

**MEETING NO. 4
FEBRUARY 15, 2007**

ERIE COUNTY LEGISLATURE

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MEETING NO. 4
FEBRUARY 15, 2007**

The Legislature was called to order by CHAIRPERSON Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Whyte.

Item 1 – MS. WHYTE moved to take COMM. 4E-2 out of order. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

February 14, 2007

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

Dear Chair Marinelli,

Please be advised that pursuant to the rules of the Erie County Democratic Committee. Article I, Section 8, a meeting of the ECDC members of the 7th Erie County Legislative District was held at 11:00 am on February 10th 2007 at the Delavan Grider Community Center at 877 East Delavan in Buffalo, NY for the purpose of endorsing a candidate to fill a vacancy due to the appointment of Demone Smith to be the Masten District Councilmember on the Buffalo Common Council.

At the meeting the 7th District Democratic Commitment endorsed Betty Jean Grant to fill the vacancy left in the 7th Erie County Legislative District.

Sincerely,

Kathleen A. Callan
Executive Director

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

CARRIED UNANIMOUSLY.

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February 12, 2007

Robert M. Graber, Clerk
 Erie County Legislature
 92 Franklin St., 4th Floor
 Buffalo, N.Y. 14202

RE: Appointment of Betty Jean Grant to fill vacancy in the 7th Legislative District

Dear Mr. Graber:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned representing a majority of the members of the Erie County Legislature enrolled as members of the Democratic Party do hereby appoint Betty Jean Grant, of 100 Parkridge Ave., Buffalo, NY 14215, a duly qualified elector of the seventh legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of seventh district County Legislator.

Said appointment shall take effect of February 15, 2007.

Daniel M. Kozub – 1st District

Timothy M. Kennedy – 2nd District

Kathy Konst – 5th District

Maria R. Whyte – 6th District

Thomas J. Mazur – 8th District

Lynn M. Marinelli – 11th District

Robert B. Reynolds, Jr. – 12th District

Thomas J. Loughran – 14th District

MS. WHYTE moved to Receive, File and Print the item. MR. KOZUB seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: none. (AYES: 13; NOES: 0)

CARRIED.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – No minutes from previous meeting.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. WEINSTEIN presented a resolution Honoring the Work and Contributions of the Forest Stream Garden Club.

Item 7 – MS. IANNELLO presented a resolution In Memory of Leonard "Smokey" Neri.

Item 8 – MS. IANNELLO presented a resolution Honoring Dorothy Rakocki Upon the Occasion of Her Birthday.

Item 9 – MR. REYNOLDS presented a resolution Honoring Roger and Mavis Goldsmith Upon the Occasion of Their 60th Anniversary.

Item 10 – MR. REYNOLDS presented a resolution Honoring Village of Hamburg Superintendent of Public Works Commissioner Gerald E. Knoll Upon the Occasion of His Retirement.

Item 11 – MR. REYNOLDS presented a resolution Honoring Town of North Collins Highway Superintendent Peter J. Loretto, Jr. Upon the Occasion of His Retirement.

MS. WHYTE moved to consider the above six items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above six items for Et Al Sponsorship. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above six items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13- CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 17 – MS. KONST presented the following report, moved to separate Item No. 2 and approve the balance of the report.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

FEBRUARY 6, 2007

PERSONNEL COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 2E-24 (2007)
COUNTY EXECUTIVE: Charter Changes – Dept. of Real Property Tax Services – Office of Public Advocacy
 (4-0)

2. COMM. 22E-18 (2006)
COUNTY EXECUTIVE

WHEREAS, the Buffalo District office is the largest Environmental Field office and the need for a full time clerical support person is illustrated by the volume of requests for service that flows through that office, and

WHEREAS, in order to effectively and efficiently meet the requirements of this office it will be necessary to make staffing adjustments which will create one full-time position of Senior Clerk Typist, JG IV and delete one vacant regular part-time position of Senior Account Clerk, JG VI, position number 51002639, and

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WHEREAS, funds are available in the Adopted 2006 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the one full time position of Senior Clerk Typist, JG IV, is hereby created and that one vacant regular part-time position of Senior Account Clerk, JG VI, position number 51002639 is hereby deleted as indicated on B100 control # 2450.

The following personnel detail is hereby submitted:

TITLE: Sr. Clerk Typist	COUNTY'S SHARE: 64 %
JG: IV	STEP: 0
ANNUAL SALARY: \$25,083	FRINGE BENEFIT COST: 40%
FISCAL IMPACT ON BUDGET FOR	
REMAINING PORTION OF FISCAL YEAR: \$4,180	
MANNER IN WHICH POSITION WILL BE FILLED: Civil Service	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-1) Legislator Konst voted in the negative.

3. COMM. 25E-25 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award from the New York State Department of Health in the amount of \$269,196 for implementing the Erie County Healthy Neighborhoods Grant program, and

WHEREAS, the purpose of the Healthy Neighborhoods program is to improve the quality of life of children and families through reduced health and safety risks associated with the home environment, including reduced exposure to environmental tobacco smoke, and

WHEREAS, this will be accomplished through home inspection, distribution of intervention products, provision of education and referrals for services to Erie County residents residing in high risk neighborhoods, and

WHEREAS, in order to meet the revised requirements of this program it will be necessary to create one Regular Part Time position of Senior Environmental Education Specialist, JG XI, Step 0 and delete one vacant full-time position of Supervising Public Health Sanitarian JG XI, position number 10157.

NOW, THEREFORE BE IT

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RESOLVED, that the County Executive is hereby authorized to enter into a revised agreement with the New York State Department of Health to be budgeted as follows:

HEALTHY NEIGHBORHOODS
10/1/06 – 9/30/07
127HLTHYNEIGH0607

SAP CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409000	STATE REVENUE	\$ 277,637	-\$8,441	\$ 269,196
	TOTAL REVENUE	\$ 277,637	-\$8,441	\$ 269,196
EXPENSES				
500000	PERSONAL SERVICES	\$ 198,312	-\$61,412	\$ 136,900
500020	REGULAR PT WAGES	0	17,655	17,655
501000	OVERTIME	0	7,725	7,725
502000	FRINGE BENEFITS	79,325	-13,016	66,309
505000	OFFICE SUPPLIES	0	1,000	1,000
505200	CLOTHING SUPPLIES	0	600	600
510000	LOCAL MILEAGE	0	5,000	5,000
510100	TRAVEL-OUT OF AREA	0	1,500	1,500
	TRAINING AND			
510200	EDUCATION	0	2,870	2,870
530000	OTHER EXPENSES	0	28,077	28,077
	LAB & TECHNICAL			
561410	EQUIPMENT	0	400	400
561420	OFFICE EQUIPMENT	0	200	200
980000	ID DISS SERVICES	0	960	960
	TOTAL APPROPRIATIONS	\$ 277,637	-\$8,441	\$ 269,196

and be it further

RESOLVED, that one Regular Part Time position of Senior Environmental Education Specialist, JG XI, Step 0 is hereby created and one vacant full-time time position of Supervising Public Health Sanitarian JG XI, position number 10157 is hereby deleted as indicated on the B100 control number 2513.

The following personnel detail is hereby submitted:

TITLE: Sr. Env. Education Specialist RPT	COUNTY SHARE: 100% New York State Funded
JG: XI	NUMBER OF HOURS: 20/WK
STEP: 0	MANNER FILLED: Re-assign existing staff

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HOURLY WAGE: \$20.13
 FRINGE BENEFITS: 40%

from Healthy Homes Grant

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.

(4-0)

4. COMM. 2E-10 (2007)
COUNTY EXECUTIVE

WHEREAS, the District Attorney desires to upgrade the position held by the Chief DWI Prosecutor to make the salary level commensurate with the duties required of that position, and

WHEREAS, the funds necessary to effectuate the following changes are available through increased funding from the Erie County STOP-DWI Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to upgrade position #466, namely one Assistant District Attorney IV, Job Group 15 to a Assistant District Attorney V, Job Group 16 (B100 #2734) retroactive to January 1, 2007, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to allocate funds within the 2007 General Fund as follows:

District Attorney Fund 110 Fund Center 11400		
Expense		Increase
500000	Full Time Salaries	8,050
502000	Fringe Benefits	1,610
		Decrease
911400	ID DA Services	<u>(9,660)</u>
	Total	0

STOP-DWI Fund 110 Fund Center 1650060		
Revenue		Increase
415650	DWI Program	9,660
Expense		
911400	ID DA Services	9,660
	Net	0

and be it further,

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RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Comptroller's Office, the STOP-DWI Office, the Commissioner of Personnel and the Director of Budget, Management and Finance.

(4-0)

5. COMM. 3E-44 (2007)

COUNTY EXECUTIVE

WHEREAS, the New York State Office of Court Administration has requested an upgrade of the Sergeant currently assigned as a supervisor in the Court Division of the Jail Management Division, and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of this upgrade under the current contract between the parties; and

WHEREAS, there will be no impact on county dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) Lieutenant Officer, Job Group X position and to delete one (1) Sergeant Officer, Job Group IX; and be it further

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

(4-0)

KATHY KONST
CHAIRPERSON

MS. WHYTE moved to approve Item No. 2. MR. KOZUB seconded. MR. MILLS, MR. RANZENHOFER, MR. WEINSTEIN, MS. IANNELLO, MS. KONST and MS. LOCKLEAR voted in the negative.

CARRIED. (8-6)

Item 18 – MS. LOCKLEAR presented the following report, moved to separate Item No. 3 and move the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

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HEALTH COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

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1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 9-7 (2006)
IANNELLO & REYNOLDS: Resolution Against Legalization of Drugs
 (4-0)
 - b. COMM. 15E-46 (2006)
COUNTY EXECUTIVE: Health - Fee Schedule Revision - Effective 1/1/07
 (4-0)
 - c. INTRO 2-9 (2007)
WHYTE & KENNEDY: Health Implications and Regulations of Trans Fats
 (4-0)

2. COMM. 3E-17 (2007)
COUNTY EXECUTIVE
 WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 10/1/06 to 9/30/07 in the amount of \$9,693, and

WHEREAS, each beach will be tested by the Erie County Department of Health once a week throughout the bathing season, and

WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for *E.coli* bacteria using proposed EPA methodologies, and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards, and

WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official, and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

BEACH WATER QUALITY MONITORING PROGRAM

10/1/06 – 9/30/07

REVENUE

**NEW
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ACCT	T
409000 STATE AID	\$ <u>9,693</u>
TOTAL	\$ <u>9,693</u>
EXPENSES	
501000 OVERTIME	\$ 5,400
505000 OFFICE SUPPLIES	893
	ID HEALTH LAB
912730 SERVICES	3,300
	OUT OF AREA
510100 TRAVEL	100
TOTAL	\$ <u>9,693</u>

PUBLIC HEALTH LAB DIVISION

Increase Account 505800 Medical Supplies \$3,300
 Increase Account 912730 ID Health Lab Services \$3,300

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 Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (4-0)

3. COMM. 3E-31 (2007)
COUNTY EXECUTIVE

WHEREAS, Pandemic influenza occurs when a novel influenza virus appears that causes readily transmissible human illness against which most of the population lacks immunity. By definition, a pandemic flu event would create a disaster at the international, national, state, and local level. Therefore, no amount of preplanning and other preparatory actions will eliminate all mortality, morbidity, and other societal losses. However, reasonable allocation of resources may greatly help minimize risk to the public's health, safety and well being, and

WHEREAS, the following are generally accepted planning assumptions:

- Influenza pandemics are expected but arrive with very little warning.
- Outbreaks can be expected to occur simultaneously throughout much of the U.S., preventing sharing of human and material resources that usually occur in the response to other disasters. With the exception of vaccines and medications, which the CDC and New York State Department of Health will control, and will likely be in very limited quantities, localities should be prepared to rely on their own resources to respond. The effect of pandemic influenza on individual communities will be relatively prolonged (weeks to months) in comparison to disasters of shorter duration.

- Because of widespread susceptibility to a pandemic influenza strain, the number of persons affected will be high. In a pandemic of a moderate influenza strain, it is estimated that as many as 270,000 (30%) Erie County residents would become ill during a 4 – 8 week period. This could result in 627 deaths. If the outbreak is of a severe strain such as the 1918 pandemic, these numbers would be significantly higher with as many as 6,709 deaths. These figures do not reflect the huge numbers of worried well who will seek medical care.
 - Health care workers and other first responders will be at higher risk of exposure and illness than the general population, further straining the health care system.
 - Effective preventive and therapeutic measures, including vaccine and antiviral agents, are likely to be delayed and in short supply.
 - Widespread illness, the worried well and the necessity of caring for the ill in the community could result in sudden and potentially significant shortages of personnel in other sectors that provide critical public safety services, as well as services to meet all other human needs (e.g., food, shelter, utilities).
 - Hospitals will quickly be overwhelmed. The double burden of a massive increase in patient demand and decrease in available staff will push the health care system to the breaking point. Evaluation of many worried well will likely further compound this problem. Medical rationing and altered standards of care will need to be controlled on the federal, state and county levels;
- and

WHEREAS, although resources to enhance our (collective) ability to respond to a pandemic flu or similar event are not limitless, additional resources will greatly enhance our capabilities in the event of pandemic flu, and will also bolster our core public health functions throughout the year, and

WHEREAS, the following resources are needed:

A. P. H. Lab, Epi and Environmental Health Division

- 1. Laboratory Supplies:** to purchase consumables including:
 - Laboratory reagents
 - Primers, probes, master mix (molecular tools)
 - Specimen collection devices
 - Packing and shipping materials
 - Detection kits
 - **Cost: \$97,291**
- 2. Personal Protective Equipment:** to protect staff/employees from exposure to infectious, hazardous, toxic materials (i.e. long-sleeved gowns, eye protection, disinfecting solutions)
 - **Cost: \$3,000**
- 3. Biohazard Supplies:** for safe and proper disposal of contaminated materials (i.e. biohazard equipment, sharps containers)
 - **Cost: \$20,000**

- 4. Communications/Computer Equipment:** to maintain connectivity to public health organizations, clients, regulatory agencies, etc. for reporting, notification, information gathering, etc (5 air cards w/ monthly internet accounts, 3 laptop computers, etc).
- **Cost: \$5,000**

B. Medical Examiner

- 1. Personal Protective Equipment:** to protect staff/employees from exposure to infectious, hazardous, toxic materials (i.e. long-sleeved gowns, eye protection, disinfecting solutions)
- **Cost: \$20,000**

- 2. Body Bags:** 1,000 needed to process additional surge capacity.
- **Cost: \$25,600**

- 3. Autopsy Saws & Hoods:** 3 autopsy saws with HEPA bone dust collectors and stands and 2 Luminar fume hoods are needed to upgrade office to protect workers.
- **Cost: \$27,278**

4. Verichip Identification System: In order to handle the additional deceased in an efficient manner it will be necessary to implant chips in the remains so that a positive identification system will be used. This will allow tracking of the remains without opening the body bags and will be needed so that families can relocate their loved ones to permanent internment sites.

- Scanners 3 @ \$650
- Camera packages 3 @ \$1,000
- Chips 2275 @ \$10
- **Cost: \$27,700**

C. EMS Division:

- 1. PPE stockpile:** for individuals in quarantine and general public (800,000 masks).
- **Cost: \$72,576**
- 2. Training Material:** to produce DVD and related training materials for volunteer fire companies and EMS squad train the-trainer-course in personal protective equipment.
- **Cost: \$1,555**

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted to make the following budgetary adjustments in the 2006 Budget, fund 110, in order to implement this request:

EXPENSE

Social Services Fund Center 120

Decrease Account 525000 MMIS-Medicaid Local Share	\$300,000
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Health Department

Public Health Laboratories Division Fund Center 12730

Increase Account 505200 – Clothing	\$ 3,000
Increase Account 505800 – Medical & Health Supplies	\$ 97,291
Increase Account 516020 – Contractual	\$ 20,000
Increase Account 561410 – Lab & Technical Equipment	\$ 5,000

Medical Examiner Division Fund Center 12740

Increase Account 505200 – Clothing	\$ 20,000
Increase Account 505800 – Medical & Health Supplies	\$ 25,600
Increase Account 561410 – Lab & Technical Equipment	\$ 54,978

Emergency Medical Services Division Fund Center 12720

Increase Account 505800 – Medical & Health Supplies	\$ 72,576
Increase Account 510200 – Training & Educational	\$ 1,555
Net Change	0

and be it further

RESOLVED, that authorization be provided to reappropriate said 2006 funds within the Health Department into 2007 as required to facilitate this project,

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.

(4-0)

CYNTHIA E. LOCKLEAR
CHAIRMAN

CHAIRPERSON MARINELLI directed that Item No. 3 be returned back to the HEALTH COMMITTEE.

Item 19 – MR. MAZUR presented the following report, moved to separate Item No. 1 and move the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

FEBRUARY 8, 2007

HUMAN SERVICES COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

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1. COMM. 3E-20 (2007)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services receives a grant from New York State to fund a continuing project called Day Care Registration, and this project supports mandated functions of registration, inspection and monitoring of Group Family Daycare and other providers, and

WHEREAS, registration includes provider application for licensing, provider due date notification and renewal processing, and

WHEREAS, the project also includes the investigation, reporting and resolution of complaints against specific providers, and

WHEREAS, on-site inspections are completed for Family Day Care, School Age Child Care and Group Family Day Care providers and these inspections involve a rigorous protocol of case sampling and compliance testing including fingerprint file assessment for all active staff at each provider, and

WHEREAS the actual grant award for 2007 differs from the amount estimated for the 2007 grant budget, and this resolution amends the grant budget to be consistent with the actual award, adjusting accounts as necessary to achieve an overall reduction of \$52,737, and

WHEREAS, the resolution also provides for the substitution of a Senior Caseworker position for a Caseworker position currently in the grant as the Senior Caseworker position is needed due to the growing complexity of program operations and responsibilities, and savings from turnover and vacancies enable the overall personnel appropriation to be reduced while still providing for the salary difference between the Senior Caseworker and the Caseworker, and

WHEREAS, there is no fiscal impact to this resolution as this grant is 100% Federal share.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 281, Grant 120DAYCAREREG2007

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>(DECREASE)</u>
500000	Personal Services	(15,347)
501000	Overtime	(2,000)
502000	Fringe Benefits	(14,015)
510100	Out of Area Travel	(1,000)
912000	ID Dept of Social Services	<u>(20,375)</u>
	Total Appropriation	<u>(52,737)</u>

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409000	State Aid Revenue	<u>(52,737)</u>
	Total Revenue	<u>(52,737)</u>

And be it further

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

(1) Senior Caseworker JG 9

and be it further

RESOLVED, that the following staff position is deleted from the grant fund:

(1) Caseworker JG 8

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance. (3-1) Legislator Weinstein voted in the negative.

2. COMM. 3E-21 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services will receive a \$5,000 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at supplementing the successful Closing the Gap initiative, and

WHEREAS, the Closing the Gap initiative has been fully supported with non-tax levy dollars over the last three year period, and

WHEREAS, the donated funds will be used to supplement an existing contract with Joan A. Male Family Support Center as an important agency for this program, and

WHEREAS, the Full Services Schools initiative places casework staff in school buildings to provide an outreach specialist function to assist students as needed in assessment, counseling, referral and intervention, and

WHEREAS, staff assigned focus on the unique needs of individual students and bridge the gap between students, teachers, administrators, support staff and community service providers, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

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RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Joan A. Male Family Support Center	<u>\$14,285</u>
	Total Expenditure	<u>\$14,285</u>
418430	Donated Funds	\$5,000
407680	State Aid Services for Recipients	<u>9,285</u>
	Total Revenue	<u>\$14,285</u>

and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and agreements for this program, and be it further

RESOLVED, due to the immediate need to fund this program with an important provider agency, the requirement for Request for Proposals is 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.

(4-0)

3. COMM. 3E-22 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has been notified of a nominal Cost of Living Adjustment (COLA) increase to rates paid to foster boarding and subsidized adoption homes based on a calculated Consumer Price Index, and a mandatory increase in rates of 2.8 percent is to be applied on a retroactive basis to rates for the period beginning October 1, 2006, and these rates are to extend prospectively through March 31, 2007, and

WHEREAS, it is likely that a subsequent increase will be required by New York State based on a renewal of this COLA provision in an amount to be determined in the yet to be adopted 2007-2008 State budget, and

WHEREAS, rates paid to foster parents are fixed dollar amounts which are specific to the age group and the level of care for individual children placed and resolutions which accompany the County Adopted Budget specify rates to be paid during respective calendar years, and

WHEREAS, the Department must seek revision to these rates by legislative action, and

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WHEREAS, there is no fiscal impact to this resolution as the COLA provision is fully funded in the Foster Care Block Grant established by New York State for County reimbursement of foster care expense and no amendment of the budget is required.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Social Services is authorized to adjust rates for foster boarding and subsidized adoption homes for the required 2.8 percent COLA increases for the period beginning October 1, 2006 and extending to March 31, 2007, and be it further

RESOLVED, the Department is also authorized to adjust rates for subsequent periods if so required by New York State, 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.

(4-0)

THOMAS J. MAZUR
CHAIRMAN

MR. MAZUR moved to approve Item No. 1. MS. IANNELLO seconded.

MR. RANZENHOFER, MR. WEINSTEIN and MS. LOCKLEAR voted in the negative.

CARRIED. (11-3)

Item 20 – MS. IANNELLO presented the following report, moved to separate Item No. 1G and approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

FEBRUARY 8, 2007

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 1

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 25-3 (2006)
HOLT: Strengthening and Supporting Johnnie B. Wiley Sports Pavilion
 (5-0)
 - b. INTRO 8-12 (2006)
HOLT & IANNELLO: Support for Erie Community College

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- (5-0)
- c. COMM. 9D-5 (2006)
BECPL: Library Protection Act
(5-0)
- d. COMM. 15E-16 (2006)
MARINELLI: Community Enrichment Matrix Initiatives
(5-0)
- e. INTRO 17-2 (2006)
LOUGHRAN: Funding of the Buffalo Zoological Gardens Rain Forest Project
(5-0)
- f. COMM. 20M-4 (2006)
ECFSA: Copy of Letter to ECC President Re: Labor Agreement
(5-0)
- g. COMM. 22E-22 (2006)
COUNTY EXECUTIVE: Appointments/Reappointments to Erie County Commission on
the Status of Women
(5-0)

MICHELE M. IANNELLO
CHAIRMAN

CHAIRPERSON MARINELLI directed that Item No. 1G be returned to the COMMUNITY ENRICHMENT COMMITTEE.

Item 21 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

FEBRUARY 8, 2007

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 15E-7 (2006)
MARINELLI: Economic Development Matrix Initiatives
(3-0)

- b. COMM. 24D-17 (2006)
DPW: Interim Remedial Action on Hopkins Road
 (3-0)

2. COMM. 3E-29 (2007)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body previously approved on July 8, 2004 a resolution for the County Executive to enter into an Architectural/Engineering Services contract for providing a program plan to relocate the Appellate Division, Fourth Department, to the Ticor Building, and

WHEREAS, a program plan was developed by an Architectural/Engineering firm, and

WHEREAS, the Appellate Division, Fourth Department, has solely determined that they will not renovate and relocate to the Ticor Building and would reimburse the County for its out-of-pocket Architectural/Engineering Services, and

WHEREAS, the County has paid Architectural/Engineering costs totaling \$63,089.20 and has received payment of same from the New York State – Office of Court Administration.

NOW, THEREFORE, BE IT

RESOLVED, that the County be authorized to accept payment from New York State – Office of Court Administration in the amount of \$63,089.20, and be it further,

RESOLVED, that the project account appropriations be increased by \$63,089.20, and be it further,

RESOLVED, that the funds be deposited in SAP Account A.00047, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.

(3-0)

3. COMM. 3E-30 (2007)
COUNTY EXECUTIVE

WHEREAS, as the result of bridge inspection by NYSDOT, the Cedar Street (Foote Road) Bridge over Tonawanda Creek, BR 261-4, BIN 3326600 required emergency repairs to the deck support system, and

WHEREAS, this bridge is jointly owned and maintained by Niagara and Erie Counties, the two County Department of Public Works-Highways, have agreed to share the cost of the repairs, and

WHEREAS, Niagara County Department of Public Works has said that they will pay Erie County \$40,000 towards the cost of the repairs as their share.

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NOW, THEREFORE, BE IT,

RESOLVED, that the Comptroller be authorized to accept payment from Niagara County for their share of the emergency bridge repairs in an amount not to exceed \$40,000, and be it further

RESOLVED, that the 2006 ROAD FUND item for Emergency Bridge Repairs, Revenues Fund 210, Cost Center 1231010, Account 466180 and Expense Fund 210, Cost Center 1231010, Account 506400, be equally increased by the amount of \$40,000 for the purposes of future bridge repairs, and it be further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways, Department of Public Works and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance and the County Comptroller.

(3-0)

TIMOTHY M. KENNEDY
CHAIRMAN

Item 22 – MR. REYNOLDS presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

FEBRUARY 8, 2007

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 2

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

1. COMM. 2D-3 (2006)

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 **207052** through **207103** inclusive be hereby approved or 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 2007

Petition No.

207052

**MEETING NO. 4
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ERIE COUNTY LEGISLATURE

FISCAL YEAR 2007 Petition No. **207058**

ASSESSOR **Refund** \$25.00

S-B-L 164.19-6-19 **142401 EAST AURORA**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$25.00 Town/SpecialDist/School

24600 VILLAGE #8 ECSD \$25.00

Charge To : **142401 EAST AURORA** **\$0.00**

REFUND - CLERICAL ERROR, THE PARCEL WAS CHARGED FOR 3 UNITS OF SEWER SERVICE AND SHOULD BE 2 UNITS OF SERVICE. RPTL 550(2)E

CHECK FOR: DAVID J SCHIFFERLE

FISCAL YEAR 2007 Petition No. **207059**

ASSESSOR **Cancel** \$225.00

S-B-L 164.16-4-32.1 **142401 EAST AURORA**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$225.00 Town/SpecialDist/School

24603 AURORA TOWN #8 ECSD \$225.00

Charge To : **142401 EAST AURORA** **\$0.00**

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR FRONTAGE ON THE SEWER TAX . RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207060**

ASSESSOR **Cancel** \$114.00

S-B-L 164.19-6-9.1 **142401 EAST AURORA**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$114.00 Town/SpecialDist/School

24601 VILLAGE #8 ECSD \$114.00

Charge To : **142401 EAST AURORA** **\$0.00**

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR INCORRECTLY ON THE FRONTAGE OF THE SEWER TAX PORTION OF THE TAX BILL THERE IS NO SEWER CONNECTION. RPTL 550(2)E

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ERIE COUNTY LEGISLATURE

PLANT AND IS EXEMPT FROM CERTAIN SPECAIL DISTRICT TAXES. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207064**

ASSESSOR **Refund** \$225.00

S-B-L 176.10-1-1.15 **142401 EAST AURORA**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$225.00 Town/SpecialDist/School

24020 AURORA # 1 FIRE PROTECTION \$225.00

Charge To : **142401 EAST AURORA** **\$0.00**

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR FRONTAGE. THIS IS THE REAR PART OF THE PARCEL. RPTL 550(2)E
 CHECK FOR: DOROTHY A ASSAD

FISCAL YEAR 2007 Petition No. **207065**

ASSESSOR **Cancel** \$427.75

S-B-L 176.10-2-6 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$427.75 Town/SpecialDist/School

24602 AURORA TOWN #8 ECSD \$50.00

24603 AURORA TOWN #8 ECSD \$225.00

24607 AURORA TOWN USER #8 ECSD \$152.75

Charge To : **142289 AMHERST** **\$0.00**

CANCEL - CLERICAL ERROR, THE PARCEL IS NOT CONNECTED TO THE SEWER SYSTEM. PARCEL WAS CHARGED IN ERROR FOR SEWER SERVICE. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207066**

ASSESSOR **Cancel** \$785.18

S-B-L 80.18-1-30 **143089 CHEEKTOWAGA**

Acct. No. 112 \$327.31 County

Acct. No. 132 \$457.87 Town/SpecialDist/School

Charge To : **143089 CHEEKTOWAGA** **\$457.87**

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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTIONS IN THE AMOUNT OF
 FOR COUNTY - 39,000 AND FOR THE TOWN - 31,200 WAS OMITTED FROM
 THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207067**

ASSESSOR **Cancel** \$3,405.10

S-B-L 91.12-3-6.1/921 **143089 CHEEKTOWAGA**

Acct. No. 112 \$459.04 County
 Acct. No. 132 \$2,946.06 Town/SpecialDist/School

30023 FIRE # 4 U CREST \$83.25

Charge To : **143089 CHEEKTOWAGA** **\$2,862.81**
 Relevy School \$1,647.51 143002 CHEEK. UNION #2

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 57,700 AND SHOULD BE 3,000. RPTL
 550(2)A

FISCAL YEAR 2007 Petition No. **207068**

ASSESSOR **Cancel** \$3,405.10

S-B-L 91.12-3-6.1/921 **143089 CHEEKTOWAGA**

Acct. No. 112 \$459.04 County
 Acct. No. 132 \$2,946.06 Town/SpecialDist/School

30023 FIRE # 4 U CREST \$83.25

Charge To : **143089 CHEEKTOWAGA** **\$2,862.81**
 Relevy School \$1,647.51 143002 CHEEK. UNION #2

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 57,700 AND SHOULD BE 3,000. RPTL
 550(2)A

FISCAL YEAR 2007 Petition No. **207069**

ASSESSOR **Cancel** \$90.19

S-B-L 92.14-7-15 **143089 CHEEKTOWAGA**

Acct. No. 112 \$17.60 County
 Acct. No. 132 \$72.59 Town/SpecialDist/School

30026 FIRE # 8 HY VIEW \$5.93

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ERIE COUNTY LEGISLATURE

Charge To : **143089 CHEEKTOWAGA** **\$66.66**
 Relevy School \$20.00 143002 CHEEK. UNION #2

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 53,500 AND SHOULD BE 51,400. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. **207070**
 ASSESSOR **Cancel** \$96.88

S-B-L 92.15-4-1.1 **143089 CHEEKTOWAGA**

 Acct. No. 112 \$24.34 County
 Acct. No. 132 \$72.54 Town/SpecialDist/School
 30026 FIRE # 8 HY VIEW \$8.18

Charge To : **143089 CHEEKTOWAGA** **\$64.36**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 57,200 AND SHOULD BE 54,300. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. **207071**
 ASSESSOR **Cancel** \$111.37

S-B-L 103.05-1-44 **143089 CHEEKTOWAGA**

 Acct. No. 112 \$20.14 County
 Acct. No. 132 \$91.23 Town/SpecialDist/School
 30023 FIRE # 4 U CREST \$4.57

Charge To : **143089 CHEEKTOWAGA** **\$86.66**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 66,500 AND SHOULD BE 63,500. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. **207072**
 ASSESSOR **Cancel** \$100.48

S-B-L 103.09-10-10 **143089 CHEEKTOWAGA**

 Acct. No. 112 \$13.04 County
 Acct. No. 132 \$87.44 Town/SpecialDist/School
 30022 FIRE # 3 FORKS \$49.05

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Charge To : 143089 CHEEKTOWAGA \$38.39

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 76,500 AND SHOULD BE 74,400. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. 207073

ASSESSOR Cancel \$9,662.10

S-B-L 103.17-1-19 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$9,662.10 Town/SpecialDist/School

30312 ECSD#1 USER CHARGE \$9,662.10

Charge To : 143089 CHEEKTOWAGA \$0.00

CANCEL - CLERICAL ERROR, THE GALLONAGE FIGURE USED WAS 5,262 FOR SEWER SERVICE. THE CORRECT GALLONAGE FIGURE IS 661. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. 207074

ASSESSOR Cancel \$114.03

S-B-L 113.56-7-3 143089 CHEEKTOWAGA

Acct. No. 112 \$17.54 County

Acct. No. 132 \$96.49 Town/SpecialDist/School

30020 FIRE # 1 DOYLE \$11.87

Charge To : 143089 CHEEKTOWAGA \$84.62

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 57,100 AND SHOULD BE 53,300. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. 207075

ASSESSOR Cancel \$7,615.51

S-B-L 44.00-3-31.21 143200 CLARENCE

Acct. No. 112 \$696.50 County

Acct. No. 132 \$6,919.01 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$6,919.01

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Relevy School \$6,919.01 143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL IS COVERED UNDER A PILOT AGREEMENT. SCHOOL TAX WAS COVERED UNDER THE AGREEMENT. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207076**

ASSESSOR **Cancel** \$1,071.08

S-B-L 44.19-2-2 **143200 CLARENCE**

Acct. No. 112 \$774.58 County
 Acct. No. 132 \$296.50 Town/SpecialDist/School

Charge To : **143200 CLARENCE** **\$296.50**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 157,200 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207077**

ASSESSOR **Cancel** \$239.97

S-B-L 58.07-1-9.2 **143200 CLARENCE**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$239.97 Town/SpecialDist/School

Charge To : **143200 CLARENCE** **\$239.97**

CANCEL - CLERICAL ERROR, THIS IS VACANT LAND AND THE SEWER CHARGE FOR UNITS WAS APPLIED IN ERROR. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207078**

ASSESSOR **Cancel** \$9,069.36

S-B-L 72.00-1-7.11 **143200 CLARENCE**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$9,069.36 Town/SpecialDist/School

Charge To : **143200 CLARENCE** **\$9,069.36**

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ERIE COUNTY LEGISLATURE

<u>Charge To :</u>	Acct. No. 132 144489 EVANS	\$0.00	Town/SpecialDist/School \$0.00
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CANCEL - CLERICAL ERROR, AGED EXEMPTION IN THE AMOUNT OF 30,387 WAS OMITTED FROM THE PARCEL IN ERROR FOR COUNTY TAX. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207082**

ASSESSOR **Cancel** \$138.00

S-B-L 235.12-1-32 **144489 EVANS**

	Acct. No. 112	\$0.00	County
<u>Charge To :</u>	Acct. No. 132 144489 EVANS	\$138.00	Town/SpecialDist/School \$138.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO UNITS OF SERVICE FOR GARBAGE AND SHOULD ONLY BE ONE UNIT OF SERVICE. RPTL CHECK FOR: PAUL STACK

FISCAL YEAR 2005 Petition No. **207083**

ASSESSOR **Refund** \$67.50

S-B-L 250.00-1-27 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$67.50	Town/SpecialDist/School
44101 EC2 FOOTAGE		\$67.50	
<u>Charge To :</u>	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR FOOTAGE ON THE SEWER TAX. RPTL 550(2)E
CHECK FOR: GERALD A WEISEDEL

FISCAL YEAR 2006 Petition No. **207084**

ASSESSOR **Refund** \$90.00

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S-B-L 250.00-1-27 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$90.00 Town/SpecialDist/School

44101 EC2 FOOTAGE \$90.00

Charge To : 144489 EVANS \$0.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR
FOOTAGE FOR SEWER SERVICE. RPTL 550(2)E
CHECK FOR: GERALD A WEISEDEL

FISCAL YEAR 2007 Petition No. 207085

ASSESSOR **Refund** \$150.00

S-B-L 250.0-1-27 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School

44101 EC2 FOOTAGE \$150.00

Charge To : 144489 EVANS \$0.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR FOOTAGE IN
ERROR ON SEWER SERVICE. RPTL 550(2)E
CHECK FOR: GERALD A WEISEDEL

FISCAL YEAR 2007 Petition No. 207086

ASSESSOR **Cancel** \$428.94

S-B-L 250.12-1-31 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$428.94 Town/SpecialDist/School

Charge To : 144489 EVANS \$428.94

CANCEL - CLERICAL ERROR, THE DELINQUENT WATER WAS CHARGED TO THIS
PARCEL IN ERROR. THE CORRECT PARCEL IS SBL 3250.12-10-31. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. 207087

ASSESSOR **Cancel** \$239.52

S-B-L 250.17-1-10 144489 EVANS

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$36.46	Town/SpecialDist/School
	48184 HAMB NORTH TD ECSD	\$0.46	
	48184 HAMB NORTH TD ECSD	\$36.00	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY ERIE COUNTY SEWER DISTRICT #3 AND DOES NOT PAY FOR SEWER SERVICE. RPTL 550(2)E

FISCAL YEAR 2007	Petition No.	207091
ASSESSOR	Cancel	\$90.00

S-B-L 160.10-4-16 **144889 HAMBURG**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$90.00	Town/SpecialDist/School
	48184 HAMB NORTH TD ECSD	\$90.00	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR FRONTAGE ON THE SEWER SERVICE WHEN THERE IS NO SEWER SERVICE. RPTL 550(2)E

FISCAL YEAR 2007	Petition No.	207092
ASSESSOR	Cancel	\$151.42

S-B-L 93.13-3-12 **145289 LANCASTER**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$151.42	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$151.42

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR 2 UNITS OF REFUSE WHEN THERE SHOULD ONLY BE 1 CHARGE AND 3 UNITS OF WATER WHEN THERE SHOULD ONLY BE 1 UNIT ON TAX ROLL. RPTL 550(2)E

FISCAL YEAR 2007	Petition No.	207093
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REPORT NO. 2

ALL MEMBERS PRESENT.

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

a. COMM. 15E-23 (2006)
MARINELLI: Public Safety Matrix Initiatives
 (3-0)

2. COMM. 3E-41 (2007)
SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriffs Office in the Asset Forfeiture Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$109,500 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriffs Office Asset Forfeiture Funded Program SAFS, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>109,500</u>
	Total Revenue	<u>109,500</u>
<u>APPROPRIATION</u>		<u>Increase</u>
510100	Out-of-Area Travel	15,000
515000	Utilities	3,000
516020	Professional Services & Fees	11,500
561410	Lab & Technical Equipment	<u>80,000</u>
	Total Appropriations	<u>109,500</u>

and be it further

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

(3-0)

3. COMM. 3E-42 (2007)

SHERIFF

WHEREAS, Senator Dale Volker has allocated \$55,000 in State funds to the Sheriff's Office for the purchase of two (2) marked patrol vehicles and,

WHEREAS, the Sheriffs Office is in desperate need of replacing their fleet vehicles and,

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriffs Office is authorized to accept funding in the amount of \$55,000 and be it further,

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriffs Office -Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
SAP Account 409020 -Miscellaneous State Aid	55,000
TOTAL REVENUE	<u>55,000</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 561440 -Motor Vehicle Equipment	55,000
TOTAL APPROPRIATIONS	<u>55,000</u>

and it be further

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

(3-0)

4. COMM. 3E-43 (2007)

SHERIFF

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$34,495 to the Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program, and

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WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to reducing unsafe driving behavior in an effort to decrease serious injury or death from traffic accidents.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$34,495 from the State of New York Governor's Traffic Safety Committee and it be further,

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff's Office -Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
SAP Account 409020 -Miscellaneous State Aid	34,495
TOTAL REVENUE	<u>34,495</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 501000 -Overtime	28,395
SAP Account 561410 -Lab & Technical Equipment	6,100
TOTAL APPROPRIATIONS	<u>34,495</u>

and it be further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, and the Office of Sheriff for implementation.
 (3-0)

DANIEL M. KOZUB
CHAIRMAN

Item 24 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

FEBRUARY 8, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLS. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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ERIE COUNTY LEGISLATURE

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-24 (2007)
COUNTY EXECUTIVE: Semi- Annual Attendance Records – Board of Managers - ECSDs (4-0)
 - b. COMM. 3M-1 (2007)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: EC EMC Meeting Notice & Agenda for Meeting Held 1/16/07 (4-0)

2. COMM. 3E-25 (2007)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-D, Electrical, to O’Connell Electric Company for the disinfection improvements at the Big Sister Creek Sewage Treatment Plant; 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. 66STP-D, Electrical, in the final contract amount of \$119,625.28 which includes Change Order No. 1 (final), a decrease of \$20,374.72 in the Erie County Sewer District No. 2 Bond Account C.00013, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-D, Electrical, between the County of Erie and O’Connell Electric Company, 830 Phillips Road, Victor, New York 14564 is accepted in the amount of \$119,625.28, which includes Change Order No. 1 (final), a decrease of \$20,374.72 in the Erie County Sewer District No. 2 Bond Account C.00013, 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. 66STP-D, Electrical, between the County of Erie and O’Connell Electric Company in the amount of \$119,625.28 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, Gregory Dudek, Assistant County Attorney and the Director of Budget and Management.
 (4-0)

3. COMM. 3E-26 (2007)
COUNTY EXECUTIVE

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WHEREAS, Erie County was awarded a \$582,185 Federal grant from the New York State Department of Transportation for construction of the Sherwood Greenway Bicycle/Pedestrian Path in the Town of Tonawanda; and

WHEREAS, the 2003 Erie County Capital Budget includes \$313,485 as a local match for the project; and

WHEREAS, the design plans for the project require execution of certain occupancy permits with the New York State Thruway Authority allowing construction, operation, and maintenance of the Sherwood Trail on NYSTA right-of-way between Sheridan Drive and Kenmore Avenue in the Town of Tonawanda.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute all necessary occupancy permits and related agreements with the New York State Thruway Authority for the Sherwood Greenway Trail in the Town of Tonawanda; and be it further

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

(4-0)

4. COMM. 3E-27 (2007)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to local governments to implement projects to reduce solid waste in New York State; and

WHEREAS, the NYSDEC awarded \$160,530 on May 18, 2000, to implement a Solid Waste Reduction project; and

WHEREAS, since the inception of the project, the NYSDEC has provided supplemental funds; and

WHEREAS, the additional funding expanded the scope of the project and extended the grant period for the NYSDEC Recycling Program to December 31, 2007; and

WHEREAS, Erie County has submitted a preliminary work plan and application for said Program with a projected total budget of \$253,145 for a three-year program, and

WHEREAS, the work plan identifies \$126,573 in in-kind services to provide local matching funds as required by the NYSDEC, and

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WHEREAS, Erie County has been offered the opportunity to formally apply for State grant funding for reimbursement of 50 per cent of the total Program expenses through the NYSDEC Municipal Waste Reduction and Coordination/Education Grant Program, and

WHEREAS, the Erie County Recycling Education and Outreach Program is dependent upon State Aid assistance for partial funding, and

WHEREAS, Erie County deems it to be in the public interest and benefit to file an application for State Aid, and

WHEREAS, it is necessary that a contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for State assistance for the Recycling Education and Outreach Program in the form required by the State of New York in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive is directed and authorized to enter into agreement and sign the resulting contract for partial reimbursement for expenses incurred conducting the Erie County Recycling Education and Outreach Program, if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees to fund the cost of said Recycling Education and Outreach Program; 50 per cent of this cost to be reimbursed by the State; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application, and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the County Comptroller.

(4-0)

THOMAS A. LOUGHRAN
CHAIRMAN

Item 25 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 46

FEBRUARY 8, 2007

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-41 (2006)
MINORITY CAUCUS
 Amendment to the Proposed 2006 Rules of the Legislature
 (4-0)
 - b. COMM. 15E-20 (2006)
MARINELLI: Government Affairs Matrix Initiatives
 (4-0)
 - c. COMM. 2D-1 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (5-0)

MARIA R. WHYTE
CHAIRPERSON

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

RE: STAR Programs Application in Erie
 County and the Role of the Local State
 Delegation (INTRO 4-1)

A RESOLUTION SUBMITTED BY
LEGISLATORS WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR

WHEREAS, Erie, Monroe, Westchester, Onondaga, and Wayne Counties share sales tax revenue with school districts; and

WHEREAS, the current STAR benefit system is calculated locally using property tax revenues as the sole local component; and

WHEREAS, the sales tax revenue these counties distribute to local school districts is not credited in the local share for calculation of the STAR benefit; and

WHEREAS, as these counties increase school district funding with sales tax revenues, the state STAR program benefit for residents does not increase; and

WHEREAS, if sales tax figures were included in the calculation of STAR benefits, county residents would receive an increase of twenty five million dollars in their STAR benefit without experiencing an increase in their school district tax rates; and

WHEREAS, residents of counties that provide support for school districts, by sharing sales tax revenue, should not be adversely affected or penalized with lower STAR benefits because of the sharing of their counties; and

WHEREAS, changing the formula for calculating STAR benefit amounts would return an additional \$25 million to Erie County taxpayers and have an economic impact benefit of \$100 million; and

WHEREAS, changing the formula for calculating STAR benefits has no impact on school district tax rates and has no adverse impact on Erie County taxpayers; and

WHEREAS, the original STAR resolution submitted by the administration that changed school district tax rates was received and tabled by the legislature as unworkable.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the local state delegation introduce and support legislation that would include sales tax revenues destined for school districts to be included in the calculation of the local share for STAR benefits; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Honorable Eliot Spitzer, Governor of the State of New York, the Honorable Sheldon Silver, Speaker of the New York State Assembly, the Honorable Joseph L. Bruno, Majority Leader of the New York State Senate, to all public officials serving in Monroe, Westchester, Onondaga, and Wayne Counties, as well as to Members of the New York State Legislative Delegation.

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

CARRIED UNANIMOUSLY.

AN AMENDMENT SUBMITTED BY LEGISLATOR MARINELLI

ADD the following after the ninth **WHEREAS** Clause

WHEREAS, Governor Eliot Spitzer's Budget Proposal for fiscal year 2007-08 provides \$1.5 billion in property tax relief by increasing the current STAR program with an additional benefit for

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middle-class taxpayers based on income, and increased benefits for seniors. STAR would increase by \$2 billion in 2008-09 and \$2.5 billion in 2009-10 for a three-year cumulative increase of \$6 billion; and

WHEREAS, this proposed increase would substantially aid taxpayers who make less than \$60,000 in upstate New York; and

WHEREAS, this expansion of the STAR program does not have as great of an impact to Erie, Monroe, Westchester, Onondaga and Wayne Counties as the rest of the counties in New York State because they share sales tax revenue with school districts; and

WHEREAS, taxpayers in these counties will miss out on a large part of this windfall from New York State unless changes are made for calculating STAR benefits to include sales tax revenues shared with school districts; and

WHEREAS, if an expansion of the STAR program was included in the New York State Budget for fiscal year 2007-2008, it would provide much needed relief to the taxpayers of the aforementioned counties immediately.

DELETE the first and second **RESOLVED** clauses in their entirety and **REPLACE** with the following:

RESOLVED, the Erie County Legislature is hereby in support of Governor Spitzer's proposed expansion of the STAR program with an additional benefit for middle-class taxpayers based on income, and increased benefits for seniors; and be it further

RESOVLED, this honorable body does hereby request the New York State Legislature to amend the governor's proposed budget by changing the formula for determining STAR benefits to include sales tax revenues shared with school districts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature, County Executive Joel Giambra, and the County Executives and Board Chairs of Monroe, Westchester, Onondaga and Wayne Counties.

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

CARRIED UNANIMOUSLY.

Item 27 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 4-2 from WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR Re: Renegotiation of the "Cell Block Agreement" between the City and the County.

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Item 28 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 4-3 from WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR Re:
 Renegotiation of City and County Parks Agreement.

Item 29 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

RE: Reports From The ECFSA (INTRO 4-4)

A RESOLUTION SUBMITTED BY
 LEGISLATORS WHYTE, KENNEDY, KONST,
 REYNOLDS, LOUGHRAN, KOZUB and MAZUR

WHEREAS, at a Government Affairs Committee meeting held on February 8, 2007, ECFSA Executive Director Kenneth Vetter informed the Legislature that the ECFSA has reviewed many requests for hiring and has approved most, but turned down 15% or 20% of the hiring requests; and

WHEREAS, the Erie County Legislature does not have any information about the number of positions approved or denied by the ECFSA, or the justifications for the approval or denial; and

WHEREAS, the ECFSA has also declared that the County cannot enter into a contract in excess of \$50,000 without approval of the ECFSA; and

WHEREAS, at a Government Affairs Committee meeting held on February 8, 2007, ECFSA Executive Director Kenneth Vetter informed the Legislature that the ECFSA has reviewed many contracts in excess of \$50,000 and approved all but a few; and

WHEREAS, the Erie County Legislature does not have any information about the number of contracts approved or denied by the ECFSA, and the justification for the approval or denial.

NOW, THEREFORE, BE IT

RESOLVED, that the ECFSA provide the Erie County Legislature a copy of all requests for jobs and whether the request was approved or denied and the justification for the action; and be it further

RESOLVED, that the ECFSA provide the Erie County Legislature a copy of all requests for contract approval and whether the request was approved or denied and the justification for the action; and be it further

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RESOLVED, that copies of this certified Resolution be sent to the ECFSA, the Erie County Executive and the Office of the Erie County Comptroller.

MS. WHYTE moved to amend the following item and add Legislators GRANT, IANNELLO, LOCKLEAR, MILLS, RANZENHOFER and WEINSTEIN as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Delete the 1st, 2nd, and 3rd Resolved and replace with the following:

RESOLVED, that the ECFSA provide the Erie County Legislature a copy of all requests for jobs and if the job was *denied or tabled* by the ECFSA, a justification for the action; and be it further

RESOLVED, that the ECFSA provide the Erie County Legislature a copy of all requests for contract approval and if the contract was *denied or tabled* by the ECFSA, a justification for the action; and be it further

RESOLVED, that the Clerk of the Legislature and the Clerk of the Legislature's Government Affairs Committee work with the Executive Director of the ECFSA to develop a *systems approach* to ensuring that the Legislature receives the above requested information in an efficient and sensible manner; and be it further

RESOLVED, that the Personnel Commissioner and the Budget Director come before the Government Affairs Committee to discuss their understanding of both the procedures and outcomes of the actions taken by the ECFSA regarding jobs and contracting; and be it further

RESOLVED, that certified copies of this Resolution be sent to the ECFSA, the Erie County Executive, and the Office of the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

RE: Support H.R. 569, The Water Quality
Investment Act of 2007 (INTRO 4-5)

A RESOLUTION TO BE SUBMITTED
 BY LEGISLATORS REYNOLDS, MARINELLI,
 WHYTE, KENNEDY, LOUGHRAN, MAZUR,
 KOZUB, LOCKLEAR and WEINSTEIN

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WHEREAS, The Transportation and Infrastructure Committee's Water Resources Subcommittee reported two bills that would help improve water quality in Western New York, and Congressman Brian Higgins (NY-27) is a member of both Committees; and

WHEREAS, H.R. 569, the Water Quality Investment Act of 2007, would authorize \$3 billion over six years for sewer overflow grants nationwide; and

WHEREAS, Buffalo has a significant sewer overflow problem that pollutes waterways with untreated sewage that this bill could provide grants to address the serious overflow problem; and

WHEREAS, The purpose of H.R. 569, of which Higgins is a cosponsor, is to reauthorize appropriations for section 221 of the Clean Water Act, which provides grants to municipalities and states to control combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). CSOs and SSOs are overflows of untreated waste that can occur during wet weather episodes as a result of poor maintenance, deteriorating infrastructure, infiltration and inflow, and inadequate capacity, among other factors; and

WHEREAS, CSOs and SSOs present significant public health and safety concerns because raw sewage can overflow into rivers, lakes, streets, and basements, adversely affecting public health and the environment.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record to call for the support of H.R. 569; and be it further

RESOLVED, That certified copies of this resolution be forwarded to the New York State Transportation and Infrastructure Committee and Water Resources Subcommittee, our Western New York Congressional delegation and the Governor of New York State.

MS. WHYTE moved to amend the item by including Legislators MILLS, RANZENHOFER and IANNELLO as Co-Sponsors. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to further amend the item by including Legislator Grant as a Co-Sponsor. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

RE: Implementation of Charter Initiatives
(INTRO 4-6)

**A RESOLUTION SUBMITTED BY
LEGISLATORS KONST, WHYTE, MARINELLI, LOUGHRAN,
REYNOLDS, KOZUB AND MAZUR**

WHEREAS, in 2006, the Erie County Charter Revision Commission recommended a series of changes to the Erie County Charter; and

WHEREAS, the Erie County Legislature reviewed the recommended changes and approved and adopted the majority of the Charter Revision Commission's recommendations as Local Law Intro. No. 7-2006 and the County Executive subsequently signed Local Law Intro. No. 7-2006; and

WHEREAS, the public of Erie County, through referendum, overwhelmingly approved the changes to the Erie County Charter contained in Local Law Intro. No. 7-2006; and

WHEREAS, the Erie County Legislature believes that it is appropriate to move forward with the approved changes to the Erie County Charter in the most efficient and expeditious manner thereby ensuring the County's continued compliance with the law as well as the will of the public as expressed during the November, 2006 general election.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to create the position of Commissioner of Public Advocacy, JG-14 as required by Section 17 of Local Law Intro. No. 7-2006; and be it further

RESOLVED, that authorization is provided to create the position of Director of Real Property Tax Services, JG-16 and that the current position of Deputy Commissioner-Director of Real Property Tax Services, JG-16 (Cost Center 1021040, Position # 2310) be eliminated as required by Section 10 of Local Law Intro. No. 7-2006; and be it further

RESOLVED, that all Full Positions and Activities in Fund Center 10210, Cost Center 1021030 with a total of seven positions and a personal services appropriation of \$293,601 be transferred to Fund Center 11200 (Comptroller) as required by Section 18 of Local Law Intro. No. 7-2006; and be it further

RESOLVED, that the position of Senior Cashier (RPT) JG-7 in Fund Center 10210, Cost Center 1021030 with a personal services appropriation of \$41,686 be transferred to Fund Center 11200 (Comptroller) as required by Section 18 of Local Law Intro. No. 7-2006; and be it further

RESOLVED, that all positions and activities in Fund Center 10210, Cost Center 1021050 with a total of two positions and a personal services appropriation of \$85,263 be transferred to Fund Center 11200 (Comptroller) as required by Section 18 of Local Law Intro. No. 7-2006; and be it further

RESOLVED, that the title of Billing Account Clerk JG-6 with a personal services appropriation of \$31,705 be transferred from Fund Center 12610, Cost Center 1261010 to Fund Center 11200 (Comptroller) as required by Section 18 of Local Law Intro. No. 2-2006; and be it further

RESOLVED, that certified copies of this resolution are transmitted to the County Executive, Comptroller, Commissioner of Personnel, Director of Budget, Management and Finance, the Erie County Fiscal Stability Authority and Mr. George K. Arthur, Chair of the Erie County Charter Revision Commission.

MR. RANZENHOFER moved to amend the item by adding Legislators GRANT, IANNELLO, KENNEDY, LOCKLEAR, MILLS, RANZENHOFER and WEINSTEIN as Co-Sponsors. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Appointment of Director of Real Property
Tax Service (INTRO 4-7)

A RESOLUTION SUBMITTED BY LEGISLATORS
WHYTE, MARINELLI, REYNOLDS, MAZUR, KENNEDY, and KOZUB

WHEREAS, according to the Erie County Charter Review process, which was undertaken in 2006 and ratified by the voters of Erie County in November of 2006, the appointment of department heads must undergo a confirmation meeting held by the County Legislature prior to accepting the position; and

WHEREAS, the Charter Change requiring Legislative confirmation of department heads was designed to provide a check on the Executive's appointment power and to help insure that only highly qualified candidates become department heads; and

WHEREAS, on January 30, 2007 the County Executive nominated Joseph L. Maciejewski to be appointed as the Director of Real Property Tax Service; and

WHEREAS, the Director of Real Property Tax Service is a position that has a term of 6 (six) years as mandated by Section 1530 of the Real Property Tax Law Section 1530; and

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WHEREAS, February 8, 2007, the Government Affairs Committee held Mr. Maciejewski's confirmation meeting; and

WHEREAS, all questions asked to Mr. Maciejewski were answered fully and without hesitation and he indicated a mastery in the areas of property tax collections and *In Rem* tax foreclosures; and

WHEREAS, Joseph L. Maciejewski has been the Director of Real Property Tax Service since 1996 and in that capacity he has ably planned, coordinated and directed the collection of county taxes and has provided valuable assistance to all city, town and village assessors in Erie County; and

WHEREAS, Joseph L. Maciejewski has been awarded the following Certificates by the State of New York:

- State Certified Real Property Assessor,
- State Certified Real Property Appraiser,
- State Certified County Director; and

and

WHEREAS, the Erie County Legislature finds that Joseph L. Maciejewski is fully qualified to hold the position of Director of Real Property Tax Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby finds Mr. Joseph L. Maciejewski to be a fully qualified candidate for the title of Director of Real Property Tax Service, and be it further

RESOLVED, that the Erie County Legislature does hereby accept County Executive Joel A. Giambra's nomination of Joseph L. Maciejewski to the position of Director of Real Property Tax Service for a term of six years, and be it further

RESOLVED, that a certified resolution be sent to County Executive Joel A. Giambra, County Attorney Larry Rubin, New York State Governor Eliot Spitzer, and the New York State Department of Taxation.

MS. WHYTE moved to amend the item by including LEGISLATORS LOCKLEAR, LOUGHRAN, GRANT, IANNELLO, MILLS, RANZENHOFER and WEINSTEIN as Co-Sponsors. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

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

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

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AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: none. (AYES: 14; NOES: 0)

CARRIED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 33 – MS. WHYTE moved to discharge COMM. 2E-22 from the COMMUNITY ENRICHMENT COMMITTEE. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

RE: Convention Center and Visitors Bureau and the Film Commission

WHEREAS, the Convention Center and Visitors Bureau (CVB) and the Film Commission provides a variety of sales and marketing efforts aimed at convention, athletic and tourism markets in order to provide a positive economic impact on Western New York, and

WHEREAS, it is anticipated that Hotel Occupancy Tax revenue will exceed budget in 2007 by \$500,000, and

WHEREAS, the investment of an additional \$500,000 into tourism marketing activity will provide a great return to the residents of Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization for the County Executive to enter into contract with the Convention Center and Visitors Bureau and the Film Commission in order to increase funding and provide greater sales and marketing efforts for Erie County, and be it further

RESOLVED, that authorization is provided to make the following budgetary adjustments in the 2007 Budget, fund 110, in order to fund this request:

County Wide Budget Accounts – Fund Center 14010

Revenue		Increase
402300 Hotel Occupancy Tax		<u>\$500,000</u>
	Total Revenue	\$500,000
Expense		
Art/Culture/Tourism – Fund Center 1333030		Increase
516000 Buffalo Niagara Film Commission		\$150,000
Convention Center – Fund Center 1331030		

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516000 Convention Center Mgmt. Corp.		<u>350,000</u>
	Total Expense	\$500,000
	Net Change	0

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Department of Environment and Planning and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

DELETE the 1st 2nd and 3rd WHEREAS Clauses and REPLACE with:

WHEREAS the Erie County Legislature, in its amendments to the 2007 Budget, increased the revenue projections for the Hotel Occupancy Tax by \$500,000; and

WHEREAS, the Legislature's action of increasing the revenue projection allows \$500,000 in additional funds to be spent on tourism related activities in 2007.

DELETE the 1st and 2nd RESOLVED Clauses and REPLACE with:

RESOLVED, that the Erie County Legislature authorizes the following budgetary adjustments in the 2007 Budget, Fund 110:

EXPENSE

Arts/Culture/Tourism – Fund Center 1333010

516000 Buffalo Niagara Film Commission	150,000
--	---------

Convention Center – Fund Center 1331030

516000 Convention Center Mgmt. Corp.	350,000
--------------------------------------	---------

Total Increase	500,000
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Net Change	0
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RESOLVED, the Erie County Legislature hereby provides authorization for the County Executive to enter into contract with the Convention Center and Visitors Bureau and Film Commission in order to allocate the \$500,000 in revenue.

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

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

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AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: none. (AYES: 14; NOES: 0)

CARRIED.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 4E-34 from MARINELLI Re: Vacancy in the Third Legislative District

Received, Filed and Printed.

February 15, 2007

Robert M. Graber
Clerk – Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Re: Vacancy in the Third Legislative District

Dear Mr. Graber:

As you are aware, the Third Legislative District became vacant as a matter of law on January 9, 2007. As such, all votes cast by the Third District Legislator at the January 18, 2007 session should be stricken from the record.

Sincerely Yours,

Lynn M. Marinelli
Erie County Legislature, Chair

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

GRANTED.

INTRO 4-8 from WHYTE & KENNEDY Re: The Health Effects of Consuming Trans Fats

Received and referred to the HEALTH COMMITTEE.

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

GRANTED.

INTRO 4-9 from KONST Re: Buffalo & Erie County Intermunicipal Cooperation Agreement for Operation of the Buffalo Parks & Parkways

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4E-35 from MARINELLI Re: 2007 Committee Assignments

2007 Committee Assignments
Revised February 15, 2007

Community Enrichment

Chairperson: Michele M. Iannello
 Vice-Chairperson: Betty Jean Grant
 Members: Thomas A. Loughran
 Michael H. Ranzenhofer
 Clerk: Jeremy Rosen

Economic Development

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

Energy & Environment

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

Finance & Management

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

Government Affairs

Chairperson: Maria R. Whyte
 Vice-Chairperson: Cynthia E. Locklear
 Members: Timothy M. Kennedy
 Michael H. Ranzenhofer
 Clerk: Geoffrey M. Szymanski

Health

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

Human Services

Chairperson: Thomas J. Mazur

Personnel

Chairperson: Kathy Konst

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

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

Public Safety

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

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 38 – (COMM. 4E-1) Erie County Law Department - Extension of Lease

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 39 – (COMM. 4E-3) Reply to INTRO 3-10 - Unclaimed Funds by the NYS Comptroller

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 4E-4) Appointment of the Commissioner of the Office of Public Advocacy

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 41 – (COMM. 4E-5) Personnel Department - Monitor Pay Increase

Received and referred to the PERSONNEL COMMITTEE.

Item 42 – (COMM. 4E-6) Supplemental Agreement with NYSDOT - Elmwood Avenue Signal Replacement

Item 43 – (COMM. 4E-7) Ralph Wilson Stadium - 2006 Site Work, Structural Repairs and Miscellaneous Work - Construction Contingency and Consultant Fee Increase

Item 44 – (COMM. 4E-8) PILOT Agreement for Southwind Landing

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

Item 45 – (COMM. 4E-9) State Assistance Application to the NYSDEC for the Erie County Recycling Coordinator/Education for the City of Buffalo

Item 46 – (COMM. 4E-10) Appointment to NYS Dept. of Environmental Conservation Region 9 - Open Space Regional Advisory Committee

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

Item 47 – (COMM. 4E-11) ECFSA Grant for a Master Plan for Space Consolidation and Relocation and Authorization to Hire a Consultant

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Senior Services - Authorization to Amend the AAA Transportation and III-B Grants (COMM. 4E-12)

WHEREAS, the Erie County Legislature has already appropriated funds for the AAA Transportation Program (AAA Transit) grant for the period April 1, 2006 to March 31, 2007 and the Area Agency on Aging (III-B) grant for the period January 1, 2007 to December 31, 2007, and

WHEREAS, the AAA Transit grant funds are intended for transportation operating expenses related to serving the elderly, and

WHEREAS, the Department has reviewed the budget in light of the short timeframe remaining in the start-up grant and has identified the following revisions are necessary to maximize use of State funds and achieve grant objectives, and

WHEREAS, the Department desires to enter into a contract with PLS III, LLC, dba as the Center for Transportation Excellence, for a 45-day demonstration pilot project to expand the number of rides available to seniors and to cover the instances whereby the existing fleet is unavailable and to allow for early or late pick-ups that cannot now be accommodated, and

WHEREAS, the Center for Transportation Excellence has agreed to work in conjunction with our established dispatch system using additional transportation providers in the community to accomplish the above objective, and

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WHEREAS, the Department will reimburse the Center for Transportation Excellence on a per trip basis (one way) for an estimated 225 trips, at a total cost not to exceed \$8,000, and

WHEREAS, the Department desires to use a portion of these funds to replace the receiver and repeater equipment, originally purchased in 1984, to eliminate “dead spots” and to maintain the current dispatch system, and

WHEREAS, the Department desires to use a portion of these funds to cover a portion of the salaries and fringe benefits costs for the three Dispatcher positions (position nos. 3072, 3073 and 51001745) and the Community Service Aide PT, position no.1803, who transports senior volunteers to work sites up to the amounts already appropriated in the budget, and

WHEREAS, the AAA Transit grant budget need to be revised, and

WHEREAS, no County funds are required for the AAA Transit grant, and

WHEREAS, the III-B grant budget has \$32,683 appropriated for Coordinated Care to operate the county-wide Telephone Assurance Program (TAP) during 2007, and

WHEREAS, Coordinated Care no longer wishes to coordinate the TAP program; and

WHEREAS, the Department issued a Request for Applications to agencies in the county already operating volunteer programs and home-contact services, and has identified the American Red Cross as best qualified to assume the coordination function for Telephone Assurance, and

WHEREAS, the American Red Cross, Greater Buffalo Chapter, will provide \$13,119 in agency and United Way funds as local match, and

WHEREAS, the Department desires to enter into a contract with American Red Cross, Greater Buffalo Chapter for the remainder of 2007 to provide the telephone assurance program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with PLS III, LLC, dba as the Center for Transportation Excellence, for the period February 15, 2007 to March 31, 2007, for a demonstration pilot project to expand the number of rides available to seniors and to cover the instances whereby the existing fleet is unavailable and to allow for early or late pick-ups that cannot now be accommodated, at a total cost not to exceed \$8,000, and be it further

RESOLVED, that a portion of the three Dispatchers and the Community Service Aide PT salaries and fringe benefits be charged to the AAA Transit grant for the current grant period, and be it further

RESOLVED, that the budget for the AAA Transit grant, 163AAATRAN0607 be revised as follows:

CURRENT

AMENDED

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		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
506200	Repairs & Maintenance	\$5,021	-\$3,730	\$1,291
545000	Rental	660	330	990
561410	Lab & Technical Equipment	3,500	9,200	12,700
980000	ID DISS Services	8,000	-5,800	2,200
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the County Executive is hereby authorized to contract with American Red Cross, Greater Buffalo Chapter for the period February 1, 2007 through December 31, 2007 to provide the telephone assurance program, at a total cost not to exceed \$45,802, and be it further

RESOLVED, that the budget for the III-B grant, 163III-B2007 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
466000	Miscellaneous Receipts	\$10,000	-\$10,000	\$0
466320	Subcontractor Match	0	23,119	23,119
	TOTAL REVENUE		<u>\$13,119</u>	
APPROPRIATIONS				
516010	Coordinated Care	\$32,683	-\$32,683	\$0
516010	American Red Cross	0	45,802	45,802
	TOTAL APPROPRIATIONS		<u>\$13,119</u>	

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 Law, the Comptroller's Office, and the Department Senior Services.

Item 49 – (COMM. 4E-13) Social Services - HEAP Position Reallocation

Received and referred to the PERSONNEL COMMITTEE.

Item 50 – (COMM. 4E-14) District Attorney's Office - MVTIF Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 51 – (COMM. 4E-15) Erie County Sewer Construction Projects - Annual Change Order Report

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Item 52 – (COMM. 4E-16) Parks, Recreation & Forestry - Request for a Twilight Greens Fee at Elma Meadows and Grover Cleveland Golf Courses

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

Item 53 – (COMM. 4E-17) Appointment to the Erie County Council on the Disabled

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 54 – (COMM. 4E-18) Appointment to the Erie County Fire Advisory Board

Item 55 – (COMM. 4E-19) Appointment of the Chairman of the Erie County Environmental Management Council

Item 56 – (COMM. 4E-20) Parks, Recreation & Forestry - Request for Hunt Real Estate Corporation's Desire to Place Exclusive Advertisements on Elmwood Meadows and Grover Cleveland Golf Courses Score Cards

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

Item 57 – (COMM. 4E-21) Tax Lien Sale Program

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR KENNEDY

Item 58 – (COMM. 4E-22) Local Law Relating to School 84

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 59 – (COMM. 4D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CENTRAL POLICE SERVICES

Item 60 – (COMM. 4D-2) Documents Relating to Comm. 3E-18

Received and referred to the PERSONNEL COMMITTEE.

FROM THE BOARD OF HEALTH

Item 61 – (COMM. 4D-3) Notice and Agenda for 3/8/07 Meeting

Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 62 – (COMM.4M-1) Certified Resolution Re: Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 63 – (COMM. 4M-2) ECWA's Unaudited Comparative Financial Statements for the Years Ended 12/31/06 & 2005

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 64 – (COMM. 4M-3) Notice of Board of Directors Meeting Held 2/12/07

Received and filed.

FROM NYS SENATOR RATH

Item 65 – (COMM. 4M-4) Receipt of Certified Resolution

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 66 – (COMM. 4M-5) Reply to INTRO 3-10 - Unclaimed Funds by the NYS Comptroller

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEMORIAL RESOLUTIONS

Item 67 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Father Joel Campbell.

Item 68 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of James Elfanso.

Item 69 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of the men and women who passed in the Iraq War.

Item 70 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Horace Thompson.

Item 71 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Rober Seibel.

Item 72 – Legislator Locklear requested that when the Legislature adjourns, it do so in memory of her grandmother.

Item 73 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Tom Sisfel.

Item 74 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of the men and women who passed fighting for civil rights.

ADJOURNMENT

Item 75 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. LOUGHRAN moved that the Legislature adjourn until Thursday, March 1, 2007, at 2 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

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