

**ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 20, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Reynolds, who offered the reading of the “Prayer of the Farm Workers’ Struggle,” by Cesar E. Chavez.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – MS. WHYTE moved to approve the Rules of the Legislature for 2008. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

RE: Adopting Erie County Legislature’s
Rules of the Legislature 2008

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature’s Rules of the Legislature 2008 as follows:

**2008
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and

- to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
 5. To recess meetings;
 6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
 7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
 8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
 9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
 10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
 11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
 12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
 13. To cancel public hearings for which the underlying Local Law has been withdrawn;
 14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIR:

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday

shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;

9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a

determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct

possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;

2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION

- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of four members each, except the Finance & Management/Budget Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Capital Improvements
Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health, Human Services
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority

vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2608 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2608 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The

Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used

for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and

- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

Item 2 - No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meetings 3, 4, and 5 from 2008. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 - CHAIR MARINELLI, ET AL presented a resolution Welcoming David A. Paterson as the 55th Governor of New York State.

Item 7 – MS. IANNELLO presented a Memorial Resolution for William Litz.

Item 8 – MR. REYNOLDS presented a resolution of Congratulations to the Honorable Charles E. Kelly Upon Retiring After 30 Years of Service as the New York State Dept. of Motor Vehicles Administrative Law Judge.

Item 9 – MS. WHYTE presented a resolution Recognizing Delores Powell, Who Exemplifies Women's History Month.

MS. WHYTE moved for consideration of the above four items. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above four items by adding Et Al Sponsorship. MS. KONST seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above four items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 14 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 15 - MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 90

MARCH 13, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 3E-51 (2007)
MARINELLI: Health Committee Matrix Training
(4-0) Legislator Grant absent for vote.
- b. COMM. 3E-53 (2007)
MARINELLI: Human Services Committee Matrix Training
(4-0) Legislator Grant absent for vote.
- c. INTRO 14-5 (2007)
MARINELLI: Erie County Dept. of Senior Services
(4-0) Legislator Grant absent for vote.
- d. COMM. 4M-8 (2008)
TOWN OF EVANS: Town of Evans Veterans' Committee
(4-0) Legislator Grant absent for vote.

2. COMM. 5E-20 (2008)
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) provides funding to local governments for a grant entitled "Food Quality Protection Act/Strategic Agricultural Initiative Program" to provide education and implementation of integrated pest management (IPM) techniques to decrease the residues of pesticides on food eaten by children and reduce the mortality caused by pesticides to non-targeted wildlife; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided pesticide education, outreach, and disposal information for municipalities and residents; and

WHEREAS, the reduction of pesticide use by local fruit, vegetable, and dairy farmers will reduce the potential for exposure to toxic pesticides for farm workers and the public through the adoption of farm pest management practices that transition away from the use of high risk pesticides; and

WHEREAS, the reduction of pesticide use by local fruit, vegetable, and dairy farmers will result in a reduction in farm operation costs for pesticide purchasing and disposal; and

WHEREAS, the USEPA has selected the ECDEP proposal entitled “Erie County Integrated Pest Management Project” for funding of \$98,340 to provide these needed services; and

WHEREAS, the USEPA and the ECDEP recognize the Cornell University Cooperative Extension of Erie County to be an integral and necessary partner in the promotion and implementation of an integrated pest management education project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept \$98,340 in resources from the USEPA to implement the Erie County Integrated Pest Management Project; and be it further

RESOLVED, that the following Erie County Integrated Pest Management Program budget is hereby appropriated in the grant fund (Fund 281) as follows:

REVENUES:

Account	Description	Budget
414000	Federal Aid – USEPA	<u>\$98,340</u>
	TOTAL REVENUE	\$98,340

APPROPRIATIONS:

Account	Description	Budget
500000	Personnel/Salaries	\$52,000
502000	Fringe Benefits	21,840
505000	Supplies	1,000
510000	Travel – Mileage	1,500
516020	Professional Services/Contractual	<u>22,000</u>
	TOTAL APPROPRIATIONS	\$98,340;

and be it further

RESOLVED, that a regular part time (up to 32 hours per week) position of Project Coordinator – Integrated Pest Management (RPT JG-7) be created in the ECDEP grant budget (B-100 No. 000 000 3620) for the implementation of the Program; and be it further

RESOLVED, that the Erie County Executive is authorized to execute a contract for professional services with the Cornell University Cooperative Extension of Erie County for \$7,500 annually for the two-year project to provide project promotion and implementation assistance; and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Holly A. Sinnott, AICP, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning, Esther W. Brennan, Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney .

(4-0) Legislator Grant absent for vote.

**THOMAS J. MAZUR
CHAIR**

Item 16 – MS. GRANT presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

MARCH 13, 2008	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-45 (2007)
MARINELLI: Community Enrichment Committee Matrix Training
(7-0)
 - b. COMM. 5D-2 (2008)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda Items from Board of Trustees Meeting Held on 2/21/08
(7-0)
2. COMM. 5E-2 (2008)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individual to the Buffalo & Erie County Public Library Board of Trustees for a term expiring December 31, 2012:

Elaine M. Panty
28 Henrietta Avenue
Buffalo, NY 14207

(7-0)

**BETTY JEAN GRANT
CHAIR**

Item 17 – MR. KENNEDY presented the following report, moved to separate item Number 4 and moved to approve the balance of the report. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

MARCH 13, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 5E-12 (2008)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for construction of a new parking Lot at Buffalo and Erie County Botanical Gardens and is recommending award, along with the Engineer, to the lowest responsible bidders; and

WHEREAS, Destro Brothers, Inc. and O’Connell Electric Co., Inc. are the lowest responsible bidders for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Botanical Gardens Parking Lot with the following:

GENERAL CONSTRUCTION WORK

Destro Brothers, Inc.

Base Bid:	\$277,000.00
Deduct Alternate No. 1	<u>- \$19,000.00</u>
Total Award:	\$258,000.00

ELECTRICAL CONSTRUCTION WORK

O’Connell Electric Co., Inc.

Base Bid:	\$82,400.00
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Total Award: \$82,400.00

Total Award of Contracts: \$340,400.00

and, be it further

RESOLVED, that the sum of \$35,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency, and, be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the 2006 Botanical Gardens Master Plan Implementation, Project A.00291 in an amount not to exceed \$375,400.00, and, be it further

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

(5-0)

2. COMM. 5E-14 (2008)

COUNTY EXECUTIVE

WHEREAS, the County is required to provide a multi-year Capital Improvement program pursuant to an agreement with the Botanical Gardens Society; and

WHEREAS, your Honorable Body has previously authorized a General Architectural/Engineering Agreement with the firm of Foit-Albert Associates for providing Professional Architectural/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue a Supplemental Agreement to Foit-Albert Associates for providing Design Services and construction documents for the new Growing House.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Foit-Albert Associates for providing Professional Design Services and construction documents for the new Growing House for an amount not to exceed \$220,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00291 for an amount not to exceed \$220,000.00, and be it further

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

(5-0)

3. COMM. 5E-15 (2008)
COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Reconstruction of Como Park Blvd. (CR 523), from NY Route 277 Union Road to Stiglmeier Park, in the Town of Cheektowaga, Erie County, P.I.N. 5755.83 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) via Comm. 16E-45, adopted on September 19, 2002; and

WHEREAS, the County of Erie desires to advance the Construction & Construction Inspection Phases of the Project, PIN 5755.83 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$2,969,000.00.

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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the total sum of the Project, \$3,395,000.00 of which the non-federal share required is \$679,000.00 is hereby appropriated from the following capital accounts:

- B.00018 2001 Como Park Blvd. Design \$ 426,000.00
 Previously appropriated via Comm. 16E-45,
 Adopted September 19, 2002
- B.00167 2007 Como Park Blvd. \$2,500,000.00
 Pavement Reconstruction
- B.00168 2007 Unanticipated Road & Bridge Costs \$ 469,000.00;

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 costs of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds \$3,395,000.00, 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli 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 providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-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 Budget Director, and the County Comptroller.

(5-0)

4. COMM. 5E-24 (2008)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo Niagara Convention Center – Elevator Modernization project on June 29, 2007 and is recommending award along with the Architect/Engineer to the lowest responsible bidder; and

WHEREAS, DCB Elevator Company, Inc. is the lowest responsible bidder and has the necessary expertise and manpower to perform the work; and

WHEREAS, the firm of BHNT Architects has a General Architectural/Engineering Agreement that was previously approved by your Honorable Body; and

WHEREAS, the County Executive is seeking authorization from your Honorable Body to issue a Supplemental Agreement to BHNT Architects for providing Professional Design Services for the new convention hall ceiling sound attenuation system.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with DCB Elevator Company, Inc. to perform the elevator modernization work for the sum of \$524,950.00; and be it further

RESOLVED, that the sum of \$75,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will be returned to the construction contingency account; and be it further

RESOLVED, that the County Executive be authorized to issue a change order to BHNT Architects to provide Professional Design Services for the new convention hall ceiling attenuation system, for an amount not to exceed \$40,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above in an amount not to exceed \$639,950.00, from the following SAP accounts:

SAP PROJECT	NAME	AMOUNT
A.00008	1999 Convention Center Renovations	\$ 2,432.00
A.00040	2000 Convention Center Renovations	\$ 53,886.00
A.00292	Convention Center Renovations	\$100,600.00
A.00078	2003 Convention Center Renovations	\$ 9,860.00
A.00306	2007 Convention Center Improvements	\$473,172.00
TOTAL OF ALL PAYMENTS		\$639,950.00;

and be it further

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

TIMOTHY M. KENNEDY
CHAIR

MR. KENNEDY moved to approve item Number 4. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 18 - MS. KONST presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

MARCH 13, 2008

FINANCE & MANAGEMENT
COMMITTEE

REPORT NO. 4

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

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-15 (2008)
COMPTROLLER: Comptroller's Review of Proposed 2008-2009 New York State Executive Budget (5-0)
 - b. COMM. 5D-1 (2008)
DIRECTOR OF BUDGET, MANAGEMENT & FINANCE DIVISION: Reply to Letter Concerning Budget Compliance with Erie County Charter (5-0)

2. COMM. 17D-2 (2007) **AS AMENDED**
DIRECTOR OF REAL PROPERTY TAX SERVICES
 WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 208065 through 208110, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2008	Petition No.	208,065.00
	ASSESSOR	Cancel	\$481.03
S-B-L	153.05-7-57	146800 WEST SENECA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$481.03	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA		\$481.03

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
DAVID & LINDA BRITT

FISCAL YEAR 2008 Petition No. 208,069.00

 ASSESSOR Cancel \$223.87

S-B-L 134.10-2-10 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$223.87 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$223.87

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
JOHN & DOROTHY BARRET L.E.

FISCAL YEAR 2008 Petition No. 208,070.00

 ASSESSOR Cancel \$162.11

S-B-L 134.10-2-44 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$162.11 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$162.11

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
JAMES & MAURA CLUNE

FISCAL YEAR 2008 Petition No. 208,071.00

 ASSESSOR Cancel \$26.70

S-B-L 142.12-12-2 146800 WEST SENECA

 Acct. No. 112 \$4.16 County
 Acct. No. 132 \$22.54 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$22.54
 Relevy School \$14.93 146801 WEST SENECA CENT

RPTL 550 (2) DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE FROM ROLL

FISCAL YEAR 2008 Petition No. 208,072.00

 ASSESSOR Cancel \$177.05

S-B-L 135.19-2-15.111 146800 WEST SENECA

 Acct. No. 112 \$24.97 County
 Acct. No. 132 \$152.08 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$152.08
 Relevy School \$89.60 146801 WEST SENECA CENT

RPTL 550 (2) DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE FROM ROLL

FISCAL YEAR 2007 Petition No. 208,073.00

 ASSESSOR Refund \$58.50

S-B-L 153.05-5--9 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$58.50 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$58.50

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
REFUND TO BE ISSUED TO:
JAMES & MARGARET FERRON

FISCAL YEAR 2008 Petition No. 208,074.00

 ASSESSOR Cancel \$148.77

S-B-L 153.05-5-9 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$148.77 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$148.77

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
JAMES & MARGARET FERRON

FISCAL YEAR 2008 Petition No. 208,075.00

 ASSESSOR Cancel \$74.68

S-B-L 124.62-2-43 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$74.68 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$74.68

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO ISSUE REFUND TO
ELEANORE PERSICHINI

FISCAL YEAR 2008 Petition No. 208,076.00

 ASSESSOR Cancel \$555.81

S-B-L 555.00-15-1 146800 WEST SENECA

 Acct. No. 112 \$166.06 County
 Acct. No. 132 \$389.75 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$389.75
 Relevy School \$68.18 143009 SLOAN UNION #9

RPTL 550 (2) DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE FROM ROLL
GT GROUP TELECOM

FISCAL YEAR 2008 Petition No. 208,077.00

 ASSESSOR Cancel \$515.74

S-B-L 153.05-5-26 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$515.74 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$515.74

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
MAUREEN KLINE

FISCAL YEAR 2008 Petition No. 208,078.00

 ASSESSOR Cancel \$535.57

S-B-L 153.05-5-18 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$535.57 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$535.57

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
NICHOLAS & MARY KATALINICH

FISCAL YEAR 2008 Petition No. 208,079.00

 ASSESSOR Cancel \$442.94

S-B-L 133.35-1-41 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$442.94 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$442.94

RPTL 550 (2) - WRONG SPECIAL DISTRICT VALUE
TOWN TO CANCEL & ISSUE NEW TAX BILL TO
JASON SCHNECKENBERGER

FISCAL YEAR 2008 Petition No. 208,080.00

 ASSESSOR Cancel \$383.75

S-B-L 555.00-14-10 146800 WEST SENECA

 Acct. No. 112 \$111.99 County
 Acct. No. 132 \$271.76 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$271.76
 Relevy School \$45.98 143009 SLOAN UNION #9

RPTL 550 (2) DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE PARCEL FROM ROLL

FISCAL YEAR 2008 Petition No. 208,081.00

ASSESSOR Cancel \$2,218.10

S-B-L 114.04-5-6 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,218.10 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$2,218.10
Relevy School \$2,218.10 143007 DEPEW UNION-CHEEK

RPTL 550 (2) - SCHOOL RELEVY APPLIED TO BILL IN ERROR
TAXES WERE PAID. TOWN TO ISSUE REVISED COUNTY TAX BILL TO
HELENE LOPP

FISCAL YEAR 2008 Petition No. 208,082.00

ASSESSOR Cancel \$775.68

S-B-L 92.19-7-2.1 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$775.68 Town/SpecialDist/School

30690 RPTL 520 \$775.68
Charge To : 143089 CHEEKTOWAGA \$0.00

WRONG AMOUNT CHARGED FOR RPTL 520
TOWN TO ISSUE A REVISED TAX BILL TO
STEPHEN GABRIEL

FISCAL YEAR 2008 Petition No. 208,083.00

OWNER Cancel \$187.17

S-B-L 182.16-3-20 144803 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$187.17 Town/SpecialDist/School

48608 EC #3 VILL HAM \$187.17
Charge To : 144803 HAMBURG \$0.00

RPTL 550 (2) - DUPLICATE SPECIAL DISTRICT CHARGE
NEW TAX BILL TO BE ISSUED TO: 5646 CAMP ROAD LLC

FISCAL YEAR 2008 Petition No. 208,084.00

OWNER Cancel \$5,073.52

S-B-L 159.12-2-2.2 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$5,073.52	Town/SpecialDist/School
48115	ERIE CO SEW DST 3	\$980.67	
48116	ECSD 3 CH2	\$4,092.85	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

RPTL 550 (2) - DUPLICATE SPECIAL DISTRICT CHARGE
NEW TAX BILL TO BE ISSUED TO: TOWN OF HAMBURG IDA

FISCAL YEAR 2008 Petition No. 208,085.00

OWNER Cancel \$59,018.15

S-B-L 183.10-1-8 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$59,018.15	Town/SpecialDist/School
48128	ERIE CO#3 ARM MCKNY	\$59,018.15	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

RPTL 550 (2) - INCORRECT SPECIAL DISTRICT CHARGE
NEW TAX BILL TO BE ISSUED TO: EC AGRICULTURAL SOCIETY

FISCAL YEAR 2008 Petition No. 208,086.00

ASSESSOR Cancel \$0.00

S-B-L 80.17-13-20 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$0.00

REVERSE PETITION 208032, TOWN OWNED PARCEL
ALL TAXES DUE B/C TRANSFER OCCURED AFTER TAXABLE
STATUS DATE. PETITION DENIED. TAXES NOT CANCELLED.

FISCAL YEAR	2008	Petition No.	208,087.00
	ASSESSOR	Cancel	\$580.22
S-B-L	235.11-1-34	144401 ANGOLA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$580.22	Town/SpecialDist/School
	44942 OMITTED SCHOOL TAX	\$580.22	
<u>Charge To :</u>	144401 ANGOLA		\$0.00

RPTL 550(2): OMITTED SCHOOL TAX
NEW TAX BILL TO BE ISSUED TO: EILEEN A MURPHY

FISCAL YEAR	2008	Petition No.	208,088.00
	ASSESSOR	Cancel	\$46.39
S-B-L	250.07-1-2./A	144489 EVANS	
	Acct. No. 112	\$14.51	County
	Acct. No. 132	\$31.88	Town/SpecialDist/School
	44068 ERIE CO SEW DST 2	\$2.39	
	44068 ERIE CO SEW DST 2	\$0.64	
<u>Charge To :</u>	144489 EVANS		\$28.85

RPTL 550(3): CALCULATION OF RATE DONE INCORRECTLY
NEW TAX BILL TO BE ISSUED TO: US ENERGY DEVELOPMENT CORP.
ATTN: JOHN GLOVER

FISCAL YEAR	2008	Petition No.	208,089.00
	ASSESSOR	Cancel	\$100.00
S-B-L	250.12-2-6	144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$100.00	Town/SpecialDist/School

44101 EC2 FOOTAGE \$100.00
Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT EC SEWER CHARGES APPLIED
NEW TAX BILL TO BE ISSUED TO: GIORGIO PANNELLA

FISCAL YEAR 2007 Petition No. 208,090.00

ASSESSOR Refund \$100.00

S-B-L 250.12-2-6 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$100.00 Town/SpecialDist/School

44101 EC2 FOOTAGE \$100.00
Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT EC SEWER CHARGES APPLIED
REFUND TO BE ISSUED TO: GIORGIO PANNELLA

FISCAL YEAR 2006 Petition No. 208,091.00

ASSESSOR Refund \$60.00

S-B-L 250.12-2-6 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$60.00 Town/SpecialDist/School

44101 EC2 FOOTAGE \$60.00
Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT EC SEWER CHARGES APPLIED
REFUND TO BE ISSUED TO: GIORGIO PANNELLA

FISCAL YEAR 2008 Petition No. 208,092.00

ASSESSOR Cancel \$868.48

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

	Acct. No. 112	\$162.34	County
	Acct. No. 132	\$706.14	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$706.14
	Relevy School	\$584.43	

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE ENTIRE PARCEL FROM TAX ROLL

FISCAL YEAR	2008	Petition No.	208,093.00
	ASSESSOR	Cancel	\$83.69

S-B-L 240.00-2-4.112 144000 EDEN

	Acct. No. 112	\$47.83	County
	Acct. No. 132	\$35.86	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$35.86

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE ENTIRE PARCEL FROM TAX ROLL

FISCAL YEAR	2008	Petition No.	208,094.00
	ASSESSOR	Refund	\$316.90

S-B-L 134.15-6-14 146800 WEST SENECA

	Acct. No. 112	\$135.49	County
	Acct. No. 132	\$181.41	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA		\$181.41

RPTL 550(2): FAILED TO APPLY VETERANS EXEMPTION
REFUND TO BE ISSUED TO: HELEN KRAUSE

FISCAL YEAR	2008	Petition No.	208,095.00
	ASSESSOR	Cancel	\$2,958.57

S-B-L 27.20-2-31 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,958.57	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$2,958.57	

RPTL 550(2): INCORRECT REFUSE UNITS APPLIED
NEW TAX BILL TO BE ISSUED TO: JOHN P & JACQUELINE A KRAUSE

FISCAL YEAR 2006 Petition No. 208,096.00

ASSESSOR Refund \$240.81

S-B-L 40.68-1-28./3 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$240.81	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$240.81	
	Relevy School	\$240.81	142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: MICHAEL R WRONA

FISCAL YEAR 2007 Petition No. 208,097.00

ASSESSOR Refund \$253.08

S-B-L 40.68-1-28./3 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$253.08	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$253.08	
	Relevy School	\$253.08	142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: MICHAEL R WRONA

FISCAL YEAR 2008 Petition No. 208,098.00

ASSESSOR Cancel \$158.96

S-B-L 338.00-1-22.12 146200 SARDINIA

	Acct. No. 112	\$158.01	County
	Acct. No. 132	\$0.95	Town/SpecialDist/School
<u>Charge To :</u>	146200 SARDINIA		\$0.95

RPTL 550(2): FAILED TO APPLY SENIOR STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: LAWRENCE BAKER

FISCAL YEAR 2008 Petition No. 208,099.00

ASSESSOR Cancel \$177.16

S-B-L 60.00-2-16.412 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$177.16	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$177.16

RPTL 550(2): INCORRECT REFUSE WAS BILLED
NEW TAX BILL TO BE ISSUED TO: JOHN PRZYBYLA

FISCAL YEAR 2008 Petition No. 208,100.00

ASSESSOR Refund \$153.73

S-B-L 115.19-2-11 145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$153.73	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$153.73

RPTL 550(2): E SPECIAL DISTRICT CHARE-CHARGED IN ERROR
REFUND TO BE ISSUED TO: TWIN DISTRICT VOLUNTEER FIRE CO.

FISCAL YEAR 2006 Petition No. 208,101.00

ASSESSOR Refund \$45.79

S-B-L 235.15-6-9 144401 ANGOLA

	Acct. No. 112	\$44.23	County
	Acct. No. 132	\$1.56	Town/SpecialDist/School
<u>Charge To :</u>	144401 ANGOLA		\$1.56

PRTL 550(2): ERROR IN COMPUTING COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: DOMINIC J & ROSE SACK

FISCAL YEAR	2007	Petition No.	208,102.00
	ASSESSOR	Refund	\$48.30

S-B-L 235.15-6-9 144401 ANGOLA

	Acct. No. 112	\$46.70	County
	Acct. No. 132	\$1.60	Town/SpecialDist/School
<u>Charge To :</u>	144401 ANGOLA		\$1.60

RPTL 550(2): ERROR IN COMPUTING COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: DOMINIC J & ROSE SACK

FISCAL YEAR	2008	Petition No.	208,103.00
	ASSESSOR	Refund	\$54.03

S-B-L 235.15-6-9 144401 ANGOLA

	Acct. No. 112	\$50.02	County
	Acct. No. 132	\$4.01	Town/SpecialDist/School
<u>Charge To :</u>	144401 ANGOLA		\$4.01

RPTL 550(2): ERROR IN COMPUTING COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: DOMINIC J & ROSE SACK

FISCAL YEAR	2007	Petition No.	208,104.00
	ASSESSOR	Refund	\$4.59

S-B-L 235.15-6-9 144401 ANGOLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$4.59 Town/SpecialDist/School
Charge To : 144401 ANGOLA \$4.59

Relevy Village \$4.59 Village of ANGOLA
RPTL 550(2): ERROR IN COMPUTING COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: DOMINIC J & ROSE SACK

FISCAL YEAR 2008 Petition No. 208,105.00

ASSESSOR Cancel \$195.33

S-B-L 255.00-3-20 144000 EDEN

Acct. No. 112 \$152.19 County
Acct. No. 132 \$43.14 Town/SpecialDist/School
Charge To : 144000 EDEN \$43.14

RPTL 550(2): FAILED TO APPLY COMBAT VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: LAWRENCE T. & ELIZABETH WILSON

FISCAL YEAR 2008 Petition No. 208,106.00

ASSESSOR Cancel \$580.22

S-B-L 251.05-1-12 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$580.22 Town/SpecialDist/School
44942 OMITTED SCHOOL TAX \$580.22
Charge To : 144489 EVANS \$0.00

RPTL 550(2): OMITTED SCHOOL
NEW TAX BILL TO BE ISSUED TO: ALAN A SHEPHARD

FISCAL YEAR 2008 Petition No. 208,107.00

ASSESSOR Cancel \$317.06

S-B-L 316.02-1-18 145889 NORTH COLLINS

	Acct. No. 112	\$125.98	County
	Acct. No. 132	\$191.08	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$191.08

RPTL 550(2): FAILED TO APPLY AGED EXEMPTION
NEW TAX BILL TO BE ISSUED TO: DONNA HIDY

FISCAL YEAR 2008 Petition No. 208,108.00

ASSESSOR Cancel \$434.23

S-B-L 21.00-1-14.2 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$434.23	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$434.23

RPTL 550(2): UNPAID WATER BILLED IN ERROR
NEW TAX BILL TO BE ISSUED TO: JULIE KLOTZBACH - BISSON

FISCAL YEAR 2008 Petition No. 208,109.00

ASSESSOR Cancel \$249.58

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

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$249.58	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$249.58

RPTL 550(2): CLERICAL ERROR INCORRECT RATE
NEW TAX BILL TO BE ISSUED TO: NATION GRID

FISCAL YEAR 2008 Petition No. 208,110.00

ASSESSOR Cancel \$1,986.61

S-B-L 86.00-1-8.21

145689 NEWSTEAD

	Acct. No. 112	\$1,037.00	County
	Acct. No. 132	\$949.61	Town/SpecialDist/School
56010 WATER TANK		\$6.47	
<u>Charge To :</u>	145689 NEWSTEAD		\$943.14

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE ENTIRE PARCEL FROM TAX ROLL;

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

KATHY KONST
CHAIR

LEGISLATOR RESOLUTIONS

Item 19 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE & WROBLEWSKI. NOES: None. (AYES: 15, NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

RE: Assembly Home Rule Request
Como Lake Park – Sale
of Parkland
(INTRO 6-1)

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

ASSEMBLY

WHEREAS, in the year circa 1975 George F. Sherwood built a house at 66 Lakeside Crescent in Lancaster, New York; and

WHEREAS, in constructing his 1994 square feet ranch house, he encroached upon county

parkland known as Como Lake Park, said encroachment being upon an otherwise unusable triangular parcel of land (0.137 +/- acre), the easterly tip of the park which is separated from the balance of parkland by a stand of trees, undergrowth, path, footbridge and creek; and

WHEREAS, this property was conveyed and transferred between and among family members, including the present owner, Shelley Brown, who is desirous of selling the property to a non-family-member purchaser; and

WHEREAS, the prospective buyer, through a title examination undertaken by a licensed title company, discovered that a portion of the house, side and back yard encroached upon County of Erie parkland; and

WHEREAS, the property cannot be legally sold unless the county parkland is first conveyed to the present owner; and

WHEREAS, the County does not have the power to authorize the discontinuance of use as parklands or the conveyance of public parklands, such power being vested exclusively in the New York State Legislature; and

WHEREAS, Assembly Bill No. A.8388-B and Senate Bill No. S.5561-B, now pending before the New York State Legislature would authorize the County of Erie to discontinue use as parklands and to sell and convey in fee simple for its fair market value and upon such terms and conditions as the County of Erie deems appropriate the lands described in Section three of such Acts which are no longer useful for park and recreation purposes; and

WHEREAS, the authorization provided in section one of such Acts shall be subject to the requirement that upon alienation of the lands described in the Acts, the County of Erie shall dedicate all proceeds from the sale of such lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the alternative, if an appropriate parcel cannot be identified after a diligent search, the County of Erie may use the proceeds for capital improvements to existing park facilities in the County of Erie.

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

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.8388-B entitled "AN ACT to authorize the County of Erie to discontinue use of certain lands as parklands and sell such lands, and dedicate certain other lands as parklands."

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

The local governments do not have the power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The present property owner, Shelley Brown, residing at 5350 Tapscott Avenue, Cocoa, Florida, is not the party responsible for the construction of the residence on county parkland. An extreme and undue hardship would be placed upon the owner, for without the conveyance of the parkland to her, she would be forever unable to sell her property. The portion of county parkland in question is triangular in shape, only

0.137 +/- acre in size, is in the easterly end of the park and separated from the balance of the parkland by a stand of trees, undergrowth, a path, footbridge and creek. Thus, its conveyance to the owner would have a de minimus impact on the park.

In recognition of these factors, the County of Erie wishes to effectuate the transfer and conveyance of 0.137 +/- acre of Erie County as more particularly described in the above referenced Assembly Bill to Shelley Brown for and in consideration of the fair market value of such lands payable to the County of Erie.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

Item 20 - MS. KONST presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE & WROBLEWSKI. NOES: None. (AYES: 15, NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

RE: Senate Home Rule Request
Como Lake Park – Sale
of Parkland
(INTRO 6-2)

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

SENATE

WHEREAS, in the year circa 1975 George F. Sherwood built a house at 66 Lakeside Crescent in Lancaster, New York; and

WHEREAS, in constructing his 1994 square feet ranch house, he encroached upon county parkland known as Como Lake Park, said encroachment being upon an otherwise unusable triangular parcel of land (0.137 +/- acre), the easterly tip of the park which is separated from the balance of parkland by a stand of trees, undergrowth, path, footbridge and creek; and

WHEREAS, this property was conveyed and transferred between and among family members, including the present owner, Shelley Brown, who is desirous of selling the property to a non-family-member purchaser; and

WHEREAS, the prospective buyer, through a title examination undertaken by a licensed title company, discovered that a portion of the house, side and back yard encroached upon County of Erie parkland; and

WHEREAS, the property cannot be legally sold unless the county parkland is first conveyed to the present owner; and

WHEREAS, the County does not have the power to authorize the discontinuance of use as parklands or the conveyance of public parklands, such power being vested exclusively in the New York State Legislature; and

WHEREAS, Assembly Bill No. A.8388-B and Senate Bill No. S.5561-B now pending before the New York State Legislature would authorize the County of Erie to discontinue use as parklands and to sell and convey in fee simple for its fair market value and upon such terms and conditions as the County of Erie deems appropriate the lands described in Section three of such Acts which are no longer useful for park and recreation purposes; and

WHEREAS, the authorization provided in section one of such Acts shall be subject to the requirement that upon alienation of the lands described in the Acts, the County of Erie shall dedicate all proceeds from the sale of such lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the alternative, if an appropriate parcel cannot be identified after a diligent search, the County of Erie may use the proceeds for capital improvements to existing park facilities in the County of Erie.

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

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.5561-B entitled "AN ACT to authorize the County of Erie to discontinue use of certain lands as parklands and sell such lands, and dedicate certain other lands as parklands."

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

The local governments do not have the power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The present property owner, Shelley Brown, residing at 5350 Tapscott Avenue, Cocoa, Florida, is not the party responsible for the construction of the residence on county parkland. An extreme and undue hardship would be placed upon the owner, for without the conveyance of the parkland to her, she would be forever unable to sell her property. The portion of county parkland in question is triangular in shape, only 0.137 +/- acre in size, is in the easterly end of the park and separated from the balance of the parkland by a stand of trees, undergrowth, a path, footbridge and creek. Thus, its conveyance to the owner would have a de minimus impact on the park.

In recognition of these factors, the County of Erie wishes to effectuate the transfer and conveyance of 0.137 +/- acre of Erie County as more particularly described in the above referenced Senate Bill to Shelley Brown for and in consideration of the fair market value of such lands payable

to the County of Erie.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

Item 21 - MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

RE: Booth at the 2008 America's Fair
(the Erie County Fair) and
Subsequent Fairs
(INTRO 6-3)

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

WHEREAS, the 169th Erie County Fair, being held from August 6 through August 17, 2008, is an important rite of late summer passage in the Niagara Region; and

WHEREAS, Erie County, through the Department of Environment and Planning (DEP), which acts as staff for the Erie County Agricultural and Farmland Protection Board, has for many years now maintained a booth at the Fair; and

WHEREAS this booth illustrates, in an informative and entertaining manner, the measures Erie County and its municipalities have taken to preserve agricultural land in the County, an example is our recycling measures; and

WHEREAS, the Fair requires a signed contract and proof that the applicant is insured.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the Erie County Agricultural Society to obtain free exhibit space in the Grange Building for this Fair and subsequent future fairs; and be it further

RESOLVED, that the County Attorney's office provide a letter of proof of the County's self insurance to the Fair; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Commissioner of the Department of Environment and Planning (4 copies); the County Comptroller; the Director of the Division of Budget, Management and Finance; and the County Attorney.

Item 22 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

RESOLUTION NO. 97

RE: Furnishings for the Town of North
Collins Town Hall
(INTRO 6-4)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR REYNOLDS

WHEREAS, Earlier this month the Town of North Collins approached Erie County to ask for assistance in furnishing the town’s new Town Hall; and

WHEREAS, County Executive Chris Collins offered the North Collins Town Council Members the opportunity to visit the Purchasing Department’s surplus furniture warehouse to determine if the County had any unused equipment or furniture that would be of use to the town; and

WHEREAS, on March 14, 2008 two Council Members from North Collins visited the facility and identified several items, currently unused by Erie County, that would be of value to the Town of North Collins; and

WHEREAS, the Town Council in North Collins contacted my office to ask for a resolution supporting the transfer of ownership of these items from Erie County to the Town of North Collins; and

WHEREAS, because these items no longer serve a purpose for the County of Erie, I was pleased to sponsor this resolution to transfer the following items to the Town of North Collins.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items; and be it further:

Item	Quantity
File Cabinet	4
Chairs	18
Coat Rack	1
Coffee Table	1
Credenza	2
Desk	3
Literature Display	1
Bookshelf	1
Table	2
Paper sorter	1
Mail sorter	1
Bulletin board	3

RESOLVED, these items are hereby transferred from the County of Erie to the Town of North Collins for the purpose of furnishing their new Town Hall; and be it further

RESOLVED, that none of these items are to be used for a purpose other than furnishing the North Collins Town Hall; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the County Executive's Representative for Intergovernmental Affairs, and the Town of North Collins Supervisor.

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

CARRIED UNANIMOUSLY.

Delete the first and second Resolve Clauses in their entirety and insert:

RESOLVED, that ownership of the listed items be transferred from Erie County to the Town of North Collins:

Item	Quantity
File Cabinet	4
Chairs	18
Coat Rack	1
Coffee Table	1
Credenza	2
Desk	3
Literature Display	1
Bookshelf	1
Table	2
Paper sorter	1
Mail sorter	1
Bulletin board	3

And be it further

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

CARRIED UNANIMOUSLY.

Item 23 - MS. KONST presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

RE: State Ready Prisoners
(INTRO 6-5)

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

WHEREAS, state ready prisoners are convicted felons who have been sentenced and committed to the State Department of Corrections Services; and

WHEREAS, New York City and counties across the state are required to house state ready inmates who are rightfully the responsibility of New York State; and

WHEREAS, the current reimbursement rate paid to municipalities is far below the actual cost incurred for housing state ready prisoners; and

WHEREAS, when the State of New York fails to take custody of prisoners promptly, an unfair financial burden is put on localities; and

WHEREAS, this is an unfunded mandate that shifts the financial responsibility from the State of New York on to local taxpayers; and

WHEREAS, this low reimbursement rate serves as a disincentive for the state to transfer inmates to a state facility in a timely manner; and

WHEREAS, prior to being able to receive reimbursement for a State inmate who is ready for transfer to a state facility, Erie County has to house the inmate for five days; and

WHEREAS, Erie County housed state ready inmates for 1,876 days last year without receiving any reimbursement; and

WHEREAS, last year Erie County billed for 1,259 days for state ready prisoners to the State of New York; and

WHEREAS, while Erie County is currently receiving \$40.00 per day to house state ready inmates, the actual cost to house a state ready inmate is \$115.00 per day per inmate; and

WHEREAS, in a recent study completed by the University of Buffalo Regional Institute, entitled *Alternatives to Incarceration Strategies for Success*, it is reported that state ready inmates spend a median of 17 days in the Holding Center after sentencing, for processing before they are transferred to a state facility; and

WHEREAS, a current report that captured national attention by the Pew Center for the States found that for the first time in history 1 of every 99.1 adult Americans is behind bars; in federal, state or local prisons; and

WHEREAS, in New York, the rate is about half that. According to the Pew report, New York ranks in the second lowest category of all states, compared with the overall population. The state's inmate population dropped 1.1 percent last year; and

WHEREAS, the number of inmates in state prisons in New York is expected to total 62,800 by the end of the year, a decline of 9,000 in eight years; and

WHEREAS, as a result of the findings of the Pew Center's report, entitled *One in 100: Behind Bars in America 2008*, the Governor's budget seeks to close four prisons; in Franklin, Chenango, Saratoga and Columbia counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record requesting that the State of New York no longer make Erie County absorb the financial burden of keeping state ready inmates at county facilities after sentencing for processing before they are transferred to a state facility; and be it further

RESOLVED, the certified copies of this resolution shall be forwarded to Governor David A. Paterson, the WNY State Legislative Delegation, Erie County Sheriff Timothy B. Howard, Erie County Executive Chris Collins, and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the item by adding Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 24 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 6-6 from WHYTE. Establishment of Niagara River State Park.

Item 25 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 6-7 from WHYTE. Ontario Street Boat Launch Black Rock Canal Park.

Item 26 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 6-8 from WHYTE. Effectiveness of County Warrant Squad.

Item 27 - MR. WROBLEWSKI presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

RE: Transfer of Police Dispatcher Positions
from Central Police Services to the
Sheriff
(INTRO 6-9)

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

WHEREAS, the Erie County fiscal crisis of 2005 had many consequences on the operation of county government and the delivery of services to county taxpayers; and

WHEREAS, as part of the county government restructuring that ensued as the result of the fiscal crisis, 10 police dispatcher positions were transferred from the Erie County Sheriff to the department of Central Police Services; and

WHEREAS, the Public Safety Committee of the Erie County Legislature is charged with the review of all operations of county government that have an impact on public safety; and

WHEREAS, this review entails an analysis of both the delivery of services and the costs of providing those services; and

WHEREAS, the transfer of the police dispatcher positions from the Sheriff to Central Police Services resulted in no net gain to the taxpayers from either a fiscal or programmatic standpoint; and

WHEREAS, the Public Safety Committee has observed that service delivery in other criminal justice and public safety arenas have been enhanced and made more efficient when those functions have been consolidated under the auspices of the Sheriff, the chief law enforcement official of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record supporting a transfer of 10 police dispatcher positions from Central Police Services to the Erie County Sheriff's Department; and be it further

RESOLVED, that the Erie County Legislature requests that the County Executive direct the Budget Division to consult with both the Sheriff's Department and Central Police Services to ensure both a seamless transfer of positions and a smooth transition; and be it further

RESOLVED, that the Budget Division, in collaboration with Central Police Services and the Erie County Sheriff's Department, prepare the necessary budgetary and personnel paperwork to effectuate the transfer of 10 police dispatcher positions from Central Police Services to the Erie County Sheriff; and be it further

RESOLVED, that certified copies of this budget be conveyed to the County Executive, the Budget Division, the Sheriff and to Central Police Services.

Item 28 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 6-10 from MILLS. Assisting the Merchants of the Village of East Aurora During the Construction of Main Street.

Item 29 - MR. MAZUR presented the following resolution and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

RE: Questions About Indoor Environmental
Quality at the Family Court Building
(INTRO 6-11)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MAZUR, MARINELLI, WHYTE, KOZUB, MILLER-WILLIAMS,
KONST, GRANT, WROBLEWSKI, IANNELLO & LOUGHRAN**

WHEREAS, the Erie County Legislature has received several questions from County employees who work in the Family Court Building regarding the environmental quality in their workplace; and

WHEREAS, the Department of Public Works has attempted to address the concerns identified by the affected employees; and

WHEREAS, despite the efforts of the Department of Public Works, the employees in this workplace have continued to experience problems in this building which have had a negative impact on their ability to work in an effective and efficient manner as well as creating potential health problems for the employees; and

WHEREAS, the identified problems include a heating oil spill, booster water pressure pipe leak, ceiling leaks, and toilet and sink back-ups, the pooling of water in restrooms and a continuing problem with sewer flies.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Public Works and the Department of Health are directed to appear at the March 27, 2008 meeting of the Health and Human Services Committee to address the concerns regarding the indoor environmental quality at the Family Court Building; and be it further

RESOLVED, that certified copies of this resolution be given to the County Executive, the County Attorney, the Commissioner of Public Works and the Commissioner of Health.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 30 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

RE: County Executive's Decision Not to
Enter Contract for Substance Abuse
Prevention and Assessment Services
(INTRO 6-12)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MAZUR, REYNOLDS, MARINELLI, WHYTE, KOZUB,
KENNEDY, MILLER-WILLIAMS, GRANT, WROBLEWSKI & LOUGHRAN**

WHEREAS, the Erie County Executive requested permission from the Erie County Legislature to enter into an expanded contract with Erie County Medical Center Corporation (Comm. 12E-27) (2007) for the provision of certain services related to substance abuse prevention and assessment in conjunction with the Erie County Child Protective Services Division; and

WHEREAS, the funds to enter into this contract were provided by the New York State Office of Alcoholism and Substance Abuse Services (OASAS) as part of a three year demonstration project and amounted to 1.4 million dollars; and

WHEREAS, the services to be provided under this grant program would have been of tremendous value to the residents of Erie County, particularly chemically dependent youth who are at greater risk of becoming involved in the juvenile justice system; and

WHEREAS, the County Executive has indicated his intention not to enter this contact with New York State thus jeopardizing the County's ability to aggressively address a problem of tremendous importance in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive or his designee appear before the Legislature's Health and Human Services Committee at its next regularly scheduled meeting to discuss the decision not to enter into this contract with New York State on behalf of Erie County; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of the Department of Social Services, the County Attorney and the New York State Office of Alcoholism and Substance Abuse Services (OASAS).

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

CARRIED UNANIMOUSLY.

Delete the first Whereas Clause and insert the following:

WHEREAS, the former Erie County Executive requested permission from the Erie County Legislature to enter into an expanded contract with Erie County Medical Center Corporation (Comm. 12E-27) (2007) for the provision of certain services related to substance abuse prevention and assessment in conjunction with the Erie County Child Protective Services Division; and

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

CARRIED UNANIMOUSLY.

Item 31 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 6-13 from IANNELLO. Requiring All Contractors in Erie County to Prove All Employees' Legal Working Status.

Item 32 – MS. MILLER-WILLIAMS presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

RE: Raising Public Awareness
of the Hazards of Lead
Exposure
(INTRO 6-14)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLER-WILLIAMS

WHEREAS, environmental exposure to lead has long been recognized as a public health hazard, especially among children, and the particular vulnerability of children ages one to five years old is amplified as the result of their frequent hand-to-mouth activities; and

WHEREAS, since lead does not break down, the legacy of lead contamination in urban communities is due in large part to the advanced age and inadequate remediation of the City of Buffalo's aging housing stock; and

WHEREAS, lead exposure can have severe health consequences on inner-city dwellers, especially the poorest and youngest who face the highest risks as the result of multiple exposures to lead paint, soil, and air; and

WHEREAS, lead exposure has been linked to a several point decline in IQ, which in turn places children at greater risk to behavioral problems, which come at a high cost to their individual potential as well as community; and

WHEREAS, in 1978, the federal government banned lead from both interior and exterior paint; and

WHEREAS, although federal funds are available in high risk communities and in families having children, the need is much greater than available resources can address; and

WHEREAS, there has been renewed public interest in this important environment health topic, to wit: a public forum was recently held and co-sponsored by the Community Foundation and the Community Action Organization; and

WHEREAS, the forum was attended by a number of community leaders, including Buffalo City Housing Court Judge Henry Nowak and Dr. Anthony Billittier, IV, Commissioner of the Erie County Department of Health; and

WHEREAS, Erie County has operated the highly effective “lead SAFE Erie County” program for a number of years, and the start of the spring home improvement season offers our community an opportunity to review the potential hazards of airborne lead particles that are released into the environment during housing renovations, as well as the somewhat simple steps that can be taken to ensure that the homes of our constituents become free of lead hazards.

MS. MILLER-WILLIAMS moved to amend the item by adding Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MILLER-WILLIAMS moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

RE: Supporting the University at
Buffalo’s UB2020 Plan
(INTRO 6-15)

A RESOLUTION TO BE SUBMITTED BY

**LEGISLATORS RATH, MILLS, RANZENHOFER, MARINELLI, KOZUB,
MILLER-WILLIAMS, KONST, GRANT, MAZUR & REYNOLDS**

WHEREAS, the University at Buffalo is a member of the prestigious Association of American Universities; and

WHEREAS, the University at Buffalo is the largest and most comprehensive campus in the 64 campus State University of New York System; and

WHEREAS, the University at Buffalo's student body is over 28,000 students and employs over 11,700 people; and

WHEREAS, the University at Buffalo is a comprehensive, research intensive public university dedicated to excellence; and

WHEREAS, the University at Buffalo spends more than \$267 million annually on research, in search of knowledge that lead will lead to new cures and therapeutics, faster computers, smarter software, smaller machines, and thousands of other life improvements; and

WHEREAS, the University at Buffalo is redefining its role as a major public research university with its UB 2020 initiative; and

WHEREAS, UB 2020 aims to increase the student body to 37,000 and employ 19,781 people in the Buffalo Niagara region; and

WHEREAS, UB 2020 will increase the annual economic impact of the university by over \$1 billion to over \$2.6 billion by the year 2020; and

WHEREAS, the University at Buffalo has a comprehensive plan to become one of the top research universities in the country and greatly improve the economy and community in Western New York; and

WHEREAS, that Western New York, the State of New York and the County of Erie will benefit from the ambitious goals of the University at Buffalo UB 2020 plan; and

WHEREAS, an affinity group, the UB Believers, has been created to demonstrate community support for the ambitious goals of the University at Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the members of this body support the goals and spirit of UB 2020; and be it further

RESOLVED, that the growth of the University at Buffalo is a top priority of the County of Erie and this body encourages elected officials and citizens across New York State to support the University at Buffalo by learning more about UB 2020 and by becoming a "UB Believer" today by visiting <http://ubbelievers.buffalo.edu>; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Interim SUNY Chancellor Dr. John B. Clark, University at Buffalo President John B. Simpson and County Executive Christopher Collins.

MR. RATH moved to amend the item by adding Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. RATH moved to approve the item as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. MILLS presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

RE: The Mentholatum Company
Playground Gift
(INTRO 6-16)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, RANZENHOFER, RATH, MARINELLI, KOZUB, MILLER-
WILLIAMS, KONST, GRANT, MAZUR & REYNOLDS**

WHEREAS, the Erie County Department of Parks, Recreation, and Forestry (“Parks”) has been contacted by The Mentholatum Company (“Mentholatum”) concerning the gift of playground equipment and its installation; and

WHEREAS, Mentholatum, in celebrating its twenty years of business in Erie County, has chosen to give back to the community by providing a new premier playground for all county residents to use and enjoy; and

WHEREAS, Mentholatum will purchase playground equipment appropriate for Chestnut Ridge Park with an approximate value of \$23,000, install it in Chestnut Ridge Park by June 5, 2008, then present said playground to the County as a gift at their celebration in the park that evening; and

WHEREAS, pursuant to County Law, any gifts must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to permit The Mentholatum Company to purchase and install the playground equipment, at the sole cost of Mentholatum, on a site to be designated by the Commissioner of Parks, Recreation, and Forestry; and be it further

RESOLVED, that the playground shall be open and free to all persons; and be it further

RESOLVED, that the County Executive is authorized to accept, on behalf of the County and its Department of Parks, Recreation, and Forestry from The Mentholatum Company, a gift of a fully constructed and installed playground at Chestnut Ridge Park; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Chris Collins, County Comptroller Mark Poloncarz, Budget Director Beth Kornbrekke and Parks, Recreation and Forestry Commissioner James E. Hornung Sr.

MR. MILLS moved to amend the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Delete the first Resolve Clause in its entirety and insert the following:

RESOLVED, that the County Executive is authorized to permit The Mentholatum Company to purchase playground equipment, at the sole cost of Mentholatum, and that such equipment be installed by Erie County Parks employees, on a site to be designated by the Commissioner of Parks, Recreation, and Forestry; and be it further

MR. MILLS moved to further amend the item by adding MS. WHYTE and MS. IANNELLO as Co-Sponsors. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MR. MILLS moved to approve the item as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 35 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 6-17 from MILLS, RANZENHOFER, RATH & KONST. Directing the County Comptroller to Verify the Savings to Erie County Taxpayers by Issuing Mirror Bonds.

Item 36 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 6-18 from RATH, MILLS, RANZENHOFER & KONST. Directing the County Comptroller to Issue a Monthly Cash Flow Schedule.

Item 37 – MR. RANZENHOFER moved to reconsider INTRO 6-12. MS. WHYTE seconded. MR. KENNEDY voted in the negative.

CARRIED. (14-1)

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. IANNELLO and MS. KONST voted in the negative.

CARRIED. (10-5)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 38 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of INTRO 5-8 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: Supporting NYS Legislation Relating to
Text Messaging While Driving
(INTRO 5-8)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR KENNEDY

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

CARRIED UNANIMOUSLY.

Delete the resolution in its entirety and insert the following:

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

WHEREAS, section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion; and

WHEREAS, recently the popularity of text messaging while driving has reached an all time high, especially within the realm of drivers between the ages of 18-27; and

WHEREAS, according to studies done by AAA, an activity that takes a driver's attention off the road for more than two seconds can double a driver's risk of a crash; and

WHEREAS, a recent study by Nationwide Mutual Insurance showed that 37% of drivers between the ages of 18-27 text message while driving; and

WHEREAS, there have been numerous instances throughout the State of New York where operators of motor vehicles are text messaging or reading text messages while driving and either cause or are involved in an accident; and

WHEREAS, often times these accidents due to text messaging or reading text messages result in fatalities; and

WHEREAS, this Erie County Legislature feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging or reading text messages while they are driving; and

WHEREAS, bills have been proposed in both the State Senate and Assembly to prohibit operators of motor vehicles from using a mobile telephone for writing, sending or reading a text message while such vehicle is in motion; and

WHEREAS, this Legislature feels that this proposed legislation is desirable to avoid any further accidents.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature hereby supports the New York State Senate and Assembly's bills designed to prohibit operators of motor vehicles from text messaging or reading text messages while operating a motor vehicle; and be it further

RESOLVED, that the Legislative Clerk be and hereby is directed to forward certified copies of this resolution to the Governor, as well as the members of the State Senate and State Assembly.

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

CARRIED UNANIMOUSLY.

Item 39 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 5E-26 (2008). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

RE: Sheriff's Office – Asset
Forfeiture Funded Program
SAFS
(COMM. 5E-26)

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

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

WHEREAS, the Erie County Legislature has the authority, under Article III Section 07.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature, and

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

NOW, THEREFORE, BE IT

RESOLVED, that \$222,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>207,000</u>
	Total Revenue	<u>207,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
506200	Maintenance & Repair	48,000
561410	Lab & Technical Equipment	59,000
561440	Motor Vehicles	<u>100,000</u>
	Total Appropriations	<u>207,000</u>

and be it further

RESOLVED, that these expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds, and

RESOLVED, that the Sheriff and Erie County Purchasing are authorized to purchase used automobiles from a selected vendor without competitive bidding, and be it further

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

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

CARRIED UNANIMOUSLY.

Delete the resolution in its entirety and insert the following:

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

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

WHEREAS, the Erie County Legislature has the authority, under Article III Section 07.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature, and

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

NOW, THEREFORE, BE IT

RESOLVED, that \$222,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>222,000</u>
	Total Revenue	<u>222,000</u>
<u>APPROPRIATION</u>	<u>Increase</u>	
506200	Maintenance & Repair	48,000
510100	Out of Area Travel	15,000
561410	Lab & Technical Equipment	59,000
561440	Motor Vehicles	<u>100,000</u>
	Total Appropriations	<u>222,000</u>

and be it further

RESOLVED, that these expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds, and

RESOLVED, that the Sheriff and Erie County Purchasing are authorized to purchase used automobiles from a selected vendor without competitive bidding, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 40 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 5E-21 (2008). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

RE: Central Police Services – Authorization
of Payments for Professional Services
(COMM. 5E-21)

WHEREAS, the Erie County Comptroller has determined that all payments for professional/technical services require the approval of the Legislature, and

WHEREAS, the Department of Central Police Services has two such obligations yet to be approved by the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is hereby authorized to process payments to Globalquest Solutions, Inc., 435 Lawrence Bell Drive, Williamsville, New York 14221, a WBE – New York State Contract vendor, under purchase order number 4500012374 in the amount of \$129,438 for development of the computer aided dispatch/records management system, and be it further

RESOLVED, that the Comptroller is hereby authorized to process a payment to Kathleen Sear, 94 Westminster Road, Rochester, New York 14607, an ASCLD-certified inspector, under purchase order number 4600004337 in the amount of \$1,600 for a quality assurance audit of the Forensic Laboratory chemistry section evidence inventory, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 41 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 5E-10 (2008). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

RE: Division of Information &
Support Services Sharing of
Inter-Municipal Agreement
(COMM. 5E-10)

WHEREAS, the New York State Office for Technology, the New York State Department of Transportation and the University at Buffalo, State University of New York (“State Entities”) are improving their information technology and telecommunications infrastructure in Erie County; and

WHEREAS, the aforementioned State Entities will share specified portions of their information technology and telecommunications infrastructure in Erie County, as more fully set forth in the Facilities Sharing Agreement, with the County at no cost, and in return for which Erie County will share specified portions of its information technology and telecommunications infrastructure at no cost with the State Entities, as set forth in the Facilities Sharing Agreement; and

WHEREAS, the County of Erie desires to make its information technology and telecommunications infrastructure as reliable and responsive as possible while minimizing costs to the taxpayers; and

WHEREAS, the County of Erie requests permission to enter into a "Facilities Sharing" Inter-municipal agreement with the aforementioned State Entities to share the State Entity information technology and telecommunications infrastructure as set forth in the Facilities Sharing Agreement, and for Erie County to share its information technology and telecommunications infrastructure with the State Entities as set forth in the Facilities Sharing Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into and execute a "Facilities Sharing" Inter-municipal agreement with the aforementioned State Entities for the purpose of sharing information technology and telecommunications infrastructure at no cost to Erie County in accordance with the Facilities Sharing Agreement; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Division of Information and Support Services, the County Attorney as well as the aforementioned State Entities.

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 4E-4 (2008). MR. KOZUB seconded. MR. KENNEDY voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 109

RE: Department of Environment &
Planning - Variable Minimum
(COMM. 4E-4)

WHEREAS, the 2008 Erie County Budget stipulated that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive.

NOW, THEREFORE, BE IT

RESOLVED, that the salary for the position of Deputy Commissioner of Planning and Economic Development is hereby authorized to increase to Step 4 for the title of Deputy Commissioner of Planning and Economic Development in Job Group 17, retroactive to January 1, 2008; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the Commissioner of Personnel.

MS. WHYTE moved to approve the item. MR. REYNOLDS seconded. MS. IANNELLO and MR. WROBLEWSKI voted in the negative.

CARRIED. (13-2)

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. 6E-24 from the County Executive Re: Surplus Revenue Road Repair Fund - Public Hearing Request

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

RE: Surplus Revenue Road Repair
Fund - Public Hearing Request
(COMM. 6E-24)

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the Road Repair Reserve Fund has \$2,077,320.00 available for repairs of roads in the County during 2008; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held by this Legislature on April 3, 2008 at 2:00 PM, in the Legislative Chambers, 4th Floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo; and be it further

RESOLVED, that the subject of such Public Hearing shall be the appropriation of \$2,077,320.00 from the Erie County Road Repair Reserve Fund for road and bridge repairs; and be it further

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing; and be it further

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive, the Director of Budget, Management & Finance, the County Attorney's Office and the Office of the Comptroller.

Item 44 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-25 from the COUNTY EXECUTIVE Re: 2007 Real Estate Transfer Tax Surplus Revenue Road Repair Reserve Fund

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 45 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-26 from the COUNTY EXECUTIVE Re: Social Services - Youth Detention - Deputy Commissioner - Division of Youth Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 6E-1) Fact-Finding Report Between County of Erie and New York State Nurses Association

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR WHYTE

Item 47 – (COMM. 6E-2) The Partnership for the Public Good 2008 Platform and Speakers Series

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 48 – (COMM. 6E-3) Letter Concerning Rules of the Legislature as they Pertain to the Proceedings of Session Held on March 6, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR MARINELLI

Item 49 – (COMM. 6E-4) Letter to County Executive Concerning Four Year Plan of Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: Resolution to Amend to Extend the Buffalo Auto Bureau Lease for One (1) Year (COMM. 6E-5)

WHEREAS, the Erie County Clerk is mandated by State law to provide auto bureau services and operates local auto bureaus, and

WHEREAS, the County of Erie has previously entered into certain leases for space to operate Auto Bureaus in Erie County, and

WHEREAS, the 2008 County Budget as adopted made an appropriation for auto bureau expense in an amount that was sufficient to maintain its Auto Bureau lease obligations for the fiscal year, and

WHEREAS, the lease for the Auto Bureau at 77 Broadway, Buffalo, NY is set to expire and, should it do so, an interruption of revenue and service will immediately occur.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive enter into and sign a lease extension with Uniland Development Company as landlord of the Buffalo Auto Bureau for a period of one (1) year to commence at the conclusion of the present lease extension on April 30, 2008, and be it further

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

FROM THE COMPTROLLER

Item 51 – (COMM. 6E-6) Audited Financial Statements for Erie Community College - Fiscal Year Ended August 31, 2007

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 6E-7) Appointment of Commissioner of Labor Relations

Item 53 – (COMM. 6E-8) Appointment of Erie County Attorney

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

Item 54 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

RE: Appointment of Landowner
Appointee to the Region 9 Fish
& Wildlife Management Board
(COMM. 6E-9)

RESOLVED, that the Erie County Legislature does hereby confirm the following named individual as the Erie County Landowner appointment to the New York State Region 9 Fish and Wildlife Management Board for the term indicated.

Appointee

Mr. Kenneth Brown
6550 Vermont Hill Rd.
South Wales, NY 14139

Term Expires

December 31, 2009

Item 55 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Appointment of Erie County
Alternate Appointee to the
Region 9 Fish & Wildlife
Management Board
(COMM. 6E-10)

RESOLVED, that the Erie County Legislature does hereby confirm the following named individual as the Erie County Alternate appointment to the New York State Region 9 Fish and Wildlife Management Board for the term indicated.

Appointee
James H. Agle
7915 Gowanda State Rd.
Eden, NY 14057

Term Expires
December 31, 2009

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Home Energy Assistance
Program (HEAP)
(COMM. 6E-11)

WHEREAS, the Home Energy Assistance Program of the Department of Social Services has been awarded an additional administrative allocation through the New York State Office of Temporary and Disability Assistance (NYS OTDA); and

WHEREAS, this allocation is to be used to offset local costs incurred in administering the second emergency benefit and in accepting HEAP application through May 15, 2008; and

WHEREAS, this funding will be used to cover the costs of adding five HEAP workers needed to maintain compliance with application processing regulations – specifically one Energy Crisis Assistance Worker (ECW) III (JG 8), one ECW II (JG 5) and three ECW I (JG 2) regular part-time positions; and

WHEREAS, the positions are urgently needed because two utilities pulled dedicated reps from the HEAP office leaving thousands of transactions per month that must be performed immediately by HEAP staff; and

WHEREAS, additional staff will enable timely processing of applications to help keep clients off of public assistance, which has a significant local share; and

WHEREAS, there is no fiscal impact to this resolution as the positions are fully funded by the 100% Federal allocation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept additional federal HEAP administrative funds; and be it further

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

Department of Social Services Fund 110, Cost Center 1201050 HEAP

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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500020	Regular Part Time Wages	\$102,881
502000	Fringe Benefits	43,210
561410	Lab & Tech Equipment	3,000
561420	Office Equipment	<u>17,500</u>

Total Expenditure \$166,591

<u>Account</u>	<u>Description</u>	<u>Amount</u>
411590	Federal Aid for Home Energy Assistance	<u>\$166,591</u>

Total Revenue \$166,591

and be it further

RESOLVED, that the following five staff positions be created and filled:

			<u>B-100#</u>
(1)	Energy Crisis Assistance Worker ECW III	JG 8	3638
(1)	Energy Crisis Assistance Worker ECW II	JG 5	3639
(3)	Energy Crisis Assistance Worker ECW I	JG 2	3640

and be it further

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

Item 57 – (COMM. 6E-12) Emergency Services - SHSP Grant 2007

Item 58 – (COMM. 6E-13) Emergency Services - UASI Grant 2007

Item 59 – (COMM. 6E-14) Emergency Services - 2007 LETPP

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

Item 60 – (COMM. 6E-15) Termination of Substance Abuse Grant

Item 61 – (COMM. 6E-16) Department of Social Services - Food Stamp Bonus Allocation

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

Item 62 – (COMM. 6E-17) Golf Driving Range at Elma Meadows

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (COMM. 6E-18) Environmental Engineering Services - Asbestos & Environmental Testing

Item 64 – (COMM. 6E-19) Rath County Office Building - Elevator Lobby Security Renovations

Item 65 – (COMM. 6E-20) 2008 Federal Highway Association - Law for Worker Safety

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

Item 66 – (COMM. 6E-21) Social Services Dept. - Hyland Software Maintenance Contract

Item 67 – (COMM. 6E-22) Health Dept. - Personnel Adjustments Youth Detention Center

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

Item 68 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Request Authorization to Accept
Efficiency Grant Funds to Award Six
Sigma Training and Implementation
RFP
(COMM. 6E-23)

WHEREAS, County Executive Collins has called for changes to the proposed operational effectiveness and adopted budgets within the departments and agencies within the County, requiring the operational processes be transparent, quantitatively explicit in terms of outcome measures and detailed in accounting for all costs and revenue sources for each area of service delivery; and

WHEREAS, to ensure these changes occur, the Director of Six Sigma has issued a RFP to solicit proposals for “Professional Training, Consultation and Assistance in Implementation of Lean/Six Sigma Methodologies”; and

WHEREAS, an Efficiency Grant has been submitted to the Erie County Fiscal Stability Authority requesting funds for this initiative; and

WHEREAS, a selection committee was formed to review proposals submitted in response to RFP#08084VF; and

WHEREAS, the selection committee unanimously decided upon awarding the RFP in alignment with the strongest proposals; the University at Buffalo Center for Industrial Effectiveness to conduct the Lean/Six Sigma Training and Canisius College to conduct the Change Management portion of the training.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be authorized to enter into agreement with the University at Buffalo Center for Industrial Effectiveness and Canisius College pending approval of efficiency grant funds; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds not to exceed \$900,000; and be it further

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

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

CARRIED UNANIMOUSLY.

Delete the second Resolve Clause in its entirety and insert:

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds not to exceed \$120,000; and be it further

RESOLVED, that the Director of Six Sigma provide monthly reports to the Erie County Legislature during the term of the pilot program and quarterly reports thereafter regarding the continued implementation of Six Sigma in Erie County; and be it further

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE LEGISLATIVE COUNSEL & PARLIAMENTARIAN

Item 69 – (COMM. 6D-1) Rules of Order

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN QUINN

Item 70 – (COMM. 6M-1) Acknowledgement of Receipt of Resolution

Received and Filed.

FROM ASSEMBLYMAN QUINN

Item 71 – (COMM. 6M-2) Acknowledgement of Receipt of Resolution
Received and Filed.

FROM THE GOVERNOR'S OFFICE

Item 72 – (COMM. 6M-3) Acknowledgement of Receipt of Resolution
Received and Filed.

FROM THE ECIDA

Item 73 – (COMM. 6M-4) Notification of Board of Directors Meeting
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 74 – (COMM. 6M-5) Monthly Report and Monthly Activity Report for February 2008
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LYNN KRONE

Item 75 – (COMM. 6M-6) Letter Concerning Removal of 55 MPH Speed Limit for School Buses on NYS Thruway
Received and Filed.

FROM THE GOVERNOR'S OFFICE

Item 76 – (COMM. 6M-7) Acknowledgement of Receipt of Resolution
Received and Filed.

FROM THE GOVERNOR'S OFFICE

Item 77 – (COMM. 6M-8) Acknowledgement of Receipt of Resolution
Received and Filed.

FROM LUSTIG & BROWN, LLP

Item 78 – (COMM. 6M-9) Letter Concerning Support for Appointment of Cheryl A. Green to Position of Erie County Attorney

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 79 – (COMM. 6M-10) Notice of Presentation Concerning Roles of City and County Control Boards

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CITY OF BUFFALO LIVING WAGE COMMISSION

Item 80 – (COMM. 6M-11) Annual Report 2007

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CAMPAIGN FOR QUALITY SERVICES

Item 81 – (COMM. 6M-12) Letter and Report Concerning Erie County Jail Food Service Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 82 – (COMM. 6M-13) Information in Compliance with the 2008 Erie County Budget Accountability Act for CVB, Convention Center & Film Commission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM HOLIMONT SNOWSPORTS SCHOOL

Item 83 – (COMM. 6M-14) Letter Concerning Support for Appointment of Cheryl A. Green to Position of Erie County Attorney

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 84 – (COMM. 6M-15) Annual Report on the Year Ending December 31, 2005

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 85 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of James D. Ludtka.

Item 86 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Steven P. Berger and William Litz.

Item 87 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Joanne Ritchie Shanahan and Donald L. Carbeck, former Mayor of Angola, New York.

Item 88 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Patsy "Pat" S. Casilio.

Item 89 - Legislator Whyte requested that when the Legislature adjourns, it do so in memory of her Brother-in-Law, Douglas Abraham Cobb, who died five years ago on Easter Sunday.

Item 90 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of the thousands of people who lost their lives in the 'Troubles' in Northern Ireland in search of Irish freedom, in the lead up to Easter and following the visit to Buffalo of Irish rebel turned peace maker Gerry Adams.

Item 91 - Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Lions Club Member Rupert Miller.

Item 92 - Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Robert P. Hurst.

Item 93 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of Ivan Dixon.

ADJOURNMENT

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

MS. KONST moved that the Legislature adjourn until Thursday, April 3, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, April 3, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE