

**MEETING NO. 5
MARCH 1, 2007**

ERIE COUNTY LEGISLATURE

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MEETING NO. 5
MARCH 1, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was held by Pastor Delbo.

The Pledge of Allegiance was led by Legislator Iannello.

Item 1 – MS. WHYTE moved to take COMM. 5E-20 out of order. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED.

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

RE: Appointment of Barbara Miller-Williams to fill vacancy in the 3rd 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 Barbara Miller Williams, of 236 Clinton Street, Buffalo, NY 14204, a duly qualified elector of the third legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of third district County Legislator.

Said appointment shall take effect of March 1, 2007.

Daniel M. Kozub – 1st District

Timothy M. Kennedy – 2nd District

Kathy Konst – 5th District

Maria R. Whyte – 6th District

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Betty Jean Grant – 7th District

Thomas J. Mazur – 8th District

Michele M. Iannello – 10th 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. MILLS presented a resolution Congratulating Kyle Druding on Achieving the Rank of Eagle Scout.

Item 7 - MR. MILLS presented a resolution Congratulating Robert Volo on Achieving the Rank of Eagle Scout.

Item 8 – MR. REYNOLDS presented a resolution Honoring Angola Native Patrick Kaleta for Playing in his First NHL Game with the Buffalo Sabres.

Item 9 – MR. WEINSTEIN presented a resolution Honoring the Life and Work of Melissa Reed Chudy and her Efforts on Behalf of Amherst's Youth.

Item 10 – MS. KONST presented a resolution Honoring NYSEG for Receiving the "Emergency Recovery Award".

Item 11 – MR. MILLS presented a resolution Honoring Mary Kwiatek Upon Being Named Springville Area Chamber of Commerce Citizen of the Year.

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Item 12 – MR. MILLS presented a resolution Honoring Springville Hardware Upon Being Named Springville Area Chamber of Commerce Business of the Year.

Item 13 – MR. MILLS presented a resolution Honoring Springville Rotary Club Upon Being Named Springville Area Chamber of Commerce Service Organization of the Year.

Item 14 – MS. MARINELLI presented a resolution Honoring Assistant Erie County Attorney Brian White for His Exemplary Service to the Citizens of Erie County.

Item 15 – MS. WHYTE presented a resolution Honoring Deputy Joe Elias Joseph Upon Retiring After Years of Faithful and Dedicated Service to the Erie County Sheriff Department.

Item 16 – MS. GRANT presented a resolution Recognizing William A. Miles Retiring After 43 Years of Dedicated Service to the Buffalo Public Library Service.

MS. WHYTE presented the above eleven items and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items for Et Al Sponsorship and to add one from MR. RANZENHOFER. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. RANZENHOFER presented a resolution Congratulating Adolph Bassanello On 50 Years Of Active Service In The Akron Volunteer Fire Company.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19- CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

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GRANTED.

Item 21 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 23 - CHAIRPERSON MARINELLI directed that Local Law No. 2 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

COMMITTEE REPORTS

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

CARRIED UNANIMOSLY.

RESOLUTION NO. 54

FEBRUARY 20, 2007

HEALTH COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR GRANT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1M-7 (2007)
JOSEPH J. HUFFNAGLE: Erie County Home Electrical System
 (3-0)
 - b. COMM. 4D-3 (3007)
BOARD OF HEALTH: Notice and Agenda for 3/8/07 Meeting
 (3-0)

CYNTHIA E. LOCKLEAR
CHAIRMAN

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

FEBRUARY 20, 2007

PERSONNEL COMMITTEE
 REPORT NO. 3

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

1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 1E-8 (2007)
COMPTROLLER: 2007 Budget Adjustments
 (3-0) Legislator Marinelli not present.
 - b. COMM. 3E-23 (2007)
COUNTY EXECUTIVE: Charter Changes - Office of Public Advocacy
 (3-0) Legislator Marinelli not present.
 - c. COMM. 3E-32 (2007)
COUNTY EXECUTIVE: Charter Changes - Department of Real Property Tax Services
 (3-0) Legislator Marinelli not present.
 - d. COMM. 4D-2 (2007)
CPS: Documents Relating to Comm. 3E-18
 (4-0)
2. COMM. 4E-5 (2007)
COUNTY EXECUTIVE
 WHEREAS, the County of Erie Personnel Office is responsible for administering and monitoring all Civil Service exams given for county government as well as for most towns, villages and school districts within its boundaries; and

 WHEREAS, the exams are monitored by a group of individuals who are paid \$7.00 per hour when they perform monitor duties; and

 WHEREAS, the State of New York on January 1, 2007 raised the minimum wage to \$7.15; and

 WHEREAS, the County must compete for these monitors with other Civil Service Authorities such as the State of New York and the City of Buffalo; and

 WHEREAS, other Civil Service authorities pay a higher rate ranging between \$10 and \$11 per hour; and

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WHEREAS, when the County is unable to procure sufficient monitors, it must bring in County employees to administer the exams, who in accordance with collective bargaining agreement are paid one and a half times their hourly rate; and

WHEREAS, using county employees at time and a half can cost anywhere between \$20 and \$60 per hour; and

WHEREAS, it would be substantially more cost effective to utilize less expensive monitors; and

WHEREAS, the civil service monitors have not received a pay raise since 1999.

NOW, THEREFORE, BE IT,

RESOLVED, that effective for 2007, the new rate for monitors administering civil exams will be \$10 per hour and that hall monitors be paid \$8.00 per hour; and be it further

RESOLVED, that the necessary funds for this raise be paid out of the Personnel Department's Professional Services Contract and Fees line which has been budgeted for the additional money in anticipation of a necessary raise; and be it further

RESOLVED, that certified shall be sent to the Office of the County Executive, the Department of Personnel, the Office of the Comptroller and the Division of Budget and Management.

(3-0) Legislator Marinelli not present.

KATHY KONST
CHAIRPERSON

Item 26 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

FEBRUARY 22, 2007

HUMAN SERVICES COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby referred to the Personnel Committee.
 - a. COMM. 4E-4 (2007)
COUNTY EXECUTIVE: Appointment of the Commissioner of the Office of Advocacy
 (3-0)

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2. COMM. 4E-17 (2007)
COUNTY EXECUTIVE

RESOLVED, the appointment of the following individual to the Erie County Council on the Disabled is hereby confirmed:

<u>Name and Address</u>	<u>Term Expiration</u>
Maria Biro 374 Center Road West Seneca, New York 14224	June 30, 2007

(3-0)

THOMAS J. MAZUR
CHAIRMAN

Item 27 – MS. IANNELLO presented the following item and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

FEBRUARY 22, 2007

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 2

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

ALL ITEMS ARE HEREBY TABLED.

MICHELE M. IANNELLO
CHAIRMAN

Item 28 – MR. KENNEDY presented the following report, moved to separate Item No. 2 and approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

FEBRUARY 22, 2007

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 4

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

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1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-2 (2007)
NFTA: NFTA Board Minutes for Meeting Held 12/18/06
 (5-0)
 - b. COMM. 3M-3 (2007)
NFTA: 17A Report and Capital Expenditure Report for 3rd Quarter of FY ending 3/31/07
 (5-0)
 - c. COMM. 3M-5 (2007)
ERIE-NIAGARA REGIONAL PARTNERSHIP: Agenda for 2/2/07 Meeting & Minutes
 for 12/8/06 Meeting
 (5-0)

2. COMM. 3E-28 (2007)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Rehabilitation of North French Road (CR 299), in the Town of Amherst, on November 16, 2006, the low bidder was ACCADIA Site Contracting, Incorporated of Depew, New York at a low bid amount of \$1,987,718.71, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of LiRo Engineers, Inc. on July 12, 2001, at the 16th session of the Legislature of Erie County, Communication No. 15E-7, and it has been determined that the contract be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 299-06 for the for the Rehabilitation of North French Road , between the County of Erie and the low bidder, ACCADIA Site Contracting, Incorporated of Depew, New York at a low bid amount of \$1,987,718.71, and be it further

RESOLVED, that an amount of \$1,987,718.71 allocated from the 2006 North French Road Pavement Rehabilitation Program (SAP B.00165), and an additional amount of \$260,428.00 be allocated for a Department of Public Works, Division of Highways, construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$260,428.00 to be allocated from the 2006 North French Road Pavement Rehabilitation Program (SAP B.00165), and be it further

RESOLVED, that an amount of \$210,809.00 be allocated from the 2006 North French Road Pavement Rehabilitation Program (SAP B.00165) for a change order to the contract for engineering services during construction, construction reimbursables, and construction inspection with LiRo Engineers, Inc. and be it further

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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 Office of the County Executive, the Department of Public Works, Office of the Commissioner, the Division of Budget, Management & Finance, and the Office of the Comptroller. (5-0)

3. COMM. 4E-6 (2007)

COUNTY EXECUTIVE

WHEREAS, a project for the Signal Replacements on Elmwood Avenue (CR 119) at Kenmore Avenue (CR 307); Victoria Boulevard; Washington Avenue; Girard Boulevard; Woodward Avenue; and Westchester Boulevard, in the Village of Kenmore and Town of Tonawanda, Erie County, PIN 5756.87 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering stage (Design Phases I-VI) of the Project, PIN 5756.87, and

WHEREAS, the NYSDOT initially programmed only a portion of the funds required for the Project and is now able to fully fund the Preliminary Engineering stage (Design Phases I-VI) of the Project, and

WHEREAS, the funds required have increased from \$70,000 to \$153,000, proportionally increasing the local share to \$30,600, and

WHEREAS, FRA Engineers was authorized to perform Design Services for this project by County Resolution 25E-15 on February 24, 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering stage (Design Phases I-VI) of the Project or portions thereof, and be it further

RESOLVED, that an initial sum of \$70,000. was appropriated from the 2004 Elmwood Avenue Corridor Signals 5756.87 Design Program (SAP B.00125.3) for Preliminary Engineering stage (Design Phases I-VI) via County Resolution No. 13E-41 adopted on June 24, 2004 and made available to cover the initial cost of participation in the above stage of the Project, and be it further

RESOLVED, that the necessary project increase of \$83,000, and therefore, the proportional local share of \$16,600 be appropriated from the 2006 Elmwood Signal & Intersection Improvements Program (SAP B.00125.3), and be it further

RESOLVED, that the project budget be equally increased in revenue and appropriation to represent this agreement, and be it further

RESOLVED, that the Legislature authorizes the Commissioner of the Department of Public Works to execute a change order with FRA Engineers to complete the Project in accordance with the agreement with NYSDOT, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Preliminary Engineering stage (Design Phases I-V1) exceeds the amount appropriated of \$153,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and as necessary for the administration of the Project and the County of Erie's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the County Comptroller.
 (5-0)

4. **COMM. 4E-7 (2007) AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, your Honorable Body previously awarded a Supplemental General Architect/Engineer Services Agreement to DiDonato Associates and construction contingency account for the Ralph Wilson Stadium – 2006 – Site Work, Structural Repairs and Miscellaneous Work project on April 6, 2006, and

WHEREAS, unforeseen work and repairs have been made to the stadium systems, and

WHEREAS, additional investigative work was needed to check and remove spaulding concrete from the stadium frames, and

WHEREAS, the Buffalo Bills have requested that we proceed with the design of the 2007 capital projects.

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NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency be increased by \$35,000 from \$100,000 to \$135,000 with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to DiDonato Associates' General Architect/Engineer Agreement for an amount not to exceed \$50,000 to cover the cost of the additional structural work and design for the 2007 capital projects, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from the following SAP account - A.00259 – '05 RWS in an amount not to exceed \$85,000; and be it further,

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

5. COMM. 4E-8 (2007)

COUNTY EXECUTIVE

WHEREAS, Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc. have developed housing for very low and low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located at 5074 Transit Road in the Town of Cheektowaga, New York and contains 100 residential apartment units for very low and low income senior households; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, the Erie County Legislature approved a resolution on October 21, 1999 authorizing the County Executive to execute a PILOT Agreement with Belmont Shelter Corporation for Transit Road Senior Community Apartment Complex now known as Southwind Landing Apartments; and

WHEREAS, Southwind Landing Apartments, L.P. the owner of the project and Attica Housing Development Fund Company, Inc. a general partner were formed by Belmont Shelter Corporation, the sponsor of the project, in order to facilitate the development of the project and to use low income housing tax credit to finance the project; and

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WHEREAS, in order to make the Project economically feasible for Southwind Landing Apartments, L.P. to operate the apartment complex, it is necessary to obtain tax relief from the County of Erie and the Town of Cheektowaga.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc. relating to the Southwind Landing Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount set forth on Schedule B attached hereto. Payment under the agreement will be for fifteen (15) Payments with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

(5-0)

6. COMM. 4E-11 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works requested a \$250,000 efficiency grant from the Erie County Fiscal Stability Authority (ECFSA) to develop a Master Plan for Space Consolidation and Relocation, and

WHEREAS, the ECFSA has approved the Department of Public Works' request for the subject efficiency grant by Resolution #07-02 dated January 11, 2007, (attached), and

WHEREAS, the Commissioner of Public Works desires to engage the services of a consultant firm to provide the services for this Study, and

WHEREAS, the Department of Public Works advertised for Requests for Qualifications from consultant firms and selected Kideney Architects as having the necessary expertise, experience, and manpower to provide the services required and has negotiated a contract with Kideney Architects to provide these services, and

WHEREAS, the Department of Public Works wishes to engage the services of this local firm at a cost not to exceed \$250,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to accept the Master Plan for Space Consolidation and Relocation efficiency grant in the amount of \$250,000 from the ECFSA, and be it further

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RESOLVED, that the Commissioner of Public Works be authorized to issue a contract to Kideney Architects for the subject study, in an amount not to exceed \$250,000, and be it further

RESOLVED, that Kideney Architect's contract be charged to the appropriate account, as determined by the Comptroller, and be it further

RESOLVED, that the Clerk of the Legislature is instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works and one certified copy to the Director of Budget, Management and Finance and the Erie County Comptroller.
 (5-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved to approve Item No. 2. MS. WHYTE seconded.

CHAIRPERSON MARINELLI directed that a roll-call be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: none. (AYES: 15; NOES: 0)

CARRIED.

Item 29 - MR. REYNOLDS presented the following report, moved to separate Item No. 3 and approve the balance of the report. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

FEBRUARY 22, 2007

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 2

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-11 (2006)
LOCKLEAR, KONST & IANNELLO: "Chinese Menu" of Reform Options
 (5-0)
 - b. COMM. 25D-4 (2006)
ERIE COUNTY BOARD OF ELECTIONS: 2006 County Budget Line Transfers
 (5-0)
 - c. COMM. 2E-4 (2007)

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MARINELLI: Copy of Letter to ECFSA Finance Committee Chair Re: Property Tax
 (5-0)

d. COMM. 2M-6 (2007)

TONAWANDA TOWN BOARD: Certified Resolution Re: Direct Payment to the Town of the Town's Portion of the Sales Tax Revenue
 (5-0)

e. COMM. 3D-7 (2007)

REAL PROPERTY - BUDGET, MANAGEMENT & FINANCE: Re-Levy of Erroneous Taxes for Property Located in the City of Buffalo Known as the Bed of Fulton Street and Owned by the Seneca Gaming Corporation
 (5-0)

2. INTRO 3-7 (2007)

AS AMENDED

RANZENHOFER, MILLS, MARINELLI, WHYTE, REYNOLDS, KONST, LOCKLEAR, LOUGHRAN, KOZUB and GRANT

WHEREAS, The New York State Association of Counties issued a report in November of 2006 outlining several policies the State of New York could reform for the benefit of counties throughout the state, and

WHEREAS, the report discusses how over time counties have developed into regional governments that are perfectly positioned to provide leadership with shared services and consolidation efforts, and

WHEREAS, combining the experience and knowledge of counties with other levels of local government through shared service agreements allows for critical services that many residents rely on to be provided at lower costs to taxpayers, and

WHEREAS, as counties look to reduce overall spending, shared municipal services and inter-municipal agreements led by county governments will continue to be the most efficient level of government in New York State and,

WHEREAS, sharing the services of collective health insurance, consolidated labor relations, combined real property tax administration, consolidated tax collection, and shared highway services could save Erie County Taxpayers significant dollars on their tax bill.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature joins the New York State Association of Counties in urging the Governor, the State Legislature, and all New York State County Executives and Legislatures to seriously consider the aforementioned consolidation efforts that can save taxpayers significant amounts of money, and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the New York State Governor, the County Executive, the Budget Director, Members of the Erie

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County Fiscal Stability Authority, and members of the Local State Legislative Delegation, and all New York State County Executives and Clerks of New York State Legislatures.

(5-0)

3. COMM. 4E-21 (2007)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has previously sold tax sale certificates to the Erie Tax Certificate Corporation ["ETCC"], representing delinquent real property taxes from Erie County's 2005, 2004, 2003 and 2002 and prior tax years, in four (4) similarly structured tax lien transactions wherein the purchase price paid to Erie County consisted of a cash portion, borrowed by ETCC from Plymouth Park Tax Services, LLC ["PPTS"], together with complete ownership by Erie County of the beneficial interest in four (4) Trusts, created by ETCC, which Trusts are entitled to receive the residual collections made by XSPAND, ETCC's Tax Lien Servicer, on those tax sale certificates, pledged and placed by ETCC with four (4) Custodian Banks, following the serial satisfaction of the four (4) three (3) year Notes issued by ETCC in favor of PPTS, and

WHEREAS, on January 18, 2007, ETCC issued a request for proposals ["RFP"] relative to the winding-up, in conjunction with Erie County, of the four (4) previous tax lien transactions, including satisfaction of the outstanding balances of ETCC's two (2) remaining Notes, reacquisition of the pledged tax sale certificates placed with the Custodian Banks, termination of ETCC's tax lien servicing agreements with XSPAND and of the four (4) residual Trusts, including Erie County's ownership interest therein, together with the bulk sale/assignment of the tax sale certificates previously sold to ETCC remaining unpaid and of the bulk sale/assignment of tax sale certificates for unpaid 2006 Erie County real property taxes; and

WHEREAS, PPTS, now doing business as XSPAND [PPTS/XSPAND"], and American Tax Holding, LLC ["ATH"] each submitted timely written responsive proposals to said RFP; and

WHEREAS, on February 8, 2007, on the specific recommendation of ETCC's President, Vice-President, Treasurer and Assistant Secretary, the ETCC Board of Directors, adopted a resolution approving and authorizing ETCC's officers to execute the proposal submitted by PPTS/XSPAND dated January 25, 2007, provided that approval and authorization of the contemplated transaction is also received from the Erie County Legislature and the Erie County Fiscal Stability Authority, and provided further that the closing of the transaction take place on or about April 30, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, the County Comptroller, the Budget Director and the Director of Real Property Tax Services are each hereby authorized and directed, provided that the substantive financial provisions thereof are consistent with both ETCC's RFP and the proposal of PPTS/XSPAND dated January 25, 2007, to execute any and all agreements, transfer instruments and other documents, and to take such other and further action, as may be necessary or convenient to the completion of the bulk sale/assignment to PPTS/XSPAND of tax sale certificates for unpaid 2006 Erie County real property taxes and of the bulk sale/assignment to PPTS/XSPAND of the tax sale certificates previously sold to ETCC, including satisfaction of the outstanding balances of ETCC's two (2) remaining Notes, reacquisition of the tax sale certificates pledged and placed with

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the Custodian Banks, termination of ETCC's tax lien servicing agreements with XSPAND and of the four (4) residual Trusts, together with Erie County's ownership interest therein; provided that the foregoing approval and authorization is subject to further approval and authorization of the contemplated transaction by the ECFSA, and; provided further that the closing of the transaction take place on or about April 30, 2007, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the Budget Director, the Director of Real Property Tax Services, the County Attorney, and the governing boards of the ETCC and the ECFSA.

(4-1) Legislator Whyte voted in the negative.

ROBERT B. REYNOLDS
CHAIRPERSON

MR. REYNOLDS moved to amend Item No. 3. MS. IANNELLO seconded.

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

AYES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER and WEINSTEIN. (AYES: 12; NOES: 3)

CARRIED.

Between the 1st and 2nd Resolved Clauses insert the following Resolved Clauses:

RESOLVED, that the final closing document must give Erie County the right to buy back, on its own behalf or on behalf of any municipality, any unproductive tax liens certificates on abandoned or underutilized real property for the original cost plus reasonable interest and actual carrying charges; and be it further

RESOLVED, that the County Executive, the County Comptroller, the Budget Director and the Director of Real Property Tax Services shall submit to the Legislature for its review the final closing documents for this transaction, once they are drafted, prior to the completion of the sale on the target date of April 30, 2007; and be it further

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

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

AYES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER and WEINSTEIN. (AYES: 12; NOES: 3)

CARRIED.

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Item 30 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

FEBRUARY 22, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-10 (2007)
COUNTY EXECUTIVE: Appointment to NYS Dept. of Environmental Conservation Region 9 - Open Space Regional Advisory Committee
 (4-0)
 - b. COMM. 4E-15 (2007)
COUNTY EXECUTIVE: Erie County Sewer Construction Projects - Annual Change Order Report
 (4-0)
 - c. COMM. 4M-1 (2007)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS: Certified Resolution Re: Erie County Water Authority
 (4-0)
 - d. COMM. 4M-2 (2007)
ERIE COUNTY WATER AUTHORITY: ECWA's Unaudited Comparative Financial Statements for the Years Ended 12/31/06 & 2005
 (4-0)
2. COMM. 4E-9 (2007)
COUNTY EXECUTIVE
 WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) through the NYSDEC Municipal Waste Reduction and Coordination/Education Grant Program provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the NYSDEC has offered the Erie County Department of Environment and Planning (ECDEP) the opportunity to apply for reimbursement funds for the Erie County Recycling/Education for the City of Buffalo Program; and

WHEREAS, this additional funding would support the extension of the program to December 31, 2009; and

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WHEREAS, the Erie County Recycling/Education for the City of Buffalo Program is dependent upon State Aid assistance for partial funding; and

WHEREAS, program implementation is contingent upon the execution of a local match cost-sharing effort between Erie County and the City of Buffalo to further offset expenses; 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 Erie County Recycling/Education for the City of Buffalo 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 of expenses incurred in conducting the Erie County Recycling/Education for the City of Buffalo Program, if said application is approved by the State, and subsequent to the execution of the necessary Intermunicipal Agreement with the City of Buffalo; and be it further

RESOLVED, that Erie County agrees to fund the cost of said Recycling/Education for the City of Buffalo Program and will be reimbursed by the State for the State's share of such costs; 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 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)

3. COMM. 4E-18 (2007)

COUNTY EXECUTIVE

RESOLVED, the appointment of the following individual to the Erie County Fire Advisory Board is hereby confirmed:

<u>Name</u>	<u>Term Expiration</u>
Michael Griffin 144 Oehman Blvd.	December 31, 2007

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Cheektowaga, New York 14225

(4-0)

4. COMM. 4E-19 (2007)
COUNTY EXECUTIVE

RESOLVED, the appointment to Mr. Jerold Bastedo as Chairman of the Erie County Environmental Management Council to replace Mr. James Loesch who as resigned as Chairman is hereby confirmed.

(4-0)

THOMAS A. LOUGHRAN
CHAIRMAN

Item 31 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

FEBRUARY 22, 2007

PUBLIC SAFETY COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
- a. INTRO 5-4 (2006)
KONST, LOCKLEAR, LOUGHRAN, IANNELLO & THE MINORITY CAUCUS:
 A.04983 and S.4419
 (4-0)
2. COMM. 4E-14 (2007)
COUNTY EXECUTIVE
 WHEREAS, the District Attorney through the NYS Division of Criminal Justice Service's (DCJS) Motor Vehicle Theft and Insurance Fraud (MVTIF) Grant provides needed services to the residents of Erie County, and

WHEREAS, the District Attorney, per the grantor's request, has programmatically restructured this grant and the budgeted positions therein to take effect as of March 1, 2007, and

WHEREAS, the contract received from the NYS DCJS authorizes funding levels different from the adopted budget, and

WHEREAS, due to these programmatic changes, the District Attorney's Office is requesting that position #1861, Confidential Criminal Investigator (JG10), from fund 281, cost center 1140050, grant114MVTIF0708 be transferred to fund 110, cost center 1140030; and in turn, that position

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#444, an Assistant District Attorney III (JG14), be transferred from fund 110, cost center 1140040 to fund 281, cost center 1140050, grant 114MVTIF0708, (B100 #2772) and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets and positions in Book A and B for 2007.

NOW, THEREFORE, BE IT

RESOLVED, that position #1861 be transferred to fund center 11400, fund 110, cost center 1140030 and position #444 be transferred to fund center 11400, fund 281, cost center 1140050, grant 114MVTIF0708, and be it further

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

Motor Vehicle Theft and Insurance Fraud Grant
 114MVTIF0708
 March 1, 2007– February 28, 2008

		ORIGINAL	INCREASE (DECREASE)	FINAL
Revenue				
409000	State Aid Revenue	\$ 185,000	\$ - 0 -	\$ 185,000
479000	County Share Contribution	25,273	(6,324)	18,949
	Total Revenue	\$ 210,273	\$ (6,324)	\$ 203,949
Appropriation				
500000	Full Time Salaries	\$ 148,971	\$ 9,137	\$ 158,108
502000	Fringe Benefits	61,302	(15,461)	45,841
	Total Appropriations	\$ 210,273	\$ (6,324)	\$ 203,949

and be it further

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

(4-0)

DANIEL M. KOZUB
CHAIRMAN

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

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GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 3

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

ALL ITEMS ARE HEREBY TABLED.

MARIA R. WHYTE
CHAIRPERSON

LEGISLATOR RESOLUTIONS

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

GRANTED.

INTRO 5-1 from LEGISLATOR MILLS Re: Supporting a Change in the Erie County Tax Act

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Reappointment to the Erie County Soil and Water Conservation District (INTRO 5-2)

A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE & MILLS

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for reappointments to the Erie County Soil & Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil & Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and be it further

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WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislatures, one member represents the Grange, one is from the Farm Bureau and three serve as At-Large Members; and

WHEREAS, in further accordance with New York State law, the Erie County Legislature shall appoint members to the District Board, where presently the two legislative representatives are due for yearly reappointments, namely Legislator Robert B. Reynolds Jr. as a representative of the Majority Caucus and Minority Leader John J. Mills as a representative of the Minority Caucus; and

WHEREAS, additionally, one member representing the Grange, Mr. Calvin Kohn, is currently serving in a holdover capacity as his term has expired on December 31, 2006, and Mr. Kohn has been recommended for reappointment by the Erie County Pomona Grange #6 as their representative on the District Board for an additional three-year term.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reappoint Robert B. Reynolds Jr. as the Majority appointment and Minority Leader John J. Mills as the Minority appointment representing the Erie County Legislature on the Erie County Soil & Water Conservation District Board of Directors for yearly terms; and be it further

RESOLVED, that the Erie County Legislature does hereby reappoint Mr. Calvin Kohn, of 11640 New Oregon Road, North Collins, N.Y. 14111 as the Grange representative on the Erie County Soil & Water Conservation District Board of Directors for a three-year term which expires on December 31, 2009; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Erie County Soil & Water Conservation District (50 Commerce Way, East Aurora, N.Y. 14052-2185) and Mr. Calvin Kohn (11640 New Oregon Road, North Collins, N.Y. 14111).

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Increase Reimbursement Rate for Housing State Ready Prisoners (INTRO 5-3)

A RESOLUTION SUBMITTED BY
LEGISLATORS KONST, KOZUB, MARINELLI, WHYTE, MILLS, KENNEDY,
MILLER-WILLIAMS, RANZENHOFER, GRANT, MAZUR, LOCKLEAR, IANNELLO,
REYNOLDS, LOUGHRAN and WEINSTEIN

WHEREAS, A. 04959 and S.2813 would increase the current reimbursement rate for housing state ready prisoners, and

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WHEREAS, under the present state reimbursement schedule, the state reimburses the counties \$42.00 per day for each state ready prisoner housed in a county facility, and

WHEREAS, it actually costs approximately \$115.00 per day to house these prisoners, and

WHEREAS, the current reimbursement by the state amounts to approximately one-third of the actual cost with the shortfall being made up by county taxpayers, and

WHEREAS, due to this low reimbursement rate counties are forced to dig into their already financially strapped coffers to pay for something that the state should actually pay for, and

WHEREAS, In 2005 Erie County billed for 6,757 days for state ready prisoners to the State of New York, resulting in an unfunded state mandate negatively impacting Erie County in the total amount of \$547,317, and

WHEREAS, if this legislation was enacted into law, county governments would be reimbursed for the actual cost of housing state ready prisoners when an inmate has not been accepted by the Commissioner of the State Department of Correctional Services within five days of receipt of written notification, and

WHEREAS, this legislation will not provide reimbursement to localities when the state takes custody of a prisoner promptly, and

WHEREAS, A. 04959 and S.2813 if enacted would not relieve county governments of all the costs relating to housing state ready prisoners, but it would reduce some of the financial strain associated with housing these prisoners.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby wholeheartedly support New York State Bills A04959 and S2813, legislation that would raise the state reimbursement to county jails, and be it further

RESOLVED, that this legislation would require the state to pay its fair share thus relieving counties across the state of this additional cost and lessening the financial burden that counties are currently bearing, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Western New York Delegation, Assemblymember Jeffrion Aubry and Senator Dale Volker, Erie County Sheriff Timothy Howard, Ken Vetter of the Erie County's Fiscal Stability Board, Stephen Acquario, Executive Director of New York State Association of Counties, 111 Pine Street , Albany, New York 12207.

MS. KONST moved to amend the item by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 36 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

INTRO 5-4 from KONST Re: End the Practice of "File and Use" To Increase Rates for Health Insurance Providers.

Item 37 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Endorsing Resolution for Transportation Bond Act Projects for Akron Airport (INTRO 5-5)

**A RESOLUTION SUBMITTED BY
 LEGISLATORS KATHY KONST AND MICHAEL RANZENHOFER**

WHEREAS, the County of Erie has received a request from Christian Airmen, Inc., applicant for Akron Airport, concerning the applicant's request for State grant funds under the NYS Transportation Bond Act, for the following projects:

Under the Airport Improvement and Revitalization Grant Program (AIR '99):

- Installation of Water Main and Septic System
- Acquire Maintenance Equipment
- T-Hanger Construction

Under the Business Airport Development Program:

- Replacement of Existing Terminal Building

Under the General Aviation Airport Security Program:

- Cave Security and Fence Repairs

and,

WHEREAS, the New York State Department of Transportation, under Section 14-1 of the State Transportation Law, requires that project applications made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie endorses the project identified above at the Akron Airport for the purpose of making the projects eligible for State funding; and be it further,

RESOLVED, that a certified copy of the Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this project; and be it further,

RESOLVED, that this Resolution shall take effect immediately.

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Endorsing Resolution for Transportation
 Bond Act Projects for Akron Airport (2)
 (INTRO 5-6)

**A RESOLUTION SUBMITTED BY
 LEGISLATORS KATHY KONST AND MICHAEL RANZENHOFER**

WHEREAS, the County of Erie has received a request from Christian Airmen, Inc., applicant for Akron Airport, concerning the applicant's request for State grant funds under the NYS Transportation Bond Act, for the installation of security cameras and area lighting under the General Aviation Airport Security Program; and

WHEREAS, the New York State Department of Transportation, under Section 14-1 of the State Transportation Law, requires that project applications made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie endorses the project identified above at the Akron Airport for the purpose of making the projects eligible for State funding; and be it further,

RESOLVED, that a certified copy of the Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this project; and be it further,

RESOLVED, that this Resolution shall take effect immediately.

Item 39 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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INTRO 5-7 from LEGISLATOR WHYTE Re: Sale of Tax Liens vs. Landbanking as an Economic Development Strategy

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 40 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 22E-22. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

RE: Appointments/Reappointments to Erie County Commission on the Status of Women

RESOLVED, the Erie County Legislature does hereby confirm the appointments / reappointments of the following individuals to the Erie County Commission on the Status of Women for the term stated:

APPOINTMENTS

NAME & ADDRESS	TERM EXPIRATION
Alison Fleischman 800 West Ferry St., Apt. 1A Buffalo, New York 14222	June 30, 2009
Grace Huff 106 Glen Oak Drive East Aurora, New York 14051	June 30, 2009
Geraldine Huff PO Box 364 Gowanda, New York 14070	June 30, 2009

REAPPOINTMENTS

NAME & ADDRESS	TERM EXPIRATION
Ellen Warner 761 West Ferry Street Buffalo, New York 14222	June 30, 2009
Dr. Radhika Suresh 57 Beresford Court Williamsville, New York 14221	June 30, 2009

Item 41 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 2D-3 MR. KOZUB seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

RE: OPEN ITEM: Correction of Errors on
 Petitions

The Honorable
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

RE: OPEN ITEMS FINANCE & MANAGEMENT COMMITTEE

You Honorable Body:

The Division of Budget, Management and Finance respectfully requests that two open items be reestablished on the 2006 agenda of the Legislature's Finance & Management Committee, to wit:

- Correction of Errors
- Sale of County-Owned Inventory

Respectfully yours,

Kenneth J. Vetter
 Director of Budget, Management & Finance

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

CARRIED UNANIMOUSLY.

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 investigate the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered **207106** through **207158** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2007	Petition No.	207,106.00
ASSESSOR	Cancel	\$559.82

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S-B-L 141.44-1-19

140900 LACKAWANNA

Acct. No. 112 \$559.82 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 140900 LACKAWANNA \$0.00

CANCEL - CLERICAL ERROR, THESE PARCELS ARE OWNED BY THE CITY OF LACKAWANNA AND EXEMPT FROM COUNTY TAX. EXEMPTION FOR THE CITY WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2007

Petition No. **207,107.00**

ASSESSOR **Cancel** \$344.76

S-B-L 141.43-2-10

140900 LACKAWANNA

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$344.76 Town/SpecialDist/School

9992 ECSD#6 SAN SEWER \$344.76

Charge To : 140900 LACKAWANNA \$0.00

CANCEL - CLERICAL ERROR, THE GALLONAGE USED TO DETERMINE THE SEWER TAX WAS INCORRECT. GALLONAGE USED WAS 392 AND SHOULD BE 223. RPTL 550(2)E

FISCAL YEAR 2007

Petition No. **207,108.00**

ASSESSOR **Cancel** \$68.90

S-B-L 107.00-8-1.2

142089 ALDEN

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$68.90 Town/SpecialDist/School

Charge To : 142089 ALDEN \$68.90

CANCEL - CLERICAL ERROR, THIS IS A VACANT LOT AND WAS CHARGED IN ERROR FOR REFUSE COLLECTION. RPTL 550(2)E

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FISCAL YEAR 2007	Petition No.	207,109.00	
ASSESSOR	Cancel	\$9.72	
S-B-L 27.11-1-51	142289 AMHERST		
	Acct. No. 112	\$0.70	County
	Acct. No. 132	\$9.02	Town/SpecialDist/School
	22028 GETZVLE FIRE PROTECTION	\$0.08	
<u>Charge To :</u>	142289 AMHERST	\$8.94	
	Relevy School	\$1.95	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED WITH SBL 27.11-1-52
 PER ERIE COUNTY TAX MAPPING . RPTL 550(2)F

FISCAL YEAR 2007	Petition No.	207,110.00	
ASSESSOR	Cancel	\$660.83	
S-B-L 55.18-5-8	142289 AMHERST		
	Acct. No. 112	\$317.29	County
	Acct. No. 132	\$343.54	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$343.54	

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 63,000 (45%) WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2006	Petition No.	207,111.00	
ASSESSOR	Refund	\$272.30	
S-B-L 69.08-3-2	142289 AMHERST		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$272.30	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$272.30	
	Relevy School	\$272.30	142203 WILLIAMSVILLE CENT

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S-B-L 80.13-3-18

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$465.48	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$465.48	
	Relevy School	\$465.48	142201 AMHERST CENTRAL

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON

THE TAX ROLL. THE ASSESSMENT WAS 154,000 AND SHOULD BE 130,000. RPTL 5
 CHECK FOR: JANICE & JOSEPH POLITO

FISCAL YEAR 2007

Petition No.

207,115.00

ASSESSOR

Cancel

\$327.05

S-B-L 80.13-3-18

142289 AMHERST

	Acct. No. 112	\$120.88	County
	Acct. No. 132	\$206.17	Town/SpecialDist/School
	22021 SNYDER # 7 FIRE DISTRICT	\$26.60	
<u>Charge To :</u>	142289 AMHERST	\$179.57	

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON

THE TAX ROLL. THE ASSESSMENT WAS 154,000 AND SHOULD BE 130,000. RPTL

FISCAL YEAR 2007

Petition No.

207,116.00

ASSESSOR

Cancel

\$1,179.82

S-B-L 164.15-1-1

142401 EAST AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,179.82	Town/SpecialDist/School
<u>Charge To :</u>	142401 EAST AURORA	\$1,179.82	

Relevy Village

\$1,179.82

Village of EAST AURORA

CANCEL - CLERICAL ERROR, THE RELEVY VILLAGE WAS PLACED ON THE WRONG PARCEL . THIS RELEVY VILLAGE BELONGS ON SBL 164.15-2-38. THIS WILL GO ON 2008 TOWN & COUNTY TAX BIL.. RPTL 550(2)I

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$225.00	Town/SpecialDist/School
	24601 VILLAGE #8 ECSD	\$225.00	
<u>Charge To :</u>	142401 EAST AURORA		\$0.00

REFUND - CLERICAL ERROR, THIS PARCEL IS THE REAR PARCEL AND SHOULD NOT BE CHARGED FOR FRONTAGE. RPTL 550(2)E
 CHECK FOR: MARTHA N POTTER

FISCAL YEAR 2007 Petition No. **207,120.00**

ASSESSOR **Refund** \$225.00

S-B-L 176.10-1-1.14 **142401 EAST AURORA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$225.00	Town/SpecialDist/School
	24601 VILLAGE #8 ECSD	\$225.00	
<u>Charge To :</u>	142401 EAST AURORA		\$0.00

REFUND - CLERICAL ERROR, THIS PARCEL IS LANDLOCKED AND SHOULD NOT BE CHARGED FOR FRONTAGE ON THE SEWER TAX. RPTL 550(2)E
 CHECK FOR: VINCENT BARRETT

FISCAL YEAR 2007 Petition No. **207,121.00**

ASSESSOR **Cancel** \$20,674.68

S-B-L 101.25-12-1.12 **143089 CHEEKTOWAGA**

	Acct. No. 112	\$4,362.23	County
	Acct. No. 132	\$16,312.45	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$16,312.45	
	Relevy School	\$10,637.46	143001 CHEEKTO. CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY A NON-PROFIT AGENCY HOUSING DEVELOPMENT EXEMPTION WAS OMITTED FROM THE PARCEL IN ERROR PARCEL IS RESPONSIBLE FOR SPECIAL ASSESSMENTS ONLY. RPTL 550(2)C

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FISCAL YEAR 2007 Petition No. **207,122.00**

ASSESSOR **Cancel** \$214.99

S-B-L 125.12-13-6 **143089 CHEEKTOWAGA**

Acct. No. 112 \$56.23 County

Acct. No. 132 \$158.76 Town/SpecialDist/School

30028 FIRE # 10 SOUTH LINE \$20.95

30300 ERIE CO SEW DST 1 \$5.95

Charge To : **143089 CHEEKTOWAGA** **\$131.86**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 76,700 AND SHOULD BE 70,000. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. **207,123.00**

ASSESSOR **Cancel** \$418.88

S-B-L 125.12-13-8 **143089 CHEEKTOWAGA**

Acct. No. 112 \$56.23 County

Acct. No. 132 \$362.65 Town/SpecialDist/School

30028 FIRE # 10 SOUTH LINE \$20.95

30300 ERIE CO SEW DST 1 \$5.95

Charge To : **143089 CHEEKTOWAGA** **\$335.75**
Relevy School \$203.89 146801 WEST SENECA CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 76,700 AND SHOULD BE 70,000. RPTL

FISCAL YEAR 2006 Petition No. **207,124.00**

ASSESSOR **Refund** \$487.24

S-B-L 70.14-4-8

Acct. No. 112 \$0.00 County

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Acct. No. 132	\$487.24	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$487.24	
<u>Charge To :</u>		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,760 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: MA CHANGXING & DU YUEHUA CLARENCE CENTRAL

FISCAL YEAR 2007 Petition No. **207,125.00**

ASSESSOR **Cancel** \$216.88

S-B-L 72.00-3-26.141 **143200 CLARENCE**

Acct. No. 112	\$129.02	County
Acct. No. 132	\$87.86	Town/SpecialDist/School
32020 CLARENCE FIRE DIST	\$32.82	
<u>Charge To :</u>	143200 CLARENCE	\$55.04

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 59,600 AND SHOULD BE 36,000.
 RPTL 550(2)A

FISCAL YEAR 2007 Petition No. **207,126.00**

ASSESSOR **Refund** \$283.42

S-B-L 72.11-2-9 **143200 CLARENCE**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$283.42	Town/SpecialDist/School
32485 SEWER #9 EDU	\$283.42	
<u>Charge To :</u>	143200 CLARENCE	\$0.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR 3 UNITS OF SEWER AND SHOULD ONLY BE CHARGED FOR 2 UNITS OF SEWER SERVICE. RPTL 550(2)E
 CHECK FOR: EDWARD SCHMIDT

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FISCAL YEAR 2007 Petition No. **207,127.00**

ASSESSOR **Cancel** \$7,884.82

S-B-L 555.00-12-1.1 **143689 COLLINS**

Acct. No. 112 \$4,190.87 County

Acct. No. 132 \$3,693.95 Town/SpecialDist/School

36020 COLLINS FIRE PROTECT \$178.37

36023 HELMOUTH FIRE DISTRICT \$32.70

Charge To : **143689 COLLINS** **\$3,482.88**

Relevy School \$2,757.66 047201 GOWANDA CENTRAL

CANCEL - UNLAWFUL ENTRY, THE ASSESSMENT EXCEEDS THAT SET BY THE STATE

BOARD OF ASSESSMENT. THE ASSESSMENT WAS 1,445,748 AND SHOULD BE 1,319,246. RPTL 550(7)E

FISCAL YEAR 2007 Petition No. **207,128.00**

ASSESSOR **Cancel** \$2,551.84

S-B-L 555.00-12-1.2 **143689 COLLINS**

Acct. No. 112 \$1,374.50 County

Acct. No. 132 \$1,177.34 Town/SpecialDist/School

36023 HELMOUTH FIRE DISTRICT \$99.15

Charge To : **143689 COLLINS** **\$1,078.19**

Relevy School \$931.68 143801 SPRING-GRIFFITH

CANCEL - UNLAWFUL ENTRY, THE ASSESSMENT EXCEEDS THE FINAL ASSESSMENT THAT IS SET BY THE STATE BOARD. THE ASSESSMENT WAS 420,451 AND SHOULD BE 383,661. RPTL 550(7)E

FISCAL YEAR 2007 Petition No. **207,129.00**

ASSESSOR **Cancel** \$18.84

S-B-L 555.00-12-1.3 **143689 COLLINS**

Acct. No. 112 \$11.73 County

Acct. No. 132 \$7.11 Town/SpecialDist/School

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36023 HELMOUTH FIRE DISTRICT \$0.43
Charge To : 143689 COLLINS \$6.68

CANCEL - UNLAWFUL ENTRY, THE ASSESSMENT EXCEEDS THAT SET BY THE STATE BOARD . THE ASSESSMENT WAS 19,231 AND SHOULD BE 17,548.
 RPTL 550(7)E

FISCAL YEAR 2007 Petition No. **207,130.00**

ASSESSOR **Refund** \$250.00

S-B-L 220.00-1-11.1 **144489 EVANS**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$250.00 Town/SpecialDist/School

44071 ERIE CO SEWER EX1 \$250.00

Charge To : 144489 EVANS \$0.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR SEWER UNITS. UNITS CHARGED WAS 3 UNITS SHOULD BE 2 UNITS. RPTL 550(2)E
 CHECK FOR: FABIAN S & JAYD MOLLNAR

FISCAL YEAR 2007 Petition No. **207,131.00**

ASSESSOR **Cancel** \$12,252.93

S-B-L 236.00-1-1 **144489 EVANS**

Acct. No. 112 \$1,164.31 County
 Acct. No. 132 \$11,088.62 Town/SpecialDist/School

Charge To : 144489 EVANS \$11,088.62
Relevy School \$11,088.62 144401 LAKE SHORE CENTRAL

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

FISCAL YEAR 2007 Petition No. **207,132.00**

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ERIE COUNTY LEGISLATURE

ASSESSOR **Cancel** \$27,426.61

S-B-L 236.00-1-3.1 **144489 EVANS**

	Acct. No. 112	\$2,606.15	County
	Acct. No. 132	\$24,820.46	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$24,820.46	
	Relevy School	\$24,820.46	144401 LAKE SHORE CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL IS UNDER A PILOT AGREEMENT.
 RELEVY SCHOOL TAX PLACED ON PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207,133.00**

ASSESSOR **Cancel** \$244.03

S-B-L 250.12-1-30 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$244.03	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$244.03	

CANCEL - CLERICAL ERROR, DELINQUENT WATER CHARGE PLACED ON PARCEL IN
 ERROR. THE CHARGE BELONGS ON SBL 250.12-12-30. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,134.00**

ASSESSOR **Cancel** \$497.08

S-B-L 250.12-1-32 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$497.08	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$497.08	

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR A
 DELINQUENT WATER CHARGE. THE CORRECT SBL IS 250.12-10-32.1.
 RPTL 550(2)E

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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 17,700 FOR COUNTY TAX WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207,138.00**

ASSESSOR **Cancel** \$117.01

S-B-L 272.00-1-19 **145889 NORTH COLLINS**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$117.01 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$117.01**

CANCEL - CLERICAL ERROR, PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,139.00**

ASSESSOR **Cancel** \$194.58

S-B-L 272.00-4-14.11 **145889 NORTH COLLINS**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$194.58 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$194.58**

CANCEL - CLERICAL ERROR, THE AGED EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207,140.00**

ASSESSOR **Cancel** \$17.01

S-B-L 285.00-6-10.1 **145889 NORTH COLLINS**

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$17.01	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$17.01	

CANCEL - CLERICAL ERROR, THE PARCEL IS VACANT LAND AND WAS CHARGED FOR THE GARBAGE TAX IN ERROR. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,141.00**

ASSESSOR **Cancel** \$117.01

S-B-L 286.00-5-5 **145889 NORTH COLLINS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$117.01	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$117.01	

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND WAS CHARGED FOR GARGAGE TAX IN ERROR. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,142.00**

ASSESSOR **Cancel** \$117.01

S-B-L 286.00-7-9.121 **145889 NORTH COLLINS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$117.01	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$117.01	

CANCEL - CLERICAL ERROR, THE PARCEL HAS A PRIVATE CONTRACT WITH A REFUSE COMPANY. THIS WAS CHARGED IN ERROR FOR GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,143.00**

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FISCAL YEAR 2007 Petition No. **207,146.00**

ASSESSOR **Cancel** \$117.01

S-B-L 288.00-1-13.12 **145889 NORTH COLLINS**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$117.01 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$117.01**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND WAS CHARGED IN ERROR FOR GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,147.00**

ASSESSOR **Cancel** \$117.01

S-B-L 301.02-1-8.1 **145889 NORTH COLLINS**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$117.01 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$117.01**

CANCEL - CLERICAL ERROR, THIS PARCEL USES A PRIVATE CONTRACTOR FOR REFUSE REMOVAL AND SHOULD NOT BE CHARGED A GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR 2007 Petition No. **207,148.00**

ASSESSOR **Cancel** \$117.01

S-B-L 318.00-2-7 **145889 NORTH COLLINS**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$117.01 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$117.01**

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$30.32	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$30.32	
	Relevy School	\$30.32	146801 WEST SENECA CENT

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 2,025 SHOULD BE 2,937. RPTL 550(2)C
 CHECK FOR: ROSE & PAUL LACHANCE

FISCAL YEAR 2007 Petition No. **207,152.00**

ASSESSOR **Refund** \$150.76

S-B-L 134.46-1-33 **146800 WEST SENECA**

	Acct. No. 112	\$16.03	County
	Acct. No. 132	\$134.73	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$134.73	

CANCEL - CLERICAL ERROR, THE VETERANS EXEMPTION FOR THE COUNTY TAX IS 50% 151,188 AND FOR THE TOWN TAX 30% 19,238. EXEMPTIONS WERE MISCALCULATED ON THE TAX BILL. RPTL 550(2)B

FISCAL YEAR 2007 Petition No. **207,153.00**

ASSESSOR **Cancel** \$382.86

S-B-L 143.17-7-22 **146800 WEST SENECA**

	Acct. No. 112	\$138.90	County
	Acct. No. 132	\$243.96	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$243.96	

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 13,750 (25%) WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2007 Petition No. **207,154.00**

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ERIE COUNTY LEGISLATURE

FISCAL YEAR 2007	Petition No.	207,157.00	
ASSESSOR	Cancel	\$395.83	
S-B-L 243.03-2-2./A	143400 COLDEN		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$395.83	Town/SpecialDist/School
34050 COLDEN WATER #1		\$395.83	
<u>Charge To :</u>	143400 COLDEN		\$0.00

CANCEL - CLERICAL ERROR, THIS PARCEL IS WHOLLY EXEMPT AND THE WATER DIST TAX WAS ON THE WRONG PARCEL. CORRECT SBL IS 243.03-2-2.
 RPTL 550(2)E

FISCAL YEAR 2007	Petition No.	207,158.00	
ASSESSOR	Cancel	\$2,245.26	
S-B-L 243.03-3-11	143400 COLDEN		
	Acct. No. 112	\$435.98	County
	Acct. No. 132	\$1,809.28	Town/SpecialDist/School
34021 COLDEN FIRE DIST		\$103.10	
34050 COLDEN WATER #1		\$395.83	
<u>Charge To :</u>	143400 COLDEN		\$1,310.35

CANCEL - UNLAWFUL ENTRY, THIS PARCEL IS OWNED BY NEW YORK STATE DOT AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

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

CARRIED UNANIMOUSLY.

Item 42 – MS. WHYTE moved to discharge the PERSONNEL COMMITTEE from further consideration of COMM. 3E-18. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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ERIE COUNTY LEGISLATURE

RESOLUTION NO. 69

RE: CPS - Transfer of Law Enforcement
 Training Academy to ECC

WHEREAS, since 2001 Erie Community College (ECC) and Central Police Services (CPS) have worked to establish an educational partnership between ECC and the CPS Law Enforcement Training Academy, and

WHEREAS, in 2003 the CPS Law Enforcement Training Academy relocated onto the grounds of ECC North in an effort to facilitate this partnership and take advantage of the resources available in an academic setting, and

WHEREAS, since that time CPS has worked with ECC and all local law enforcement to develop an agreement to formalize the complete transfer of law enforcement training over to ECC, and

WHEREAS, in 2006 an agreement to transfer all personnel and operations to ECC was finalized, and

WHEREAS, this agreement was subsequently signed by ECC, CPS, Buffalo Police Department, Erie County Chiefs of Police and the Office of the Sheriff.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with ECC, effective 1/01/07, to transfer the functions of the CPS Law Enforcement Training to ECC, and be it further

RESOLVED, in consideration of this transfer, the County agrees to provide annual payments over the next three years to the College in the amount of:

<u>Amount</u>	<u>Year</u>
\$350,000	2007
\$250,000	2008
\$200,000	2009
\$800,000	Total

In exchange for which the College agrees to provide the level of training articulated in the agreement between the College and the County, and be it further

RESOLVED, that payment to ECC will be funded by the savings associated with the transfer and deletion of positions outlined below:

<u>Cost Ctr.</u>	<u>#of Pos.</u>	<u>Position</u>	<u>Job Group</u>	<u>Comment</u>	<u>Amount</u>
1650020	1	Sr. Clerk Steno	JG 4	Transfer	\$33,301
1650020	1	Dir. of Pub Safety Train	JG 15	Delete	\$67,906
1650020	1	Training Instructor	JG 11	Delete	\$54,954
1650020	6	Training Instructor (PT)	JG 11	Delete	\$22,950

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1650010 8 Training Instructor (PT) JG 11 Delete \$57,530

and be it further

RESOLVED, that a reallocation of funds is needed to effectuate payment to ECC and is outlined below:

Fund: 110 Central Police Services		Fund Center: 16500		
Account	Appropriation	2007 Adopted	Change	New Total
500000	Full-time Salaries	\$3,955,085	-\$156,161	\$3,798,924
500010	Part-time Salaries	\$172,046	-\$80,480	\$91,566
502000	Fringe Benefits		-\$78,513	
516020	Pro Ser Cnt and Fees	\$13,000	+\$315,154	\$328,154

and be it further

RESOLVED, that the remaining funds needed will be appropriated from UASI Homeland Security funding, and be it further

RESOLVED, that positions to run the Academy Pre Employment, Recruit Training and In Service Training will be positions (same personnel) listed at ECC in their FFECC contract, and be it further

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

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

CARRIED UNANIMOUSLY.

Delete the 5th, 6th and 7th Resolved Clauses and insert the following:

RESOLVED, that any additional funds needed or at a maximum \$34,846.00 will be appropriated from UAS1 Homeland Security Grant #H5165 UAS1 F050407; and be it further

RESOLVED, that the Department of Central Police Services budget shall reflect an allocation of \$250,000.00 for 2008 and an allocation of \$200,000.00 for 2009 from account #516020-Professional services and Fees to account for the county's costs associated with this program; and be it further

RESOLVED, that positions to run the Academy Pre Employment, Recruit Training and in Service Training will be positions (same personnel) listed at ECC in their FFECC contract; and be it further

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RESOLVED, that ECC shall provide the Erie County Legislature quarterly reports regarding the status of Training Academy and such reports shall include a complete financial analysis of the program including the actual costs incurred by ECC in providing this program; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, Erie Community College, the Department of Central Police Services and the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 43 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-22 from CHAIRPERSON MARINELLI Re: Revised Committee Assignments

2007 Committee Assignments
Revised March 1, 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

Health

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

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Clerk: Geoffrey M. Szymanski Clerk: Paul Henderson

Human Services

Chairperson: Thomas J. Mazur
 Vice-Chairperson: Michele M. Iannello
 Members: Barbara Miller-Williams
 Dr. Barry A. Weinstein
 Clerk: Paul Henderson

Personnel

Chairperson: Kathy Konst
 Vice-Chairperson: Barbara Miller-Williams
 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 SHERIFF

Item 44 – (COMM. 5E-1) IMPACT Enhancement - Field Intelligence Officer

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR LOCKLEAR

Item 45 – (COMM. 5E-2) 2005 NYS Medicaid Cap Legislation: Sales Tax Intercept Option

Received and referred to the HEALTH COMMITTEE.

FROM THE SHERIFF

Item 46 – (COMM. 5E-3) City of Buffalo Cell Block Agreement

Item 47 – (COMM. 5E-4) Response to Comptroller's Audit and Review of Operations of the Erie County Holding Center

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

FROM LEGISLATOR KENNEDY

Item 48 – (COMM. 5E-5) Local Law 3-2006

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 49 – (COMM. 5E-6) Annual Report of the Erie County Legislature

Item 50 – (COMM. 5E-7) 2007 Erie County Legislature Major Agenda Items

The above two items were received and filed.

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 5E-8) Convention Center and Visitors Bureau - 2006 Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 52 – (COMM. 5E-9) ECSD No. 2 - Contract No. 60EV, Utica Trunk - CMH Construction, Inc. - Contract Close-Out

Item 53 – (COMM. 5E-10) ECSD No. 1 - Contract No. 17 - Milherst Construction, Inc. - Contract Close-Out

Item 54 – (COMM. 5E-11) Appointment to ECSD No. 2 Board of Managers

Item 55 – (COMM. 5E-12) Appointment to ECSD No. 3 Board of Managers

Item 56 – (COMM. 5E-13) Appointment to ECSD No. 5 Board of Managers

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

Item 57 – (COMM. 5E-14) Buffalo/Niagara Convention Center - 2007 Capital Projects - Architect/Engineer Agreement Amendment

Item 58 – (COMM. 5E-15) Botanical Gardens - Construction Contingency and Consultant Contract Fee Increase

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

Item 59 – (COMM. 5E-16) Senior Services - Authorization to Amend the CSE Grant Budget

Item 60 – (COMM. 5E-17) Social Services - Renewal of Lease at 478 Main Street

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

Item 61 – (COMM. 5E-18) Health - Public Health Laboratories - Laboratory Response Network Grant- Personnel Adjustment

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Received and referred to the PERSONNEL COMMITTEE.

Item 62 – (COMM. 5E-19) Correspondence from the Army Corps of Engineers and the NYS
 DOT

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (COMM. 5E-21) Lease of Space for the Chambers of Hon. Eugene F. Pigott, Jr.
 Associate Judge, NYS Court of Appeals

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 64 – (COMM. 5D-1) Proposed Agenda for 2/15/2007 Board of Trustees Meeting

Received and filed.

FROM THE COUNTY ATTORNEY

Item 65 – (COMM. 5D-2) Legal Opinion of Local Law Intro. No. 1-2007

Received and referred to the PERSONNEL COMMITTEE.

Item 66 – (COMM. 5D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 67 – (COMM. 5D-4) SEQR - Negative Declaration - Notice of Determination of Non-
 Significance

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 68 – (COMM. 5D-5) Comparison to the Nine Largest Counties in NYS

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 69 – (COMM. 5D-6) ECFSA Grant for Master Plan for Space Consolidation &
 Relocation - RFQ Process

MEETING NO. 5
MARCH 1, 2007

ERIE COUNTY LEGISLATURE

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 70 – (COMM. 5D-7) Response to Comm. 5M-11

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE AID TO INDIGENT PRISONERS SOCIETY INC. –
ASSIGNED COUNSEL PROGRAM

Item 71 – (COMM. 5M-1) Quarterly Report of the Assigned Counsel Program for the 4th Quarter of 2006

Received and filed.

FROM THE FULTON COUNTY LEGISLATURE

Item 72 – (COMM. 5M-2) Resolution Urging the United States Congress to Enact the "Medicaid County Protection Act of 2007"

Received and filed.

FROM THE ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT

Item 73 – (COMM. 5M-3) Appointments to the ECS&WCD Board of Directors

Received and filed.

FROM THE TOWN OF SARDINIA

Item 74 – (COMM. 5M-4) Copy of Letter to Loughran Re: Erie County Forest

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 75 – (COMM. 5M-5) Copy of Certified Resolutions: "Completing the Formation of a Parks Advisory Board" and "Opposition to Olmsted Conservancy Imposing Fees Upon Youth Sports Organization"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF COLDEN

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MARCH 1, 2007

ERIE COUNTY LEGISLATURE

Item 76 – (COMM. 5M-6) Support for an Ice Skating/Roller Skating Rink Located in Erie County's Sprague Brook Park

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS SUPREME COURT

Item 77 – (COMM. 5M-7) Notice That CSEA Local 1000 & AFSCME, AFL-CIO Made Claim Against Erie County

Received and referred to the PERSONNEL COMMITTEE.

FROM THE COMMUNITY COLLEGE

Item 78 – (COMM. 5M-8) Notice of Meeting of Board of Trustees Held 2/28/07

Received and filed.

FROM THE CHARTER WORKING GROUP

Item 79 – (COMM. 5M-9) Erie County Charter

Received and left on the table.

FROM THE ERIE COUNTY DEMOCRATIC COMMITTEE

Item 80 – (COMM. 5M-10) Endorsement of Barbara Miller-Williams to Fill Vacancy in the 3rd Legislative District

Received, Filed and Printed.

February 26, 2007

Chair Lynn 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 3rd Erie County Legislative District was held at 6:00pm on Wednesday February 21, 2007 at the Pratt Willard Community Center 422 Pratt Street Buffalo, NY for the purpose of endorsing a candidate to fill the vacancy in the 3rd Erie County Legislative District.

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At the meeting the 3rd District Committeemen endorsed Barbara Miller Williams to fill the vacancy left in the 3rd Erie County Legislative District.

Sincerely,

Kathleen A. Callan
Executive Director

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 81 – (COMM. 5M-11) Certified Resolution Re: Erie County Tax Liens

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 82 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Joseph Naples.

Item 83 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Joseph Niland.

Item 84 – Ms. Konst requested that when the Legislature adjourns, it do so in memory of George Vervoss.

Item 85 – Ms. Locklear requested that when the Legislature adjourns, it do so in memory of Donald McIntire.

Item 86 – Mr. Mills requested that when the Legislature adjourns, it do so in memory of Lorraine V. Biryła.

Item 87 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Warren E. Henry, Jr.

Item 88 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Ronald G. Gannon.

Item 89 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of George Burst.

Item 90 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Jane (Pace) Sciolino.

Item 91 – Mr. Loughran requested that when the Legislature adjourns, it do so in memory of Margaret M. (Hafner) Lennon.

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Item 92 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Richard D. Krieger.

Item 93 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Milton Kaplan.

ADJOURNMENT

Item 94 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, March 15, 2007 at 2 p.m. Eastern Standard Time. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 15, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE