

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 7**  
**APRIL 3, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Loughran, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Rath.

Item 1 – No tabled items.

Item 2 – MS. WHYTE moved to reconsider COMM. 4E-4 (2008) from the previous meeting. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item. MR. KOZUB seconded. MR. LOUGHRAN and MS. IANNELLO voted in the negative.

CARRIED. (13-2)

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 6 from 2008. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 – CHAIR MARINELLI directed that the meeting enter into recess at 2:30 p.m.

Public Hearing opened for Proposed Appropriation from Road Reserve Fund.

Speaking in favor of the issue were MR. CHARLES SICKLER from the Department of Public Works, MR. REYNOLDS, MR. MAZUR, MS. GRANT, MR. KENNEDY, MS. KONST, MR. RANZENHOFER, MR. KOZUB, MR. MILLS, and MS. MILLER-WILLIAMS, and no one was present to speak in opposition to the issue. The Public Hearing was declared closed at 2:50 p.m.

CHAIR MARINELLI directed that the Meeting be reconvened at 2:50 p.m.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MILLER-WILLIAMS presented a resolution Commemorating Earth Day - April 22, 2008.

Item 6 – CHAIR MARINELLI presented a resolution Recognizing Dr. George T. DeTitta for His Service as CEO & Executive Director of the Hauptman-Woodward Medical Research Institute.

Item 7 – CHAIR MARINELLI presented a resolution Honoring Joseph F. Gervase Upon His Retirement as Director of the Department of Information and Support Services.

Item 8 – MR. MAZUR presented a resolution Recognizing Emily Staebell, First Place in 2008 Sertoma Essay Contest.

Item 9 – MR. MAZUR presented a resolution Recognizing AnnaMarie Tedesco, Second Place in 2008 Sertoma Essay Contest.

Item 10 – MR. MAZUR presented a resolution Recognizing Brady Orcutt, Runner Up in 2008 Sertoma Essay Contest.

Item 11 – MR. MAZUR presented a resolution Recognizing Ross Oberteau, Runner Up in 2008 Sertoma Essay Contest.

Item 12 – MR. MAZUR presented a resolution Recognizing Lauren Yaskow, Runner Up in 2008 Sertoma Essay Contest.

Item 13 – MS. KONST presented a resolution In Memory of James Siemon Keysa.

Item 14 – MS. WHYTE presented a resolution Recognizing C.S.E.A. Local #815 Women's Committee for Sponsoring a Benefit for Hearts for the Homeless.

Item 15 – MS. IANNELLO presented a resolution In Memory of Carl A. Schrenk.

Item 16 – MS. IANNELLO presented a resolution Congratulating Williams G. Harmon Upon Being Named Reserve Deputy of the Year for 2007.

Item 17 – MR. MILLS presented a resolution Honoring Paul Barnas on Being Named the Orchard Park Republican Committee 2008 Republican of the Year.

Item 18 – MR. REYNOLDS presented a resolution Honoring Santine Faraci Catalino from Angola, NY on her 100th Birthday.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above fourteen items by including Et Al Sponsorship and adding one from MR. KENNEDY. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above fifteen items as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 19 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 23 - 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 24 - MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

MARCH 27, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 6E-16 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has been awarded a non-recurring Food Stamp bonus allocation through New York State; and

WHEREAS, this allocation is to be used to strengthen and enhance local Food Stamp program operations, efficiency, and administration consistent with a plan developed by the district and approved by the NYS OTDA; and

WHEREAS, this allocation will be used to fund staff overtime, community partner resources, technology expenses, training, and reception/intake improvements for food stamp marketing and programming; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
501000	Overtime	\$241,760
516010	Food for All	33,905
516040	DSS Training and Education	49,000
561410	Lab and Tech Equip.	33,372
980000	ID DISS Services	<u>3,000</u>
	Total Expenditure	<u>\$361,037</u>

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
411570	Federal Aid Food Stamp Program Administration	<u>\$361,037</u>
	Total Revenue	<u>\$361,037</u>

and be it further

RESOLVED, that the County Executive and/or the Commissioner of Social Services be authorized to execute necessary contracts and agreements including contracts with Food for All and the Center for Development of Human Services for this program; and be it further

RESOLVED, that due to the immediate need to expand this program with a current provider agency, the Section 19.08 County Charter requirement for Request for Proposals is hereby waived; and be it further

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

(5-0)

2. COMM. 6E-21 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services is required to maintain records related to the administration of Medicaid, Food Stamps and Temporary Assistance programs consisting of eligibility documents and benefit disbursement detail; and

WHEREAS, these records are maintained in the OnBase optical imaging system designed and developed by Hyland Software; and

WHEREAS, OnBase software is critical to the Department's day to day operations; and

WHEREAS, OnBase is a proprietary optical imaging system of Hyland Software; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute necessary contracts with Hyland Software; and be it further

RESOLVED, that as Hyland Software is the sole source and Federal GSA pricing is available to Erie County through contract # GS-35F-1427D, Section 19.08 County Charter requirement for Request for Proposals is hereby waived; and be it further

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

(5-0)

3. COMM. 6E-22 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health provides medical services at the Youth Detention Center under an agreement with the Erie County Department of Probation and Youth Detention Services; and

WHEREAS, in order to more efficiently meet the New York State staffing mandates for 24 hour per day, seven days per week coverage, it is necessary to adjust the nursing staff at the Youth Detention Center; and

WHEREAS, the Scope of Practice allows for a Registered Nurse but not a Licensed Practical Nurse to assess a patient; and

WHEREAS, it is necessary to create one regular part-time position of Registered Nurse, JG 8, and delete one vacant full-time position of Licensed Practical Nurse, JG 4; and

WHEREAS, with the monies available with the LPN deletion there is no effect on the Adopted Budget of the Health Department for this personnel adjustment; and

WHEREAS, the cost of medical services is reimbursed by the Department of Probation & Youth Detention Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one regular part-time position of Registered Nurse, JG 8 and the deletion of one vacant full-time position of Licensed Practical Nurse, JG 4 (position number 6210) as indicated on B100 # 3519 as outlined below:

<u>Cost Ctr.</u>	<u># of Pos.</u>	<u>Position</u>	<u>Job Group</u>	<u>Action</u>	<u>Budgeted</u>
1271676	1	LPN	4	Delete	\$33,829
1271676	1	RN-RPT	8	Add	\$33,829

and be it further

RESOLVED, that the budget for Fund 110, Dept. 127, Fund Center 12700, be revised as follows:

Appropriations:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
500000	Full Time Salaries	\$3,694,543	\$-33,829	\$3,660,714
500020	Regular Part Time Salaries	\$ 506,440	\$ 33,829	\$ 540,269

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, the Division of Budget and Management, the Department of Probation and Youth Detention Services and the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9<sup>th</sup> Floor.  
(5-0)

**THOMAS J. MAZUR**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

	COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS RANZENHOFER & LOUGHRAN.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 2M-10 (2008)  
**BUFFALO NIAGARA CONVENTION & VISITORS BUREAU:** Reply to Comm. 1E-11 and Comm. 1E-9  
(5-0)
  - b. COMM. 2M-11 (2008)  
**BUFFALO NIAGARA CONVENTION CENTER:** Reply to Comm. 1E-10  
(5-0)
  - c. COMM. 3M-9 (2008)  
**EMERSON SCHOOL OF HOSPITALITY:** Dept. of Athletics - Sign Installation Information  
(5-0)
  - d. COMM. 4M-3 (2008)  
**CULTURAL CONCERT INTERNATIONAL:** International All-Star Sports Council - Morality in Sports and Elsewhere  
(5-0)

**BETTY JEAN GRANT  
CHAIR**

Item 26 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

MARCH 27, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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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. 2M-2 (2008)

**ERIE CANAL HARBOR DEVELOPMENT CORPORATION:** Memorial Auditorium and Donovan Office Building - Segmentation Findings and Determination of No Significant Effect on the Environment  
(6-0)

2. COMM. 6E-18 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature authorized the County Executive to enter into General Architect/Engineer contracts with Watts Architecture & Engineering, P.C., which included Asbestos, Industrial Hygiene & Indoor Air Quality Environmental Engineering Services for many of our County facilities and projects; and

WHEREAS, in order to assure these necessary services, the County Executive is requesting a fee allocation of \$75,000 to be paid on a time and material, project-by-project basis, including testing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to the Environmental Engineering contract with the firm of Watts Architecture & Engineering, P.C.; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above as follows;

SAP PROJECT	PROJECT NAME	AMOUNT
A.00116	Asbestos Abatement – Various County Buildings	\$29,361.00
A.00051	2002 Asbestos Abatement	\$29,540.00
A.00007	Miscellaneous Environmental Engineering Services	<u>\$16,099.00</u>
Total Payments not to Exceed:		\$75,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.  
(6-0)

3. COMM. 6E-19 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the County has previously renovated the Fourteenth Floor elevator lobby as a prototype to provide security and safety control measures for the building occupants; and

WHEREAS, the implemented security control measures have improved security and safety for the building occupants, the County now deems it necessary to provide the same elevator lobby security improvements to the remaining elevator lobbies in the Rath Building; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of Robson & Woese, Inc. for providing Professional Architecture/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Robson & Woese, Inc. for providing Design & Construction Documents for the Rath Building elevator security improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Robson & Woese, Inc. for providing Professional Design and Construction Document Services for the Rath Building Elevator Lobby Security Improvements for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00067 – 2003 Fire Alarm and Security Improvements for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.  
(6-0)

4. COMM. 6E-20 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Federal Highway Administration established a new Part in Title 23, Code of Federal Regulations (CFR) that requires the use of High Visibility Safety Apparel effective November 24, 2008; and

WHEREAS, the New York State Department of Transportation (NYSDOT) has adopted this Code and the date set for implementation is April 1, 2008; and

WHEREAS, the competitive bid of the apparel has been completed and the amount of funds will not exceed \$25,000.00; and

WHEREAS, these items were not included in the 2008 budget, therefore the transfer of funds is imperative to comply with Federal Code requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments: Erie County Department of Public Works moves no more that \$25,000.00 from Account 1231010, 506400 (Highway Administration, Highway Supplies) to Account 1232010, 505200 (Erie County Highway/Clarence, Clothing); and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.  
(6-0)

5. COMM. 6E-25 (2008)

**COUNTY EXECUTIVE**

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

WHEREAS, the 2008 Adopted budget contains funds from the Road Repair Reserve Fund for repair of roads, bridges and equipment; and

WHEREAS, the Road Repair Reserve Fund has an unaudited surplus from the 2007 Real Property Transfer Tax; and

WHEREAS, surplus Road Repair Reserve Funds can only be used for repairs of roads and bridges in the County; and

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

WHEREAS, A Public Hearing will be held on April 3, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments;

12330 ROAD REPAIR RESERVE FUND 210

REVENUE

Account 409190 Appropriated Fund Balance \$2,077,320.00

EXPENSE

Account 912300 ID Highway Services (\$2,077,320.00)

Net Change -0-

123 HIGHWAYS FUND 210

EXPENSE

561500 Road Construction & Improvements \$2,077,320.00

912300 ID Highway	(\$2,077,320.00)
Net Change	-0-

and be it further

RESOLVED, that two certified copies of this resolution shall 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.

(6-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**

Item 27 - MR. WROBLEWSKI presented the following report, moved to separate item Number 1-A and moved to approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

MARCH 27, 2008	PUBLIC SAFETY COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5E-19 (2008)  
**COUNTY EXECUTIVE:** Central Police Services - 2007-08 Aid to Crime Laboratories Grant  
(4-0)
  - b. COMM. 5D-4 (2008)  
**COUNTY ATTORNEY:** Notice of Public Hearing: Local Law Intro. No. 1 - 2008  
(4-0)
  - c. COMM. 5M-3 (2008)  
**TOWN OF NEWSTEAD:** Copy of Certified Resolution Concerning Assignment of Special Resource Officers in Schools  
(4-0)
  - d. COMM. 6M-12 (2008)  
**CAMPAIGN FOR QUALITY SERVICES:** Letter and Report Concerning Erie County Jail Food Service Contract

(5-0) Chair Marinelli present as Ex-Officio Member

2. COMM. 6E-12 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$827,000 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$827,000 in Federal resources to provide funding for personnel and purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to receive \$827,000. in grant funding for the Department of Emergency Services, and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives, and be it further

RESOLVED, that these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations, and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Department of Emergency Services  
State Homeland Security Program (SHSP) Fiscal Year 2007 Grant

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$827,000.00
<u>Appropriations</u>	<u>Increase</u>
Acct. 500000 Personnel	\$ 92,654.13
Acct. 502000 Fringe Benefits	\$ 45,395.25
Acct. 510100 Out of Area Travel	\$ 5,000.00
Acct. 526020 Professional Services Contracts	\$ 45,000.00

Acct. 561410 Lab and Tech Equipment	<u>\$638,950.62</u>
<u>Total Appropriations</u>	\$827,000.00

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget, Management and Finance, the Department of Personnel, the Department of Emergency Services, the Department of Central Police Services, the County Comptroller, the Office of the Erie County Sheriff and the County Attorney.

(5-0) Chair Marinelli present as Ex-Officio Member

3. COMM. 6E-13 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$1,600,000 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$1,600,000 in Federal resources to provide funding for personnel and purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to receive \$1,600,000. in grant funding for the Department of Emergency Services, and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives, and be it further

RESOLVED, that these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations, and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Department of Emergency Services  
Urban Area Security Initiative (UASI) Fiscal Year 2007 Grant

Revenue

Increase

Acct. 409000 State Aid	\$1,600,000.00
<u>Appropriations</u>	<u>Increase</u>
Acct. 500000 Personnel	\$ 257,470.36
Acct. 502000 Fringe Benefits	\$ 94,654.52
Acct. 526020 Professional Services Contracts	\$ 55,000.00
Acct. 561410 Lab and Tech Equipment	<u>\$1,192,875.20</u>
<u>Total Appropriations</u>	\$1,600,000.00

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget, Management and Finance, the Department of Personnel, the Department of Emergency Services, the Department of Central Police Services, the County Comptroller, the Office of the Erie County Sheriff and the County Attorney.

(5-0) Chair Marinelli present as Ex-Officio Member

4. COMM. 6E-14 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$609,650 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$609,650 in Federal resources to provide funding for personnel and purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to receive \$609,650 in grant funding for the Department of Emergency Services, and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives, and be it further

RESOLVED, that these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations, and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Department of Emergency Services  
Law Enforcement Terrorism Prevention Program (LETPP) Fiscal Year 2007 Grant

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$609,650
<u>Appropriations</u>	<u>Increase</u>
Acct. 561410 Lab and Tech Equipment	\$609,650
<u>Total Appropriations</u>	\$609,650

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget, Management and Finance, the Department of Personnel, the Department of Emergency Services, the Department of Central Police Services, the County Comptroller, the Office of the Erie County Sheriff and the County Attorney.

(5-0) Chair Marinelli present as Ex-Officio Member

**TIMOTHY M. WROBLEWSKI**  
**CHAIR**

CHAIR MARINELLI directed that item Number 1-A be returned to the PUBLIC SAFETY COMMITTEE for further consideration.

GRANTED.

Item 28 – MS. MILLER-WILLIAMS presented the following report, moved to separate item Number 2 and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

MARCH 27, 2008	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed and referred to the Finance & Management Committee:
  - a. INTRO 1-3 (2007)  
**IANNELLO:** Establishing an Employee Suggestion Program in Compliance with LL No. 5 - 2004  
(5-0)
2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 1D-2 (2008)  
**INFORMATION & SUPPORT SERVICES:** Reply to Intro 22-2  
(5-0)
  - b. COMM. 1M-3 (2008)  
**NORM SKULSKI, RICK RHODES & HENRY MAZUREK:** Requesting the Erie County Legislature Petition the US GSA to Name the New Federal Courthouse "Lt. Colonel Matt Urban Courthouse"  
(5-0)
  - c. INTRO 2-5 (2008)  
**IANNELLO, REYNOLDS & LOUGHRAN:** Changes To The Sharing Formula Of The 1% Sales Tax With Cities, Towns And Villages  
(5-0)
  - d. COMM. 2D-5 (2008)  
**CLERK OF THE GOVERNMENT AFFAIRS COMMITTEE:** Refiling of the Fact-Finding Report Between Erie County and AFSCME Local 1095  
(5-0).
  - e. INTRO 4-4 (2008)  
**LOUGHRAN:** Settlement of Fact-Finder's Report of September 5, 2006  
(5-0)
  - f. COMM. 4M-4 (2008)  
**MAYOR OF BUFFALO:** Buffalo and Erie County Public Library Board of Trustees Apointments  
(5-0)
  - g. COMM. 4M-6 (2008)  
**KEVIN P. GAUGHAN:** Letter Concerning Addressing Legislature on His Study of Local Government  
(5-0)
  - h. COMM. 5E-1 (2008)  
**COUNTY EXECUTIVE:** Letter Concerning AFSCME Contract Settlement  
(5-0)

- i. COMM. 5D-3 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- j. COMM. 5D-5 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- k. COMM. 5M-2 (2008)  
**NIAGARA ERIE REGIONAL COALITION:** Agenda Items for Meeting Held on 2/22/08  
(5-0)
- l. COMM. 5M-4 (2008)  
**TOWN OF MARILLA:** Copy of Certified Resolution Concerning Office of Elected Assessors  
(5-0)
- m. COMM. 5M-5 (2008)  
**NFTA:** NFTA Board Minutes  
(5-0)
- n. COMM. 5M-7 (2008)  
**ECIDA:** Notice of 3/10/08 Board of Directors Meeting  
(5-0)
- o. COMM. 6E-2 (2008)  
**WHYTE:** The Partnership for the Public Good 2008 Platform and Speakers Series  
(5-0)
- p. COMM. 6E-3 (2008)  
**WHYTE:** Letter Concerning Rules of the Legislature as they Pertain to the Proceedings of Session Held on March 6, 2008  
(5-0)
- q. COMM. 6D-1 (2008)  
**LEGISLATIVE COUNSEL & PARLIAMENTARIAN:** Rules of Order  
(5-0)
- r. COMM. 6M-4 (2008)  
**ECIDA:** Notification of Board of Directors Meeting  
(5-0)
- s. COMM. 6M-5 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Monthly Report and Monthly Activity Report for February 2008  
(5-0)

- t. COMM. 6M-9 (2008)  
**LUSTIG & BROWN, LLP:** Letter Concerning Support for Appointment of Cheryl A. Green to Position of Erie County Attorney  
(5-0)
- u. COMM. 6M-10 (2008)  
**PARTNERSHIP FOR THE PUBLIC GOOD:** Notice of Presentation Concerning Roles of City and County Control Boards  
(5-0)
- v. COMM. 6M-14 (2008)  
**HOLIMONT SNOWSPORTS SCHOOL:** Letter Concerning Support for Appointment of Cheryl A. Green to Position of Erie County Attorney  
(5-0)
2. COMM. 4E-5 (2008)  
**COUNTY EXECUTIVE**  
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, and

WHEREAS, The Administration has experienced tremendous difficulty recruiting a qualified candidate to serve as the County Attorney because the current salary is not competitive with what private sector employers are paying, and

WHEREAS, The University at Buffalo's (UB) Career Services Office indicates that UB Law Students that graduated in 2006, working for large firms, are earning a median salary of \$145,000, and

WHEREAS, these graduates are far less experienced than the pool of candidates being recruited by the Administration to serve as the next County Attorney, and

WHEREAS, two candidates recruited by the Administration have respectfully declined our offer to serve as the County Attorney because the salary did not meet their expectations, and

WHEREAS, the County Attorney represents and advises both the County Legislature and the Administration, and

WHEREAS, Erie County is a major entity with a \$1.4 billion budget that funds and supports thousands of employees, numerous departments and functions, thousands of assets, and serves nearly one million residents, and

WHEREAS, it is critical that an entity of this size has the most qualified and experienced Attorney to represent it and advise it.

NOW, THEREFORE, BE IT

RESOLVED, that the salary for the position of County Attorney is hereby authorized to increase to Step 5 for the title of County Attorney in Job Group 21, 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 County Comptroller, the Director of the Division of Budget, Management, and Finance; and the Commissioner of Personnel.

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

3. INTRO 5-3 (2008)

**MILLER-WILLIAMS**

WHEREAS, on January 28, 2008, the New York State Assembly approved by a vote of 140 to 1 an amendment to the Penal Law relative to the crime of aggravated harassment in the first degree; and

WHEREAS, on February 26, 2008, the New York State Senate approved this measure by a vote of 58-0; and

WHEREAS, this measure will reach the Governor's desk during the current legislative session in Albany; and

WHEREAS, this legislation amends section 240.31 of the New York State Penal Law with a new subdivision 5 that would add the etching, painting, drawing, placing or displaying of a noose on a building or other real property, without the express permission of the owner, to the ways of committing aggravated harassment in the first degree; and

WHEREAS, the noose is one of the most powerful and chilling symbols of racism, intimidation and violence directed toward African-Americans; and

WHEREAS, there have been numerous documented appearances of nooses around the United States in the wake of the "Jena 6" case in Louisiana; and

WHEREAS, two well-publicized incidents have taken place in New York State, one such incident in the locker room of the Hempstead police station on Long Island and another on the door of a Columbia University Teachers College professor in Manhattan; and

WHEREAS, the noose serves as a frightening reminder of the lynchings that took place in our nation's past and is being used by some individuals and groups today to intimidate and terrorize the recipients of this hateful symbol; and

WHEREAS, in the past the State Legislature amended the Penal Law to include incidents where swastikas and burning crosses were used with the intent to annoy, harass, alarm or threaten another individual; and

WHEREAS, this amendment to the Penal Law makes it clear that in New York State the threatening symbol of the noose will not be tolerated and will constitute a class E felony under New York's aggravated harassment statute.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of Assembly Bill 9480/Senate Bill 6499; and be it further

RESOLVED, that the Erie County Legislature urges Governor Eliot Spitzer to sign this measure into law when it reaches his desk; and be it further

RESOLVED, that the Clerk of the Erie County Legislature will forward certified copies of this resolution to Governor David A. Paterson, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver and the Western New York Delegation to the State Legislature.

(5-0)

4. COMM. 6E-7 (2008)

**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Christopher M. Putrino to the position of Commissioner of Labor Relations.

(5-0)

5. COMM. 6E-8 (2008)

**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Cheryl A. Green to the position of County Attorney.

(5-0)

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

MS. MILLER-WILLIAMS moved to approve item Number 2. MS. WHYTE seconded.

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

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

CARRIED.

Item 29 – MS. KONST presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

MARCH 27, 2008	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-4 (2008)  
**MARINELLI:** Letter to County Executive Concerning Four Year Plan of Erie County (5-0)
  - b. COMM. 6M-13 (2008)  
**BUFFALO NIAGARA CONVENTION & VISITORS BUREAU:** Information in Compliance with the 2008 Erie County Budget Accountability Act for CVB, Convention Center & Film Commission (5-0)
  - c. COMM. 6M-15 (2008)  
**AUDIT COMMITTEE FOR ERIE COUNTY:** Annual Report on the Year Ending December 31, 2005 (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 208111 through 208136, 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.	208,111.00
	ASSESSOR	Cancel	\$1,598.99
S-B-L	240.00-1-4	144000 EDEN	
	Acct. No. 112	\$724.74	County
	Acct. No. 132	\$874.25	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN	\$874.25	

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBLs

DELETE ENTIRE PARCELS FROM TAX ROLLS

FISCAL YEAR 2008                      Petition No.                      208,112.00

                         ASSESSOR                      Refund                      \$596.20

S-B-L 72.08-4-26    143200 CLARENCE

   Acct. No. 112    \$0.00      County

   Acct. No. 132    \$596.20    Town/SpecialDist/School

   32500 RPTL 520    \$596.20

Charge To :                                      143200 CLARENCE    \$0.00

RPTL 550(2): RPTL 520 BILLED IN ERROR  
REFUND TO BE ISSUED TO: CHARLES MC CARTHY

FISCAL YEAR 2008                      Petition No.                      208,113.00

                         ASSESSOR                      Cancel                      \$327.17

S-B-L 85.00-2-38.113    145689 NEWSTEAD

   Acct. No. 112    \$0.00      County

   Acct. No. 132    \$327.17    Town/SpecialDist/School

   56153 OMITTED TAX    \$327.17

Charge To :                                      145689 NEWSTEAD    \$0.00

RPTL 550(2): OMITTED TAX BILLED IN ERROR  
NEW TAX BILL TO BE ISSUED TO: CRAIG HUBER

FISCAL YEAR 2008                      Petition No.                      208,114.00

                         ASSESSOR                      Refund                      \$4,563.79

S-B-L 56.17-5-3    142289 AMHERST

   Acct. No. 112    \$0.00      County

   Acct. No. 132    \$4,563.79    Town/SpecialDist/School

Charge To :                                      142289 AMHERST    \$4,563.79

RPTL 550(2): INCORRECT WATER USAGE REPORTED  
REFUND TO BE ISSUED TO: RICHARD R ALMON

FISCAL YEAR 2008                      Petition No.                      208,115.00

                                 ASSESSOR                      Cancel                      \$147.26

S-B-L    8.00-1-31.22    145689 NEWSTEAD

                                 Acct. No. 112    \$0.00    County  
                                 Acct. No. 132    \$147.26    Town/SpecialDist/School

Charge To :                                      145689 NEWSTEAD    \$147.26

RPTL 550(2): UNPAID WATER BILLED IN ERROR  
NEW TAX BILL TO BE ISSUED: ALEXANDER BORISOV

FISCAL YEAR 2008                      Petition No.                      208,116.00

                                 ASSESSOR                      Cancel                      \$215.73

S-B-L    32.00-2-12    145689 NEWSTEAD

                                 Acct. No. 112    \$128.32    County  
                                 Acct. No. 132    \$87.41    Town/SpecialDist/School

                                 56010 WATER TANK    \$3.51  
Charge To :                                      145689 NEWSTEAD    \$83.90

RPTL 550(2): PARCEL IS PRIVATE CEMETARY  
NEW TAX BILL TO BE ISSUED TO: PIONEER CEMETARY/JOAN WITZLEBEN

FISCAL YEAR 2008                      Petition No.                      208,117.00

                                 ASSESSOR                      Cancel                      \$604.39

S-B-L    266.14-1-2    142801 FARNHAM

                                 Acct. No. 112    \$293.62    County  
                                 Acct. No. 132    \$310.77    Town/SpecialDist/School

Charge To :                                      142801 FARNHAM    \$310.77

RPTL 550(2): FAILED TO APPLY VETERANS EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: RAYMOND & LORRAINE DUNKEL

FISCAL YEAR 2008                      Petition No.                      208,118.00

                                 ASSESSOR                      Cancel                      \$39.25

S-B-L 166.00-2-6    146600 WALES

                                 Acct. No. 112    \$0.00      County  
                                 Acct. No. 132    \$39.25      Town/SpecialDist/School

Charge To :    146600 WALES    \$39.25

RPTL550(2): INCORRECT REFUSE UNITS CALCULATED  
NEW TAX BILL TO BE ISSUED TO: EARL GINGERICH JR

FISCAL YEAR 2008                      Petition No.                      208,119.00

                                 ASSESSOR                      Cancel                      \$39.25

S-B-L 216.00-1-27    146600 WALES

                                 Acct. No. 112    \$0.00      County  
                                 Acct. No. 132    \$39.25      Town/SpecialDist/School

Charge To :    146600 WALES    \$39.25

RPTL 550(2): INCORRECT REFUSE UNITS CALCULATED  
NEW TAX BILL TO BE ISSUED TO: THOMAS JONES

FISCAL YEAR 2006                      Petition No.                      208,120.00

                                 ASSESSOR                      Refund                      \$49.34

S-B-L 184.00-2-27.12    146089 ORCHARD PARK

                                 Acct. No. 112    \$0.00      County  
                                 Acct. No. 132    \$49.34      Town/SpecialDist/School

Charge To :    146089 ORCHARD PARK    \$49.34

RPTL 550(2): PARCEL NOT LOCATED IN SPECIAL DISTRICT  
REFUND TO BE ISSUED TO: MARK & DEBRA SPARKS

FISCAL YEAR 2007                      Petition No.                      208,121.00

                                 ASSESSOR                      Refund                      \$52.25

S-B-L 184.00-2-27.12 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$52.25	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$52.25

RPTL 550(2): PARCEL NOT LOCATED IN SPECIAL DISTRICT  
REFUND TO BE ISSUED TO: MARK & DEBRA SPARKS

FISCAL YEAR 2008 Petition No. 208,122.00

ASSESSOR Refund \$51.24

S-B-L 184.00-2-27.12 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$51.24	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$51.24

RPTL 550(2): PARCEL NOT LOCATED IN SPECIAL DISTRICT  
REFUND TO BE ISSUED TO: MARK & DEBRA SPARKS

FISCAL YEAR 2008 Petition No. 208,123.00

ASSESSOR Cancel \$2,193.80

S-B-L 21.00-2-44.212 145689 NEWSTEAD

	Acct. No. 112	\$1,017.37	County
	Acct. No. 132	\$1,176.43	Town/SpecialDist/School
56010 WATER TANK		\$12.10	
56126 WD #10 PHASE 1A & AB		\$487.99	
<u>Charge To :</u>	145689 NEWSTEAD		\$676.34

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

FISCAL YEAR 2006 Petition No. 208,124.00

ASSESSOR Refund \$98.65

S-B-L 226.00-3-38 142600 BOSTON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$98.65	Town/SpecialDist/School
<u>Charge To :</u>	142600 BOSTON		\$98.65

RPTL 550(2): INCORRECT WATER UNITS CHARGED  
REFUND TO BE ISSUED TO: MORAN MARIE WIERZBIC

FISCAL YEAR 2007 Petition No. 208,125.00

ASSESSOR Refund \$111.15

S-B-L 226.00-3-38 142600 BOSTON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$111.15	Town/SpecialDist/School
<u>Charge To :</u>	142600 BOSTON		\$111.15

RPTL 550(2): INCORRECT WATER UNITS CHARGED  
REFUND TO BE ISSUED TO: MORAN MARIE WIERZBIC

FISCAL YEAR 2008 Petition No. 208,126.00

ASSESSOR Refund \$129.46

S-B-L 226.00-3-38 142600 BOSTON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$129.46	Town/SpecialDist/School
<u>Charge To :</u>	142600 BOSTON		\$129.46

RPTL 550(2): INCORRECT WATER UNITS CHARGED  
REFUND TO BE ISSUED TO: MORAN MARIE WIERZBIC

FISCAL YEAR 2008 Petition No. 208,127.00

ASSESSOR Cancel \$306.29

S-B-L 238.15-1-5 144000 EDEN

	Acct. No. 112	\$57.25	County
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<u>Charge To :</u>	Acct. No. 132	\$249.04	Town/SpecialDist/School
	144000 EDEN		\$249.04
	Relevy School	\$206.12	144001 EDEN CENTRAL

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

FISCAL YEAR 2008                      Petition No.                      208,128.00

ASSESSOR                      Cancel                      \$67.40

S-B-L 253.00-2-17.13                      144000 EDEN

<u>Charge To :</u>	Acct. No. 112	\$36.25	County
	Acct. No. 132	\$31.15	Town/SpecialDist/School
	144000 EDEN		\$31.15

RPLT 550(2): INCORRECT ASSESSED VALUE  
NEW TAX BILL TO BE ISSUED: PAMELA & JOHN HENRICH

FISCAL YEAR 2008                      Petition No.                      208,129.00

ASSESSOR                      Cancel                      \$217.13

S-B-L 225.14-1-24.2                      144000 EDEN

<u>Charge To :</u>	Acct. No. 112	\$40.58	County
	Acct. No. 132	\$176.55	Town/SpecialDist/School
	144000 EDEN		\$176.55
	Relevy School	\$146.11	144001 EDEN CENTRAL

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

FISCAL YEAR 2008                      Petition No.                      208,130.00

ASSESSOR                      Refund                      \$17.50

S-B-L 182.36-2-21                      144889 HAMBURG

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$17.50	Town/SpecialDist/School
	48116 ECSD 3 CH2	\$17.50	
	144889 HAMBURG		\$0.00

RPTL 550(2): INCORRECT SEWER CHARGES APPLIED  
REFUND TO BE ISSUED TO: CHARLES & MICHELLE WARNER

FISCAL YEAR 2008                      Petition No.                      208,131.00

ASSESSOR                      Refund                      \$17.50

S-B-L 182.36-2-22    144889 HAMBURG

Acct. No. 112    \$0.00    County  
Acct. No. 132    \$17.50    Town/SpecialDist/School

48116 ECSD 3 CH2    \$17.50  
Charge To :                      144889 HAMBURG    \$0.00

RPTL 550(2): INCORRECT SEWER CHARGES APPLIED  
REFUND TO BE ISSUED TO: CHARLES & MICHELLE WARNER

FISCAL YEAR 2008                      Petition No.                      208,132.00

ASSESSOR                      Refund                      \$17.50

S-B-L 182.36-2-23    144889 HAMBURG

Acct. No. 112    \$0.00    County  
Acct. No. 132    \$17.50    Town/SpecialDist/School

48116 ECSD 3 CH2    \$17.50  
Charge To :                      144889 HAMBURG    \$0.00

RPTL 550(2): INCORRECT SEWER CHARGES APPLIED  
REFUND TO BE ISSUED TO: CHARLES & MICHELLE WARNER

FISCAL YEAR 2008                      Petition No.                      208,133.00

ASSESSOR                      Refund                      \$17.50

S-B-L 182.36-2-24    144889 HAMBURG

Acct. No. 112    \$0.00    County  
Acct. No. 132    \$17.50    Town/SpecialDist/School

48116 ECSD 3 CH2    \$17.50  
Charge To :                      144889 HAMBURG    \$0.00

RPTL 550(2): INCORRECT SEWER CHARGES APPLIED  
REFUND TO BE ISSUED TO: CHARLES & MICHELLE WARNER

FISCAL YEAR	2008	Petition No.	208,134.00
	ASSESSOR	Cancel	\$74.99
S-B-L	343.11-1-42	143689 COLLINS	
	Acct. No. 112	\$49.00	County
	Acct. No. 132	\$25.99	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$25.99

RPTL 550(2): FAILED TO APPLY VETERANS EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: LOIS FYOCK

FISCAL YEAR	2008	Petition No.	208,135.00
	ASSESSOR	Cancel	\$175.00
S-B-L	238.00-4-37	144000 EDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$175.00	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$175.00

RPTL 550(2): INCORRECT REFUSE CHARGED  
NEW TAX BILL TO BE ISSUED TO: VICTORIA J DOMBROWSKI TALBOT

FISCAL YEAR	2008	Petition No.	208,136.00
	ASSESSOR	Cancel	\$175.00
S-B-L	238.00-5-31	144000 EDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$175.00	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$175.00

RPTL 550(2): INCORRECT REFUSE CHARGED

NEW TAX BILL TO BE ISSUED TO: MICHAEL & CHERLY MUNGOVAN

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(5-0)

3. INTRO 6-18 (2008) **AS AMENDED**  
**RATH, MILLS, RANZENHOFER, KONST, MARINELLI, IANNELLO, GRANT,**  
**REYNOLDS & WHYTE**

WHEREAS, cash flow schedules track the movement of cash in and out of the County as a result of various transactions and exchanges; and

WHEREAS, the County Comptroller issued only three cash flow schedules throughout 2007; and

WHEREAS, the cash flow schedule issued by the County Comptroller with the first quarter financial statements was used to size the Revenue Anticipation Note Resolution that authorized the issuance of \$100 million of Revenue Anticipation Notes; and

WHEREAS, the amount of Revenue Anticipation Notes issued in 2007 only amounted to \$75 million; and

WHEREAS, the County Comptroller has not issued a cash flow schedule since September, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the County Comptroller to issue monthly cash flow schedules for the months of October, November and December 2007; and be it further

RESOLVED, that the Erie County Legislature directs the County Comptroller to reconcile cash flow schedules with bank statements; and be it further

RESOLVED, that the Erie County Legislature directs the County Comptroller to provide a schedule showing the actual cumulative cash flow deficit during 2007; and be it further

RESOLVED, that the Erie County Legislature directs that the County Comptroller issue updated 2008 cash flow schedules monthly to the County Executive and the Erie County Legislature; and be it further

RESOLVED, that the Erie County Legislature directs the County Comptroller to notify and file with the Erie County Legislature any cash payments or advances on capital projects on a monthly basis.

(5-0)

**KATHY KONST**

CHAIR

**LEGISLATOR RESOLUTIONS**

Item 30 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded. MS. MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 122

RE: 3rd District Personnel Adjustments  
(INTRO 7-1)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS MARINELLI & MILLER-WILLIAMS**

WHEREAS, in order to better serve the residents of District #3 of the Erie County Legislature, a reorganization is necessary of the Legislature's district office personal services budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget adjustments to the Legislature's 2008 Adopted Department Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2008:

DELETE one (1) Administrative Clerk Legislature (Full-Time), JG 7 Step 4, Position Number 51005026, Fund Center 100, Cost Center 1005017 District Office Staff, effective April 14, 2008;

REPLACE with one (1) Administrative Clerk Legislature (RPT), JG 7 Step 4; and one (1) Administrative Clerk Legislature (PT), JG 7 Step 4 to Fund Center 100, Cost Center 1005017 District Office Staff, also effective April 14, 2008; and be it further

RESOLVED, that the Clerk of the Legislature is directed to forward certified copies of this resolution to the Director of the Division of Budget, Management & Finance; the Commissioner of the Department of Personnel; and the Executive Director of the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Supporting New York State Designation  
of the Western New York Southtowns  
Scenic Byway  
(INTRO 7-2)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS MILLS & REYNOLDS**

WHEREAS, the New York State Scenic Byways program was created in 1992 by the State Legislature to encourage both economic development and resource conservation; and

WHEREAS, the Western New York Southtowns Scenic Byway consists of a scenic tour loop that travels along existing roadways in the Southtowns of Erie County, including roads in the Towns of Orchard Park, Aurora, Colden, Concord, and Boston and the incorporated Villages of Orchard Park, East Aurora, and Springville; and

WHEREAS, the byway's overall theme is "Heritage to the Hills," which encompasses the area's rich history, its wooded hillsides and panoramic views and recreational opportunities created by the hilly terrain; and

WHEREAS, the byway will promote a wide array of outdoor pastimes like fishing, boating, wildlife observation, winter sports, hiking and hunting, as well as promote our rich history and culture; and

WHEREAS, this body has been a strong supporter of designating the Southtowns Scenic Byway as a New York State Scenic Byway, most recently adopting a resolution of support on July 12, 2007; and

WHEREAS, the New York State Department of Transportation Scenic Byways Advisory Committee unanimously recommended that Route 219 be designated a Scenic Byway on October 18, 2007; and

WHEREAS, New York State Senate Bill S. 7210 and New York State Assembly Bill Number A. 10304 seek to officially designate the Western New York Southtowns Scenic Byway as a New York State Scenic Byway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby in support of New York State Senate Bill Number S. 7210 and New York State Assembly Bill Number A. 10304, designating the Western New York Southtowns Scenic Byway as a New York State Scenic Byway; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, Attorney General Andrew Cuomo, the local delegation to the New York State Legislature, Erie County Executive Christopher Collins and Robert J. Lennartz, Chairman of the Western New York Southtowns Scenic Byway.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 32 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 7-3 from MAZUR. Support for A.10042/S.7010 Establishing Family Directed Home Care Demonstration Projects in NYS.

Item 33 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

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

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

CARRIED. (12-3)

RESOLUTION NO. 124

RE: Home Rule Request – Assembly  
- Amending the Erie County Tax Act  
(INTRO 7-4)

#### HOME RULE REQUEST-ASSEMBLY

WHEREAS, the Erie County Legislature has approved Intro 5-1 (2007), as amended, which was requested by the Erie County Tax Assessors Association (ECTAA) which has the effect amending the Erie County Tax Act by moving the annual assessment review hearings from early June to late May resulting in Erie County utilizing a calendar that is the same as other counties in New York State; and

WHEREAS, Assembly Bill A. 10167 and Senate Bill S. 7026, now pending before the New York State Legislature, would move the assessment review hearings from early June to late May and would make other necessary changes in the assessment calendar;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 10167, entitled “An ACT to amend Erie County Tax Act, in relation to changing

the dates of the assessment calendar applicable to real property situated in the towns of the county of Erie”.

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

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

Such request is made by the local legislative body which approved Intro 5-1 (2007), as amended, by a super-majority vote of its members.

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

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

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

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

CARRIED. (12-3)

RESOLUTION NO. 125

RE: Home Rule Request – Senate  
- Amending the Erie County Tax Act  
(INTRO 7-5)

HOME RULE REQUEST-SENATE

WHEREAS, the Erie County Legislature has approved Intro 5-1 (2007), as amended, which was requested by the Erie County Tax Assessors Association (ECTAA) which has the effect amending the Erie County Tax Act by moving the annual assessment review hearings from early June to late May resulting in Erie County utilizing a calendar that is the same as other counties in New York State; and

WHEREAS, Assembly Bill A. 10167 and Senate Bill S. 7026, now pending before the New York State Legislature, would move the assessment review hearings from early June to late May and would make other necessary changes in the assessment calendar;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.7026, entitled "An ACT to amend Erie County Tax Act, in relation to changing the dates of the assessment calendar applicable to real property situated in the towns of the county of Erie".

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

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

Such request is made by the local legislative body which approved Intro 5-1 (2007), as amended, by a super-majority vote of its members.

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

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

GRANTED.

INTRO 7-6 from RATH & MILLS. Supporting Sharing Local Portion of Casino Revenue.

Item 36 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Status of Four-Year Financial Plan  
(INTRO 7-7)

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

WHEREAS, the Erie County Fiscal Stability Authority Act was enacted by the New York State Legislature and signed into law by the Governor with an effective date of July 12, 2005; and

WHEREAS, the Erie County Fiscal Authority Act in Section 3957 imposes certain requirements upon the County including the requirement that the County Executive submit to the Authority a four year financial plan, along with the proposed budget no later than the date required for the submission of such budget to the Legislature as required by the county charter; and

WHEREAS, the statute authorizes the Erie County Fiscal Stability Authority to either approve or disapprove of the four-year financial plan submitted by the County Executive; and

WHEREAS, the four-year financial plan submitted by the County Executive for the period of 2008-2011 was rejected by the Erie County Fiscal Authority because it was found to contain significant items which gave rise to the conclusion that the plan was out of balance; and

WHEREAS, while the Erie County Fiscal Stability Act allows for modifications to a four-year plan which has been rejected by the Authority, the act states that “in no event shall the county operate under a budget that is inconsistent with an approved financial plan”; and

WHEREAS, in May, 2005 the Erie County Legislature approved Local Law Intro No. 9-2005 known as the Erie County Budget Disclosure Act which required the earlier submission of the proposed budget, a two-year budget forecast for succeeding years, a capital program for the next six (6) fiscal years and monthly budget monitoring reports; and

WHEREAS, the County of Erie continues to face significant fiscal challenges which make it imperative that there is an approved four-year financial plan in place as required by the Erie County Fiscal Stability Authority Act so that the Legislature can maintain accountability to the public and monitor the county’s continued progress towards fiscal stability.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the County Executive, the Director of the Office of Budget & Management and the Erie County Fiscal Stability Authority to report to the Erie County Legislature Finance & Management Committee on the status of Erie County’s four-year financial plan; and be it further

RESOLVED, that a copy of Erie County’s approved four-year financial plan be filed with the Clerk of the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Office of Budget & Management, the Erie County Comptroller, the Erie County Fiscal Stability Authority, Honorable David A. Paterson, Governor, Honorable Thomas J DiNapoli, New York State Comptroller and the Members of the Western New York legislative Delegation.

MS. WHYTE moved to amend the resolution and give the resolution Et Al Sponsorship.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE the second Resolve Clause in its entirety and insert:

RESOLVED, that a copy of Erie County’s four-year financial plan be filed with the Clerk of the Legislature by May 1, 2008; and be it further

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

CARRIED UNANIMOUSLY.

Item 37 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: County EEO and Diversity Policy  
and Goals  
(INTRO 7-8)

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

WHEREAS, diversity in the workplace is an important goal and is something to be celebrated in both the public and private sector; and

WHEREAS, Erie County has struggled over the years to achieve diversity in the workplace consistent with diversity among the general population of the county; and

WHEREAS, the greatest percentage of Erie County employees are hired off of the civil service list; and

WHEREAS, during the 2007 mid-year budget hearings the Personnel Commissioner, along with the County EEO office, testified about efforts to diversify the pool of applicants taking the civil service exam; and

WHEREAS, unless greater diversity among the applicant pool is achieved, diversity in the Erie County workforce will remain a challenge.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Personnel and the County's new Director of EEO come before the legislature's Government Affairs committee to:

- present statistical data on diversity in the county workforce,
- discuss efforts to diversify the applicant pool of those taking the civil service exam,
- evaluate the success/failure of these efforts, and
- work with the Legislature to identify further challenges and brainstorm solutions;

and be it further

RESOLVED, that certified copies of this resolution go to the Personnel Commissioner, the Director of EEO, and the County Executive.

MS. WHYTE moved to amend the resolution and give the item Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

RESOLVED, that the Commissioner of Personnel and Director of Equal Employment Opportunity shall submit to the Clerk of the Erie County Legislature on or before May 1, 2008, a detailed report containing statistical data regarding the diversity of the County's current workforce; information regarding the specific steps undertaken to diversify the applicant pool of those taking the various civil service examinations for County employment and the success related to the implementation of these steps; and be it further

RESOLVED, the Commissioner of Personnel and the Director of Equal Employment Opportunity shall appear before the Erie County Legislature's Government Affairs Committee to present their report and discuss matters with the Members of the Legislature; and be it further

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 38 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of INTRO 3-3 (2008). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Residential Solar Power Energy Systems  
Equipment Exemption  
(INTRO 3-3)

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

WHEREAS, the Erie County Legislature approved Intro 16-3 (2007) which expressed the Legislature support for the increased use of solar energy; and

WHEREAS, the Erie County Legislature indicated that the Finance and Management Committee was charged with the responsibility of pursuing the possibility of Erie County exempting the sales and compensating use tax exemption on the sale and installation of residential solar energy systems equipment; and

WHEREAS, the Office of the County Attorney has obtained a "model" of the resolution to be approved by the Erie County Legislature in the event that the Legislature determines that such an exemption is appropriate in Erie County.

NOW, THEREFORE, BE IT





RESOLVED, that the Parks Department implement plans to own and operate the driving range at Elma Meadows at the start of the 2008 golf season and charge a fee of \$4.00 per bucket (40-45 balls) to be collected by the cashier; and be it further

RESOLVED, that certified copies of this resolution be sent to James E. Hornung Sr., Commissioner of Parks Department, Room 1359, Erie County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance.

MR. KOZUB moved to approve the item. MS. WHYTE 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 and WROBLEWSKI. NOES: None. (AYES: 15, NOES: 0)

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 41 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-15 from the County Clerk Re: Resolution to Authorize 5 Year Maintenance Agreement for Clerk's Office Software

RESOLUTION NO. 131

WHEREAS, The Erie County Clerk is mandated by State law to record, file and maintain records, documents and indices for use by taxpayers and the general public, and

WHEREAS, the County of Erie has previously entered into an agreement with software provider NewVisions for the Clerk's Office technological operations, such agreement having included a proviso for the maintenance of that software for one year [resolution adopted 6-24-04 (Comm. 15E – 10)], and

WHEREAS, the 2008 County Budget as adopted made an appropriation for maintenance agreements in the Clerk's Office budget of \$98,500 [Account 516030, page 413 of Budget Book "A"] for the fiscal year, and

WHEREAS, the Clerk's Office is now operating its technological systems without a maintenance agreement in effect, and will receive a 10% discount [a savings of \$6,146] on the maintenance services of its software provider should the County enter into a 5 year maintenance agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive enter into and sign a 5 year software maintenance agreement with NewVisions on such terms as the County Attorney deems acceptable, 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.

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

CARRIED UNANIMOUSLY.

Item 42 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-16 from the COMPTROLLER Re: Letter Concerning Wehrle Drive Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7E-17 from MARINELLI Re: Written Testimony Delivered to NYS Commission on Property Tax Relief

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

INTRO 7-9 from KENNEDY, MILLER-WILLIAMS & GRANT Re: Supporting City of Buffalo Receiving 100% of the Host Community Share of Buffalo Creek Casino Revenue from NYS

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.

INTRO 7-10 from IANNELLO Re: Supporting NYS Firefighters in Opposition to State Legislation Affecting Fire Districts

RESOLUTION NO. 132

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

WHEREAS, there are approximately 100,000 volunteer firefighters in New York State; and

WHEREAS, volunteers provide fire protection to more than 80% of the geographic area of New York State, and this protection is vital to the life, limb and property of New York State taxpayers and is also important to holding the line on real property taxes; and

WHEREAS, the volunteer fire service in New York State saves taxpayers approximately \$7 billion per year; and

WHEREAS, provisions in Part U of A.9806-A/S.6806-A would amend the General Municipal Law by adding a new Article 17-A that would alter the process and requirements for the consolidation and/or dissolution of fire districts and fire protection districts; and

WHEREAS, at the present time, fire district consolidation issues are addressed by town boards when a large number of property taxpayers in the district (50%) file a petition; and

WHEREAS, the ability to file the petition rightly rests with the real property taxpayers as they are the individuals who pay the taxes needed to operate fire districts and fire protection units; and

WHEREAS, the proposed new Article 17-A would drastically reduce the number of registered voters required to file a petition, from 50% to 10%; and

WHEREAS, greatly reducing the number of signatures required to file the petition to consolidate or dissolve a fire district would detrimentally impact the entire community; and

WHEREAS, the current fire district consolidation and dissolution system works, with over 800 fire districts throughout the State that, in total, consume less than 1% of the State's tax revenues; and

WHEREAS, the Association of Fire Districts of the State of New York strongly opposes A.9806-A/S.6806-A for the aforementioned reasons.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record opposing A.9806-A/S.9806-A, a measure that would alter the process and requirements for the consolidation and/or dissolution of fire districts and fire protection districts; and be it further

RESOLVED, that the Erie County Legislature joins the Association of Fire Districts of the State of New York in its advocacy efforts on behalf of the volunteer fire service and the taxpayers protected by volunteer fire companies across New York State; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the Western New York Delegation to the State Legislature and the Association of Fire Districts of the State of New York.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-18 from RATH Re: Letter to Health & Human Services Chair Thomas J. Mazur Concerning Project Sticker Shock

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

\*\*\*Legislator Miller-Williams left the Legislative Chambers and is no longer present.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COMPTROLLER**

Item 47 – (COMM. 7E-1) Office of Erie County Comptroller Review of Local Costs of Real Property Assessment in Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

#### **FROM LEGISLATOR LOUGHRAN**

Item 48 – (COMM. 7E-2) Letter to Legislature Clerk Indicating Intent to Change Vote on Item from Session #6

Received and Filed.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

RE: District Attorney's  
Office MVTIF Grant  
(COMM. 7E-3)

WHEREAS, the District Attorney through the NYS Division of Criminal Justice Service's (DCJS) Motor Vehicle Theft and Insurance Fraud (MVTIF) Grant provides needed services to the residents of Erie County, and

WHEREAS, the District Attorney has programmatically restructured this grant for the April 1, 2008 to March 31, 2009 grant cycle, and

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

WHEREAS, due to these programmatic changes, the District Attorney's Office is requesting the deletion of two positions (#444, #459) of Assistant District Attorney III (JG 14) and the creation of one position of Assistant District Attorney IV (JG 15) in fund 281, cost center 1140050, grant 114MVTIF0809 (B100 #3715), and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budget and positions in Book B for 2008.

NOW, THEREFORE, BE IT

RESOLVED, that positions #444 and #459 of Assistant District Attorney III are hereby deleted from fund center 11400, fund 281, cost center 1140050, grant 114MVTIF0809 retroactive to April 1, 2008, and be it further

RESOLVED, that one position Assistant District Attorney IV is hereby created in fund center 11400, fund 281, cost center 1140050, grant 114MVTIF0809, retroactive to April 1, 2008, and be it further

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

Motor Vehicle Theft and Insurance Fraud Grant  
114MVTIF0809  
April 1, 2008 -March 31, 2009

ORIGINAL

INCREASE  
(DECREASE)

FINAL

Revenue

409000 State Aid Revenue	\$ 185,000	\$ (41,312)	\$ 143,688
479000 County Share Contribution	<u>46,283</u>	<u>(27,362)</u>	<u>18,921</u>
Total Revenue	<u>\$ 231,283</u>	<u>\$ (68,674)</u>	<u>\$ 162,609</u>

Appropriation

500000 Full Time Salaries	\$ 162,224	\$ (47,615)	\$ 114,609
502000 Fringe Benefits	69,059	(26,059)	43,000
510100 Out of Area Travel	<u>- 0 -</u>	<u>5,000</u>	<u>5,000</u>
Total Appropriations	<u>\$ 231,283</u>	<u>\$ (68,674)</u>	<u>\$ 162,609</u>

and be it further

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

FROM LEGISLATOR KONST

Item 50 – (COMM. 7E-4) Letter to Comptroller Requesting His Presence at Finance & Management Committee Meeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 7E-5) Transfer of Funds - EMS

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – (COMM. 7E-6) Medical Examiner's Division - National Forensic Sciences Improvement Act - 10/1/07 - 9/30/08

Item 53 – (COMM. 7E-7) Create Assistant Nutritionist Position - WIC

Item 54 – (COMM. 7E-8) Promoting Adolescent Reproductive Health Project

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

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

\*\*\*Legislator Miller-Williams entered the Legislative Chambers and is now present.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: Medical Examiner's Office

Equipment - X-Ray & Coolers  
(COMM. 7E-9)

WHEREAS, the Medical Examiner's Office is charged with investigating certain deaths as outlined in county law and to determine the cause and manner of death of the deceased. An investigation into the death of certain individuals requires the body to have digital x-rays to help determine position and location of projectiles, broken bones and previous surgeries with implantable parts or devices. In the event of a mass fatality, portable, digital x-ray equipment would assist greatly in processing of cases, in the event an off-site morgue needed to be established; and

WHEREAS, our current x-ray equipment is broken and is so old that replacement parts can no longer be located to repair equipment; and

WHEREAS, at the Medical Examiner's Office, all remains are stored in coolers/freezers prior to and following autopsy for preservation. Proper storage as such, allows the family to be able to have a viewing at their funeral service; and

WHEREAS, our refrigeration system, at present, is mechanically inefficient. The seams are taped and the doors no longer have seals that adequately close. The Medical Examiner's Office has burned through two compressors in the past four years. All eight upper coolers are unusable due to the current set-up; the system is over 40 years old. The current system creates health and safety issues due to poor functioning and frequent breakdowns; and

WHEREAS, the following resources are needed:

1. Portable, digital x-ray equipment
  - Real-time, clear, digital imaging  
Cost: \$80,000
  
2. New cooler/freezer
  - Hydraulic lift and easy-access upper coolers provide access to upper coolers/freezers and additional storage
  - "Bariatric" double door to accommodate larger bodies, which do not fit in conventional coolers/freezers  
Cost: \$155,000

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted to make the following budgetary adjustments in the 2008 Budget, fund 110, in order to implement this request:

County Wide Budget Accounts – Fund Center 14010	
Revenue	Increase
400010 Exemption Removal Revenue	\$170,000
Medical Examiner's Division – Fund Center 12740	
405180 State Aid Toxicology Lab	<u>61,200</u>

Total Revenue	\$231,200
Expense Decrease	Decrease
516020 Professional Services Contracts and Fees	\$ 3,800
Total Available Funds	\$235,000
Expense Increase	Increase
561410 Lab & Technical Equipment	\$235,000
Net Change	0

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, Department of Personnel, the Office of the Comptroller, the Division of Budget and Management, and the Department of Law, and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9<sup>th</sup> Floor.

Item 56 – MR. RANZENHOFER moved to reconsider COMM. 7E-3. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve COMM. 7E-3. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

RE: Juvenile Justice Delinquency  
Prevention Grant Award (JJDP)  
from NYS DCJS  
(COMM. 7E-10)

WHEREAS, the Department of Probation is responsible for providing services to address the needs of juveniles in the Juvenile Justice System and improve the quality of life in our community; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department grant funds for the purpose of establishing a Juvenile Justice Delinquency Prevention Program that enables juvenile courts and juvenile probation officers to be more effective in addressing the needs of juvenile girls sentenced to probation; and

WHEREAS, the grant award will enable the Probation Department to set up two (2) female gender-specific caseloads and facilitate "Girls Circle" sessions for juvenile girls sentenced to probation to help with compliance with court ordered conditions; and

WHEREAS, the Department is requesting the creation of two (2) Probation Officers (B-100 control #3643) to handle gender-specific caseloads as required by the grant, which will be 100% state funded.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the New York State Division of Criminal Justice Services in the amount of \$186,897; and be it further

RESOLVED, that the budget for the JJDP Grant, JJ07-1048-E00, be established as follows:

Erie County Probation Department  
Fund 281 – Business Area 126

Revenue

<u>Account</u>	<u>Amount</u>
409000 – State Aid Revenues	\$186,897
479000 – County Share	\$ 0
TOTAL	\$186,897

Appropriations

<u>Account</u>	<u>Amount</u>
500000 – Personal Services	\$115,816
501000 – Overtime	\$ 6,200
502000 – Fringe Benefits	\$ 49,302
505000 – Office Supplies	\$ 3,000
510000 – Local Mileage	\$ 7,566
510100 – Out of Area Travel	\$ 3,663
510200 – Training & Education	\$ 1,200
561410 – Lab & Tech Equipment	\$ 150
TOTAL	\$186,897
NET IMPACT	\$ 0

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to create two (2) Probation Officer positions, job group 11, within the Probation Department's Juvenile Justice Delinquency Prevention Girls Circle Grant Program, Fund 281, Cost Center 1261040, with B-100 control #3643 (attached); and be it further

RESOLVED, that the Director of Budget and Management be authorized to adjust the budget as required to comply with state approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Probation, the Erie County Department of Personnel, the Division of Budget and Management and the Office of the Comptroller.

Item 58 – (COMM. 7E-11) Sale of County Owned Inventory, Elma NY

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 59 – (COMM. 7E-12) Clean Air/Clean Water Bond Act of 1996 Application to NYS DEC for 5335 River Road, Town of Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 7E-13) Directive Concerning Erie County Policy to Follow the Framework for Regional Growth

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 61 – (COMM. 7E-14) DPW - Addition of Staff to Provide for Construction Inspection Services During Construction Phase of Federal Aid Projects - Wehrle Drive

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

Item 62 – (COMM. 7D-1) Agenda and Minutes for Meeting Held March 20, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 63 – (COMM. 7D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COMMISSIONER OF DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 64 – (COMM. 7D-3) Letter in Support of Adoption of Erie County Sales Tax Exemption for Residential Solar Energy Systems Equipment

Received and Filed.

**FROM JOHN CALVIN DAVIS**

Item 65 – (COMM. 7D-4) Materials Received at Public Hearing Held March 27, 2008 - Residential Solar Energy Systems Equipment Sales Tax Exemption

Received and Filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN SCHIMMINGER

Item 66 – (COMM. 7M-1) Letter Concerning Provisions Incorporated in the 2008-09 Executive Budget Relating to Fire Districts

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE TOWN OF WALES

Item 67 – (COMM. 7M-2) Resolution in Opposition to Legislation Altering the Current Process for the Consolidation/Dissolution of Fire Districts/Fire Protection Districts

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM PETER JOE CERTO

Item 68 – (COMM. 7M-3) Letter Concerning New York State Budget Relating to State Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 69 – (COMM. 7M-4) 2008 Marketing Plan and Budget for the Buffalo Niagara Film Commission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN OF COLLINS

Item 70 – (COMM. 7M-5) Certified Resolution Opposing Both Replacing Elected Assessors with Appointed Assessors and Divesting All Villages of Assessment Duties

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE GREATER REFUGE TEMPLE OF CHRIST

Item 71 – (COMM. 7M-6) Letter Concerning Non-Secure Detention Services - PINS Contract Termination

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE LEGISLATURE OF ROCKLAND COUNTY

Item 72 – (COMM. 7M-7) Certified Resolutions Concerning Base Student Aid and SUNY Retirement Plan Contributions

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BETH KOGUT

Item 73 – (COMM. 7M-8) Letter Concerning Substance Abuse Prevention and Assessment Services Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 74 – (COMM. 7M-9) Position Paper on Buffalo and Erie County Control Boards

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYS - GOVERNOR'S TRAFFIC SAFETY COMMITTEE - DEPT. MOTOR VEHICLES

Item 75 – (COMM. 7M-10) 2008 STOP-DWI Plan Approval

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 76 – (COMM. 7M-11) Region 9 FWMA Board Minutes Held March 19, 2008

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPT. OF STATE

Item 77 – (COMM. 7M-12) Acknowledgement of Filings - Certificates of Appointments of Members of the ECIDA

Received and Filed.

FROM THE ECIDA

Item 78 – (COMM. 7M-13) Notice of Joint Annual Board of Directors and Membership Meeting to be Held on April 14, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMCC

Item 79 – (COMM. 7M-14) Annual Audit Report Certification

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ECMCC

Item 80 – (COMM. 7M-15) Annual Report Required by New York Public Authorities Law  
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 81 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Helen T. Gorski, John A. Shamrock and James Siemon Keysa.

Item 82 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of James Siemon Keysa.

Item 83 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Joan Lauricella of Akron, former NY Yankees Shortstop James Ludtka, and Robert Cunningham.

Item 84 - Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Dr. Martin Luther King Jr., who was assassinated forty years ago tomorrow (April 4, 1968), in Memphis, Tennessee where he went to support sanitation workers during a strike, after delivering his signature 'I am a man' speech.

Item 85 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Archie Lee O'Field, Dr. Martin Luther King Jr., and Joseph A. Love.

Item 86 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of Eugene, Dorothy and Daniel Smaszcz who perished in a house fire on Stockbridge Ave. in Buffalo, and Dr. Martin Luther King Jr.

Item 87 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of local matriarch Helen T. Gorski, and Robert Cunningham.

Item 88 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Mary Ann Fitzpatrick.

Item 89 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Lorraine D. (Bless) Okie of Lake View.

Item 90 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Carl A. Schrenk and Steven P. Berger.

**ADJOURNMENT**

Item 91 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, April 24, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, April 24, 2008 at 2:00 p.m. Eastern Standard Time.

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