** Letter to Legislator DeBenedetti Re: Reply to 9/20/04 Letter
 Regarding Restoring Laid Off Positions.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22D-11)
 hh. **COUNTY ATTORNEY:** Letter to Legislator DeBenedetti Re: (Comm. 21E-6).
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 22D-12)
 ii. **COUNTY ATTORNEY:** Letter to Legislator DeBenedetti Re: Retention of Outside
 Counsel - Furniture Audit.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Intro. 23-6)
 jj. **DEBENEDETTI:** Recoupment of Legal Fees in Buffalo Office Furniture Matter.
 (6-0) Chairman Holt present as Ex-Officio Member.

- Item Page -2004 (Comm. 23E-3)
 kk. **COMPTROLLER:** Copy of Letter to ECMC CEO Re: Hospital Finances.
 (6-0) Chairman Holt present as Ex-Officio Member.

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|-----|---------------------------|--|-------|----------------|
| | Item | Page | -2004 | (Comm. 23E-4) |
| ll. | COMPTROLLER: | Apportionment & Distribution of 4% Sales Tax for 10/04.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 23D-7) |
| mm. | ECMCC: | "Letter to County Executive & Chairman Holt Re: 2004 Capital Funds Owed to ECMCC.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 23D-10) |
| nn. | ECMCC: | Financial Statements for 9/04.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 23M-5) |
| oo. | KEITH PARTON: | Letter to Legislature Leaders Re: County Finances.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25E-1) |
| pp. | COMPTROLLER: | Quarterly Investment Report 7/1/04 - 9/30/04.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25E-5) |
| qq. | COMPTROLLER: | Letter to Legislator DeBenedetti Re: ECMC Accounts Receivable & Accounts Payable - Response to Comm. 19E-31.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25E-9) |
| rr. | DEBENEDETTI: | Letter to ECMCC Interim CEO Re: Request for Information.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25E-10) |
| ss. | COMPTROLLER: | Letter to County Executive & Legislature Re: 2005 Tentative Budget.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25E-11) |
| tt. | DISTRICT ATTORNEY: | Letter to Legislature Re: 2005 Tentative Budget.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25E-13) |
| uu. | COUNTY CLERK: | Letter to Chairman Holt Re: 2005 Tentative Budget.
(6-0) Chairman Holt present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 25D-7) |
| vv. | COUNTY ATTORNEY: | Memo to Legislator DeBenedetti Re: Intro 23-6 – Calling for County Executive to Repay Legal Fees in BOI Matter.
(6-0) Chairman Holt present as Ex-Officio Member. | | |

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- | | Item | Page | -2004 | (Comm. 25D-12) |
|------|-------------------------------|------|--|----------------|
| ww. | PURCHASE: | | Memo to Legislator DeBenedetti Re: Furniture Purchases/2004.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 25D-15) |
| xx. | DISS – FLEET SERVICES: | | 3rd Quarter 2004 Review.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 25M-7) |
| yy. | FRANCISCAN CENTER: | | Memo to Legislature Re: Effect of Proposed 2005 Budget Cuts.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 25M-9) |
| zz. | CSEA: | | Letter to Legislature Re: Effect of 2005 Proposed Budget on Probation Department.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 26E-2) |
| aaa. | COMPTROLLER: | | Letter to Legislators & County Executive Re: 2005 Budget Concerns.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 26E-6) |
| bbb. | COUNTY EXECUTIVE: | | Possible Additional Revenues for 2005 Budget.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 26D-5) |
| ccc. | COUNTY ATTORNEY: | | Letter to Chairman Holt Re: Legality of Amendment to Comm. 22E-26. | |
| | Item | Page | -2004 | (Comm. 26M-6) |
| ddd. | NYS COMPTROLLER: | | Letter to Legislator DeBenedetti Re: Comm. 19E-29.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 30E-1) |
| eee. | COMPTROLLER: | | Apportionment & Distribution of 4% Sales Tax for 11/04.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 30E-5) |
| fff. | COMPTROLLER: | | Letter to Legislature Re: Opinions of the "Red" Budget.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 30E-8) |
| ggg. | COMPTROLLER: | | Copy of Management Letter Issued by Deloitte & Touche.
(6-0) Chairman Holt present as Ex-Officio Member. | |
| | Item | Page | -2004 | (Comm. 30E-10) |
| hhh. | COMPTROLLER: | | Procurement Process for Period 1/1/01 - 12/31/03.
(6-0) Chairman Holt present as Ex-Officio Member. | |

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- iii. Item Page -2004 (Comm. 30E-56)
COUNTY CLERK: Semi-Annual Report of Receipts & Disbursements of Mortgage Tax Money for 5/1/04 - 10/30/04.
(6-0) Chairman Holt present as Ex-Officio Member.
- jjj. Item Page -2004 (Comm. 30D-2)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Copy of Letters Sent to Library Director From NYS Department of Education & US Govt. Printing Office Re: Possible Library Shutdown.
(6-0) Chairman Holt present as Ex-Officio Member.
- kkk. Item Page -2004 (Comm. 30D-3)
COUNTY ATTORNEY: Memo to Legislature Staff Re: Follow Up on Information Regarding Defense of Naylon/Sutton.
- lll. Item Page -2004 (Comm. 30D-5)
COUNTY ATTORNEY: 2005 Budget Amendments - Resolution No. 61 - Non Carryover of Accrued Vacation Credits.
(6-0) Chairman Holt present as Ex-Officio Member.
- mmm. Item Page -2004 (Comm. 30D-6)
COUNTY ATTORNEY: County of Erie Fiscal Year 2005 Budget.
(6-0) Chairman Holt present as Ex-Officio Member.
- nnn. Item Page -2004 (Comm. 30D-9)
COUNTY ATTORNEY: Letter to Legislator DeBenedetti Re: 21E-1.
(6-0) Chairman Holt present as Ex-Officio Member.
- ooo. Item Page -2004 (Comm. 30D-14)
ECMCC: Financial Results for 11/2/04 & Financial Statements for 10/04 & 11/04.
(6-0) Chairman Holt present as Ex-Officio Member.
- ppp. Item Page -2004 (Comm. 30D-15)
COUNTY ATTORNEY: 2005 EC Budget Meeting: Urgent Need for Clerk's Minutes & Audio Recording Thereof.
(6-0) Chairman Holt present as Ex-Officio Member.
- qqq. Item Page -2004 (Comm. 30M-3)
WAYNE STESIAK: Petition Signed by 405 People Re: Library Shutdown.
(6-0) Chairman Holt present as Ex-Officio Member.
- rrr. Item Page -2004 (Comm. 30M-12)
NYS COMPTROLLER: 2005 Schedule of Real Property Tax & Assessments Levied by County Board of Supervisors.

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Item Page -2004 (Comm. 30M-13)
 sss. **SENATOR VOLKER:** Receipt of Resolution & Medicaid Causes of an Erie County Fiscal Crisis or An Easy Answer for Hard Choices.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 30M-18)
 ttt. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2005 (Comm. 1E-2)
 uuu. **COMPTROLLER:** Apportionment and Distribution of the 4% Sales Tax for December.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2005 (Comm. 1E-4)
 vvv. **COUNTY EXECUTIVE:** Additional 2% Sales Tax Authority - Home Rule Requests.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2005 (Intro. 2-6)
 www. **CHASE, RANZENHOFER, SWANICK, WEINSTEIN, MCCARVILLE & CHASE:** Extension of Deadline For The Collection of Real Property Taxes And Fees For The Late Payment of Real Property Taxes.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2005 (Comm. 2M-4)
 xxx. **ERIE COUNTY ASSOCIATION OF TAX RECEIVERS AND COLLECTORS:** Petition the ECL to ask the NYS Leg. To Extend the Due Date for the Collection of Town/County Taxes for 2005 to 3/1/05.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2005 (Comm. 2M-5)
 yyy. **TOWN OF TONAWANDA TOWN BOARD:** Certified Resolution Requesting Direct Payment of EC Sales Tax to the Town.
 (6-0) Chairman Holt present as Ex-Officio Member.

2a. Item Page -2004 **AS AMENDED**
 (Comm. 1D-21)
BUDGET, MANAGEMENT & FINANCE

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,

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RESOLVED, that petitions numbered 205001 through 205002 inclusive be hereby denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2001/2002	Petition No.	205001
	ASSESSOR	Refund	\$563.09
S-B-L	28.14-1-6	142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$563.09	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$563.09	
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: TOBIE MURPHY WILLIAMSVILLE CENTRAL

New York State Real Property Tax Law requires that Application for Refund of property taxes be made within 3 years from annexation of the tax warrant for the collection of the school tax. To qualify for the refund on the 2001/2002 school tax the application had to be received by September 15, 2004. This application was received on November 24, 2004. Therefore the Director of Real Property has denied the application based on the fact that the last date to file this application has expired.

FISCAL YEAR	2000/2001	Petition No.	205002
	ASSESSOR	Refund	\$555.55
S-B-L	28.14-1-6	142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$555.55	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$555.55	
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: TOBIE MURPHY

New York State Real Property Tax Law requires that Application for Refund of property taxes be made within 3 years from annexation of the tax warrant for the collection of the school tax. To qualify for the refund on the 2000/2001 school tax the application had to be received by September 15, 2003. This application was received on November 24, 2004. Therefore the Director of Real Property has denied the application based on the fact that the last date to file this application has expired.

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ERIE COUNTY LEGISLATURE

(6-0) Chairman Holt present as Ex-Officio Member.

2b. Item Page -2004 **AS AMENDED**
 (Comm. 1D-21)

BUDGET, MANAGEMENT & FINANCE

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 205003 through 205039 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	2004	Petition No.	205003
	ASSESSOR	Refund	\$746.69
S-B-L	130.00-2-23.12	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$746.69	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$746.69	
	Relevy School	\$746.69	142001 ALDEN CENTRAL

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 142,620 AND SHOULD BE 117,600. RPTL 550 (2)A.

CHECK FOR: RALPH & MICHELLE JANUALE

FISCAL YEAR	2004	Petition No.	205004
	ASSESSOR	Cancel	\$15,371.87
S-B-L	26.20-4-11	142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15,371.87	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$15,371.87	
	Relevy School	\$15,371.87	142207 SWEET HOME CENTRAL

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CANCEL - CLERICAL ERROR, THE IDA EXEMPTION IN THE AMOUNT OF 710,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 205005

ASSESSOR Refund \$143.57

S-B-L 56.09-5-26 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$143.57 Town/SpecialDist/School

Charge To : 142289 AMHERST \$143.57

Relevy School \$143.57 142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED IINCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 133,200 AND SHOULD BE 126,000. CHECK FOR: JASON TRUESDALE

FISCAL YEAR 2004 Petition No. 205006

ASSESSOR Refund \$2,552.36

S-B-L 79.08-4-10 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,552.36 Town/SpecialDist/School

Charge To : 142289 AMHERST \$2,552.36

Relevy School \$2,552.36 142201 AMHERST CENTRAL

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 120,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: ROSE L MONTANA

FISCAL YEAR 2004 Petition No. 205007

ASSESSOR Refund \$276.51

S-B-L 79.16-1-35 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$276.51 Town/SpecialDist/School

Charge To : 142289 AMHERST \$276.51

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ERIE COUNTY LEGISLATURE

Acct. No. 132 \$193.74 Town/SpecialDist/School

Charge To : 142801 FARNHAM \$193.74

Relevy Village \$193.74 Village of FARNHAM

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 21,365 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
CHECK FOR: SAMUEL A SICURELLA JR

FISCAL YEAR 2004 Petition No. 205011

ASSESSOR Refund \$194.08

S-B-L 266.19-1-18 142801 FARNHAM

Acct. No. 112 \$0.00 County
Acct. No. 132 \$194.08 Town/SpecialDist/School

Charge To : 142801 FARNHAM \$194.08

Relevy Village \$194.08 Village of FARNHAM

REFUND- CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 21,403 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: BLANCHE SICURELLA

FISCAL YEAR 2004 Petition No. 205012

ASSESSOR Refund \$96.23

S-B-L 266.19-1-1-21 142801 FARNHAM

Acct. No. 112 \$0.00 County
Acct. No. 132 \$96.23 Town/SpecialDist/School

Charge To : 142801 FARNHAM \$96.23

Relevy Village \$96.23 Village of FARNHAM

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 10,61 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: SAMUEL A SICURELLA JR

FISCAL YEAR 2004 Petition No. 205013

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ERIE COUNTY LEGISLATURE

ASSESSOR Refund \$107.59

S-B-L 282.07-1-13.1 142801 FARNHAM

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$107.59 Town/SpecialDist/School

Charge To : 142801 FARNHAM \$107.59

Relevy Village \$107.59 Village of FARNHAM

REFUND- CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 11,865 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR.: SAMUEL SICURELLA JR

FISCAL YEAR 2004 Petition No. 205014

ASSESSOR Refund \$241.25

S-B-L 79.20-9-12 143089 CHEEKTOWAGA

Acct. No. 112 \$87.16 County
 Acct. No. 132 \$154.09 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$154.09

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 12,050 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR DOROTHY REID

FISCAL YEAR 2003 Petition No. 205015

ASSESSOR Refund \$477.02

S-B-L 29.00-2-26.112 143200 CLARENCE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$477.02 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$477.02

Relevy School \$477.02 142203 WILLIAMSVILLE CENT

REFUND - UNLAWFUL ENTRY, THIS PARCEL IS IN CLARENCE CENTRAL SCHOOL DISTRICT. IT WAS BILLED FOR WILLIAMSVILLE CENTRAL. RPTL 550(7)B

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41854 BASIC STAR EXEMPTION \$497.99

Charge To : 143200 CLARENCE \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
30,000 WAS OMITTED FROM THE TAX ROLL. IN ERROR. RPTL 550(2)C
CHECK FOR : RANDY & KATIE RUMINSKI CLARENCE CENTRAL

FISCAL YEAR 2004 Petition No. 205019

ASSESSOR Refund \$2,852.03

S-B-L 82.01-1-40.1 143200 CLARENCE

Acct. No. 112	\$0.00	County
Acct. No. 132	\$2,852.03	Town/SpecialDist/School

Charge To : 143200 CLARENCE \$2,852.03

Relevy School \$2,852.03 142203 WILLIAMSVILLE CENT

REFUND - UNLAWFUL ENTRY, PARCEL WAS BILLED FOR WILLIAMSVILLE CENTRAL
WHEN IT IS IN CLARENCE CENTRAL SCHOOL DISTRICT. RPTL 550(7)B
CHECK FOR: NORTH FOREST PROPERTIES

FISCAL YEAR 2004 Petition No. 205020

ASSESSOR Refund \$846.61

S-B-L 289.00-1-19.221 143889 CONCORD

Acct. No. 112	\$0.00	County
Acct. No. 132	\$846.61	Town/SpecialDist/School

Charge To : 143889 CONCORD \$846.61

Relevy School \$846.61 143801 SPRING-GRIFFITH

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF
25,266 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: DAVID & CLARE BROWN

FISCAL YEAR 2004 Petition No. 205021

ASSESSOR Cancel \$344.31

S-B-L 139.00-1-9.12 145400 MARILLA

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Acct. No. 112	\$0.00	County
Acct. No. 132	\$344.31	Town/SpecialDist/School

Charge To : 145400 MARILLA \$344.31

Relevy School \$344.31 144201 IROQUOIS CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL DOES NOT EXIST. PARCEL IS NOW
 139.00-1-9.121. THIS IS A DUPLICATE BILL. RPTL 550(2)F

FISCAL YEAR 2004 Petition No. 205022

ASSESSOR Cancel \$1,887.93

S-B-L 20.00-2-5.11 145689 NEWSTEAD

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,887.93	Town/SpecialDist/School

Charge To : 145689 NEWSTEAD \$1,887.93

Relevy School \$1,887.93 145601 AKRON CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 218,300 AND SHOULD BE 87,300.
 RPTL 550(2)A

FISCAL YEAR 205023 Petition No. 205023

ASSESSOR Refund \$466.79

S-B-L 32.00-2-17 145689 NEWSTEAD

Acct. No. 112	\$0.00	County
Acct. No. 132	\$466.79	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$466.79

Charge To : 145689 NEWSTEAD \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 32,390 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: MANSEL & KAREN RICHARDS AKRON CENTRAL SCHOOL

FISCAL YEAR 544 Petition No. 205024

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ERIE COUNTY LEGISLATURE

CHECK FOR :MASTERPIECE BUILDERS

FISCAL YEAR 2004 Petition No. 205027

 ASSESSOR Cancel \$466.79

S-B-L 74.00-4-1 145689 NEWSTEAD

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$466.79 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$466.79

Charge To : 145689 NEWSTEAD \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
32,390 WAS OMITTED FROM THE TAX ROLL IN ERROR., RPTL (2)C
AKRON CENTRAL

FISCAL YEAR 2004 Petition No. 205028

 ASSESSOR Refund \$661.00

S-B-L 271.00-4-1.3 145889 NORTH COLLINS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$661.00 Town/SpecialDist/School

Charge To : 145889 NORTH COLLINS \$661.00

 Relevy School \$661.00 145801 NORTH COLLINS CENT

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
ON TAX ROLL THE ASSESSMENT WAS 69,900 AND SHOULD BE 34,950. RPTL 550(2)
CHECK FOR: JOHN M TOBIA

FISCAL YEAR 2004 Petition No. 205029

 ASSESSOR Cancel \$214.85

S-B-L 185.13-1-23.1 146089 ORCHARD PARK

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$214.85 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$214.85

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ERIE COUNTY LEGISLATURE

Relevy School \$214.85146001 ORCH PARK CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 102,800 AND SHOULD BE 94,200.
 RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 205030

ASSESSOR Cancel \$1,718.77

S-B-L 198.00-2-44.112 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,718.77 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$1,718.77

Relevy School \$1,718.77 146001 ORCH PARK CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 217,600 AND SHOULD BE 148,800.
 RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 205031

ASSESSOR Cancel \$166.13

S-B-L 198.00-2-44.12 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$166.13 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$166.13

Relevy School \$166.13 146001 ORCH PARK CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 13,300 AND SHOJULD BE 6,650. RPTL 550

FISCAL YEAR 2004 Petition No. 205032

ASSESSOR Cancel \$2,457.10

S-B-L 66.60-2-6 146489 TONAWANDA

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ERIE COUNTY LEGISLATURE

Acct. No. 112	\$233.48	County
Acct. No. 132	\$2,223.62	Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$2,223.62

Relevy School \$2,223.62 146401 KEN-TON UNION FREE

CANCEL - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 20,080 WAS OMITTED FORM THE TAX ROLL IN ERROR. THE OMITTED RPTL 520 THAT WAS PLACED ON THE SCHOOL TAX IS IN ERROR. PARCEL IS ENTITLED TO THE BASIC

FISCAL YEAR 2004 Petition No. 205033

ASSESSOR Cancel \$637.86

S-B-L 66.60-2-6 146489 TONAWANDA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$637.86	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$637.86

Charge To : 146489 TONAWANDA \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,160 WAS OMITTED FROM ERROR FROM THE TAX ROLL. RPTL 550(2)C
 KENMORE - TONWANDA SCHOOL DISTRICT

FISCAL YEAR 2003 Petition No. 205034

ASSESSOR Refund \$159.03

S-B-L 66.78-5-28 146401 KENMORE

Acct. No. 112	\$51.85	County
Acct. No. 132	\$107.18	Town/SpecialDist/School

Charge To : 146401 KENMORE \$107.18

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,660 WAS REMOVED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: MARY ANN JONES

FISCAL YEAR 2003 Petition No. 205035

ASSESSOR Refund \$295.50

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S-B-L 66.78-5-28

146401 KENMORE

Acct. No. 112	\$0.00	County
Acct. No. 132	\$295.50	Town/SpecialDist/School

Charge To : 146401 KENMORE \$295.50

Relevy Village \$295.50 Village of KENMORE

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,660 AND THE RPTL 520 WAS IN ERROR ON THE TAX ROLL. RPTL 550(2)C,E
 CHECK FOR: MARY ANN JONES

FISCAL YEAR 2004 Petition No. 205036

ASSESSOR Refund \$79.66

S-B-L 66.78-5-28

146489 TONAWANDA

Acct. No. 112	\$50.50	County
Acct. No. 132	\$29.16	Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$29.16

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,660 (15%) WAS REMOVED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: MARY ANN JONES

FISCAL YEAR 2004 Petition No. 205037

ASSESSOR Refund \$134.06

S-B-L 66.78-5-28

146401 KENMORE

Acct. No. 112	\$0.00	County
Acct. No. 132	\$134.06	Town/SpecialDist/School

Charge To : 146401 KENMORE \$134.06

Relevy Village \$134.06 Village of KENMORE

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,600 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: MARY ANN JONES

FISCAL YEAR 2004 Petition No. 205038

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ASSESSOR Refund \$637.86

S-B-L 66.83-5-2 146489 TONAWANDA

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$637.86 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$637.86

Charge To : 146489 TONAWANDA \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,160 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: ANTHONY M KOONS JR KENMORE UNION FREE

FISCAL YEAR 2004 Petition No. 205039

ASSESSOR Cancel \$256,461.0

S-B-L 555.00-00-92-1 & 32 OTHER PROPERTIES

Acct. No. 112 \$76,938.32 County
 Acct. No. 132 \$179,522.73 Town/SpecialDist/School

Charge To : COUNTY \$ 76,938.32
 VARIOUS TOWNS \$ 179,522.73

CANCEL - CLERICAL ERROR, THESE PROPERTIES WERE PREVIOUSLY OWNED BY ADESTA. THE PROPERTIES WERE TURNED OVER TO NEW YORK STATE THRUWAY AUTHORITY ON MARCH 6, 2003. THESE PROPERTIES ARE EXEMPT UNDER THE PUBLIC AUTHORITIES LAW 371 AND THE EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL.. RPTL 550(2)C
 (6-0) Chairman Holt present as Ex-Officio Member.

3. Item Page -2005 (Comm. 1E-1)
COMPTROLLER
 RESOLUTION NO. 28 -2005

BOND RESOLUTION DATED, _____ 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$10,840,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO.2; STATING THE 6 ESTIMATED MAXIMUM COST THEREOF IS \$10,840,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE

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OF \$10,840,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TRUST TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO.2 TO SAID COUNTY.

(Introduced) January 27, 2005
 (Adopted) _____, 2005

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated September 23rd, 2004, and the order of the State Comptroller dated December 13th, 2004, an increase and improvement of facilities for Sewer District No. 2 has been approved at a estimated maximum cost of \$10,840,000, and

WHEREAS, it is now desired to provide for the financing of said costs,

NOW THEREFORE BE IT

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$10,840,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No.2, all items more fully described in the report and estimate of cost accepted and adopted by the Board of Managers of said District on April 22, 2004, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$10,840,000. The plan of financing includes the issuance of \$10,840,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefited area which consists of the entire area of Erie County Sewer District No.2.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$10,840,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$10,840,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably

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WHEREAS, RPTL § 1537(4) authorizes municipalities which have adopted a resolution subject to permissive referendum providing a single appointed successor to enter into an agreement with a county for assessment services; and

WHEREAS, the TOWN OF GRAND ISLAND (“TOWN”) has duly adopted a resolution authorizing such agreement in accordance with RPTL § 1537(4); and

WHEREAS, the TOWN has requested that the COUNTY OF ERIE (“COUNTY”) enter into a municipal cooperation agreement with the TOWN pursuant to General Municipal Law Article 5-G whereby the COUNTY is willing to provide such services through an employee or personal services contractor of the Erie County Real Property Tax Service Office designated to act as the TOWN’s sole assessor for the 2005 assessment year; and

WHEREAS, in consideration of the assessment services to be provided by the COUNTY hereunder, the TOWN agrees to pay the COUNTY the sum of \$ 26,100.00, which sum shall be paid to the COUNTY in four equal installments due on January 15, 2005, April 15, 2005, July 15, 2005, October 15, 2005; and

WHEREAS, in order to provide assessment services to the TOWN, the COUNTY shall engage the services of a New York State certified assessor and a New York State certified appraiser, both of whom have been selected pursuant to the RFP procedure found in § 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a municipal cooperation agreement with the TOWN wherein the COUNTY will provide assessment services to the TOWN for the 2005 assessment year; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a personal services agreement with DAVID M. UNMACK, an independent contractor and New York State certified assessor, to assist the County in performing assessment services for the TOWN; and be it further

RESOLVED, that the COUNTY shall pay DAVID M. UNMACK for assessment services rendered hereunder the agreed rate of \$ 60.00 per hour, not to exceed a maximum aggregate of 385 hours (or \$ 23,100.00); and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a personal services agreement with CHARLES L. SCHIFFLER, an independent contractor and New York State certified real property appraiser, to assist the County in performing assessment services for the TOWN; and be it further

RESOLVED, that COUNTY shall pay CHARLES L. SCHIFFLER the agreed rate of \$ 40.00 per hour, not to exceed a maximum aggregate of 50 hours (or \$ 2,000.00); and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Department of Law, the Erie County Real Property Tax Service Office, Division of Budget, Management and Finance, and the Office of the Comptroller.
 (6-0) Chairman Holt present as Ex-Officio Member.

DEMONE SMITH
CHAIRMAN

MR. SMITH moved to separate item #3 (Comm. 1E-1) and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved the approval of item #3 (Comm. 1E-1). MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 37 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

January 27, 2005

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATORS DEBENEDETTI & MCCARVILLE.
 CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Intro. 13-2)
DEBENEDETTI & WEINSTEIN: Accountability in Government – Requiring County Vehicles to Possess “Official” License Plates & Seals.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.

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- b. Item Page -2004 (Intro. 17-1)
CHASE: Proposed Rule Change to the Erie County Legislature's 2004 Rules of Order.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- c. Item Page -2004 (Comm. 21E-14)
DEBENEDETTI: Copy of Letter to NYS Comptroller Re: Request for Audit of Enterprise
Resource Planning System (ERP/SAP).
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- d. Item Page -2004 (Comm. 21E-15)
DEBENEDETTI: Copy of Letter to County Attorney Re: Inquiry About the Defense of
Messrs. Naylor & Sutton.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- e. Item Page -2004 (Comm. 22E-40)
MARINELLI: Government Affairs Committee Interim Report – DPW Aurora Barn Matter.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- f. Item Page -2004 (Comm. 22D-5)
COUNTY ATTORNEY: Letter to Legislator DeBenedetti Re: Comm. 21E-15.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- g. Item Page -2004 (Comm. 22D-9)
COUNTY ATTORNEY: Letter to Legislator Marinelli Re: Featherstonough Activity
Report.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- h. Item Page -2004 (Comm. 22D-17)
COUNTY ATTORNEY: Lobbying Efforts on Behalf of Erie County.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- i. Item Page -2004 (Comm. 23E-5)
COUNTY EXECUTIVE: Letter to Legislator Marinelli Re: Accounts Receivable
Management Consultant Agreement with Lawrence W. Smith (Comm. 17E-14).
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio
Member.
- j. Item Page -2004 (Comm. 23D-1)
COUNTY ATTORNEY: Letter to Chairman Holt Re: Intro 22-11.

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- (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- k. Item Page -2004 (Comm. 23D-11)
COUNTY ATTORNEY: Notice of Claims.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- l. Item Page -2004 (Comm. 23D-13)
BUDGET, MANAGEMENT & FINANCE: Letter to Government Affairs Committee Members Re: Response to Comm. 22E-7.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- m. Item Page -2004 (Comm. 23D-14)
COUNTY ATTORNEY: Bolton-St. Johns, Lobbyist Report.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- n. Item Page -2004 (Comm. 25E-8)
WEINSTEIN: Letter to Chairman Holt Re: Intro. 19-3 Protocol for Addressing Allegations Brought to EC Legislators.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- o. Item Page -2004 (Comm. 25D-13)
SOCIAL SERVICES: Response to Request for Information Re: Lease at 43 Court Street.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- p. Item Page -2004 (Comm. 25D-14)
PERSONNEL: Letter to Legislator Marinelli Re: Government Affairs Special Grand Jury Interim Report.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- q. Item Page -2004 (Comm. 25D-17)
COUNTY ATTORNEY: Notice of Claims.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- r. Item Page -2004 (Comm. 30E-57)
COMPTROLLER: Review of DISS Internal Controls.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.

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- s. Item Page -2004 (Comm. 30D-1)
COUNTY ATTORNEY: Notice of Claims.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- t. Item Page -2004 (Comm. 30D-13)
BOARD OF ELECTIONS: Certification of Total Amount of 2003 Board Expenses.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- u. Item Page -2004 (Comm. 30D-19)
COUNTY ATTORNEY: Notice of Claims.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- v. Item Page -2004 (Comm. 30M-17)
MOHR, ADAMCZYK, MARSHALL & NAPLES: Suit Against EC Legislature Re: Adopted 2005 EC Budget.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- w. Item Page -2005 (Comm. 1D-1)
COUNTY ATTORNEY: Notice of Claims.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- x. Item Page -2005 (Comm. 1D-4)
COUNTY ATTORNEY: Warren v. Giambra et al.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- y. Item Page -2005 (Comm. 1M-2)
NYS SUPREME COURT: Suit Against ECL from Chester Pawarski Re: Adopted 2005 Erie County Budget.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- z. Item Page -2005 (Comm. 1M-3)
DONALD A. VAN EVERY: Request for all amendment documents approved as part of adoption of the 2004-05 EC Budget.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- aa. Item Page -2005 (Comm. 1M-6)
NYS SUPREME COURT: Summons with Verified Complaint for Suit Against ECL for Daniel T. Warren Re: Adopted 2005 Erie County Budget.

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- (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- bb. Item Page -2005 (Comm. 1M-7)
NYS SUPREME COURT: Memorandum of Law for Suit Against ECL from Daniel T. Warren Re: Adopted 2005 Erie County Budget.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- cc. Item Page -2005 (Comm. 1M-8)
NYS SUPREME COURT: Order to Show Cause with Temporary Restraining Order for Suit Against ECL from Daniel T. Warren Re: Adopted 2005 Erie County Budget.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- dd. Item Page -2005 (Comm. 1M-10)
BUFFALO COMMON COUNCIL: Letter to WNY Delegation of State Representatives Re: Sharing the Sales Tax with the City of Buffalo.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- ee. Item Page -2005 (Comm. 2D-1)
COUNTY ATTORNEY: Notice of Claim.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- ff. Item Page -2005 (Comm. 2D-2)
COUNTY ATTORNEY: Notice of Claims.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- gg. Item Page -2005 (Comm. 2D-3)
COUNTY ATTORNEY: Featherstonehaugh Quarterly Lobbying Report.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- hh. Item Page -2005 (Comm. 2D-5)
COUNTY ATTORNEY: Notice of Claim.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.
- ii. Item Page -2005 (Comm. 2D-9)
COUNTY ATTORNEY: Notice of Claims.
 (4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.

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2. Item Page -2004 (Comm. 30E-17)

COUNTY EXECUTIVE

WHEREAS, the Personnel Department has examined its appropriation for Professional Service Contracts, and has determined that current funds needed to pay Hodgson Russ Legal Services are not available.

NOW, THEREFORE, BE IT

RESOLVED, that funds in the amount of \$10,873.47 are hereby appropriated from fund balance (Designated fund balance specified as 1996 County Contingency), and be it further

RESOLVED, that authorization is provided to adjust the following accounts:

<u>FUND</u>	<u>FUND CENTER-DEPARTMENT</u>	<u>ACCOUNT</u>	<u>CHANGE</u>
110	14010 Countywide Budget	402190 Appropriated Fund Balance	(\$10,873.47)
110	16110 Personnel Department	516020 Professional Service Contracts	\$10,873.47

and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Personnel and the County Comptroller.
(4-0) Legislator DeBenedetti & McCarville absent. Chairman Holt present as Ex-Officio Member.

**LYNN M. MARINELLI
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

January 27, 2005

HUMAN SERVICES
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a.

	Item	Page	-2004	(Intro. 21-4)
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CHASE, McCARVILLE, RANZENHOFER, SWANICK & CUSACK: Support for Mandatory Psychiatric Evaluation & Treatment for Persons Convicted of Animal Cruelty (A.2307).
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - b.

	Item	Page	-2003	(Intro. 22-3)
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MARSHALL & WEINSTEIN: Requirement for Minors to be Enrolled in School or a Graduation Equivalent Diploma Program in Order to Receive Their Driver's License or Learner's Permit.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - c.

	Item	Page	-2004	(Comm. 22M-5)
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NYS DIVISION OF PROBATION & CORRECTIONAL ALTERNATIVES: Copy of Letter to EC Social Services Commissioner Re: "Blueprint for Change."
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - d.

	Item	Page	-2004	(Comm. 23D-15)
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SENIOR SERVICES: Copy of E-Mail to Legislators From Commissioner Re: Impact of Budgetary Cuts to Non-Mandated Services.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - e.

	Item	Page	-2004	(Comm. 25D-18)
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SOCIAL SERVICES: Letter to Legislator Smith Re: Amendments to Local Law No. 2.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - f.

	Item	Page	-2004	(Comm. 26M-1)
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THE FRANCISCAN CENTER: Copy of Letter to Legislators Re: Human Services Public Benefit Funding.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
2.

	Item	Page	-2004	(Comm. 23E-26)
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COUNTY EXECUTIVE

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation, and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay the costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B, and

WHEREAS, the Medical Examiner's Toxicology Laboratory will purchase analytical instrumentation and continue to fund one Assistant Toxicologist, JG 9, position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an amended agreement with the New York State Division of Criminal Justice to accept the grant budgeted as follows:

Supplemental Aid to Localities
 Medical Examiner's Toxicology Laboratory Aid Grant
 4/1/04 – 9/15/06

<u>SAP</u>	<u>Revenue</u>	<u>Current</u> <u>Budget</u>	<u>Changes</u>	<u>Revised</u> <u>Budget</u>
409000	State Aid	<u>\$108,976</u>	<u>-\$26,075</u>	<u>\$82,901</u>
	TOTAL	<u>\$108,876</u>	<u>-\$26,075</u>	<u>\$82,901</u>
	<u>Expenses</u>			
500000	Personnel/Salaries	\$38,216	\$ 2,924	\$41,140
502000	Fringe Benefits	14,060	-3,039	11,021
505800	Supplies (Medical & Health)	2,000	- 990	1,010
510100	Travel (Out of Area)	3,200	- 300	2,900
516020	Professional Services Dues & Fees	500	- 500	0
530000	Other Expenses	1,000	-1,000	0
561410	Equipment (Lab & Technical)	<u>50,000</u>	<u>-23,170</u>	<u>26,830</u>
	TOTAL	<u>\$108,976</u>	<u>-\$26,075</u>	<u>\$82,901</u>

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 Division of the Medical Examiner's Toxicology Laboratory, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

3. Item Page -2004 (Comm. 23E-31)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the United States Department of Housing and Urban Development (HUD) has approved a Grant transfer from the City of Buffalo to the Erie County Department of Mental Health in the amount of \$236,220 to provide rental assistance and supportive services for homeless veterans disabled by serious mental illness, chemical dependency and/or other disability under the McKinney Homeless Shelter Plus Care Housing Program, and

WHEREAS, there are no additional matching funds needed to support this grant, and

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WHEREAS, this contract will be effective for the one-year (1) period from January 1, 2005 through December 31, 2005, and

WHEREAS, the Western New York Veterans Housing Coalition, Inc., is an existing community based organization that utilizes HUD funding to provide housing assistance and supports to serve homeless veterans disabled by serious mental illness, chemical dependency and/or other disability, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless veterans disabled by serious mental illness, chemical dependency and/or other disability, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health in previous years to contract for United States Department of Housing and Urban Development McKinney Homeless Shelter Plus Care Grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a one-year Grant Agreement with the United States Department of Housing and Urban Development (HUD) for the period January 1, 2005 through December 31, 2005, in the amount of \$236,220 to provide rental assistance and supportive services for homeless veterans disabled by serious mental illness, chemical dependency and/or other disability, and be it further

RESOLVED, that the Erie County Department of Mental Health will establish a contract with the Western New York Veterans Housing Coalition, Inc., and this agency will be established in the 2005 County Budget for the period January 1, 2005 through December 31, 2005, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance. (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

			AS AMENDED
4.	Item	Page	(Comm. 30E-20)
		-2004	
	COUNTY EXECUTIVE		

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

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

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

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

WHEREAS, the Department has determined the distribution of these funds through negotiation of program enhancements with all of the vendors eligible to receive funds.

NOW, THEREFORE, BE IT

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

RESOLVED, that the following budget amendments are hereby authorized in the 2005 Adopted Budget:

Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Crisis Services	\$46,397
516010	Hispanics United of Buffalo	25,546
516010	Child and Family Services	<u>71,940</u>
	Total Expenditures	<u>\$143,883</u>
411610	Federal Aid – Service for Recipients	<u>\$143,883</u>
	Total Revenues	<u>\$143,883</u>

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

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ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, psychotropic medications are prescribed when needed for inmates at the Erie County Correctional Facility, and the costs may be reimbursed to the Correctional Facility by the Department of Mental Health (Forensic Mental Health Service) to the extent of available appropriations, and

WHEREAS, additional funds in the amount of \$18,500 are available on a one time basis within the accounts of the Forensic Mental Health Service for the reimbursement of such medications.

NOW, THEREFORE, BE IT

RESOLVED, that \$18,500 be transferred within the accounts of the Department of Mental Health (Forensic Mental Health Service) from Account 516020, Professional Services, Contracts and Fees, to Account 911630, ID Correctional Facility Services, to provide funding for psychotropic medications at the Erie County Correctional Facility and be it further

RESOLVED, that Account 505800, Medical & Health Supplies and Account 911630, ID Correctional Facility Services within the accounts of the Erie County Correctional Facility, be increased by \$18,500 to enable the purchase of psychotropic medications and the reimbursement for the medications by the Forensic Mental Health Service, and be it further

RESOLVED, that certified copies of this resolution be furnished to the County Executive's Office, the Department of Mental Health, the Erie County Sheriff's Office, the Office of the Comptroller, and the Division of Budget, Management and Finance.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 30E-35)

COUNTY EXECUTIVE

WHEREAS, public health law requires the reporting of HIV infection and HIV related disease in addition to AIDS, and

WHEREAS, HIV surveillance data is used to monitor trends in the epidemic, to evaluate resource needs and to target prevention efforts, and

WHEREAS, the identification of partners at risk of exposure to HIV enables access to HIV counseling, testing and care, and

WHEREAS, in Erie County the HIV Surveillance and Partner Notification program (HIV PNP) is conducted by New York State Health Department staff assisted by three Erie County Health Department positions funded by the grant, and

WHEREAS, in order to balance the accounts within the budget and maximize the revenue, budgetary adjustments are necessary.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant award from the New York State Health Department which is budgeted as follows:

HIV Partner Notification
 10/1/03 – 9/30/04
 SFG Project #876
 SAP Title: 127HIVPARTNOT0304 Cost Center: #1271230

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	State Aid Other	\$ 211,787.00	\$ 0	\$ 211,787.00
	TOTAL	<u>\$ 211,787.00</u>	<u>\$ 0</u>	<u>\$ 211,787.00</u>
EXPENSES				
500000	Personal Services	\$ 150,748.00	-\$4,240.00	\$ 146,508.00
502000	Fringe Benefits	38,829.00	-752.00	38,077.00
505800	Medical Supplies	4,840.00	-95.00	4,745.00
510000	Travel & Mileage	1,650.00	-265.00	1,385.00
516020	Prof Service Cont & Fees	13.00	0	13.00
530000	Other Expenses	6,244.00	-150.35	6,093.65
561410	Lab & Tech Equip	6,967.00	-730.00	6,237.00
912700 *	ID Health Service	766.65	6,232.35	6,999.00
980000	ID DISS	1,729.35	0	1,729.35
	TOTAL	<u>\$ 211,787.00</u>	<u>\$ 0</u>	<u>\$ 211,787.00</u>

* ALSO INCREASE FUND 110:

912700	ID Health Service	\$ 6,232.35
516020	Prof Service Cont & Fees	\$ 6,232.35

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, and the Department of Law.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 30E-38)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$9,500,000 over six years by the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) to enhance our system of care for children with serious emotional disturbance and their families, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to enhance our system of care for children with serious emotional disturbance and their families.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a six year Grant Agreement with the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$9,500,000 to enhance our system of care for children with serious emotional disturbance and their families, and be it further

RESOLVED, that the Erie County Department of Mental Health is hereby authorized to recommend the transfer of funds in order to execute a contract(s) with a specific provider agency(ies) in order to enhance the system of care, consistent with the local planning process and SAMHSA approval, pursuant to the requirements of Section 19.08 of the Erie County Administrative Code. Such recommendations to transfer funds and to execute specific contracts shall be submitted for Legislative approval, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

8 Item Page -2005 (Comm. 1E-5)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides primary and specialty care at various locations throughout Erie County, and

WHEREAS, Communication 18E-19 dated October 4, 2001 authorized the County Executive to enter into an agreement with the New York State Department of Health, Refugee Health Program for the purpose of providing refugee health assessments at clinics operated by the Erie County Department of Health for reimbursement for services provided, and

WHEREAS, the New York State Department of Health has increased the contract award from \$71,685 to \$186,381.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a revised agreement to accept the increased funding from the New York State Department of Health, and

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RESOLVED, that the term of this agreement shall be from March 31, 2004 through March 30, 2005 with yearly renewals in calendar year 2006, 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 Division of Budget, Management and Finance, Office of the Comptroller and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

9. Item Page -2005 (Comm. 1E-6)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

WHEREAS, the Erie County Health Department wishes to renew a lease agreement with Concerned Ecumenical Ministry for space located at 286 Lafayette Avenue, Buffalo, New York, to be utilized as a WIC distribution site.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a lease agreement with Concerned Ecumenical Ministry for space located at 286 Lafayette Avenue at a rate of \$100 monthly, commencing September 1, 2004 through August 31, 2005, there being funds available in the WIC Program budget, and be it further

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

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

10. Item Page -2005 (Comm. 1E-7)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Services Initiative (CSI) and for the Health Insurance Information, Counseling and Assistance Program (HIICAP) grants for the period April 1, 2004 to March 31, 2005, for the Performance Outcomes Measurement Project (POMP) for the period September 30, 2004 to September 29, 2005, and for the Weatherization Referral And Packaging Program (WRAP-SOFA) for the period October 1, 2003 to September 30, 2004, and

WHEREAS, the New York State Office for the Aging notified the Department of increased funding for HIICAP, continuation of the POMP federal demonstration project and of an extension of the WRAP-SOFA grant through 12/31/2004, and

WHEREAS, the New York State Office for the Aging has made available to Erie County \$10,500 to conduct POMP activities for the period from September 30, 2004 through September 29, 2005, and

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WHEREAS, the Department has reviewed the budgets, final state allocations and actual costs of carrying out each program's objectives, and

WHEREAS, the Department desires to allocate the funds to ensure specific program services are fully provided, and

WHEREAS, the Department desires to use a portion of CSI funds on an initiative to provide portal to portal transportation to and from congregate dining sites through a collaborative initiative with the Lt. Col. Matt Urban Human Services Center and the Ulinski and Lincoln Senior Citizen Centers, and

WHEREAS, transportation assistance will help seniors to remain independent and encourage involvement in and with the community and will prevent the well-elderly from requiring more intensive case management services, and

WHEREAS, this initiative will also provide transportation on a fixed route basis to senior citizens in need of shopping service, and

WHEREAS, the Department already contracts with the Lt. Col. Matt Urban Human Services Center under the Community Services for the Elderly and Expanded In-Home Services for the Elderly Programs which includes a transportation component, and

WHEREAS, the Department desires to amend the contract with the Lt. Col. Matt Urban Human Services Center to include the CSI funds and provide the above mentioned services through March 31, 2005, and

WHEREAS, the Department desires to use a portion of the HIICAP and POMP funds to cover the payroll costs of the respective part time Community Service Aides in the Area Agency on Aging grant who assist in the dissemination of HIICAP information in Erie County during the period October 1, 2004 to March 31, 2005, and with POMP data collection, and

WHEREAS, no additional County funds are required, and

WHEREAS, the grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to accept the additional \$13,671 in federal HIICAP funds and the \$10,500 in POMP funds, and be it further

RESOLVED, that the County Executive be authorized to amend the contract with the Lt. Col. Matt Urban Human Services Center to reflect the \$14,000 in CSI funds, and

RESOLVED, that the related payroll costs for the respective part time Community Service Aides be transferred to the HIICAP and POMP grants, and

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RESOLVED, that the CSI grant budget, Project 163CSI0405, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid-Programs for Aging	\$51,738	<u>-\$282</u>	\$51,456
	TOTAL CHANGE		<u><u>-\$282</u></u>	
APPROPRIATIONS				
	Contractual Services-Lt. Matt			
516010	Urban Human Services Center	\$0	\$14,000	\$14,000
	Professional Fees-Other			
516020	Projected	7,089	-7,089	0
516020	Professional Fees-L. Smith	27,000	<u>-7,193</u>	19,807
	TOTAL CHANGE		<u><u>-\$282</u></u>	

and be it further

RESOLVED, that the HIICAP grant budget, Project 163HIICAP405, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid-Programs for Aging	\$3,790	<u>\$13,671</u>	\$17,461
	TOTAL CHANGE		<u><u>\$13,671</u></u>	
APPROPRIATIONS				
500000	Personal Services	\$0	\$5,000	\$5,000
502000	Fringe Benefits	0	600	600
505000	Office Supplies	0	461	461
510000	Local Mileage	2,640	360	3,000
510100	Out of Area Travel	150	850	1,000
516020	Prof. Services & Fees	0	900	900
530000	Other Expenses	0	2,000	2,000
545000	Rentals	0	1,000	1,000
561410	Lab & Tech Equipment	0	2,000	2,000
980000	ID DISS Services	1,000	<u>500</u>	1,500
	TOTAL CHANGE		<u><u>\$13,671</u></u>	

and be it further

RESOLVED, that the POMP grant budget, Project 163POMP405, be revised as follows:

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		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	Federal Aid-Programs for			
414000	Aging	\$4,000	\$6,500	\$10,500
	TOTAL CHANGE		\$6,500	
APPROPRIATIONS				
500000	Personal Services	\$0	\$8,000	\$8,000
510000	Office Supplies	\$1,000	-\$800	200
510100	Out of Area Travel	1,200	300	1,500
530000	Other Expenses	600	-600	0
980000	ID DISS Services	1,200	-400	800
	TOTAL CHANGE		\$6,500	

and be it further

RESOLVED, that the WRAP-SOFA grant budget, Project 163WRAP-SOFA0304, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Personal Services	\$172,800	-\$10,514	\$162,286
502000	Fringe Benefits	60,912	-7,781	53,131
505000	Office Supplies	2,000	-1,693	307
	Local Mileage			
510000	Reimbursement	4,474	-136	4,338
510100	Out of Area Travel	526	-426	100
	Other Expenses (Last Resort			
530000	Weatherization)	57,984	22,122	80,106
561420	Furniture & Fixtures	700	-562	138
980000	ID DISS Services	3,800	-1,010	2,790
	TOTAL CHANGE		\$0	

and be it further

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

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

COUNTY EXECUTIVE

WHEREAS, the Erie County Public Health Laboratories are responsible for laboratory services for Erie County Departments, other government agencies, local health care providers and hospitals, and

WHEREAS, the New York State Department of Health has requested that the Erie County Public Health Laboratories conduct a survey to assess the prevalence of antibiotic resistant strains of gonorrhea (GC) in Erie County, and

WHEREAS, the New York State Department of Health has agreed to reimburse the Erie County Public Health Laboratories for the cost of this survey, and

WHEREAS, the Erie County Public Health Laboratories 2004 General Operating Budget needs to be modified to accomplish this survey.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with the New York State Department of Health for services to be budgeted as follows:

GC Antibiotic Resistance Survey

ACCT	REVENUE	NEW BUDGET
416610	PH Lab Fees – NYSDOH Survey	<u>\$ 7,000</u>
	TOTAL	<u>\$ 7,000</u>
	EXPENSES	
505800	Laboratory & Medical Supplies	<u>\$ 7,000</u>
	TOTAL	<u>\$ 7,000</u>

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 Division of Budget, Management & Finance, the Office of the Comptroller and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

12. Item Page -2005 (Comm. 2E-7)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Phillip R. Endress at 14 Meadow Brook Drive, New Hartford, NY 13413-3802 as Commissioner of the Department of Mental Health for a term to expire January 24, 2005.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

DEMONE A. SMITH
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 39 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

January 27, 2005

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR McCARVILLE.

ALL ITEMS ARE HEREBY TABLED.

TIMOTHY M. KENNEDY
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 40 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 4-1 From LEGISLATORS RANZENHOFER, SWANICK, CHASE, MARSHALL, McCARVILLE & CUSACK Re: Financial Accountability & Oversight.

Item 41 – CHAIRMAN HOLT directed that the following resolution be received and filed.

GRANTED.

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Intro. 4-2 From MINORITY CAUCUS Re: Extension of Deadline for the Collection of Real Property Taxes and/or a Two (2) Week Suspension of Penalties and Fees for the Late Payment of Real Property Taxes.

Item 42 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 4-3 From LEGISLATOR DUSZA Re: Arthur Benson Memorial Highway.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

Re: Transfer of Public Benefit Funds.
(Intro. 4-4)

A RESOLUTION SUBMITTED BY RANZENHOFER AND CHASE

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

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
Hunter's Hope Foundation	\$2,000	CHASE
Town of Cheektowaga (Senior Center)	\$3,000	RANZENHOFER
TOTAL	\$5,000	

And be it further

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

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

Fiscal Impact: Appropriation of 2004 budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

Re: Reallocation of 2004 Public Benefit Funding. (Intro. 4-5)

RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law, and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on October 21, 2004, the Erie County Legislature unanimously approved Intro. 22-8, as amended, designating the Town of Brant to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Town of Brant per Intro. 22-8 (2004) needs to be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Brant Volunteer Fire Company No.1, Inc.	\$2 000	CHASE

And be it further

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

Fiscal Impact: To Be Determined

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

Re: Supporting the Efforts of the NYS
Department of State's Office of Fire
Prevention & Control (OFPC).
(Intro. 4-6)

A RESOLUTION SUBMITTED BY LEGISLATORS KUWIK,
SWANICK, DUSZA, CHASE AND SMITH

WHEREAS, the New York State Office of Fire Prevention & Control plans, develops, coordinates and provides training to more than 30,000 firefighters, related governmental officers and other emergency response personnel annually, and

WHEREAS, the NYS OFPC provides both residential and outreach programs to qualified personnel in areas that include emergency medical response, emergency response to terrorism, fire suppression, hazardous materials, health and safety, fire prevention/code enforcement and many others, and

WHEREAS, Erie County successfully recruits between 500 and 600 new volunteer firefighters each year and needs to train at least 300 new recruits requiring at least 4,500 instructor hours, and

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WHEREAS, if the NYS OFPC is not adequately funded we will risk the collapse of the entire standardized training program because Fire Departments throughout the county will avoid the program due to its limited availability, and

WHEREAS, fire departments need to be prepared in the event of a large scale emergency and need to have the basic standardized training that the Firefighter 1 course provides,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature affirms its support of the efforts and services that the NYS Department of State's Office of Fire Prevention & Control provides to the citizens of Erie County and New York State, and be it further

RESOLVED, that this Honorable Body requests that funding for this important organization remains at levels that will ensure the safety and health of all residents of New York State, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, State Fire Administrator James Burns, the Western New York delegation of the New York State Legislature, County Executive Joel Giambra, and Erie County Emergency Services Commissioner Michael Walters.

Fiscal Impact: None for this resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 46 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 25E-29. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

Re: Community Disaster Education Initiative.

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WHEREAS, The County of Erie desires to raise the level of awareness among individuals, families and businesses in the County of the importance of emergency preparedness through a new program to be known as the "Community Disaster Education Initiative" (hereinafter "Initiative"); and

WHEREAS, It is expected that the first segment of the Initiative (which shall cover the period 1/1/05 – 6/30/05 or to the end of UASI 03 funding cycle if this grant is extended) shall consist of: (1) a Community Component to prepare 100,000 individuals to establish a family disaster plan; (2) a Business Component to establish a workplace emergency plan for 50 businesses; and (3) an Education Component to train 6,500 students in emergency preparedness; and

WHEREAS, Should the Initiative prove to be successful, additional families, businesses and students may be added in subsequent years; and

WHEREAS, implementing the Initiative and raising the level of awareness of the importance of emergency preparedness in the County may be best achieved through existing organizations who have experience in preparing for emergencies and educating their constituents regarding emergency preparedness; and

WHEREAS, the Buffalo Branch of the American Red Cross ("Red Cross") has considerable experience in emergency preparedness and in responding to various emergencies and disasters; and

WHEREAS, the County has negotiated with the Red Cross towards assisting Erie County in implementing the Initiative; and

WHEREAS, It is anticipated that the Red Cross will implement the Community Component of the Initiative and will retain the services of the Buffalo Niagara Partnership to assist with the Business Component, and Erie 1 BOCES, the Boy Scouts of America Greater Niagara Frontier Council, Inc. and the Girl Scout Council of Buffalo and Erie County, Inc. to assist with the Education Component; and

WHEREAS, Local Law No. 3-2002 as well as County Law Sections 224 and 225 give the County the power to contract with and provide funding to non-profit organizations who provide counseling and educational services for residents of the County of Erie; and

WHEREAS, This resolution shall have no direct fiscal impact to the County, since the funds to pay for the implementation of the Initiative will be derived from the Urban Area Security Initiative FY03 Grant,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is hereby authorized to enter into a contract with the Red Cross for the purpose of assisting the County in implementing the Initiative and in coordinating the implementation with the Buffalo Niagara Partnership, Erie 1 BOCES, the Boy Scouts of America Greater Niagara Frontier Council, Inc. and the Girl Scout Council of Buffalo and Erie County, Inc.; and be it further

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RESOLVED, That the County of Erie shall set aside \$161,999.00 from the UASI FY03 Grant award received and accepted by the County of Erie, DCJS contract # WM038445230 (hereinafter "Grant"), and such monies shall be dedicated for the implementation of the first segment of the Initiative as set forth herein; and be it further

RESOLVED, That the Grant sum of \$161,999.00 shall be deposited in the Department of Central Police Services #516010—Contractual Payments/Nonprofit Purchase of Services; and be it further

RESOLVED, That the Erie County Legislature does hereby authorize an appropriation in an amount not to exceed \$161,999.00 to be derived from Department of Central Police Services #516010—Contractual Payments/Nonprofit Purchase of Services for payment to the Red Cross in order to implement the first segment of the Initiative; and be it further

RESOLVED, The County of Erie shall not make those disbursements to the Red Cross unless and until the Red Cross provides the Comptroller with a verified account of the disbursements with verified or certified vouchers therefore attached; and be it further

RESOLVED, That all County funds that are received by the Red Cross which are not used towards the implementation of the Initiative shall be accounted for and promptly returned to the County no later than two weeks prior to the end date of the UASI FY03 Grant Validity period; and be it further

RESOLVED, That the implementation period allowed for use of these funds by the Red Cross shall not extend past two weeks prior to the UASI FY03 grant validity period end date of June 30, 2005 or, in the event of a UASI FY03 grant extension given to the County of Erie by the NYS DCJS office or the Federal ODP Office, shall not extend past the two weeks prior to the so mentioned UASI FY03 grant extension end date; and be it further

RESOLVED, That certified copies of this resolution shall be sent to the Erie County Executive; Deputy County Executive Carl Calabrese; Central Police Services and Emergency Services Departments Commissioners; Erie County Homeland Security Grants Administrator Mara Lansing; Erie County Comptroller; Director of Budget, Management & Finance; the Erie County Attorney and the Chief Executive Officer of the Buffalo Branch of the American Red Cross.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES:

Item 47 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. McCARVILLE seconded.

GRANTED.

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

GRANTED.

Comm. 4E-23 From LEGISLATORS CHASE, RANZENHOFER, SWANICK, WEINSTEIN, McCARVILLE & CUSACK Re: Adjustments and transfer of County Executive's 2005 County Budget.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR RANZENHOFER

Item 48 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

(Comm. 4E-1) – Republican Caucus' 2005 Erie County Legislature Committee Assignments.

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

CARRIED UNANIMOUSLY.

RECEIVED, FILED & PRINTED as amended.

January 20, 2004

The Hon. George A. Holt, Jr.
 Chairman, Erie County Legislature
 Buffalo, New York 14202

Dear Chairman Holt:

The following are the Republican Caucus' 2005 Erie County Legislature Committee Assignments for your appointment:

ECONOMIC DEVELOPMENT		HUMAN SERVICES
Charles M. Swanick Denise E. Marshall		Barry A. Weinstein Elise M. Cusack
FINANCE & MANAGEMENT		COMMUNITY ENRICHMENT
Charles M. Swanick Denise E. Marshall		Steven P. McCarville Elise M. Cusack

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ENERGY & ENVIRONMENT		GOVERNMENT AFFAIRS
Michael H. Ranzenhofer Jeanne Z. Chase		Jeanne Z. Chase Steven P. McCarville
PUBLIC SAFETY		
Charles M. Swanick Jeanne Z. Chase		

If you have any questions, please contact me at your convenience.

Very truly yours,

Michael H. Ranzenhofer
Minority Leader, Erie County Legislature
Legislator – 4th District

☒ **DELETE** the resolution in its entirety and **REPLACE** with the following:

2005 Committee Assignments

Human Services/Community Enrichment

Chairperson Timothy M. Kennedy

Vice-Chair Demone A. Smith

Members Lynn M. Marinelli
Barry A. Weinstein
Elise M. Cusack

Clerk Shamar Ashley

Energy & Environment

Chairperson Raymond K. Dusza

Vice-Chair Lynn M. Marinelli

Members Edward J. Kuwik
Michael H. Ranzenhofer
Jeanne Z. Chase

Clerk Kevin McCarthy

Economic Development

Chairperson Timothy M. Wroblewski

Vice-Chair Edward J. Kuwik

Members Timothy M. Kennedy
Charles M. Swanick
Denise E. Marshall

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Clerk Kevin McCarthy

Government Affairs

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

Members Timothy M. Kennedy
 Jeanne Z. Chase
 Steven P. McCarville

Clerk Geoff Szymanski

Finance and Management

Chairperson Demone A. Smith
Vice-Chair Lynn M. Marinelli

Members Raymond K. Dusza
 Charles M. Swanick
 Denise E. Marshall

Clerk Geoff Szymanski

Public Safety

Chairperson Edward J. Kuwik
Vice-Chair Raymond K. Dusza

Members Demone A. Smith
 Charles M. Swanick
 Jeanne Z. Chase

Clerk Jeremey Rosen

FROM LEGISLATOR MARSHALL

Item 49 – (Comm. 4E-2) – Explanation for Absence from Session of the Legislature on 1/20/05.

RECEIVED, FILED & PRINTED.

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

Re: Absence from Session of the Legislature on January 20, 2005.

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February 3, 2005

ERIE COUNTY LEGISLATURE

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the regularly scheduled session of the Erie County Legislature on January 20, 2005 due to the previously scheduled United States Presidential Inauguration.

If you have any questions, please contact the Republican Chief of Staff, Harry V. Wahl. Thank you.

Respectfully,

Denise E. Marshall
 Erie County Legislator
 5th Legislative District

FROM THE COMPTROLLER

Item 50 – (Comm. 4E-3) – Apportionment and Distribution of 4% Sales Tax for January.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – (Comm. 4E-4) – Extension of Additional 1% Sales and Compensating Use Tax; Amendment of Erie County Sales and Use Tax Resolution; Immediate Consideration and Adoption Requested.

Received and filed.

Item 52 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

RE: ECMCC – Capital Expenditures.
 (Comm. 4E-6)

WHEREAS, on December 22, 2004, the Erie County Legislature approved Communication 30E-22 which appropriated \$11,651,671 from the tobacco trust fund in order to fund various capital projects for the Erie County Medical Center Corporation in fiscal year 2004, and

WHEREAS, of the \$11,651,671 in tobacco funds, Communication 30E-22 allocated \$4,925,000 for various capital purposes, and

WHEREAS, the remaining \$6,726,671 for various capital projects has yet to be allocated,
 and

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WHEREAS, the Board of Directors of the Erie County Medical Center Corporation approved a resolution at its January 27, 2005 meeting seeking the appropriation and allocation of the remaining \$6,726,671 for the purpose of purchasing medical equipment,

NOW, THEREFORE BE IT,

RESOLVED, that the Erie County Legislature hereby authorizes a sum not to exceed \$6,726,671 be appropriated from tobacco trust funds to be allocated to the Erie County Medical Center for the following purposes:

- € \$1,500,000 for information and technology upgrades;
- € \$1,250,000 for EP lab and surgical equipment;
- € \$3,176,671 for hospital clinical equipment (laboratory, nursing, radiology, behavioral health);
- € \$800,000 for plant operations upgrades; and be it further

RESOLVED, that the Budget Director and the County Comptroller are authorized to make an accounting of all adjustments necessary to fulfill the requirements set forth in this resolution, and be it further

RESOLVED, that the County Executive is authorized to execute any and all agreements or other documentation to effectuate the above, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the Director of Budget Management & Finance, the County Attorney, and Michael A. Young Chief Executive Officer, Erie County Medical Center Corporation.

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

CARRIED UNANIMOUSLY.

Item 53 – (Comm. 4E-7) – Erie County Sewer Construction Projects – Annual Change Order Report.

Item 54 – (Comm. 4E-8) – DEP – Sewer Management – Proposed Agreement, Staff Development Services – Employee Performance Evaluation Training.

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

Item 55 – (Comm. 4E-9) – Emergency Services – Acceptance of Award from the Federal Emergency Management Agency to Establish a Grant to Conduct Exercises of the International Joint Committee's Emergency Contingency Plan.

Received and referred to the PUBLIC SAFETY COMMITTEE.

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Item 56 – (Comm. 4E-10) – DEP – GIS Enhancements Grant - Consultant Selection.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 57 – (Comm. 4E-11) – DPW – Map No. 58123-1, Parcel No. 5C – Conveyance of Excess Highway Right-Of Way – To Property Owner of 5015 Sale Road – Town of Clarence.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 – (Comm. 4E-12) – ECSD No. 3 – Proposed Village of Hamburg Extension (2004).

Item 59 – (Comm. 4E-13) – EC/Southtowns Sewage Treatment Agency (Southtowns) – Increase and Improvement of Facilities (2004).

Item 60 – (Comm. 4E-14) – ECSD No. 2 – Proposed Modifications of Plans – Erie County Sewer Agency Report.

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

Item 61 – (Comm. 4E-15) – Reappointment to the Erie County Board of Health.

RECEIVED, FILED & PRINTED.

February 1, 2005

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

Re: Reappointment to the Erie County Board of Health

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby reappoint the following individual to the Board of Health, for the term stated.

NAME AND ADDRESS**TERM EXPIRATION**

James A. Hoddick, DDS
4750 East River Road
Grand Island, New York 14072

December 31, 2007

Respectfully submitted,

JOEL A. GIAMBRA

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ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
 Commissioner Anthony Billittier, MD, Department of Health

Item 62 – (Comm. 4E-16) – EC/Southtowns Sewage Treatment Agency – Proposed Village of Blasdell Connection – Amended Erie County Sewer Agency Report.

Item 63 – (Comm. 4E-17) – EC/Southtowns Sewage Treatment Agency – Engineering Service Agreement – Dated 4/20/2000 – Change Order No. 5 – R&D Engineering, Inc.

Item 64 – (Comm. 4E-18) – ECSD No. 6 – Proposed Increase & Improvement of Facilities – EC Sewer Agency Report.

Item 65 – (Comm. 4E-19) – DEP – Household Hazardous Waste Collection Program.

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

Item 66 – (Comm. 4E-20) – County Clerk – Acceptance of Grant from NYS Division of Criminal Justice.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 67 – (Comm. 4E-21) – Senior Services – Authorization to Amend the EISEP, CSE and III-B Grant Budgets.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 68 – (Comm. 4E-22) – Adjustments and Transfers to 2005 County Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BECPL

Item 69 – (Comm. 4D-1) - Proposed Agenda for Meeting Held 1/20/05.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 70 – (Comm. 4D-2) - Notice of Filing of LL No. 1 – 2005 with Secretary of State.

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RECEIVED, FILED & PRINTED.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Erie
~~Town~~
~~Village~~

Local Law No. 1 of the year 2005.

A local law in relation to a mandatory notification requirement
(Insert Title)
for commercial and residential lawn pesticide
applications.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~ of Erie as follows:
~~Town~~
~~Village~~

Section 1. Title.

This law shall be known as the Erie County Mandatory Pesticide Notification Act.

Section 2. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that individuals and their personal property can come into unintended contact with pesticides applied on abutting property from commercial and residential lawn applications. This Legislature further finds that pesticides may pose health and safety risks to the citizens of this County.

In December 2003, through passage of Erie County Local Law No. 8 of 2003, Erie County opted into the New York State pesticide notification program for a period of one year. The Erie County Local Law provided for a one-year sunset provision, with a required review by the Erie County Environmental Management Council at the end of the year to determine the effectiveness of the law.

On October 5, 2004, the Erie County Environmental Management Council submitted its one-year review to the Erie County Legislature and Erie County Executive. The Council recommended that the Pesticide Notification Law be renewed.

Therefore, the Erie County Legislature does hereby conclude that Erie County should adopt the notice requirements for the commercial and residential lawn application of pesticides as set forth in Section 33-1004 of the New York Environmental Conservation Law. It is intended that this Local Law be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and the regulations promulgated thereunder.

Section 3. Definitions.

All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law.

- a. "Abutting property" shall mean any property which has any boundary or boundary point in common with the property on which the pesticide is to be applied.
- b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the education law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation as those terms are defined in the transportation corporations law, which applies pesticides.
- c. "Commercial lawn application" means the application of pesticide to ground, trees, or shrubs on public or private outdoor property. For the purposes of this local law the following shall not be considered commercial lawn application:
- (1) the application of pesticide for the purpose of producing an agricultural commodity;
 - (2) residential application of pesticides;
 - (3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
 - (4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one-hundred feet of a dwelling, multiple dwelling, public building, or public park; and
 - (5) the application of pesticides on golf courses or turf farms.
- d. "Commissioner" means the Commissioner of the New York State Department of Environmental Conservation.
- e. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.
- f. "General use pesticide" means a pesticide which does not meet the state criteria for a restricted pesticide as established under authority of section 33-303 of the New York Environmental Conservation Law.
- g. "Multiple dwelling" means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.
- h. "Pesticide" means:
- (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; and
 - (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

i. "Premises" means land and improvements or appurtenances or any part thereof.

j. "Residential lawn application" means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this local law, the following shall not be considered residential lawn application:

- (1) the application of pesticides for the purpose of producing an agricultural commodity;
- (2) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
- (3) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
- (4) the application of pesticides on golf courses or turf farms.

Section 4. Notification Requirements For Commercial And Residential Lawn Applications.

The provisions in this section are adopted in their entirety and without exception, pursuant to section 33-1004 of the New York Environmental Conservation Law.

a. Retail Consumer Information Sign.

(1) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subdivision one of section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. Prior Notification of Commercial Lawn Applications.

(1) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of the New York Environmental Conservation Law, to:

- a. occupants of all dwellings on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to
- b. owners, owner's agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owner's agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises,

(1-b)

owners, owner's agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

- (2) Such prior notification provisions shall not apply to the following:
- a. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);
 - b. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;
 - c. the use of non-volatile insect or rodent bait in a tamper resistant container;
 - d. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;
 - e. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;
 - f. the use of boric acid and disodium octaborate tetrahydrate;
 - g. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
 - h. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
 - i. the application of a pesticide by direct injection into a plant or the ground;
 - j. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
 - k. the application of a pesticide to the ground or turf of any cemetery; and
 - l. an emergency application of a pesticide when necessary to protect against any imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such Commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number

(1-c)

or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. Posting of Residential Lawn Applications.

(1) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(2) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

Section 5. Enforcement.

a. Pursuant to section 33-1004 of the New York Environmental Conservation Law, the Erie County Department of Health shall enforce the provisions of this local law administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in Section 6 of this law and shall be payable to and deposited with Erie County.

Section 6. Penalties.

a. Administrative Sanctions

(1) A person providing a commercial lawn application who violates any provision of this local law shall be liable for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense after a hearing or opportunity to be heard.

(2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, who violates any rule or regulation pursuant to subdivision b (1)(b) of section 4 of this local law (Prior Notification of Commercial Lawn Applications), and a person who violates any provision of subdivision c of section 4 (Posting of Residential Lawn Applications), shall for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to subdivision two of section 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be

(1-d)

liable for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any subsequent violation after a hearing or opportunity to be heard.

(3) Any person who violates the provisions of subdivision a of section 4 of this local law (Retail Consumer Information Sign) shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation after a hearing or opportunity to be heard.

b. Criminal Sanctions for Persons Providing Commercial Lawn Applications.

(1) Any person providing a commercial lawn application and having the culpable mental states defined in subdivision one or two of section 15.05 or in section 20.20 of the New York Penal Law, who violates any provision of this local law, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed ten thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

(2) Any person providing a commercial lawn application who violates any provision of this local law relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five hundred dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be a fine not to exceed five thousand dollars.

Section 7. Severability.

a. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

(1-e)

Section 8. Notice Requirements to State Officials.

a. Within twenty days after adoption of this law, the Clerk of the Erie County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Attorney General.

Section 9. Repeals.

Erie County Local Law No. 8 of 2003 is hereby repealed.

Section 10. Effective Date.

a. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law provided, however that the provisions of this local law shall expire and be deemed repealed on and after January first, the year two thousand and seven.

(1-f)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of ~~Erie~~ _____ was duly passed by the ~~Erie County Legislature~~ on ~~Dec. 22~~ 20~~04~~, and was (approved)(not approved)(repassed after disapproval) by the ~~Erie County Executive~~ _____ and was deemed duly adopted on ~~Jan. 14~~ 20~~05~~, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 2____, above.

Kerion M. Kelley
Clerk of the County legislative body, City, Town or Village Clerk
~~of the County legislative body, City, Town or Village Clerk~~

(Seal)

Date: January 18, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James M. Behm
Signature
2nd Assistant County Attorney
Title

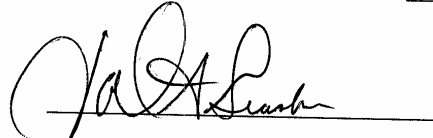
County
City of Erie
Town
Village

Date: January 18, 2005

MEETING NO. 4
February 3, 2005

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 19-2004 on Thursday, January 6, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 14 day of January, 2005.



Handwritten signature of Joel A. Giambra, County Executive of Erie County, written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 19-2004 on Thursday, January 6, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ___ day of January, 2005.

MEETING NO. 4
February 3, 2005

ERIE COUNTY LEGISLATURE

Item 71 – (Comm. 4D-3) – Home Rule Requests for Passage of Tax Bills for Additional Sales Tax & Further Additional 1% Sales Tax; Drop-dead Deadline Date for Imposition of Additional Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 72 – (Comm. 4D-4) – Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DEP

Item 73 – (Comm. 4D-5) – SEQR – Negative Declaration – Extension of ECSD No. 3.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DISS – FLEET SERVICES

Item 74 – (Comm. 4D-6) – 4th Quarter 2004 Review.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 75 – (Comm. 4D-7) – ECMC Public Benefit Corporation – Transition Period.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 76 – (Comm. 4D-8) – Agenda of Board of Trustees Meeting Held 1/26/05.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 77 – (Comm. 4D-9) – Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 78 – (Comm. 4D-10) – Notice of Approval of Comm. 30E-49.

Received and filed.

FROM DPW

Item 79 – (Comm. 4D-11) – 2004/2005 Snow Plow Routes.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 80 – (Comm. 4D-12) – Letter to Chairman Holt Re: Lay-Off Notices within the Department of the Legislature.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DPW

Item 81 – (Comm. 4D-13) – Copy of Memo To County Attorney's Office Re: Capital Projects that Need to Remain Open if Red Budget is Implemented.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM HEALTH

Item 82 – (Comm. 4D-14) – Proposed Amendments to the EC Sanitary Code and Notice of Public Hearing on Amendment on 2/24/05.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ECC

Item 83 – (Comm. 4D-15) – Minutes for Board of Trustees Meeting Held 12/15/04 .

Received and filed.

FROM THE COUNTY ATTORNEY

Item 84 – (Comm. 4D-16) – Notice of Suit Against ECL, County Executive, Commissioner of Personnel by DA Frank J. Clark.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, FINANCE, & MANAGMENT

Item 85 – (Comm. 4D-17) – Audit of the County's Procurement Process for the 3 Year Period Ending 12/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM GARY S. HOWELL

Item 86 – (Comm. 4M-1) – Petition Opposing Proposed Sales Tax Increase.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 87 – (Comm. 4M-2) – 2004 State of the Environment Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF CHEEKTOWAGA

Item 88 – (Comm. 4M-3) – Certified Resolution Urging Extending Period for Penalty on Taxes.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS OFFICE OF TEMPORARY & DISABILITY ASSISTANCE

Item 89 – (Comm. 4M-4) – Letter to Chairman Re: Changes in Local Discretion of TANF Funds.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE VILLAGE OF FARNHAM

Item 90 – (Comm. 4M-5) – Certified Resolution Re: Medicaid Impact of Local Cities, Towns, & Villages.

Received and filed.

FROM KEVIN P. GAUGHAN

Item 91 – (Comm. 4M-6) - "The Gaughan Plan" for EC & Buffalo Merger.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE VILLAGE OF ANGOLA

Item 92 – (Comm. 4M-7) – Certified Resolution Re: Medicaid Impact of Local Cities, Towns, & Villages.

Received and filed.

FROM THE VILLAGE OF FARNHAM

Item 93 – (Comm. 4M-8) – Certified Resolution Re: Medicaid Impact of Local Cities, Towns, & Villages.

Received and filed.

FROM THE VILLAGE OF ANGOLA

Item 94 – (Comm. 4M-9) – Certified Resolution Re: Sharing of Additional Penny With Municipalities.

Received and filed.

FROM GARY S. HOWELL

Item 95 – (Comm. 4M-10) – Petition Opposing Proposed Sales Tax Increase.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECWA

Item 96 – (Comm. 4M-11) – Unaudited Comparative Financial Statements for the Years Ended 12/31/04 & 12/31/03.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 97 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Kelly Bluman.

ADJOURNMENT

Item 98 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, February 17, 2005. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 4
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ERIE COUNTY LEGISLATURE

The Chairman declared the Legislature adjourned until Thursday, February 17, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK