

**ERIE COUNTY LEGISLATURE  
MEETING NO. 5  
MARCH 2, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Kozub.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting #3. MR. KOZUB seconded. MR. RANZENHOFER voted in the negative.

CARRIED (14-1).

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. KOZUB presented a resolution In Memory of Thomas J. Heckt.

Item 6 – MR. REYNOLDS presented a resolution Honoring Boston Town Clerk David Shenk for Being Chosen Town of Boston 2006 Democrat of the Year.

Item 7 – MR. KENNEDY presented a resolution In Memory of Buffalo Firefighter Donald J. Herbert.

Item 8 – MR. MAZUR presented a resolution Honoring the Cheektowaga Times Upon Their 60th Anniversary.

Item 9 – MS. KONST presented a resolution Honoring Sam Junkin, Student from the Iroquois Central School District, Upon Receiving a Racing Scholarship at the 2006 WKA Karfest Tradeshow in Hickory, North Carolina.

Item 10 – HOLT & SMITH presented a resolution In Memory of Pearl Washington.

Item 11 – SMITH & HOLT presented a resolution Honoring the 2006 Alpha Kappa Alpha Inc. Xi-Epsilon Omega Chapter Founders Day Award Winners.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Item 12 – MR. KENNEDY presented a resolution Honoring Former NYS Assemblyman Richard Keane Upon Being Named 2006 Irish-American of the Year by the NYS Irish American Legislator Society.

Item 13 – KENNEDY & MAZUR presented a resolution Recognizing the Statue of General Casimer Pulaski.

MS. WHYTE moved for consideration of the above 9 items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to include a miscellaneous resolution from Ms. Konst, a miscellaneous resolution from Ms. Locklear and a miscellaneous resolution from Mr. Weinstein not on the agenda and to amend all the Miscellaneous Resolutions with Et Al Sponsorship.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above 12 items. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 17 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 18 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 19 – MR. HOLT presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

FEBRUARY 23, 2006

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 27E-6 (2005)  
**COUNTY EXECUTIVE:** Request for Appointments to EC Implementation Committee  
 (3-0)
  - b. COMM. 1M-6 (2006)  
**CITY OF BUFFALO - DEPT. OF LAW:** Amendment to the Intermunicipal Cooperation Agreement for the Operation, Management & Improvement of City of Buffalo Parkland  
 (3-0)
  - c. INTRO 2-3 (2006)  
**IANNELLO:** Transfer of District Office Funds to Erie County General Fund Account  
 (3-0)
  - d. COMM. 4E-1 (2006)  
**COMPTROLLER:** Copy of Letter to County Attorney Re: Litigation Against Pharmaceutical Companies  
 (3-0)

**CYNTHIA E. LOCKLEAR**  
**VICE-CHAIR**

**FOR**

**GEORGE A. HOLT, JR.**  
**CHAIRMAN**

Item 20 – MR. KENNEDY presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

FEBRUARY 23, 2006

ECONOMIC DEVELOPMENT COMMITTEE  
 REPORT NO. 4

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

**ALL ITEMS ARE HEREBY TABLED.**

**TIMOTHY M. KENNEDY**

**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

FEBRUARY 23, 2006

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 4

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

- 1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 32E-7 (2005)  
**COUNTY EXECUTIVE:** Management Initiatives  
(3-0) Legislator Marinelli not present.

- 2. COMM. 2D-3 (2006) **AS AMENDED**  
**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 investigate the validity of such applications ( see attached listing ) now therefore be it,

RESOLVED, that petitions numbered 206050 through 206089 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.

<b>FISCAL YEAR</b>	2006	Petition No.	<b>206050</b>
	OWNER	<b>Cancel</b>	\$215.89
<b>S-B-L</b>	77.49-5-6	<b>140200</b>	<b>BUFFALO</b>
	Acct. No. 112	\$215.89	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>140200 BUFFALO</b>	<b>\$0.00</b>	

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS PLACED ON THIS PARCEL IN ERROR. THE 2005 COUNTY TAX DID NOT HAVE AN EXEMPTION ON THE TAX BILL. RPTL 550(2)A.



**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

**FISCAL YEAR 2006**                      Petition No.                      **206054**

ASSESSOR                      **Cancel**                      \$22.16

**S-B-L 41.07-4-2.1/37B**                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$22.16      Town/SpecialDist/School

**Charge To :**                      **142289 AMHERST**                      **\$22.16**

CANCEL - CLERICAL ERROR, THE GALLONAGE USED ON THE SEWER TAX WAS INCORRECT. THE GALLONAGE WAS 50 AND SHOULD BE 43. RPTL 550(2)E

**FISCAL YEAR 2005**                      Petition No.                      **206055**

ASSESSOR                      **Refund**                      \$584.05

**S-B-L 55.18-5-8**                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$584.05      Town/SpecialDist/School

**Charge To :**                      **142289 AMHERST**                      **\$584.05**  
**Relevy School**                      \$584.05      142207 SWEET HOME CENTRAL

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 41,700 (30%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 CHECK FOR: FRANK G ANTHONY

**FISCAL YEAR 2006**                      Petition No.                      **206056**

ASSESSOR                      **Cancel**                      \$702.30

**S-B-L 55.18-5-8**                      **142289 AMHERST**

Acct. No. 112                      \$349.40      County  
 Acct. No. 132                      \$352.90      Town/SpecialDist/School

**Charge To :**                      **142289 AMHERST**                      **\$352.90**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 69,500 (50%) WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR 2005**                      Petition No.                      **206057**











**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Acct. No. 112	\$114.10	County
Acct. No. 132	\$234.11	Town/SpecialDist/School
44020 ANGOLA-EVANS FIRE PROTECT	\$47.66	

**Charge To :                    144489 EVANS                    \$186.45**

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE TOWN OF EVANS AND SHOULD BE IN ROLL SECTION 8 . MAKING IT WHOLLY EXEMPT. RPTL 550(7)A  
**FISCAL YEAR**20069                    Petition No.                    **206073**

ASSESSOR                    **Cancel**                    \$626.93

**S-B-L** 38.13-2-9.1                    **144600 GRAND ISLAND**

Acct. No. 112	\$392.78	County
Acct. No. 132	\$234.15	Town/SpecialDist/School

**Charge To :                    144600 GRAND ISLAND                    \$234.15**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 41,440 (50%) WAS OMITTED FROM THE ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR** 2004                    Petition No.                    **206074**

ASSESSOR                    **Refund**                    \$114.00

**S-B-L** 49.08-1-19                    **144600 GRAND ISLAND**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$114.00	Town/SpecialDist/School

**Charge To :                    144600 GRAND ISLAND                    \$114.00**

REFUND - CLERICAL ERROR, THE SPECIAL DISTRICT TAX FOR GARBAGE WAS CHARGED FOR 2 UNITS WHEN IT SHOULD ONLY BE 1 UNIT. RPTL 550(2)E  
 CHECK FOR: JAY C FARQUHARSON

**FISCAL YEAR** 2005                    Petition No.                    **206075**

ASSESSOR                    **Refund**                    \$128.00

**S-B-L** 49.08-1-19                    **144600 GRAND ISLAND**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$128.00	Town/SpecialDist/School

**Charge To :                    144600 GRAND ISLAND                    \$128.00**



**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

**Charge To :                    144889 HAMBURG                    \$228.44**

CANCEL - ERROR IN ESSENTIAL FACT, THE HOME WAS DESTROYED BY FIRE ON 12/23/04. THE ASSESSMENT WAS 60,000 AND SHOULD BE 4,200 LAND ONLY.  
 RPTL 550(3)A

**FISCAL YEAR 2006                    Petition No.                    206079**

**ASSESSOR                    Refund                    \$120.00**

**S-B-L 93.15-4-67                    145289 LANCASTER**

Acct. No. 112                    \$0.00    County  
 Acct. No. 132                    \$120.00    Town/SpecialDist/School

52499 EC4 FOOTG                    \$120.00

**Charge To :                    145289 LANCASTER                    \$0.00**

REFUND - CLERICAL ERROR, THE FOOTAGE FOR SEWER DISTRICT TAX WAS APPLIED IN ERROR ON THE TAX ROLL. RPTL 550(2)E  
 CHECK FOR: JEROME D HUEFNER

**FISCAL YEAR 2006                    Petition No.                    206080**

**ASSESSOR                    Cancel                    \$240.00**

**S-B-L 93.13-3-15                    145289 LANCASTER**

Acct. No. 112                    \$0.00    County  
 Acct. No. 132                    \$240.00    Town/SpecialDist/School

52499 EC4 FOOTG                    \$240.00

**Charge To :                    145289 LANCASTER                    \$0.00**

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT TAX FOR SEWER INCORRECTLY

CHARGED FOOTAGE ON THIS PARCEL. RPTL 550(2)E

**FISCAL YEAR 2006                    Petition No.                    206081**

**ASSESSOR                    Cancel                    \$249.86**

**S-B-L 20.00-2-48                    145689 NEWSTEAD**

Acct. No. 112                    \$192.57    County  
 Acct. No. 132                    \$57.29    Town/SpecialDist/School

**Charge To :                    145689 NEWSTEAD                    \$57.29**





**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

DISTRICT TAX NEEDS TO BE REMOVED PER COURT ORDER. RPTL 550(2)E

**FISCAL YEAR 2005**                      Petition No.                      **206088**

ASSESSOR                      **Refund**                      \$50.46

**S-B-L** 134.56-1-34                      **146800 WEST SENECA**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$50.46      Town/SpecialDist/School

**Charge To :**                      **146800 WEST SENECA**                      **\$50.46**

REFUND - UNLAWFUL ENTRY, SPECAIL DISTRICT SANITARY SEWER 8 TAX WAS ADDED IN ERROR TO THIS PARCEL ON THE TAX ROLL. RPTL 550(7)B  
 CHECK FOR: WIMBLEDON VILLAGE HOMEOWNERS ASSOC INC

**FISCAL YEAR 2006**                      Petition No.                      **206089**

ASSESSOR                      **Cancel**                      \$50.55

**S-B-L** 134.56-1-34                      **146800 WEST SENECA**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$50.55      Town/SpecialDist/School

**Charge To :**                      **146800 WEST SENECA**                      **\$50.55**

CANCEL - UNLAWFUL ENTRY, SPECIAL DISTRICT SANITARY SEWER 8 TAX WAS ADDED TO THIS PARCEL IN ERROR ON THE TAX ROLL. RPTL 550(7)B  
 (3-0) Legislator Marinelli not present.

**DEMONE A. SMITH**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

FEBRUARY 23, 2006

HUMAN SERVICES COMMITTEE  
 REPORT NO. 2

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

1. COMM. 4E-18 (2006) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Operation Restore Trust (ORT) grant for the period July 1, 2005 to June 30, 2006, and the Community Services for the Elderly (CSE) and Expanded In-Home Services for the Elderly Program (EISEP) grants for the period April 1, 2005 to March 31, 2006 and the Weatherization Referral and Packaging (WRAP-SOFA) grant for the period October 1, 2005 to September 30, 2006, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that the Department has been awarded \$1,221 in supplemental ORT funds, and

WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide anti-health care fraud and abuse outreach and training under the ORT grant, and

WHEREAS, the Department desires to amend the contract with the American Red Cross, and

WHEREAS, the Department, in conjunction with the Cluster agencies, has identified CSE and EISEP funds that some of the Custer agencies will be unable to use prior to March 31, 2006, due to turnover and staff vacancies, and

WHEREAS, the Department desires to allocate these funds to provide adult day care services and to replace existing vans with high mileage and poor maintenance records, and

WHEREAS, one of the cluster agencies, St. Augustine's Center has been ordered to close its doors on March 2, 2006, necessitating the Department to transfer the case management caseload and the transportation component to other existing cluster agencies in the vicinity of the service area, and

WHEREAS, the Bailey Delevan Community Center is willing to absorb the case management caseload, and the Lt. Col. Matt Urban Center is willing to absorb the transportation component, effective immediately, and

WHEREAS, the Department of Senior Services desires to transfer the applicable portion of St. Augustine's case management funds to Bailey Delevan Community Services to assure continued delivery of service, and

WHEREAS, the Department regularly reviews grant objectives with actual costs and position funding with actual functions, and

WHEREAS, the Department desires to transfer the Senior Community Service Aid position (#8700) from the EISEP grant to the WRAP-SOFA grant, and the Community Resource Technician

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

position (#1800) from the WRAP-SOFA grant to the EISEP grant, effective February 20, 2006, to match the functions carried out under each of these positions, and

WHEREAS, these position transfers are reflected in the SAP system on B-100 position authorization forms, Control numbers 1813 and 1814, and

WHEREAS, the grant budgets for ORT, CSE and EISEP are in need of revision, and

WHEREAS, the American Red Cross will provide the required 25% match for ORT funds, and County funds are not needed for the CSE, EISEP, WRAP-SOFA or SPAP grant budget revisions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the ORT contract with the American Red Cross, Greater Buffalo Chapter by the amount detailed herein, and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the CSE contract with the Bailey Delavan Community Center by the amount detailed herein, and be it further

RESOLVED, that the Senior Community Service Aid position be transferred from EISEP to WRAP-SOFA, and the Community Resource Technician position be transferred from WRAP-SOFA to EISEP, effective February 20, 2006, and be it further

RESOLVED, that the budget for the ORT grant, 163ORT0506, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid	\$10,678	\$1,221	\$11,899
466000	Miscellaneous Receipts	3,560	407	3,967
	<b>TOTAL REVENUE</b>	<b>\$14,238</b>	<b>\$1,628</b>	<b>\$15,866</b>
<b>APPROPRIATIONS</b>				
500000	Full Time Salaries	\$1,060	-\$1,060	\$0
	Contractual- American Red			
516010	Cross	10000	5,866	15,866
530000	Other Expenses	1,000	-1,000	0
545000	Rental Expenses	1,400	-1,400	0
980000	ID DISS Services	778	-778	0
	<b>TOTAL APPROPRIATIONS</b>	<b>\$14,238</b>	<b>\$1,628</b>	<b>\$15,866</b>

and be it further

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the budget for the CSE grant, 163CSE0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
500000	Full Time Salaries	\$127,766	-\$20,300	\$107,466
502000	Fringe Benefits	39,552	2,000	41,552
505000	Office Supplies	1,000	500	1,500
516010	Contractual-Bailey Delavan	154,325	7,000	161,325
	Contractual-Town of			
516010	Amherst	11,000	-11,000	0
516010	Contractual-Lt. Matt Urban	113,948	-2,000	111,948
516010	Contractual-St. Augustine's	147,374	-24,000	123,374
561440	Motor Vehicles	0	42,700	42,700
980000	ID DISS Services	8,516	3,100	11,616
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
502000	Fringe Benefits	\$126,512	\$4,000	\$130,512
	Contractual-Concerned			
516010	Ecumenical Ministry	96,873	-12,000	84,873
516020	Adult Day Care Services	0	40,000	40,000
516020	Home Care Services	1,434,660	-37,000	1,397,660
980000	ID DISS Services	13,000	5,000	18,000
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget, Management and Finance; the County Attorney's Office; the Comptroller's Office and the Department of Senior Services.  
 (3-0)

2. COMM. 4E-19 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already authorized the County Executive to initiate the pilot sponsorship program and the related sponsorship fees on July 8, 2004 (Comm. 15E-37), and

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Senior Services (Senior Services) completed arrangements with the first sponsor and realized additional revenues than anticipated, and

WHEREAS, Senior Services seeks to continue the sponsorship plan for the remaining Going Places vehicles to provide a steady source of funds for maintaining and replacing the vehicles, and

WHEREAS, Sponsorship Agreements will conform to the Department's Sponsorship Policy guidelines (attached), and

WHEREAS, Senior Services has determined that it can receive \$3,600 annually per vehicle from the sponsor and \$400.00 per year for any sponsor-initiated modifications (maximum of three changes per year) made to signage during the sponsorship period, and

WHEREAS, Senior Services will enter into a contract with those businesses willing to pay the sponsorship fee for the agreed upon timeframe of the sponsorship, and

WHEREAS, Senior Services will contract with Vinyl Signz during the pilot program timeframe to create and design the necessary sponsorship logos, and

WHEREAS, Vinyl Signz will not charge Senior Services or Erie County for the logo and sponsorship design and implementation as the costs will be borne by the sponsoring business, and

WHEREAS, Senior Services wishes to extend the pilot project for the remainder of the 2006 calendar year, and

WHEREAS, Senior Services desires the proceeds from sponsorship be maintained in a separate account to be used solely for maintenance and replacement of the Going Places vans in order to ensure continuance of needed transportation services to seniors throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby authorizes the County Executive to extend the pilot sponsorship program into 2006 using the previously established sponsorship fees for the Going Places vehicles as follows:

Initial signage	\$3,600 annually, 300 monthly
Signage modification	\$ 400 per year, maximum of three changes per year

and be it further

RESOLVED, that the County Executive is hereby authorized to contract with each sponsor during 2006, and to extend the contract with Vinyl Signz through June 30, 2006, and be it further

RESOLVED, that the budget for the pilot sponsorship program be established in fund 110, cost center 1632020, as follows:

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

	INITIAL BUDGET
REVENUES	
Account Description	
466130 Other Unclassified Revenue	\$46,800
TOTAL REVENUE	<u>\$46,800</u>
APPROPRIATIONS	
506200 Maintenance & Repairs	\$20,800
561440 Motor Vehicles	26,000
TOTAL APPROPRIATIONS	<u>\$46,800</u>

and be it further

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

(3-0)

3. COMM. 4E-20 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B), the Congregate Dining (III-C-1), the Disease Prevention Health Promotion (III-D), the Elder Caregiver Support (III-E) and Hope for Elderly Independence Program (HOPE) grants; and the Home Energy Assistance Program (HEAP) and Weatherization Referral and Packaging Program (WRAP-DSS) for the period January 1, 2005 to December 31, 2005, and

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

WHEREAS, the Department currently contracts with the Jewish Center of Greater Buffalo to provide kosher meals under the III-C-1 grant, and

WHEREAS, the Department desires to amend the contract with the Jewish Center of Greater Buffalo to cover all costs of the kosher meal program, and

WHEREAS, as part of year end activities, the Comptroller's Office allocated additional fringe benefit charges to our department based on the reconciliation of actual county costs to payroll charges, and

WHEREAS, the County budgets for these grants and programs are in need of revision.

NOW, THEREFORE, BE IT

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive be and is hereby authorized to amend the III-C-1 contract with Jewish Family Services by the amount detailed herein, and be it further

RESOLVED, that the budget for the III-B grant, 163III-B2005, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
500000	Full Time Salaries	\$940,022	-\$49,360	\$890,662
502000	Fringe Benefits	289,375	49,360	338,735
	TOTAL APPROPRIATIONS	\$1,229,397	\$0	\$1,229,397

and be it further

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12005, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
500000	Full Time Salaries	\$542,882	-\$3,000	\$539,882
502000	Fringe Benefits	206,401	15,200	221,601
516010	Jewish Family Services Meal Preparation	50,912	3,455	54,367
516020	Services	1,199,376	-10,655	1,188,721
80000	ID DISS Services	18,220	-5,000	13,220
	TOTAL APPROPRIATIONS	\$2,017,791	\$0	\$2,017,791

and be it further

RESOLVED, that the budget for the III-D grant, 163III-D2005, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
502000	Fringe Benefits	\$20,783	\$1,400	\$22,183
516020	Prof Ser Contracts and Fees	26,782	-1,400	25,382
	TOTAL APPROPRIATIONS	\$47,565	\$0	\$47,565

and be it further

RESOLVED, that the budget for the III-E grant, 163III-E2005, be revised as follows:

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
500000	Full Time Salaries	\$414,835	-\$23,960	\$390,875
502000	Fringe Benefits	131,461	23,960	155,421
	TOTAL			
	APPROPRIATIONS	\$546,296	\$0	\$546,296

and be it further

RESOLVED, that the budget for the HOPE grant, 163HOPE2005, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
502000	Fringe Benefits	\$33,955	\$1,850	\$35,805
	Prof Ser Contracts and			
516020	Fees	76,838	-1,850	74,988
	TOTAL			
	APPROPRIATIONS	\$110,793	\$0	\$110,793

and be it further

RESOLVED, that the budget for the HEAP program, cost center 1632040, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
	Seasonal Employees			
500030	Wages	\$96,565	-\$8,420	\$88,145
502000	Fringe Benefits	127,539	8,420	135,959
	TOTAL			
	APPROPRIATIONS	\$224,104	\$0	\$224,104

and be it further

RESOLVED, that the budget for the WRAP-DSS program, cost center 1632050, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
502000	Fringe Benefits	\$17,140	\$1,065	\$18,205
530000	Other Expenses	11,924	-1,065	10,859
	TOTAL	\$29,064	\$0	\$29,064

**APPROPRIATIONS**

and be it further

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

4. COMM. 4E-21 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated clean-up funds for the Congregate Dining Nutrition Program (C-1) grant for the period January 1, 2006 to December 31, 2006, and

WHEREAS, the South Buffalo Community Association has been the sponsor of the Tosh Collins Senior Center since May 1, 2005, and

WHEREAS, the Department desires to continue to contract with the South Buffalo Community Association throughout 2006, and

WHEREAS, the South Buffalo Community Association was inadvertently omitted from the list of stay fit dining sites in the 2006 budget, and

WHEREAS, the grant budget has sufficient clean-up funds appropriated.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the South Buffalo Community Center, effective January 1, 2006 through December 31, 2006, to sponsor the Stay Fit dining site, and be it further

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

**THOMAS J. MAZUR  
CHAIRMAN**

Item 23 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

REPORT NO. 3

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

1. COMM. 4E-17 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended, and

WHEREAS, said funds are required to be expended for law enforcement and prosecutorial efforts as Federal guidelines dictate, and

WHEREAS, it is desirable to purchase three new investigative automobiles to be used for surveillance and investigative purposes, and

WHEREAS, it becomes necessary to properly maintain and repair our vehicles in order to keep them in good working condition.

NOW, THEREFORE, BE IT

RESOLVED, that \$57,800 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA", and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office.

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM  
 BUSINESS AREA: 114  
 COST CENTER: 1140010  
 FUNDED PROGRAM /WBS ELEMENT: SAFDA

<u>Revenue</u>	<u>Increase</u>
421550 Forfeiture Crime Proceeds	<u>\$57,800</u>
Total Revenue	<u>\$57,800</u>
 <u>Appropriation</u>	
506200 Maintenance & Repair	\$10,000
561440 Motor Vehicles	<u>47,800</u>
Total Appropriations	<u>\$57,800</u>

and be it further

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

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

(5-0)

2. COMM. 4E-21 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, funds for the the Structured Treatment to Enhance Public Safety/Road to Recovery (STEPS/RtR) Grant are available from the New York State Division of Criminal Justice Services in the amount of \$70,000, and

WHEREAS, the District Attorney's Office will utilize the funds to designate an Assistant District Attorney to assist in heading up a program to help rehabilitate drug addicted non-violent offenders in order to discourage them from committing any more felony crimes

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of reducing the chances that drug addicted offenders will slip back into a criminal behavior pattern, and be it further

RESOLVED, that authorization is hereby provided to create the position of Assistant District Attorney III, Job Grade 14, in the District Attorney's The Structured Treatment to Enhance Public Safety/Road to Recovery (STEPS/RtR) Grant, (B-100 #1786), and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's The Structured Treatment to Enhance Public Safety/Road to Recovery (STEPS/RtR) Grant as follows:

DISTRICT ATTORNEY'S OFFICE  
 THE STRUCTURED TREATMENT TO ENHANCE PUBLIC SAFETY/ROAD TO RECOVERY  
 (STEPS/RTR) GRANT  
 114STEPS/RTR2006  
 JANUARY 1, 2006 TO DECEMBER 31, 2006

<u>Revenue:</u>	<u>Increase</u>
409000 State Aid	\$ 70,000
Total Revenue	<u>\$ 70,000</u>
 <u>Appropriation:</u>	
500000 Personal Services	\$ 62,785
502000 Fringe Benefits	25,215
911490 ID DA Grant Services	<u>(18,000)</u>
Total Appropriations	<u>\$ 70,000</u>

and be it further

RESOLVED, that this position is allowed to be filled as soon as possible as the grant start date was January 1, 2006 and thus will allow for all grant monies to be fully utilized, and be it further

**MEETING NO. 5  
MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Comptroller, Erie County Personnel and the Director of Budget, Management and Finance.  
(5-0)

**DANIEL M. KOZUB  
CHAIR**

Item 24 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

FEBRUARY 23, 2006

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WHYTE.

- 1. RESOLVED, the following items are hereby received and filed.
  - a. COMM. 4E-26 (2006)  
**COUNTY EXECUTIVE:** Erie County sewer Consturction Projects – Annual Change Order Report  
(4-0)
  - 2a. COMM. 28E-15 (2005) **AS AMENDED**  
**COUNTY EXECUTIVE**  
RESOLUTION NO. 60

RESOLUTION DATED \_\_\_\_\_, 2006.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ 2006.

(Adopted) \_\_\_\_\_, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the “District”) to provide sewer services to the Village of Orchard Park,

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, the Village of Hamburg and the Village of Blasdell; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Treatment Agency on October 27, 2006 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District(Southtowns Sewage Treatment Agency), consisting of the replacement of three fuel oil tanks, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg, and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 6<sup>th</sup> day of April, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County-Southtowns Sewage Treatment Agency in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 6<sup>th</sup> day of April, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of the Southtowns Advanced Wastewater Treatment Facility in said County.

The increase and improvement of such facilities consisting of the replacement of three fuel oil tanks, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Southtowns Sewer Management Agency on October 27, 2006 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg, and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$1.46. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

(3-0)

2b. COMM. 28E-15 (2005)

**AS AMENDED**

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

**COUNTY EXECUTIVE**  
 RESOLUTION NO.   61  

RESOLUTION DATED \_\_\_\_\_, 2006.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ 2006.

(Adopted) \_\_\_\_\_, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell, Hamburg and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on December 7, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the installation of approximately 5,500 linear feet of 8 inch diameter polyvinyl chloride (PVC) pipe, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$592,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$1.00; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 6<sup>th</sup> day of April, 2006, at 1:30 o'clock P. M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 6<sup>th</sup> day of April, 2006, at 1:30 o'clock P. M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County.

The increase and improvement of such facilities consisting of the installation of approximately 5,500 linear feet of 8 inch diameter polyvinyl chloride (PVC) pipe, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of Erie County Sewer District No. 3 on December 7, 2005 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$592,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$1.00. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

\_\_\_\_\_, 2006.  
 BY ORDER OF THE COUNTY  
 LEGISLATURE OF THE COUNTY OF  
 ERIE, NEW YORK  
 By \_\_\_\_\_  
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the “Front Page” and in the “Amherst Bee”, the official newspapers of said County and in “Hamburg Sun” a newspaper of general circulation, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.  
 (3-0)

3. COMM. 4E-16 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Malcolm Pirnie, Inc. to provide engineering services to Erie County Sewer District No. 3; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated January 13, 2004 with Malcolm Pirnie, Inc. in the amount of \$211,468.59.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated January 13, 2004 between Erie County Sewer District No. 3 and Malcolm Pirnie, Inc. be formally closed-out in the final amount of \$211,468.59; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the various Sewer Capital Accounts, between Erie County Sewer District No. 3 and Malcolm Pirnie, Inc.; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; and one (1) certified copy each Joel Giambra, County Executive; Ken Vetter, Director of Budget and Management; Mark C. Poloncarz Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(3-0)

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

4. COMM. 4E-27 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the development of a Division wide Capital Improvements Plan; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Malcolm Pirnie, Inc., 40 Centre Drive, Orchard Park, New York 14127.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Malcolm Pirnie, Inc. be retained at a cost not to exceed \$500,000.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an agreement with the firm of Malcolm Pirnie, Inc., 40 Centre Drive, Orchard Park, New York 14127, to provide the needed engineering services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Director for Budget Management and Finance and the County Comptroller be authorized to modify the Sewer Capital and 2006 Operating Fund Budgets and transfer \$500,000.00 for the Agreement to the District wide sewer Capital project (C.00065) with funding from available fund balance from each District and the Southtowns Agency as follows:

<b>SEWER DISTRICT</b>	<b>District Cost Center</b>	<b>402190 Use of Fund Balance</b>	<b>570000 Trans Out/ 486000 Trans In</b>
1 – 12%	1811010	\$60,000.00	\$60,000.00
2 – 17%	1821010	85,000.00	85,000.00
3 – 10%	1831030	50,000.00	50,000.00
4 – 19%	1841040	95,000.00	95,000.00
5 – 4%	1811050	20,000.00	20,000.00
6 – 12%	1861010	60,000.00	60,000.00
Stowns–26%	1831010	130,000.00	130,000.00
<b>Total</b>		<b>\$500,000.00</b>	<b>\$500,000.00</b>

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive; Mark C. Poloncarz, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Kenneth J. Vetter, Director of Budget, Management and Finance.  
 (2-0) Legislator Mills abstained.

**THOMAS J. LOUGHRAN**

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

**CHAIRMAN**

Item 25 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

FEBRUARY 23, 2006

COMMUNITY ENRICHMENT COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

**ALL ITEMS ARE HEREBY TABLED.**

**MICHELE M. IANNELLO**  
**CHAIRPERSON**

**LEGISLATOR RESOLUTIONS**

Item 26 – CHAIRMAN MARINELLI directed that the following item be sent to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 5-1 from LEGISLATORS RANZENHOFER, WEINSTEIN & MILLS Re: Resolution in Support of Review of the "Taylor Law"

Item 27 – CHAIRMAN MARINELLI directed that the following item be referred to the HEALTH COMMITTEE.

CHALLENGE TO THE CHAIR.

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

AYES: MILLS, RANZENHOFER & WEINSTEIN. NOES: HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH & WHYTE. (AYES: 3; NOES: 12)

FAILED.

INTRO 5-2 from WEINSTEIN, MILLS & RANZENHOFER Re: Federal Deductions for Health and Long Term Care Insurance Premiums

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded. MR. MILLS and MR. RANZENHOFER voted in the negative.

CARRIED.

RESOLUTION NO. 63

RE: 2006 Legislature Budget Technical  
 Amendments (INTRO 5-3)

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

MS. WHYTE moved to amend the item. MS. IANNELLO seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2006 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2006:

**EFFECTIVE MARCH 6, 2006**

**Fund Center 100, Cost Center 1005017 District Office Staff**

CHANGE (1) Senior Secretarial Assist Leg Dist Of RPT Position # 51002781  
 from JG 6 Step 5 to JG 6 Step 2

DELETE (1) Senior Secretarial Assist Leg Dist Of PT Position # 51002785

ADD (1) Admin Assist Leg Dist Of PT with a variable minimum JG 10 Step 1

**EFFECTIVE JANUARY 1, 2006**

CORRECT (1) Chief of Staff – Legislature Position # 51002776 with a variable minimum  
 from JG 17 Step 0 to JG 17 Step 2

and be it further,

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, County Attorney, and Comptroller.

MS. WHYTE moved for approval of INTRO 5-3 as amended. MR. MAZUR seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Item 29 – CHAIRMAN MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 5-4 from LEGISLATORS KONST, LOCKLEAR, LOUGHRAN, IANNELLO & THE MINORITY CAUCUS Re: A.04983 and S.4419

Item 30 – CHAIRMAN MARINELLI directed that the following item be referred to the HEALTH COMMITTEE.

GRANTED.

INTRO 5-5 from LEGISLATORS IANNELLO, LOCKLEAR & KONST Re: Growing Rodent Problem Jeopardizing Health of First Tier Communities

Item 31 – CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 5-6 from LEGISLATORS KONST, LOCKLEAR, IANNELLO, MILLS & WEINSTEIN Re: Review of Highway/Bridge Engineer Contract

Item 32 – CHAIRMAN MARINELLI directed that the following item be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 5-7 from LEGISLATORS KONST, LOCKLEAR, IANNELLO, LOUGHRAN & THE MINORITY CAUCUS Re: Verify NY Initiative

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

GRANTED.

INTRO 5-8 from the MINORITY CAUCUS Re: Resolution Regarding Allocation of Sales Tax Revenue

Item 34 - CHAIRMAN MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 5-9 from LEGISLATOR KENNEDY Re: Eliminating Rented Office Space by Swapping Other Vacant Office Space

Item 35 - CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 5-10 from LEGISLATORS KENNEDY & REYNOLDS Re: Supporting Increased Hydropower Allocation for the Delphi Corporation

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: In Support for Allowing Erie County Flexibility in Providing Medicaid Services (INTRO 5-11)

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS MARINELLI, WHYTE, KOZUB, KONST, SMITH  
 LOCKLEAR, IANNELLO & LOUGHRAN**

**WHEREAS**, Medicaid is an important program that helps provide medical care to residents who would not be able to otherwise afford it; and

**WHEREAS**, New York State is one of only a few states in the country where counties shoulder a significant share of the cost of Medicaid. In New York State, the federal government pays fifty (50) percent of Medicaid costs, with the state and counties splitting the remainder. Thirty (30) states place no direct burden at all on their local property taxpayers because the cost of Medicaid is split entirely between the State and Federal governments; and

**WHEREAS**, in 2005, New York State capped the County portion of Medicaid expenses to a 3.5% per year increase until 2008, when it would drop to a 3% per year increase. While this cap is beneficial to County governments across New York State, it does nothing to encourage innovation in delivering these services and does not decrease the overall cost of this program; and

**WHEREAS**, Erie County is in midst of a four-year recovery plan, consisting of service cut-backs, including closing of libraries, decrease funding for important cultural institutions, reforming many County Departments and increased taxes and fees; and

**WHEREAS**, despite these budget difficulties, Erie County will still pay over \$193 Million in mandated Medicaid expenses in 2006.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Erie County Legislature is in support of all residents receiving professional medical care, regardless of economic and employment status, which many Erie County

residents receive via the Medicaid program. While this program may be costly for Erie County government, this body believes the consequences of not having these programs to be negative for our community; and be it further

**RESOLVED**, this honorable body is in support of the concept of allowing Erie County flexibility in creating “pilot programs” which will allow Erie County to develop innovative approaches in providing Medicaid benefits to its residents, while providing a financial savings for area taxpayers. This body supports allowing Erie County, as well as other counties across the state, flexibility in developing programs that suit its own situation and best serve its residents. These savings would allow Erie County government to stabilize its finances; and be it further

**RESOLVED**, that Erie County be allowed to apply for and use efficiency grants in developing and innovating new approaches to providing Medicaid services; and be it further

**RESOLVED**, certified copies of this resolution be forwarded to Governor George Pataki, Western delegation to the State Legislature, County Executive Joel Giambra and ECFSA.

MS. WHYTE moved to amend the item by including Et Al Sponsorship. MS. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: State Funding for Cultural Groups (INTRO 5-12)

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS IANNELLO, MARINELLI, WHYTE,  
 KOZUB, KONST, REYNOLDS, SMITH,  
 KENNEDY, LOCKLEAR, REYNOLDS, and LOUGHRAN.**

WHEREAS, Erie County is the home of many important cultural assets including the world renowned Albright-Knox Art Gallery, the Buffalo Museum of Science and the Buffalo Zoo; and

WHEREAS, these cultural assets benefit not only the people of Erie County but the people of Western New York and New York state as a whole; and

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

WHEREAS, in 2004 the Erie County Legislature appropriated \$5,600,000. to support our important cultural assets but, because of the 2005 budget crisis the County support of these important assets was drastically reduced and in 2006 only \$3,500,000 was appropriated; and

WHEREAS, continued budget constraints in 2007 and forward may cause Erie County to diminish or eliminate funding for these important institutions which will negatively impact the region, particularly the tourism industry; and

WHEREAS, previous cuts from Erie County has resulted in fewer hours open to the public at these institutions, and any further cuts will undoubtedly put these institutions at risk for survival; and

WHEREAS, the members New York State Legislature pledged, on February 2, 2006, to offset the \$12,500,000. negative financial impact of “sharing” through increased State funding which will help Erie County achieve long-term fiscal stability.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County requests that the State of New York provide funding of \$5,600,000. to financially support the cultural assets that benefit the people of the State of New York.

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

CARRIED UNANIMOUSLY.

DELETE the 1st RESOLVED clause in its entirety and REPLACE with the following:

RESOLVED, the Erie County Legislature requests that the State of New York provide funding of \$6,000,000 to financially support cultural assets and human services efforts that benefit the people of the State of New York; and be it further

ADD the following as the new 2<sup>nd</sup> RESOLVED clause:

RESOLVED, certified copies of this resolution be submitted to the County Executive, ECFSA, Governor Pataki and the Erie County delegation to the State Legislature.

MR. WEINSTEIN moved to further amend the item by including Et Al Sponsorship. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Item 38 – CHAIRMAN MARINELLI directed that the following item be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

INTRO 5-13 from LEGISLATOR SMITH Re: Establishing an Educational Wrap-Around Initiative for Recipients of Social Services

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None

**SUSPENSION OF THE RULES**

Item 39 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

INTRO 5-14 from LEGISLATOR LOUGHRAN Re: Section 239 Reviews.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 40 – (COMM. 5E-1) Copy of Text from State of the County - "The Road Home"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COMPTROLLER**

Item 41 – (COMM. 5E-2) Use of HEAP Employees at State of the County

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 42 – (COMM. 5E-3) Appointment to Erie County Charter Revision Commission

Received, Filed and Printed.

February 21, 2006

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

RE: Appointment to Erie County Charter Review Commission

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Dear Members:

In accordance with Section 1907 of the Erie County Charter, I hereby nominate the following appointee to replace Conway Porter.

Jeanne Chase  
1564 Cain Road  
Angola, New York 14006

Respectfully submitted,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

Item 43 – (COMM. 5E-4) Designation Pursuant to Erie County Charter Section 304

Received, Filed and Printed.

February 22, 2006

Mr. Kevin Kelley  
Clerk - Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

**RE: Designation Pursuant to Erie County Charter Section 304**

Dear Mr. Kelley:

Pursuant to Erie County Charter Section 304, I, Joel A. Giambra, County Executive of the County of Erie, hereby designate and appoint the following department or executive division heads, hereinafter named to perform the duties of the County Executive during my absence and the absence of Deputy County Executive Bruce L. Fisher.

The order of succession of such individuals to act as and for me, as Erie County Executive, in my absence and the absence of Deputy County Executive Bruce L. Fisher shall correspond to the number proceeding the name and title of each of the following individuals:

1. Laurence K. Rubin, Erie County Attorney
2. Kenneth J. Vetter, Erie County Director of Budget, Management and Finance

This designation shall continue in effect until revoked or modified by me and shall be effective upon filing of same with you as clerk of the Erie County Legislature.

Sincerely,

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

FROM LEGISLATOR WHYTE

Item 44 – MR. SMITH presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. WHYTE abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Legislative District Office (COMM. 5E-5)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Concerned Ecumencial Ministry for Legislative Office space for Maria Whyte, located at 286 Lafayette Ave., Buffalo, NY for a monthly rate of \$600.

FROM THE COMPTROLLER

Item 45 – (COMM. 5E-6) Text of a Statement Prepared for Public Hearing on HAVA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 5E-7) Appointment to Erie County Task Force on Revenue & Regional Cost Sharing

Received, Filed and Printed.

February 21, 2006

Honorable Lynn Marinelli, Chairperson  
 Erie County Legislature  
 92 Franklin Street  
 Buffalo, New York 14202

Dear Chairperson Marinelli:

The letter responds to your February 14 communication regarding the Erie County Task Force on Revenue Sharing and Regional Cost Sharing.

I have asked James Hartman, Director, Management Initiatives to serve as my representative on this task force. We look forward to working with you and the other members to define and carry out a meaningful plan of work for the task force.

Sincerely,

**MEETING NO. 5  
MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

**JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE**

FROM LEGISLATOR MARINELLI

Item 47 – (COMM. 5E-8) Fee Increases

Received and filed.

Item 48 – (COMM. 5E-9) 2006 Budget Monitoring; 2007 Budget Assumptions; Review of Cost Centers

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: MILLS, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and HOLT. NOES: RANZENHOFER and WEINSTEIN. (AYES: 13; NOES: 2)

CARRIED.

RESOLUTION NO. 67

RE: Bond Reso - Authorizing the Payment of a Judgment Against EC In Case of ECMCC vs. EC (COMM. 5E-10)

RESOLUTION NO. 67 -2006

BOND RESOLUTION DATED MARCH 2, 2006  
BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PAYMENT OF A JUDGMENT AGAINST THE COUNTY IN THE CASE OF ERIE COUNTY MEDICAL CENTER CORPORATION V. COUNTY OF ERIE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$14,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE APPLICATION OF \$7,500,000 AVAILABLE CURRENT FUNDS AND THE ISSUANCE OF \$6,500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) \_\_\_\_\_, 2006

(Adopted) \_\_\_\_\_, 2006

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

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to finance payment of the judgment against the County in the case of Erie County Medical Center Corporation v. County of Erie, Consent Decree Index Number I2005-1853, to fund a portion of the County's operating contribution to ECMCC for fiscal year 2006. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$14,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the application of \$7,500,000 available current funds and the issuance of \$6,500,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$6,500,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which said \$6,500,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 33(a) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of §21.00 relative to providing for substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

FROM LEGISLATOR MARINELLI

Item 50 – (COMM. 5E-11) Copy of Letter to Charter Revision Commission Chair Re: Requesting Commission Provide Comprehensive Set of Final Reform Recommendations

Received and filed.

Item 51 – (COMM. 5E-12) Appointments to Erie County Task Force on Revenue Sharing & Regional Cost Sharing

Received, Filed and Printed.

February 24, 2006

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

Dear Mr. Kelley:

In accordance with the authorizing language of the Imposition of the Additional 1% Sales Tax (A.6461/S.6300) and the Erie County Rules of Order 1.01 (10), I announce the following appointments to the Erie County Task Force on Revenue Sharing and Regional Cost Sharing.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Mr. David Rutecki, Chairman; Crystal D. Peoples, representing New York State Assembly; Maria R. Whyte, representing the Erie County Legislature; Paul Clark, Supervisor, Town of West Seneca and Jonica DiMartino, Trustee, Village of Angola, representing the Association of Erie County Governments; Richard Tobe, representing the Mayor of the City of Buffalo; and James Hartman, representing the County Executive of Erie County.

Thank you in advance for your cooperation.

Sincerely,

Lynn M. Marinelli

**FROM THE COUNTY EXECUTIVE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

RE: Erie County/ Niagara County Shared  
 Municipal Services Incentive Grant (COMM.  
 5E-13)

WHEREAS, Erie County is a co-applicant with Niagara County on a New York State Department of State Shared Municipal Services Incentive Grant application; and

WHEREAS, the purpose of this grant is to establish a high-speed wireless communication link between the two counties to facilitate sharing of Geographic Information System services and data, as well as E-911 and emergency responder information; and

WHEREAS, there are no costs to Erie County to participate as a co-applicant in this Shared Municipal Services Incentive Grant application; and

WHEREAS, sharing of these services will avoid duplication of services between the two counties and will promote cost savings in the provision of these services.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County supports the application submitted by Niagara County for a Shared Municipal Services Incentive Grant application; and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE the 2<sup>nd</sup> WHEREAS clause in its entirety and replace with the following.

WHEREAS, the purpose of this grant is to establish a high-speed wireless communication link between the two counties to facilitate sharing of Geographic Information System services and data, as well as E-911 and emergency responder information; and

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

CARRIED UNANIMOUSLY.

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: MILLS, WEINSTEIN, HOLT, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: RANZENHOFER and IANNELLO. (AYES:13, NOES:2)

RESOLUTION NO. 69

RE: Authorization to Impose Wireless Communications Service Surcharge; Home Rule Request Resolutions (COMM. 5E-14)

**AUTHORIZATION TO ESTABLISH WIRELESS SURCHARGE - ASSEMBLY**

WHEREAS, the Erie County budget for 2006 was adopted in anticipation of the receipt of \$830,000 in revenue from the imposition of a 30 cent per month wireless communications service surcharge, effective on and after May 1, 2006, and

WHEREAS, Assembly Bill No. A.9990, now pending before the New York State Legislature, would authorize the imposition of a 30 cent per month wireless communications service surcharge in Erie County;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.9990, entitled “AN ACT to amend the county law, in relation to wireless communications service surcharges”

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

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

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

Failure to authorize the imposition of a 30 cent per month wireless communications service surcharge in Erie County will result in an estimated shortfall of more than \$830,000 in the 2006 Erie County budget and will jeopardize Erie County's Four-Year Financial Plan.

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

**AND BE IT FURTHER**

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

**AUTHORIZATION TO ESTABLISH WIRELESS SURCHARGE - SENATE**

WHEREAS, the Erie County budget for 2006 was adopted in anticipation of the receipt of \$830,000 in revenue from the imposition of a 30 cent per month wireless communications service surcharge, effective on and after May 1, 2006, and

WHEREAS, Senate Bill No. S.6634-A, now pending before the New York State Legislature, would authorize the imposition of a 30 cent per month wireless communications service surcharge in Erie County;

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

**TO THE LEGISLATURE:**

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6634-A, entitled "AN ACT to amend the county law, in relation to wireless communications service surcharges"

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

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

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

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Failure to authorize the imposition of a 30 cent per month wireless communications service surcharge in Erie County will result in an estimated shortfall of more than \$830,000 in the 2006 Erie County budget and will jeopardize Erie County's Four-Year Financial Plan.

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

AND BE IT FURTHER

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

Item 54 – (COMM. 5E-15) Probation & Youth Detention Services - Delete a Probation Supervisor Position & Recreate the Principal Probation Officer Position

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 55 – (COMM. 5E-16) Mental Health - Local Re-Entry Task Force Initiative

Received and referred to the HEALTH COMMITTEE.

Item 56 – (COMM. 5E-17) Appointment to ECSD No. 5 Board of Managers

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 5E-18) Appointment to Erie County Council on the Disabled

Item 58 – (COMM. 5E-19) Senior Services - Authorization to Amend the SPAP Grant Budget

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

Item 59 – (COMM. 5E-20) ECSD No. 1 - Real-time, Web-based Wireless Flow Monitoring & Online Flow Model

Item 60 – (COMM. 5E-21) ECSD No. 6 - Real-time, Web-based Wireless Flow Monitoring & Online Flow Model

Item 61 – (COMM. 5E-22) ECSD No. 6/ STSTA - Disinfection Improvements - Contract No. 6ST-D - Change Order No. 1

Item 62 – (COMM. 5E-23) ECSD No. 6/ STSTA - Disinfection Improvements - Contract No. 6ST-A - Change Order No. 5

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

Item 63 – (COMM. 5E-24) ECSD Nos 1-6 & STSTA - Construction Inspection Services - A/E Agreement Dated 6/16/01 - Close-Out

Item 64 – (COMM. 5E-25) STSTA - Request of NYS Easement

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

Item 65 – (COMM. 5E-26) CPS - Professional Services - EM Systems, Inc.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 66 – (COMM. 5E-27) Supplemental Agreement with NYSDOT - Wehrle Drive, CR 290 - Youngs Road (CR 554) to NY Route 78, Transit Road - Town of Amherst

Item 67 – (COMM. 5E-28) Ralph Wilson Stadium - 2006 - Site Work, Structural Repairs & Miscellaneous Work - Phase 2

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

Item 68 – (COMM. 5E-29) Senior Services - Authorization to Enter Into Contract

Item 69 – (COMM. 5E-30) Social Services - Managed Care Grant Budget Transfer

Item 70 – (COMM. 5E-31) Social Services - West Side Delinquency Prevention Program

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

Item 71 – (COMM. 5E-32) Public Safety/Emergency Services - Proposed Resolution for EC to Accept the EC All-Hazard Mitigation Plan

Item 72 – (COMM. 5E-33) CPS - Authorization for Networking and Programming Services from Computer Consulting Services (CCS) or WNY

Item 73 – (COMM. 5E-34) Opening of Public Safety Campus - Authorization to Award Bids and Enter Into Contracts

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

Item 74 – (COMM. 5E-35) Parks, Recreation & Forestry - State Aid For Snowmobile Development, 2005-2006

Item 75 – (COMM. 5E-36) DEP - Sewerage Management - Proposed Intermunicipal Agreements - Merger of Wastewater Services

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

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

**FROM LEGISLATOR KOZUB**

Item 76 – (COMM. 5E-37) Copy of Letter to County Executive Re: Suit Against NYS Thruway Authority

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM LEGISLATOR SMITH**

Item 77 – (COMM. 5E-38) Copy of Letter to Health Commissioner Re: National Black HIV/AIDS Awareness Day

Received and referred to the HEALTH COMMITTEE.

Item 78 – (COMM. 5E-39) Copy of Letter to DISS Commissioner Re: Bids for Copier Equipment

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMUNITY COLLEGE**

Item 79 – (COMM. 5D-1) Notice for Board of Trustees Meeting Held 3/1/06

Received and filed.

**FROM BUDGET, MANAGEMENT & FINANCE**

Item 80 – (COMM. 5D-2) BMR for Period Ending 1/31/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM DIRECTOR, MANAGEMENT INITIATIVES**

Item 81 – (COMM. 5D-3) Slides from ECFSA Meeting Held 1/23/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMMUNITY COLLEGE**

Item 82 – (COMM. 5D-4) Agenda For 3/1/06 Board of Trustees Meeting

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**TOWN OF LANCASTER**

Item 83 – (COMM. 5M-1) Certified Resolution Re: Property Tax Partial Payment

Received and filed.

**BOARD OF HEALTH**

Item 82 – (COMM. 5M-2) Notice of Board of Health Meeting to be Held 3/9/06

Received and filed.

**FROM THE NFTA**

Item 83 – (COMM. 5M-3) 17A Report & the Capital Expenditure Reports for 3rd Quarter of FY Ending 3/31/06

Received and filed.

**FROM THE EC BAR ASSN. - AID TO INDIGENT PRISONERS SOCIETY INC. –  
ASSIGNED COUNSEL PROGRAM**

Item 84 – (COMM. 5M-4) Quarterly Report for the 4th Quarter of 2005

Received and filed.

**FROM THE CITY OF BUFFALO COMMON COUNCIL**

Item 85 – (COMM. 5M-5) Certified Resolution Re: NYPA Settlement Authorization

Received and filed.

**FROM THE WNY TEAMSTERS JOINT COUNCIL NO. 4**

Item 86 – (COMM. 5M-6) Letter to Marinelli Re: Apprenticeship Training Local Law

Received and filed.

**FROM THE EC ENVIRONMENT MANAGEMENT COUNCIL**

Item 87 – (COMM. 5M-7) Notice & Agenda for Meeting Held 2/21/06

Received and filed.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

FROM THE TOWN OF NEWSTEAD

Item 88 – (COMM. 5M-8) Certified Resolution Re: Property Tax Partial Payment

Received and filed.

FROM SENATOR CLINTON

Item 89 – (COMM. 5M-9) City of Buffalo Waterfront

Received and filed.

FROM THE CITY OF BUFFALO MAYOR

Item 90 – (COMM. 5M-10) Appointment to Erie County Task Force on Revenue Sharing & Regional Cost Sharing

Received, Filed and Printed.

February 21, 2006

Honorable Lynn M. Marinelli  
Chair  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Legislator Marinelli

This letter shall serve as notice of my appointment of Richard Tobe, Commissioner of Economic Development, Permit and Inspection Services, to the Erie County Task Force on Revenue Sharing and Regional Cost Sharing.

I am confident that Commissioner Tobe's knowledge and experience will be beneficial to the task force on revenue sharing and regional cost sharing.

If you have any questions, please feel free to contact my office.

Sincerely,

Byron W. Brown  
Mayor

FROM THE ECFSA

Item 91 – (COMM. 5M-11) Budget Report for 2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS ASSEMBLY

Item 92 – (COMM. 5M-12) Notice of Public Hearing Re: Thruway Tolls in WNY

Received and filed.

FROM NYPA

Item 93 – (COMM. 5M-13) Copy of Letter to Congressman Higgins Re: Allocation of 37 Megawatts to the Buffalo-Niagara Region

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COUNCILMAN DAVIS

Item 94 – (COMM. 5M-14) Johnnie B. Wiley Sports Pavilion

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEMORIAL RESOLUTIONS

Item 95 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Leonard M. Sciolino.

Item 96 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Laura L. Masiello.

Item 97 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Edward B. Gajewski.

Item 98 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Deborah Anne Stachowski.

Item 99 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Donald J. Herbert.

Item 100 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of John L. Hoelscher.

Item 101 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Robert I. Houghson, Sr.

Item 102 – Ms. Locklear requested that when the Legislature adjourns, it do so in memory of Officer Albert F. Devlin.

**MEETING NO. 5**  
**MARCH 2, 2006**

**ERIE COUNTY LEGISLATURE**

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**ADJOURNMENT**

Item 103 – 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 16, 2006 at 2 p.m. Eastern Standard Time. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 16, 2006 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY**  
**CLERK**