

**MEETING NO. 7**  
**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

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The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Holt.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of the minutes from Meeting No. 4, 5 & 6. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – SMITH & HOLT presented a resolution Recognizing S. Pearl Sharp, Writer, Filmmaker and Actress.

Item 6 – MR. KOZUB presented a resolution Recognizing March 26 - April 1 as Unseen America Week in Erie County (1199 SEIU).

Item 7 – SMITH & HOLT presented a resolution In Memory of Sammie Lee "Pee Wee" West.

Item 8 - SMITH & HOLT presented a resolution Recognizing the Grand Opening of the Frank E. Merriweather Library on April 1, 2006.

Item 9 - SMITH & HOLT presented a resolution Honoring the 2006 Women Builders on Communities and Dreams Award Recipients.

Item 10 – MR. SMITH presented a resolution Recognizing the Omega Psi Phi Scholarship Ball on April 8, 2006.

Item 11 – MR. HOLT presented a resolution In Memory of Eugene C. Bender.

Item 12 - MR. HOLT presented a resolution In Memory of Mary L. Chappelle.

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Item 13 – MS. KONST presented a resolution Recognizing April as "Motorcycle Safety and Awareness Month."

Item 14 – MR. SMITH presented a resolution Honoring Mary Ann Eccles Upon Her Retirement After 25 Years of Service to the East Ferry Detention Center.

Item 15 – The MAJORITY CAUCUS presented a resolution Recognizing Municipal Clerk Week in Erie County, April 30th - May 6, 2006.

Item 16 – HOLT & SMITH presented a resolution Honoring Buffalo School Principal Mrs. Barbara Clark, Retiring After 35 Years of Service to the Buffalo Public School System.

Item 17 – MS. MARINELLI presented a resolution Recognizing Business and Professional Women in Buffalo Amherst "Equal Pay Day in Erie County" on April 25, 2006.

Item 18 – The MAJORITY CAUCUS presented the a resolution In Memory of Clarice K. Brown.

MS. WHYTE presented the above 14 items and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above 14 items with Et Al Sponsorship and include 3 miscellaneous resolutions not on the agenda. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for the approval of the above 17 items as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 19 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 20 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

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Item 21 – MS. LOCKLEAR presented the following report, moved to separate Items no. 1 and 2, and move the balance of the report. MR. RANZNEHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

MARCH 21, 2006

HEALTH COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. INTRO 5-5 (2006)

**IANNELLO, LOCKLEAR & KONST**

WHEREAS, the City of Buffalo has implemented a successful rodent control program that has been in effect for the last few years; and

WHEREAS, a cornerstone of the program implemented by the City of Buffalo includes the purchase, distribution and enforcement of use of ‘rodent proof’ garbage totes to eliminate the food source; and

WHEREAS, as a direct consequence of the success of the rodent control program in the City of Buffalo, the rodent population is moving outward from the City and into adjoining “first-tier” communities; and

WHEREAS, the rodent exodus has been highlighted by Cheektowaga Town Supervisor Dennis Gabryszak in his 2005 State of the Town address and further in a recent and alarming event and a Village of Kenmore resident was attacked and been bitten by a rat outside her home; and

WHEREAS, the spread of disease becomes an increased concern and threat to the public health and well-being of the entire community as the rodent population progressively moves and flourishes through the vulnerable communities of the County of Erie; and

WHEREAS, the County Health Department is charged with the responsibility of preserving and protecting the residents of the County from the spread of high risk diseases and to that end has engaged in rodent control initiative and to leverage the most cost effective means to implement a County-wide program.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Health be called upon to report to this Honorable Body on the status of the County’s current rodent control programs and initiatives; and be it further

RESOLVED, that the Commissioner of Health be asked to work with the local leaders in the City of Buffalo, Lackawanna, Tonawanda and the other first-tier communities in investigating, developing and implementing a comprehensive rodent control program to safeguard the health and well-being of the County’s 990,000 residents; and be it further

RESOLVED, that the Commissioner include in this investigation research into the availability of State grants, aid and other funding sources such as programs which encourage local government cooperation and joint service provision; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Health Commissioner, Director of Budget, Management & Finance, the mayors of the cities of Buffalo, Lackawanna and Tonawanda, and the Supervisors of the Towns of Tonawanda, Cheektowaga, Amherst and West Seneca and the Village of Kenmore.

(3-0) Legislator Weinstein was not present.

2. COMM. 6E-5 (2006)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual as a non-voting member of the Erie County Medical Center Corporation to fill the remainder of the term previously held by Kevin Hogan expiring December 31, 2006.

APPOINTEE

Kevin Pranicoff, MD  
 150 Greenaway Road  
 Eggertsville, New York 14226

(4-0)

3. COMM. 6E-6 (2006)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual as a member of the Erie County Medical Center Corporation to fill the remainder of the term previously held by JoAnne Campagna expiring December 31, 2009.

APPOINTEE

Kevin Hogan  
 9 Argyle Park  
 Buffalo, New York 14222

(3-0) Legislator Weinstein was not present.

4. COMM. 6E-13 (2006)

**COUNTY EXECUTIVE**

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation, and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay the costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Executive is hereby authorized to accept the grant which is budgeted as follows:

**Medical Examiner's Toxicology Lab Aid Grant**  
**4/1/05 – 3/31/07**  
**127METOXLABR0507**

<b>SAP ACCOUNT</b>	<b>REVENUE</b>	<b>BUDGET</b>
409000	State Aid Other	<u>\$78,242</u>
	<b>TOTAL</b>	<b><u>\$78,242</u></b>
	 <b>EXPENSES</b>	
500000	Personal Services	\$41,987
502000	Fringe Benefits	12,967
510100	Out of Area Travel	3,000
561410	Lab & Technical Equipment	<u>20,288</u>
	<b>TOTAL</b>	<b><u>\$78,242</u></b>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of the Medical Examiner's Toxicology Laboratory, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(3-0) Legislator Weinstein was not present.

**CYNTHIA E. LOCKLEAR**  
**CHAIRMAN**

MS. LOCKLEAR moved to amend Item No. 1 by adding WEINSTEIN, RANZNEHOFER and MILLS as Co-Sponsors. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. LOCKLEAR moved for the approval of Item No. 1 as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

MS. LOCKLEAR moved for the approval of Item. No. 2. MS. WHYTE seconded.

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

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AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KONST, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, and WHYTE. NOES: HOLT, KENNEDY, KOZUB and SMITH. (AYES: 11, NOES: 4)

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

MARCH 21, 2006

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR REYNOLDS.

1. COMM. 6E-23 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the following grant programs are included in Book B of the 2006 Adopted Budget, and

WHEREAS, the 2006 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal Funds, for the following grant programs which commence on April 1, 2006:

<b>Department</b>	<b>Grant Program</b>	<b>2006 Budget B Page No.</b>
Law	Aid to Localities - Indigent Defense	5
Law	Anti-Drug Abuse Grant	5
Central Police Svs.	Aid to Localities – Laboratory Accreditation Grant	7
Central Police Svs.	Aid to Crime Labs Program	7
District Attorney	Aid to Prosecution	18

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and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, Central Police Services, District Attorney, Law, the Office of the Comptroller and Division of Budget, Management and Finance.  
 (3-0)

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

Item 23 – MS. IANNELLO presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

MARCH 23, 2006

COMMUNITY ENRICHMENT COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. INTRO 32-5 (2006)  
**WEINSTEIN:** Utilization of Books From Closed Erie County & Buffalo Public Libraries  
 (3-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

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ECONOMIC DEVELOPMENT COMMITTEE  
 REPORT NO. 6

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ALL MEMBERS PRESENT.

1. COMM. 5E-28 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on February 28, 2006, for the Ralph Wilson Stadium – 2006 – Site Work, Structural Repairs, and Miscellaneous Work, Phase 2, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders for the Ralph Wilson Stadium – 2006 – Site Work, Structural Repairs, and Miscellaneous Work, Phase 2, and

WHERE, the County of Erie is required to provide annual Capital Lease Improvements to the stadium facilities pursuant to the new Lease Agreement, and

WHEREAS, DiDonato Associates has a General Architect/Engineer Agreement previously authorized by your Honorable Body, and

WHEREAS, the Department of Public Works is requesting your Honorable Body's authorization to issue a Supplemental Agreement to DiDonato Associates for providing additional design services, including construction administration and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Ralph Wilson Stadium – 2006 – Site Work, Structural Repairs, and Miscellaneous Work, Phase 2, as follows:

**ELECTRICAL WORK**

Frey Electric Construction Co.

Base Bid	\$ 69,000.00
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**PLUMBING WORK**

MKS Plumbing & Mechanical, Inc.

Base Bid	\$ 58,400.00
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**HVAC WORK**

Northeast Mechanical, Inc.

Base Bid	\$156,000.00
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**SITE WORK**

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Anastasi Trucking & Paving Co.

Base Bid	\$298,590.00
Alternative Bid S-1	<u>\$153,830.00</u>
Total for Site Work	<u>\$452,420.00</u>

**Total for all Contracts** **\$735,820.00**

and be it further,

RESOLVED, that the sum of \$100,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates for an amount not to exceed \$85,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following SAP accounts:

A.00039 - '02 Renovations to Ralph Wilson Stadium	\$ 42,331.00
A.00077 - '03 Renovations to Ralph Wilson Stadium	\$ 70,416.00
A.00232 - '04 Rehabilitation to Ralph Wilson Stadium	\$ 100,547.00
A.00259 - '05 Ralph Wilson Stadium	<u>\$ 707,526.00</u>
<b>Total Payments</b>	<b>\$ 920,829.00</b>

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.  
(3-0)

2. COMM. 6E-9 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, Artspace Affordable Family Housing Development Fund Company and Artspace Affordable Housing L.P. are developing housing for very low and low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the project will be located at 1219 – 1233 Main Street, 19, 29 and 33 Northampton Street and 12 Coe Drive in the City of Buffalo, New York. The project for very- low, low and moderate income household consists of 60 rental residential apartments. An existing vacant

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building will be renovated for 36 of the units and the additional 24 units will be new built construction on adjacent vacant property; and

WHEREAS, Artspace Apartments will be managed by Belmont Shelter Corp.; and

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

WHEREAS, in order to make the Project economically feasible for very-low and low income households it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED that the County Executive is hereby authorized to execute a PILOT Agreement with Artspace Affordable Family Housing Development Fund Company, Artspace Affordable Housing, L. P. and the City of Buffalo relating to Artspace Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual payment schedule as defined on schedule A to this resolution with an amount of \$20,261 being due from Artspace Affordable Family Housing Development Fund Company and Artspace Affordable Housing, L. P. in the first year of the PILOT agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.  
 (3-0)

3. COMM. 6E-16 (2006)

**COUNTY EXECUTIVE**

WHEREAS, on May 27, 2004, your Honorable Body authorized the County Executive to enter into contracts for Phases 1 and 2 construction at the Main Branch of the Buffalo and Erie County Library, and

WHEREAS, the funding for said project included a \$200,000 construction contingency fund, and

WHEREAS, the majority of unforeseen conditions were asbestos items.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency fund for Phases 1 and 2 reconstruction work at the Main Branch of the Buffalo and Erie County Library be increased by \$50,000 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the construction contingency, and be it further,

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

RESOLVED, that the \$50,000 funding be taken from the Central Library Asbestos & Environmental Remediation, WBS element F.00007.98, 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.

(3-0)

4. COMM. 6E-18 (2006)

**COUNTY EXECUTIVE**

WHEREAS, on or about November 16, 2005, the Division of Buildings and Grounds, within the Department of Public Works, was contacted regarding water infiltrating the basement of the Erie County Home & Infirmary (ECHI), and

WHEREAS, for the following few days testing was performed by our staff that determined a waterline was leaking somewhere within the ECHI grounds, and

WHEREAS, the Erie County Water Authority was called in to determine the leak's location using their sophisticated leak detection equipment to assist us, and

WHEREAS, after many tries, they were unable to find the location of the leak, and

WHEREAS, the only solution to finding and fixing the leak was a "hit-or-miss" process of uncovering the waterline and covering it back up, and

WHEREAS, as time was getting critical, a contractor was brought in and work began, and

WHEREAS, the original estimate for work was under \$10,000 so formal bidding was not required, and

WHEREAS, as the work became more extensive than first envisioned, the cost exceeded \$10,000 and now requires legislative resolution to pay for the work completed.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the payment of Nichols Long and Moore in an amount not to exceed \$17,500 for their emergency work at the ECHI at the end of November 2005 from account 110-122-506200-1222040, and be it further

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

(3-0)

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**TIMOTHY M. KENNEDY**  
**CHAIRMAN**

Item 25 – MR. SMITH presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

RESOLUTION NO. 95

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FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-30 (2006)  
**COUNTY EXECUTIVE:** Copy of Letter to State Delegation Re: Four-Year Plan Initiatives (4-0)
  - b. INTRO 5-8 (2006)  
**MINORITY CAUCUS:** Resolution Regarding Allocation of Sales Tax Revenue (4-0)
  - c. COMM. 5E-9 (2006)  
**MARINELLI:** 2006 Budget Monitoring; 2007 Budget Assumptions; Review of Cost Centers (4-0)
  - d. COMM. 5D-2 (2006)  
**BUDGET, MANAGEMENT & FINANCE:** BMR for Period Ending 1/31/06 (4-0)
  - e. COMM. 5D-3 (2006)  
**DIRECTOR, MANAGEMENT INITIATIVES:** Slides from ECFSA Meeting Held 1/23/06 (4-0)
  - f. INTRO 6-3 (2006)  
**WEINSTEIN, RANZENHOFER & MILLS:** 2006 Legislature Technical Amendments (4-0)
  - g. COMM. 6E-28 (2006)  
**COUNTY EXECUTIVE, COMPTROLLER, MARINELLI:** Copy of Letter to Tokasz & Volker Re: 2007 Budget Gap

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(4-0)

- h. COMM. 6D-6 (2006)  
**BUDGET, MANAGEMENT & FINANCE: Revenue Recovery Unit**  
 (4-0)

2. INTRO 4-2 (2006)  
**MARINELLI**

WHEREAS, the Erie County Legislature has received notification of a vacancy existing on the Erie County Audit Committee; and

WHEREAS, the proper functioning of boards and committees conducting business on behalf of and directly for the County of Erie is necessary for the operation of many necessary services and programs; and

WHEREAS, the vacancy existing on the Erie County Audit Committee is for a representative recommended by the Erie County Bar Association, and the Association has forwarded to the County Legislature the names of two people to be considered to fill the vacancy: Courtland R. LaVallee, Esq., of Williamsville, and Steve Suneson, Esq., of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the two candidates for the vacancy on the Erie County Audit Committee as recommended by the Erie County Bar Association, Courtland R. LaVallee, Esq., and Steve Suneson, Esq., appear before the next meeting of the Finance, Management and Budget Committee; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Erie County Bar Association and the Erie County Comptroller.  
 (4-0)

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

Item 26 – MR. MAZUR presented the following report, moved to separate Items No. 6 and 9 and moved the balance of the report. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

MARCH 23, 2006

HUMAN SERVICES COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT.

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

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a. INTRO. 5-13 (2006)  
**SMITH:** Establishing an Educational Wrap-Around Initiative for Recipients of Social Services  
 (3-0)

2. INTRO 5-7 (2006)  
**KONST, LOCKLEAR, IANNELLO, LOUGHRAN & THE MINORITY CAUCUS**  
 WHEREAS, on September 7, 2005, County Executive Joel Giambra announced that the County of Erie was working with IBM and the NYS Associations Of Counties to track Medicaid Fraud, through an initiative called VERIFY NY, and

WHEREAS, on December 14, 2005 a communication, 32E-9, was received from the County Executive to give the Department of Social Services authorization to enter into a contract with NYS Association of Counties to participate in the VERIFY NY program, and

WHEREAS, communication 32E-9 stated the Department of Social Services will develop the necessary components of this program and will seek necessary funding through a budget amendment to fund this initiative in early 2006, and

WHEREAS, upon the adoption of this resolution the Erie County Legislature has not received any funding request for this initiative, and

WHEREAS, Rockland County has entered into an \$89,000 contract with the New York State Association of Counties as part of a pilot program to use the VERIFY NY software to detect potential Medicaid abuse, and

WHEREAS, Rockland County has also entered into a memo of understanding with the state Medicaid Inspector General and the state Department of Health to act as lead agency in the investigation of questionable Medicaid billing practices, and

WHEREAS, a preliminary analysis of Rockland County's claims by the VERIFY NY program revealed that: (i) of \$3.2 million in billing by internists and specialists who serve Medicaid recipients, with nearly \$900,000 considered to be questionable, and (ii) of the 200,000 claims by 420 Medicaid providers, 42-percent submitted bills that exceed normal levels, and (iii) an analysis of pharmacies that provide prescriptions to Rockland County Medicaid recipients revealed even higher numbers of \$67 million in pharmacy Medicaid billing, more than \$12 million was identified for further investigation, and

WHEREAS, the Erie County Fiscal Stability Authority ("ECFSA") has been allocated "Efficiency Grants" to assist Erie County in its endeavors to implement a matrix of initiatives for making Erie County operate more efficiently, which matrix of initiatives has been accepted by the ECFSA in its approval of the County's Four Year Plan and 2006 Budget; and

WHEREAS, combating Medicaid Fraud and Abuse is item # 56 on the Matrix and is discussed on page V-112 of the Four Year Plan.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby request the Erie County Commissioner of Social Services to appear before the next meeting of the Legislature's Human Services Committee to discuss the progress Erie County has made in participating in the VERIFY NY Program, the Costs to the County for participation in this program, who is the lead County Official that will be the liaison between IBM and the County of Erie, the time frame on which we can expect a copy of the detailed report that VERIFY NY provides to Erie County and who has Erie County hired to act as our lead agency in the investigation of questionable Medicaid billing practices, and be it further

RESOLVED, that the ECFSA be requested to pay all costs associated with the implementation of the Verify NY program using ECFSA efficiency grants; and be it further

RESOLVED that certified copies of this resolution be sent to the Commissioner of Social Services Michael Weiner, Erie County Comptroller Mark Poloncarz, the ECFSA Chair and Erie County Executive Joel Giambra.

(3-0)

3. COMM. 5E-18 (2006)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Council on the Disabled for the term stated to serve the remainder of the term for Ivy Diggs-Washington, who has resigned:

<u>Name and Address</u>	<u>Term Expiration</u>
Andrew Kiener 139 Alberta Drive Amherst, New York 14226	June 30, 2007

(3-0)

4. COMM. 6E-8 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services would like to proceed with the next phase of a broad based Medicaid Provider Audit Project, and

WHEREAS, this project will include the utilization of the Verify NY process to identify Medicaid providers that have an extended and unusual billing history, and the Verify NY process will allow the County the ability to review and analyze such Medicaid adjudicated claims and to assess whether sufficient cause exists to perform a program audit, and

WHEREAS, this resolution authorizes the addition of one staff position within the Special Investigations Division of the Department to coordinate the audit project and also funds a contract with the New York State Association of Counties as previously authorized by Legislative resolution, and

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WHEREAS, there is no fiscal impact to this resolution as the positions and contract costs are to be claimed against Medicaid administrative costs for which there is no additional local share necessary in 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
500000	Full-time Wages	\$37,446
502000	Fringe Benefits	15,353
510000	Local Mileage Reimbursement	3,000
510100	Out of Area Travel	7,000
516010	New York State Association of Counties	119,700
530000	Other Expenses	<u>10,000</u>
	Total Expenditure	<u>\$192,499</u>
407540	State Aid Social Services Administration	\$96,249
411540	Federal Aid Social Service Administration	<u>96,250</u>
	Total Revenue	<u>\$192,499</u>

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

RESOLVED, that the following staff position is created:

(1) Sr Special Investigator JG 10

and be it further

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

(3-0)

5. COMM. 6E-14 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services issued a request for proposals to allocate funding for the purpose of supporting culturally diverse community agencies that can deliver programming to prevent the placement of children in foster care, and

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WHEREAS, based on review of proposals submitted and evaluated, the Department recommends funding three community providers including Dr. Bennett Smith Sr. Family Life Center, Hispanics United of Buffalo and Community Action Organization of Erie County, and

WHEREAS, the focus of these providers will be in the delivery of unique service provision that is not available in the traditional and intensive preventive services programs for which the Department otherwise currently contracts, 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 2006 Adopted Budget:

**Department of Social Services, Department 120, Fund 110**

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>
516010	Dr. Bennett Smith, Sr. Family Life Center	\$150,000
516010	Community Action Organization of Erie County	80,000
516010	Hispanics United of Buffalo	100,000
516010	Mandated Preventive Services Enhancements	<u>(330,000)</u>
	Total Expenditure	<u>-0-</u>

and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts with the above providers, and be it further

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

(3-0)

6. COMM. 6E-15 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has received an award of Federal funds in the amount of \$386,484 based on an exceptional record of successful adoption placements finalized in the 2004-2005 Federal Fiscal Year, and

WHEREAS, the funds must be spent by August 1, 2006 consistent with New York State guidelines and according to a plan developed in consultation with the New York State Office of Children and Family Services for activities that support finalization of adoptive placements and for activities that prevent foster care placements, and

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WHEREAS, six providers are awarded an amount of \$20,000 to be utilized in accordance with New York State requirements to further expand adoption finalizations in the current year, and

WHEREAS, four of the six providers achieved a goal of 65% of identified children with adoptions finalized within a one year period and two other providers are awarded funds based on the need to provide services to the minority population in light of the recent closure of St. Augustine Center, and

WHEREAS, three contract providers including Children Awaiting Parents, Child and Family Services and Joan A. Male Family Support Center with existing successful unique programs are deemed sole source providers, and

WHEREAS, a final component of this plan involves the purchase of a color copier which will be made from an existing State contract, 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 2006 Adopted Budget:

**Department of Social Services, Department 120, Fund 110**

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>
516010	Children Awaiting Parents	\$60,000
516010	Child and Family Services	100,000
516010	Joan A. Male Family Support Center	80,000
516010	Berkshire Farms	20,000
516010	Gateway/Longview	20,000
516010	Global Village/New Directions	20,000
516010	Hillside Children's Center	20,000
516010	Buffalo Urban League	20,000
516010	Sara Minnie Badger	20,000
561410	Lab and Technical Equipment	26,484
	<b>Total Expenditure</b>	<b><u>\$386,484</u></b>
414000	Federal Aid Child Welfare Services	<u>\$386,484</u>
	<b>Total Revenue</b>	<b><u>\$386,484</u></b>

and be it further

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

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RESOLVED, due to the immediate need to fund these critical programs, the requirement for Request for Proposals is waived, and be it further

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

(3-0)

7. COMM. 6E-17 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds in the Long Term Care Insurance Education and Outreach Program (LTCIEOP) grant and the Health Insurance Information, Counseling and Assistance Program (HIICAP) grant for the period April 1, 2005 to March 31, 2006, and

WHEREAS, the Department of Senior Services (Department) is responsible for informing and educating the general public about long term care insurance, including those policies that are available through the New York State Partnership for Long Term Care, and for assisting older adults with questions related to Medicare under the HIICAP program, and

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

WHEREAS, the Department desires to allocate the funds to ensure specific program services are fully provided, and

WHEREAS, the LTCIEOP and HIICAP grant budgets need to be revised in order to achieve these goals, and

WHEREAS, no County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the LTCIEOP grant, 163LTCIEOP0506, be revised as follows:

	Current Budget	Changes	Amended Budget
<b>APPROPRIATIONS</b>			
500000 Salaries	\$17,907	-\$1,600	\$16,307
502000 Fringe Benefits	5,372	<u>-\$1,400</u>	3,972
Local Mileage			
510000 Reimbursement	1,000	<u>-900</u>	100
510100 Out of Area Travel	600	<u>-600</u>	0
Professional Services &			
516020 Fees	5,500	1,500	7,000
530000 Other Expenses	3,421	-3,421	0

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545000	Rental Expenses	3,400	-3,400	0
561410	Lab & Tech Equipment	15,000	-5,000	10,000
980000	ID DISS Services	3,300	14,821	18,121
TOTAL APPROPRIATIONS			0	

and be it further

RESOLVED, that the budget for the HIICAP grant, 163HIICAP0506, be revised as follows:

	Current Budget	Changes	Amended Budget
<b>APPROPRIATIONS</b>			
500000 Salaries	\$11,754	-\$100	\$11,654
Local Mileage			
510000 Reimbursement	1,500	-875	625
510100 Out of Area Travel	1,400	-848	552
Professional Services &			
516020 Fees	3,000	-2,280	720
530000 Other Expenses	2,300	5,353	7,653
545000 Rental Expenses	1,000	-1,000	0
980000 ID DISS Services	1,200	-250	950
Total Changes		<u>\$0</u>	

and be it further

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

(3-0)

8. COMM. 6E-19 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for geriatric counseling services under the Elder Caregiver Support Program Grant (III-E), and

WHEREAS, the Department of Senior Services has conducted a competitive process to solicit eligible agencies and consultants to provide short-term counseling to caregivers experiencing emotional strain from the burden of caring for elderly loved ones, and

WHEREAS, the Department wishes to contract with all of the eligible providers who applied for contract consideration.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive be and hereby is authorized to enter into contract with the following providers of geriatric counseling services under III-E grant for the period January 1, 2006 through December 31, 2006:

Catholic Charities Manpower Services, Inc.  
 Paul H. Gevirtzman, LCSW-R  
 Jewish Family Service of Buffalo and Erie County  
 Mary J. Nixon, LCSW-R

and be it further

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

9. COMM. 6E-24 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services will receive a \$30,000 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at supplementing the successful Closing the Gap initiative, and

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

WHEREAS, this funding is to be used to supplement an existing contract with the Joan A. Male Family Support Center which is a lead agency in the Full Service Schools component of the Closing the Gap initiative, and

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

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

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

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<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Joan A. Male Family Support Center Full Service Schools (Prev DF) Total Expenditure	<u>\$85,714</u> <u>\$85,714</u>
418430	Donated Funds – PINS and Preventive	\$30,000
407680	State Aid Services for Recipients	<u>55,714</u>
	Total Revenue	<u>\$85,714</u>

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

RESOLVED, due to the immediate need to fund this program with an established lead provider agency, the requirement for Request for Proposals is waived, and be it further

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

(3-0)

**THOMAS J. MAZUR**  
**CHAIRMAN**

MR. MAZUR for the approval of Item No. 6. MS. WHYTE seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

MR. MAZUR for the approval of Item No. 9. MS. WHYTE seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

MARCH 23, 2006

PUBLIC SAFETY COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

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**ERIE COUNTY LEGISLATURE**

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 6M-10 (2006)  
**CSEA LOCAL 815:** Comm. 5E-15  
 (4-0)

**DANIEL M. KOZUB**  
**CHAIRMAN**

Item 28 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

MARCH 23, 2006

ENERGY & ENVIRONMENT COMMITTEE  
 REPORT NO. 6

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

1. RESOLVED, the following items are hereby received and filed.
  - a. COMM. 6E-20 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-08,  
 Comm. 21E-33  
 (4-0) Legislator Marinelli not present.
  - b. COMM. 6M-7 (2006)  
**TOWN OF HAMBURG:** Engel Drive Sanitary Sewer Improvement Area (SS-30)  
 (4-0) Legislator Marinelli not present.
2. INTRO 3-9 (2006) **AS AMENDED**  
**WEINSTEIN & MILLS**

WHEREAS, in 2004 the County of Erie and the City of Buffalo entered into an agreement for the merger of certain City of Buffalo Parks, and

WHEREAS, the merger went into effect July 1, 2004, and

WHEREAS, the merger as originally proposed was revenue neutral for Erie County taxpayers, and

WHEREAS, the 2006 Budget proposes a \$290,144 subsidy to the city of Buffalo Parks Division (Budget Book A, Page 468).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is requested to report to the County Legislature as to when the Comptroller's office can conduct a review and audit of the merger agreement to determine compliance with the financial provisions and cost to Erie County taxpayers, and be it further

RESOLVED, that the Clerk of the Legislature is directed to file a certified copy of this resolution with the Erie County Comptroller.

(4-0) Legislator Marinelli not present.

3. COMM. 6E-10

**COUNTY EXECUTIVE**

WHEREAS, household hazardous waste is being generated by residents in Erie County, and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County, and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community, and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 40,000 residents within Erie County, and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

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

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

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

NOW, THEREFORE, BE IT

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

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

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RESOLVED, that Erie County agrees to fund the cost of said HHW Collection Program and will be reimbursed by the State for the State's share of such costs, said County share funding having already been appropriated in the budget of the Department of Environment and Planning (Account 516010), and be it further

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

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

(4-0) Legislator Marinelli not present.

4. COMM. 6E-11

**COUNTY EXECUTIVE**

WHEREAS, household hazardous waste is being generated by residents in Erie County, and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County, and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community, and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste Collection Program since 1988, servicing over 40,000 residents within Erie County, and

WHEREAS, the Erie County Program is dependent upon the cooperation and financial and other support of local sponsoring municipalities, and

WHEREAS, the Town of Amherst and the NorthEast-SouthTowns (NEST) Solid Waste Board have indicated an interest and willingness to fund a household hazardous waste collection in their respective jurisdictions.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment and Planning be authorized to schedule and conduct a household hazardous waste collection event on four Saturdays in 2006, from 9:00 AM to 2:00 PM, in cooperation with each of the above mentioned jurisdictions, and be it further

RESOLVED, that the tentatively identified location and date for each event is as follows:

<u>Municipality</u>	<u>Location</u>	<u>Date</u>
Amherst	ECC North Campus	May 13, 2006
Orchard Park	ECC South Campus	June 17, 2006
Erie County	To Be Determined	July 15, 2006
Buffalo	To Be Determined	September 9, 2006

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the County Comptroller.  
 (4-0) Legislator Marinelli not present.

**THOMAS J. LOUGHRAN**  
**CHAIRMAN**

**LEGISLATOR RESOLUTIONS**

Item 29 - CHAIRMAN MARINELLI directed the following resolution be sent to the HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 7-1 from SMITH Re: Erie County Integrated Setting Committee

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

RE: Support for the Buffalo-Lancaster Airport  
 (INTRO 7-2)

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

WHEREAS, the County of Erie has received a request from the Lancaster Airport, Inc., applicant for the Buffalo-Lancaster Airport, concerning the applicant's request for State grant funds under the transportation Bond Act, for the following projects:

**Under the Business Airport Development Program:**

- Construct T-Hanger
- Install Terminal Area Utility Services
- Upgrade Existing Weather Station
- Remove Runway 8 Displacement
- Construct Transient Aircraft Bulk Hanger

**Under the General Aviation Airport Security Program:**

- Installation of Perimeter Security Fence

and,

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

NOW, THEREFORE, BE IT

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

RESOLVED, that a certified copy of the Resolution be filed with the New York State Commissioner of Transportation; and be it further,

RESOLVED, that this Resolution shall take effect immediately.

Item 31 – CHAIRMAN MARINELLI directed the following resolution be sent to the COMMUNITY ENRICHMENT COMMITTEE.

MR. WEINSTEIN challenged the chair. MR. RANZENHOFER seconded.

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

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

FAILED.

INTRO 7-3 from the MINORITY CAUCUS Re: Development of Student Housing on ECC's South Campus in Hamburg, NY

Item 32 – CHAIRMAN MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-4 from the MINORITY CAUCUS Re: Electronic Permitting

Item 33 – CHAIRMAN MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 7-5 from KONST, IANNELLO, LOCKLEAR, LOUGHRAN & MAZUR Re: State Reimbursement for Special Elections

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

RE: Appointment to Fill Vacancy on the Erie  
 County Audit Committee (INTRO 7-6)

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

WHEREAS, the Erie County Legislature received notification of a vacancy existing on the Erie County Audit Committee; and

WHEREAS, the vacancy existing on the Erie County Audit Committee is for a representative recommended by the Erie County Bar Association; and

WHEREAS, the Erie County Bar Association recommended that Mr. Steve Suneson, Esq., of Buffalo be appointed to fill the vacancy; and

WHEREAS, Mr. Steve Suneson, Esq., of Buffalo appeared before the Erie County Legislature's Finance & Management Committee where his qualifications were reviewed by the Committee; and

WHEREAS, the Finance & Management Committee after interviewing Mr. Suneson and reviewing his credentials, voted 4-0 to recommend the appointment of Mr. Suneson to the Erie County Audit Committee.

NOW, THEREFORE, BE IT

RESOLVED, that Mr. Steve Suneson, Esquire is hereby appointed to the Erie County Audit Committee; and be it further,

RESOLVED, that certified copies of this resolution be sent to Mr. Steve Suneson, Esquire, the Erie County Bar Association and the Erie County Comptroller.

Item 35 – MR. SMITH moved to receive and file Intro 7-7. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

INTRO 7-7 from MR. SMITH Re: Recommendation Appointment to the ECWA

Item 36 – CHAIRMAN MARINELLI directed that the following resolution be received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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INTRO 7-8 from SMITH Re: Opposition to Mayoral Election in New Orleans, LA

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

CARRIED UNANIMOUSLY.

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

**RE: REPEAL OF LORD MANFIELD RULE IN NYS**

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

CARRIED UNANIMOUSLY.

WHEREAS, The Lord Mansfield Rule was adopted in 1785, which bars the mother of the child and her legal husband at the time the child was conceived or born from giving testimony that might prove that the child is illegitimate, and

WHEREAS, If applicable State law does not permit introduction of such evidence, Social Security Administration will not accept it for purposes of determining the child's status under State law, and

WHEREAS, Under the law, the statements of the mother and her legal husband may furnish leads to other competent evidence which Social Security Administration may use in rebutting the presumption of legitimacy, and

WHEREAS, If the State applies the Lord Mansfield Rule in proceedings relating to property rights, Social Security Administration cannot accept statements from the mother under the State law provisions of the acts, and

WHEREAS, In some cases the testimony of the mother and/or her legal husband may tend to show that the child is not the child of her husband at the time of conception, but tends to make the child the legitimate child of the biological father by marriage that occurred after conception, and

WHEREAS, If such a child cannot be entitled as a stepchild, submit the case to RCC under GN 01010.800 ff. In the absence of a precedent opinion, and

WHEREAS, Ignoring paternity fraud is not different than ignoring DNA testing showing a convicted murderer wasn't guilty of murder, paternity fraud is just as reprehensible as many other kinds of fraud from which Americans need protection, and

WHEREAS, Whenever there is an unlawful, unconstitutional taking of money, those monies should returned, and even if they can't be returned, there should be a law that they must be returned, and

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WHEREAS, States such as Florida, Georgia, Delaware, Hawaii, Idaho, Illinois, Indiana, and Louisiana does not follow the rule.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby request New York State to follow a change of position in the usage of Lord Mansfield's law, and declare a Non- Applicability of the Lord Mansfield Rule in New York State.

CHAIRMAN MARINELLI directed that the item be referred to the HUMAN SERVICES COMMITTEE as amended.

GRANTED.

Item 38 – CHAIRMAN MARINELLI directed that the item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 7-10 from IANNELLO, KONST & LOCKLEAR Re: Amendment of Erie County Legislative Rules of Order Regarding Establishment of Evening and Off Site Legislative Sessions

Item 39 – CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 7-11 from LOCKLEAR, IANNELLO & KONST Re: Rationalizing Worker Training

Item 40 – MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

RE: Improvements at the Hamburg Airport  
 (INTRO 7-12)

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

WHEREAS, pursuant to Section 14-1 of the New York Transportation Law, the New York State Department of Transportation requires that privately owned airports seeking approval for improvement projects be accompanied by a resolution from the governing body of the county in which the airport is located; and

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WHEREAS, funds for airport repairs are available under the Transportation Bond Act under the Airport Improvement and Revitalization Grant Program (AIR '99); and

WHEREAS, the County of Erie has received a request from Hamburg Airport, Inc., concerning its application for State grant funds from the Airport Improvement and Revitalization Grant Program (AIR '99) to perform the following improvements:

- Construct Aircraft T-Hangar and Repair Existing Roofs
- Upgrade Existing Airport Fuel Farm; and

WHEREAS, an upgrade in the Hamburg Airport will increase the value and effectiveness of its operation.

NOW, THEREFORE, BE IT

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation and two certified copies be filed with Passero Associates, Engineering and Architecture; and be it further

RESOLVED, that this resolution shall be effective immediately.

Item 41 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

RE: Budget Monitoring Reports Within Erie County Charter (INTRO 7-13)

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS MARINELLI, WHYTE, REYNOLDS, SMITH, LOUGHRAN, MAZUR,  
 KONST, IANNELLO, KOZUB and HOLT**

WHEREAS, the Erie County Legislature approved Local Law No. 6 – 2005 which state the following:

*The County Executive, or his appointed director of budget and management, shall prepare a monthly report which shall include a summary of revenues and expenditures for the preceding month. The report shall be detailed as to the appropriations and funds in such manner as to show the current financial condition and financial future of the county department and shall compare projected revenues and expenditures with actual and accrued revenues and expenditures. Monthly budget reports filed after the month of May shall include year-end forecasts. Monthly*

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*budget reports, containing comprehensive fiscal details set forth herein, shall be filed with the County Legislature monthly, on or before the last calendar day of the subsequent calendar month.*

WHEREAS, Erie County passed a 4-year plan that included several initiatives relating to financial reports designed to better track the status of the budget within that particular budget year; and

WHEREAS, this Honorable Body believes that financial information should flow freely between the County Executive and the County Legislature and that incomplete financial information contributed to the County's recent financial woes; and

WHEREAS, to prevent future financial problems the fiscal oversight authority of the Erie County Legislature should be increased and that it would be prudent to include an expanded definition of Budget Monitoring Reports within the Erie County Charter; and

WHEREAS, the Charter Revision Commission is currently working to update the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby request the Charter Revision Commission to include within its final recommendations an expanded definition of Budget Monitoring Reports which includes, but is not limited to, the following:

- Budget Variance Status Analysis
- Anticipated Monthly Allocations of Revenues and Expenditures
- Balance-Sheet Monitoring Reports, including Status of Erie County's Cash Flow;

and be it further

RESOLVED, the Erie County Charter Revision Commission is further requested to disallow budget monitoring reports from treating an appropriated fund balance as revenue. Budget Monitoring Reports should show the structural balance at the end of the year by clearly displaying how recurring revenues match recurring expenditures; and be it further

RESOLVED, Certified Copies of the Resolution be forwarded to the Erie County Charter Revision Chairman George Arthur, Erie County Comptroller Mark Poloncarz, Erie County Budget Director Ken Vetter, and Erie County Executive Joel Giambra.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 42 – MR. REYNOLDS presented the following resolution and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS MARINELLI, WHYTE, REYNOLDS, SMITH,  
 LOUGHRAN, MAZUR, IANNELLO, KOZUB and HOLT**

WHEREAS, because of the untimely and deeply unfortunate passing of Assembly Member Sandra Lee Wirth on March 11, 2006 there is a vacancy in the 142<sup>nd</sup> Assembly District; and

WHEREAS, New York State Governor has called a Special Election to fill the vacant 142<sup>nd</sup> Assembly seat and the Special Election will be held on May 2, 2006; and

WHEREAS, the Special Election in the 142<sup>nd</sup> Assembly District was not anticipated by the Erie County Legislature or the Erie County Board of Elections, thus, the cost of this election was not within the 2006 budget; and

WHEREAS, this is the second (2<sup>nd</sup>) Special Election held in Erie County in 2006; and

WHEREAS, the cost of the Special Election in the 60<sup>th</sup> State Senatorial District was also unbudgeted and the Erie County Legislature transferred \$175,160 during the 4<sup>th</sup> Session of 2006 for the Special Election from the County Contingency Fund to pay for the Special Election; and

WHEREAS, it is anticipated that the Erie County Board of Elections will need additional funds in order to pay for the costs of the Special Election to fill the vacancy in the 142<sup>nd</sup> Assembly District.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Board of Elections provide this Honorable Body a final cost breakdown of the Special Election to fill the vacancy in the 60<sup>th</sup> Senate District; and be it further

RESOLVED, that the Erie County Board of Elections provide this Honorable Body with a document demonstrating the estimate cost of the Special Election to fill the vacancy in the 142<sup>nd</sup> Assembly District; and be it further

RESOLVED, the Erie County Legislature does hereby call upon the County Executive to propose funding for the Special Election in the 142<sup>nd</sup> Assembly District, and be it further

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RESOLVED, certified copies of this resolution be forwarded to the Board of Elections, County Executive, County Comptroller and Budget Director.

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

CARRIED UNANIMOUSLY.

CHAIRMAN MARINELLI directed the item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 43 – CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-15 from KENNEDY & WHYTE Re: Increased Corporate Accountability in Erie County

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

RE: Efficiency Incentive Grants (INTRO 7-16)

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

WHEREAS, the statute which puts in place the Erie County Fiscal Stability Authority sets forth that Efficiency Incentive Grants will be available to the County of Erie to support initiatives to improve productivity; and

WHEREAS, the Efficiency Incentive Grants will provide the needed seed-money for County projects that will generate savings and will help Erie County become a more lean and efficient entity; and

WHEREAS, it has come to the attention of this Honorable Body that no person elected by the people of Erie County has input regarding how this money is to be allocated and that the decision of how to allocate these tax payer dollars will be made *solely* by employees and members of the Erie County Fiscal Stability Authority; and

WHEREAS, it has come to the attention of this Honorable Body that the Erie County Fiscal Stability Authority, which presently is without a President and Vice-President, does not have in

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place rules and regulation governing the use of Efficiency Incentive Grants and that the New York State statute which created this entity did not impose on it any comprehensive rules and regulations governing the allocation of Efficiency Incentive Grants; and

WHEREAS, the choice of which competing efficiency projects to fund at tax payer expense is at its heart a policy choice and this choice should only be made by representatives duly elected by the people of Erie County; and

WHEREAS, due to the large sum of funds available to the Fiscal Stability Authority and the extraordinary importance of Efficiency Incentive Grants, this Honorable Body believes it is necessary to have the oversight and scrutiny of this Legislature within the Efficiency Incentive Grant process.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive, County Clerk, County Comptroller, District Attorney and Sheriff are directed to obtain County Legislature approval before applying for an Efficiency Incentive Grant; and be it further

RESOLVED, the Erie County Fiscal Stability Authority draft comprehensive rules and regulations governing the allocation of Efficiency Incentive Grants and that these rules and regulation be sent to the Erie County Legislature for approval; and be it further

RESOLVED, the Erie County Fiscal Stability Authority should not allocate tax payer dollars in the form of Efficiency Incentive Grants unless accompanied by a certified resolution from this honorable body authorizing the allocation of funds; and be it further

RESOLVED, certified copies of this resolution be forwarded to the County Executive, County Comptroller, District Attorney, Sheriff and the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to further amend the item. MR. WEINSTEIN seconded.

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

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

FAILED.

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

CARRIED (12-3)

Item 45 – CHAIRMAN MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 7-17 from SMITH, IANNELLO, MARINELLI, WHYTE, REYNOLDS, KONST, KOZUB, LOUGHRAN & HOLT Re: List of Retirees

Item 46 – MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

RE: Wireless Communication Device Policy in  
 Erie County (INTRO 7-18)

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

WHEREAS, this Honorable Body is committed to insuring that the County of Erie operates efficiently and that each expenditure of tax payer dollars is prudent and necessary; and

WHEREAS, in January 2005 this honorable body passed the Fiscal Accountability and Oversight Act of 2005 (Intro. 2-2) which required, among other things, that the County Executive provide to the Legislature "...a review of wireless technology policy and make recommendations to reduce the number of such devices and lower the cost to County taxpayers;" and

WHEREAS, the County Executive never produced a written policy for wireless technology and the County Legislature responded by reducing the number of wireless devices in the 2006 budget; and

WHEREAS, the use of wireless devices by County Employees at tax payer expense must be based on a well reasoned policy; and

WHEREAS, this Honorable Body supports the Erie County Comptroller's decision to performing an audit on wireless devices within Erie County.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature once again calls upon the County Executive to provide to the Legislature a written policy for wireless technology and submit it to the Legislature by May 9, 2006 11:00 AM; and be it further

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RESOLVED, that the Director of Information and Support Services come to an upcoming meeting of the Government Affairs Committee to discuss Erie County's policy toward wireless technology; and be it further

RESOLVED, the Erie County Legislature requests that the Comptroller expeditiously complete the Wireless Device Audit and provide a certified copy to this Honorable Body; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Comptroller, the County Executive and the Director of Information and Support Services.

MS. WHYTE moved to amend the item by attaching Erie County's Wireless Telephone Policy. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

**ERIE COUNTY PERSONNEL POLICIES AND PROCEDURES**

**SUBJECT: WIRELESS TELEPHONES (Revised)**

**CHAPTER: X**

**SECTION: 22**

**EFFECTIVE DATE: 8/15/95**

**REVISION DATE: May, 2001**

**Policy:**

Wireless telephones can be provided 1) to County department heads, Elected Officials, and key administrative staff to conduct County business 24 hours per day, seven days a week and (2) to County personnel to insure employee safety and communications while conducting County business in the field during the business day. Wireless telephones are a valuable tool in helping to maintain public health and safety. It is the responsibility of each supervisor to assure that no employee abuses wireless telephone privileges. The Division of Information and Support Services administers wireless telephone service for Erie County government.

**Guidelines:**

1. Wireless telephones can be provided to County department heads, Elected Officials, and key administrative personnel to conduct County business 24X7 (24 hour per day, seven days a week). These employees, regardless of time or place, oversee the operation of County government services and insure the prompt response to any incident, event or emergency affecting the health or safety of the citizens of Erie County. It is therefore necessary and appropriate for key managers to carry

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wireless telephones at all times. Key managers may be directed to carry County wireless telephones. The incidental use of County wireless telephones for personal use is therefore permitted.

2. Wireless telephones are provided to designated County line and staff personnel to aid in employee safety, facilitate communications and increase operating efficiency while conducting County business in the field during the business day. Wireless telephones are provided for official business only on an as needed basis.

No personal calls are to be made or received on a staff wireless telephone. Non-County telephones should be used for all personal calls.

Whenever possible, locate a safely accessible public telephone or make your personal calls at another time. An employee required to work unscheduled overtime, and where a public telephone is not safely accessible, may be allowed to contact a family member from the field using a wireless telephone.

In an extreme emergency or when relating unscheduled overtime, calls are not considered "personal" calls under the above prohibition.

All emergency use of wireless telephones must be reported to supervision.

3. Long distance calls are not to be made from a wireless telephone except when necessary and where required to conduct official business from the field.

4. Wireless telephone calls are charged on a per minute basis for both outgoing and incoming calls. Keep calls brief and to the point.

5. Never leave a portable wireless telephone unattended or in your car.

6. Lost or stolen wireless telephones are the responsibility of the employee and must be reported immediately to the vendor and your department administrator.

7. Report damaged or physically malfunctioning wireless telephones to your supervisor and to your vendor.

8. Report performance problems immediately to supervision and Information and Support Services. Wireless telephone airwaves are subject to illegal activity, including telephone number copying and reuse (called cloning). A change in your telephone's performance may be the result of cloning.

9. Wireless telephones are the property of Erie County. No wireless telephone may be transferred to another department or worksite, or have changes in services ordered without the direct authority of supervision.

10. All new wireless service and changes in existing wireless service must be ordered through the Division of Information and Support Services. The Division of Information and Support Services will deal directly with wireless telephone company representatives.

11. Emergency calls to "911" are free calls from wireless telephones. Follow your department's worker safety procedures on the use of 911 calls. Locally, wireless calls to 911 are directed to the New York State Police. The State Police will direct your call based on the information they receive. There is no automatic location identification from wireless telephones.

12. Persons found to have to have been making personal wireless telephone calls will face disciplinary action as follows:

First occurrence - Employee shall be warned in writing and requested to reimburse the County for the cost of the call plus administrative and overhead.

Further violations - Employee shall be further disciplined, which may include additional written warnings, suspension or discharge, depending on circumstances and in accordance with collective bargaining agreements as applicable. In all cases, the employee shall reimburse the County for the cost of the call plus administrative and overhead.

**Wireless Telephone Authorization, Billing and Verification Procedures:**

This procedure outlines the responsibilities of the Division of Information and Support Services (DISS) and the County departments that utilize wireless services to comply with the County policy on wireless phone use.

**Authorization**

County departments are responsible for justifying their use of wireless services. When wireless is deemed necessary, a written request to DISS, through a completed "Division of Information and Support Services Request for Wireless Telephone Service" form, signed by the department head or an authorized delegate must be sent to DISS. DISS in collaboration with the requestor will decide which wireless service and features are appropriate. DISS will then contact the appropriate vendor and arrange for the delivery of the equipment and add the user to the DISS inventory.

**Billing**

1. DISS is responsible for receiving all invoices from the vendors. DISS will distribute a copy of the wireless providers billing to each user department when the billing is received in order to provide user departments the capability of performing a timely review for errors and inconsistencies. Business use only users will receive a detailed list of all usage.

2. As part of the monthly interdepartmental (ID) billing process, DISS will include in the ID billing package a summary sheet, or the entire bill if no summary is available, the form "Wireless Phone Service and Wireless Long Distance Billing Verification."

3. Each department must sign the summary sheet, or the entire bill, and the Verification form as acknowledgement of review and authorization of calls. Return to DISS within 10 days.

- a. All unauthorized calls must be noted on the Verification form.

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- b. Any changes within the department such as phone assignments, location changes, etc. must be noted on the form. DISS will update the inventory with these changes.
- c. Billing errors discovered must be reported to DISS.
- d. At times, rate plan changes may be appropriate to reduce phone expense for a particular user. These changes must be discussed with DISS. DISS is responsible for all plan changes with the vendor.

Verification

An annual inventory and validation will be performed on wireless telephones. DISS will send each user department a listing of their assigned wireless phones. Included, for business use only users, by user, will be the minutes used for each of the previous 12 months and the total 12-month expense of the phone. The user department will verify and update the listing as appropriate and return to DISS within ten days. DISS will update the inventory as appropriate.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 47 – MS. WHYTE moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 6E-12. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: Health - Variable Minimums

WHEREAS, it is necessary to recruit in Job Group 20, Step 5, for the position of Medical Director of Health – Regular Part Time, in order to secure and retain a qualified and experienced candidate, and

WHEREAS, this position is responsible for overseeing the Division of Public Health Safety & Wellness which includes Community Wellness, Public Health Services and Clinical Services, and

WHEREAS, it is necessary to recruit in Job Group 20, Step 3, for the position of Medical Director of Epidemiology – Regular Part Time, in order to secure and retain a qualified and experienced candidate, and

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WHEREAS, this position is responsible for overseeing the Surveillance and Epidemiology functions of the Division of Public Health Laboratories, Epidemiology, and Environmental Health, and

WHEREAS, it is necessary to recruit in Job Group 5, Step 3, for the position of Dental Hygienist – Full Time, in order to secure and retain a qualified and experienced candidate, and

WHEREAS, this position is responsible for clinical dental hygiene services for patients at the Jesse Nash Health Center, and

WHEREAS, funds are available in the personal services appropriations of the Health Department's Adopted 2006 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the establishment of a variable minimum in Job Group 20, Step 5, position number 51002732, for the position of Medical Director of Health– Regular Part Time, at an hourly rate of \$56.92, effective 2/16/06, and be it further

RESOLVED, the Erie County Legislature authorizes the establishment of a variable minimum in Job Group 20, Step 3, position number 51002706, for the position of Medical Director of Epidemiology – Regular Part Time, at an hourly rate of \$51.25, effective 2/16/06, and be it further

RESOLVED, the Erie County Legislature authorizes the establishment of a variable minimum in Job Group 5, Step 3, position number 51002159, for the position of Dental Hygienist, Full Time, at an annual salary of \$26,535, effective 1/17/06, and be it further

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

MS. WHYTE moved for approval of the item. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 6E-29. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

RE: State Authorization to Arrange for  
 Underwriting & Private Sale of Bonds Through  
 Negotiated Agreement

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2006; and

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WHEREAS, Assembly Bill A.10176 and Senate Bill S.6799, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2007;

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.10176, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the County of Erie".

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

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

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

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

MS. WHYTE moved for approval of the item. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 49 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 6E-30. MR. REYNOLDS seconded. MR. WEINSTEIN voted in the negative.

CARRIED (14-1).

RESOLUTION NO. 107

RE: Bond Resolution - 2006 Revenue  
 Anticipation Note

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$110,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount not to exceed \$110,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2006 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the 2006 fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

MS. WHYTE moved for approval of the item. MR. SMITH seconded.

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

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

CARRIED.

Item 50 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT  
 COMMITTEE from further consideration of INTRO 6-6. MR. MAZUR seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

RE: Elimination of Toll-Booths

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

WHEREAS, the Erie County Legislature is committed to promoting economic development and protecting taxpayers in Erie County; and

WHEREAS, the \$.75 toll on the Niagara Section on the Niagara Thruway is an unfair burden on all citizens who are traveling through the Niagara Region; and

WHEREAS, Erie County is one of the only regions in New York State where drivers are burdened with a toll to drive to work or to drive within the City limits; and

WHEREAS, the \$.75 toll has a negative impact on residents and business owners; and

WHEREAS, for over fifteen (15) years local officials have lobbied for New York State Thruway Authority, the Legislature and the Governor to remove the Niagara Section toll barrier.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable body implores the New York State Thruway Authority to remove the toll barriers from the Niagara Section of the New York State Thruway; and be it further

RESOLVED, a copy of this resolution be sent to the Governor of New York, New York State Thruway Authority, and the Western New York Legislative Delegation.

MS. WHYTE moved to amend the item. MR. KENNEDY seconded. MR. KOZUB voted in the negative.

CARRIED (14-1).

**ADD** the following after the Fifth (5<sup>th</sup>) **WHEREAS** Clause:

WHEREAS, Governor Pataki and the New York State Thruway Authority have previously removed toll-booths downstate, and

WHEREAS, toll-booths cause congestion and decreased air quality, which results in a diminished quality-of-life and decreased property values in neighborhoods near toll-booths, and

WHEREAS, toll-booths have numerous negative health affects in the surrounding neighborhoods, particularly increased asthma levels in children and adolescents, and

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WHEREAS, at a recent Informational Meeting of the Economic Development Committee discussed the removal of the toll booths from the Niagara Section of the Thruway; and

WHEREAS, there is a convergence of support from elected officials at the Federal, State, County and Municipal levels of government and wide support from the voters of the Niagara Region for the removal of the Niagara Section toll as the tolls are an unfair economic burden to those who live, work and travel through the region; and

WHEREAS, it appears that the continued collection of tolls on the Niagara Section of the Thruway is unlawful and prohibited by the Niagara Toll Removal Act; and

WHEREAS, the Erie County Department of Law has joined with a private entity and has brought legal action in New York State Supreme Court to seek judicial intervention for removal of the toll barriers; and

WHEREAS, the Erie County Department of Law is unable to represent the County in this matter because of staff shortages resulting from the funding cuts of 2005; and

WHEREAS, the Erie County Department of Law has retained Phillips Lytle, LLP to represent Erie County in this matter at a maximum cost of \$35,000; and

WHEREAS, the Erie County Department of Law has a budget line titled *Professional Services, Dues and Fees* containing \$353,252 and the above-referenced expenditure is within the Law Department's budget and will not result in a deficit in that Department, and

**DELETE** the Second (2<sup>nd</sup>) **RESOLVED** clause and **REPLACE** with the following:

RESOLVED, that this Honorable Body supports the removal of the toll booths from the Niagara Section of the New York State Thruway; and be it further

RESOLVED, this Honorable Body fully and completely supports the lawsuit seeking removal of the toll booths filed against the New York Thruway Authority by Mr. Carl Paladino and the Erie County Executive; and be it further

RESOLVED, that the Erie County Attorney submit a quarterly report to this Honorable Body outlining the status of the legal proceeding and a breakdown of all expenses incurred; and be it further

RESOLVED, that this Honorable body implores the New York State Thruway Authority to remove the toll barriers from the Niagara Section of the New York State Thruway; and be it further

RESOLVED, a copy of this resolution be sent to the Governor of New York, New York State Thruway Authority, and the Western New York Legislative Delegation, County Executive, Budget Director, Comptroller and the County Attorney.

MS. WHYTE moved for the item as amended. MR. KENNEDY seconded. MR. KOZUB voted in the negative.

CARRIED (14-1).

**SUSPENSION OF THE RULES**

Item 51 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

MS. WHYTE moved for immediate consideration and approval of the item. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

RE: Appointment to the Erie County Soil and  
 Water Conservation District (INTRO 7-19)

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

WHEREAS, the Erie County Legislature has received notification of vacancies existing on several boards and/or committees; and

WHEREAS, the proper functioning of boards and committees conducting business on behalf of and directly for the County of Erie is necessary for the operation of many necessary services and programs.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator John Mills be appointed the Republican member representing the Erie County Legislature on the Erie County Soil and Water Conservation District; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Soil and Water Conservation District.

Item 52 – MR. REYNOLDS moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

MR. REYNOLDS moved for immediate consideration and approval of the item. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 110

RE: Concord Agricultural District (EC No. 15)  
 – North Collins Argicultural District (EC No.  
 14) – 2005 Open Period for Inclusion into an  
 Agricultural District (COMM. 7E-20)

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS REYNOLDS, HOLT, IANNELLO,  
 KENNEDY, KONST, KOZUB, LOCKLEAR,  
 LOUGHRAN, MARINELLI, MAZUR, MILLS,  
 RANZENHOFER, SMITH, WEINSTEIN, AND WHYTE**

WHEREAS, the Concord and North Collins Agricultural Districts are currently under the 8-year review and the 2005 30-day open period for inclusion into agricultural districts has taken place according to Article 25AA of New York State Agricultural Markets Law, and

WHEREAS, the Agricultural Markets Law directs the County Legislature to hold public hearings on the aforementioned actions at a place within the districts or other-wise readily accessible places and to publish a notice of public hearing in a newspaper with general circulation within the districts.

NOW, THEREFORE BE IT

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Wednesday, April 26, 2006, at 7:30 p.m. in the Concord Town Hall at 86 Franklin Street, Springville, New York concerning the 8-year review of the Concord Agricultural District, Erie County # 15; and the 2005 30-day open period for inclusion into an agricultural district, and be it further

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Thursday, May 4, 2006, at 6:30 p.m. in the North Collins Village Hall at 10543 Main Street, Village of North Collins, New York concerning the 8-year review of the North Collins Agricultural District, Erie County #4, and be it further

RESOLVED, that the Clerk of the Legislature be directed to publish a notice of public hearing in newspaper(s) having general circulation within the area of the above agricultural districts, that notice be posted in at least five conspicuous places within the district, and that notice also be sent to the affected municipalities, being the Towns of Concord, Boston, Colden, North Collins, Holland and Elma and to landowners affected by the proposed modifications; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning and the Supervisors of the Towns of Concord, Boston, Colden, North Collins, Holland and Elma.

Item 53 – MR. WEINSTEIN moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

**MEETING NO. 7**  
**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

COMM. 7E-14 from the Minority Caucus Re: Amendment to the Proposed 2006 Rules of the Legislature

CHAIRMAN MARINELLI directed the item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 54 – MR. SMITH moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 7M-13 from the NYS ASSEMBLY Re: S01911

CHAIRMAN MARINELLI directed the item be referred to the HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR SMITH**

Item 55 – (COMM. 7E-1) Veterans Affairs Committee

Received and filed.

**FROM THE COMPTROLLER**

Item 56 – (COMM. 7E-2) Copy of Letter to County Executive, DSS Commissioner and Senior Services Commissioner Re: HEAP Employees at State of the County

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 57 – (COMM. 7E-3) Copy of Letter to Comptroller Re: Erie County Depositories

Received, Filed and Printed.

March 15, 2006

Hon. Mark C. Poloncarz, Esq.  
 Erie County Comptroller  
 95 Franklin Street, 11th Floor  
 Buffalo, New York 14202

Dear Comptroller Poloncarz:

**MEETING NO. 7**  
**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

Pursuant to Section 302 (g) of the Erie County Charter, in addition to any existing depositories designated by myself or my predecessors, I hereby designate the following financial institutions as additional Erie County depositories for the deposit of any and/or all moneys received by the Commissioner of Finance.

Greenwich Capital Markets, Inc.;  
 Citibank, N.A.; and  
 Citizens Bank, N.A.

If you have any questions, please do not hesitate to contact me, or Kenneth Vetter, Director of Budget, Management and Finance. Thank you for your assistance.

Sincerely,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG:kg

Cc: Erie County Legislature  
 Kenneth Vetter

**FROM LEGISLATOR SMITH**

Item 58 – (COMM. 7E-4) Copy of Letter to DPW Commissioner Re: Asbestos Removal on 14th Floor of Rath Building and Alleged Illegal Workers

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM LEGISLATOR WEINSTEIN**

Item 59 – (COMM. 7E-5) Minority Appointment to the Cornell Cooperative Extension

Received, Filed and Printed.

March 21, 2006

Chairperson Lynn M. Marinelli  
 Erie County Legislature  
 92 Franklin Street  
 Buffalo, NY 14202

Dear Ms. Marinelli:

I would like to submit the name of John Mills as the Minority appointment to the Cornell Cooperative Extension. Thank you for your assistance in this matter.

**MEETING NO. 7**  
**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

Sincerely yours,

Barry A. Weinstein, M.D.  
Erie County Legislator, 15<sup>th</sup> District

**FROM LEGISLATORS IANNELLO, KONST & LOCKLEAR**

Item 60 – (COMM. 7E-6) 2006 Legislative Action Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR RANZENHOFER**

Item 61 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WEINSTEIN seconded. MR. RANZENHOFER abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 111

RE: Legislative Office Space

RESOLVED, the Erie County Executive is hereby authorized to to sign a One (1) Year Lease Agreement with Barry J. Chub and Daniel B. Kieffer, located at 8610 Transit Road, East Amherst, NY for Legislative Office Space for Michael H. Ranzenhofer at a monthly rate of \$600.00.

**FROM LEGISLATOR SMITH**

Item 62 – (COMM. 7E-8) Notice of Informational Finance & Management Committee to be Held 4/4/06

Received and filed.

Item 63 – (COMM. 7E-9) Copy of Letter to Purchasing Director Re: Copier Services in Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 64 – (COMM. 7E-10) Official Response by BOE Commissioner to BOE Audit

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM LEGISLATORS LOCKLEAR, KONST & IANNELLO**

Item 65 – (COMM. 7E-11) "Chinese Menu" of Reform Options

Received and referred to the FINANCE & MANAGEMENT.

**MEETING NO. 7**  
**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

**FROM LEGISLATOR MARINELLI**

Item 66 – (COMM. 7E-12) Appointment to Charter Revision Commission

Received, Filed and Printed.

March 30, 2006

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

Dear Mr. Kelley:

Please be advised that I am appointing Mr. Roscoe Henderson, 338 Watson Street, Buffalo, New York 14212 and Mr. Stanley Wojtuski, 10 Lord Street, Buffalo, New York 14207 to the Erie County Veterans' Task Force.

Thank you.

Sincerely,

Lynn M. Marinelli

Cc: Mr. Raymond K. Dusza  
Mr. Roscoe Henderson  
Mr. Stanley Wojtuski

**FROM THE COUNTY EXECUTIVE**

Item 67 – (COMM. 7E-13) Increase in Fee for Issuance of New Plasticard Pistol Permits

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

Item 68 – (COMM. 7E-14) CPS Training Academy - Personnel Adjustments

Item 69 – (COMM. 7E-15) CPS/Emergency Services - Revised Resolution No. 16E-9  
Regarding Retaining County Fire Instructors

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

Item 70 – (COMM. 7E-16) Health - Bathing Beach Water Quality Monitoring and  
Notification Program - 10/1/05 - 9/30/06

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**ERIE COUNTY LEGISLATURE**

Received and referred to the HEALTH COMMITTEE.

Item 71 – (COMM. 7E-17) DA's Office - Operation IMPACT Grant

Item 72 – (COMM. 7E-18) Emergency Services - Acceptance of FEMA Aid regarding Hurricane Katrina Victims in WNY

Item 73 – (COMM. 7E-19) CPS/Emergency Services - Voice Logging Recorder & Storage Systems Authorization to Award Bid and Enter into Contract

Item 74 – (COMM. 7E-20) CPS Forensic Laboratory - Proposed Resolution for Acceptance of Operation Impact II Grant

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

Item 75 – (COMM. 7E-21) ECSD No. 3 - Erie County Sewer Agency Report - Engel Drive Extension

Item 76 – (COMM. 7E-22) ECSD No. 6/STSTA - Disinfection Improvements - Contract No. 6ST-B - Change Order No. 1 - John W. Danforth Company

Item 77 – (COMM. 7E-23) ECSTSTA - Contract No. 6ST-C, Plumbing - Contract Close Out - WC Roberson Plumbing & Construction Corp.

Item 78 – (COMM. 7E-24) ECSD No. 2 - Contract No.66STP-C, Plumbing - Contract Close Out - WC Roberson Plumbing & Construction Corp.

Item 79 – (COMM. 7E-25) DEP - Sewerage Management - Comprehensive Energy Analysis for ECSD No. 6 - Proposed Energy Performance Contract

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

Item 80 – (COMM. 7E-26) DPW - Acquisition of Property for Right-of-Way - Reconstruction of Centerline Road Culvert (CR-175) - Town of Wales

Item 81 – (COMM. 7E-27) DPW - Supplemental Agreement with NYSDOT - Right-of-Way Acquisition and Transfer of Dam Ownership - Freeman Road Bridge 369-3 Over Smokes Creek - Town of Orchard Park

Item 82 – (COMM. 7E-28) DPW - Agreement w/ NYSDOT - Youngs Rd. (CR554) & Aero Drive (CR324) Intersection - Town of Cheektowaga

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

**MEETING NO. 7**  
**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

Item 83 – (COMM. 7E-29) DPW - Award of General Energy Performance Contracting Contracts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 84 – (COMM. 7E-30) DPW - Supplemental Agreement with NYSDOT - Harris Hill Road (CR 276) Intersections at Wehrle Drive (CR275) & Pleasant View Drive (CR161) - Towns of Clarence & Lancaster

Item 85 – (COMM. 7E-31) DPW - Buffalo Niagara Convention Center - Roof Replacement

Item 86 – (COMM. 7E-32) DPW - Wehrle Drive Reconstruction Project: Authorization to Pursue Administrative Settlements and Eminent Domain Proceedings

Item 87 – (COMM. 7E-33) DPW - Ralph Wilson Stadium - 2006 - Site Work, Structural Repairs and Miscellaneous Work - Phase 2

Item 88 – (COMM. 7E-34) DPW - Ralph Wilson Stadium - 2006 - General Construction Work - Rebid, Phase 2

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 89 – (COMM. 7E-35) Appointment to Erie County Commission on the Status of Women

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE SHERIFF**

Item 90 – (COMM. 7E-36) "Selective Traffic Enforcement" Program (STEP)

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMPTROLLER**

Item 91 – (COMM. 7E-37) Apportionment & Distribution of Net Collection from the Local 4.75% Sales and Compensating Use Tax for 1/06 - 3/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 92 – (COMM. 7E-38) Appointment to the Erie County Environmental Management Council

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

Item 93 – (COMM. 7E-39) Erie County Rath Building - 14th Floor Renovations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 94 – (COMM. 7E-40) Fees for County Review of Municipal Planning and Zoning Actions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM SOCIAL SERVICES**

Item 95 – (COMM. 7D-1) Copy of Letter to Tokasz & Volker Re: Legislative Change to Assist Counties in Child Support Collection Efforts

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM SENIOR SERVICES**

Item 96 – (COMM. 7D-2) Copy of Letter to Marinelli Re: Transportation for the Elderly in the City of Buffalo

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE BECPL**

Item 97 – (COMM. 7D-3) Agenda for Meeting Held 3/16/06

Received and filed.

**FROM THE COMMUNITY COLLEGE**

Item 98 – (COMM. 7D-4) Agenda for Meeting Held 3/22/06

Received and filed.

**FROM THE PERSONNEL DEPARTMENT**

Item 99 – (COMM. 7D-5) Hires/Separations from January 2006

Item 100 – (COMM. 7D-6) Hires/Separations from February 2006

The above two items were received and filed.

**FROM ENVIRONMENT & PLANNING**

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**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

Item 101 – (COMM. 7D-7) SEQR - Solicitation for Lead Agency Status - Boston State Road  
- Town of Boston - ECSD No. 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COMMUNITY COLLEGE**

Item 102 – (COMM. 7D-8) Minutes for Meeting Held 3/1/06

Received and filed.

**FROM BUDGET, MANAGEMENT & FINANCE**

Item 103 – (COMM. 7D-9) BMR for Period Ending February 28, 2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE PERSONNEL DEPARTMENT**

Item 104 – (COMM. 7D-10) Variable Minimum Health Department (Item 6E-12)

Received and referred to the HEALTH COMMITTEE.

**FROM THE BOARD OF ELECTIONS**

Item 105 – (COMM. 7D-11) Response to Audit & Review of Operations - EC BOE

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 106 – (COMM. 7D-12) Transmittal of New Claims Against Erie County

Received and filed.

**FROM THE ECMCC**

Item 107 – (COMM. 7D-13) A New Day: Annual Report 2005

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE FRANKLIN COUNTY LEGISLATURE**

Item 108 – (COMM. 7M-1) Support for Credit Against Personal Income Tax For Volunteer  
Firefighter and Volunteer Ambulance Corps

**MEETING NO. 7**  
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**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 109 – (COMM. 7M-2) Amendment of Parks Agreement for Transfer of Johnnie B. Wiley Sports Pavilion

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUILDING & CONSTRUCTION COUNCIL

Item 110 – (COMM. 7M-3) Petition in Favor of Local Law No. 1-2006

Received and filed.

FROM THE SCHOHARIE COUNTY

Item 111 – (COMM. 7M-4) Copy of Certified Resolution Re: Requesting NYS to Take Back Local Share of Medicaid as a Component of True Medicaid Reform, and to Utilize Current Budget Surplus to Fund Same

Received and filed.

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 112 – (COMM. 7M-5) Agenda for Meeting Held 3/31/06

Received and filed.

FROM THE TOWN OF LANCASTER

Item 113 – (COMM. 7M-6) Request for Extension of ECSD No. 4

Received and filed.

FROM THE AMHERST FIRE CHIEFS' ASSOCIATION INC.

Item 114 – (COMM. 7M-7) Request for Clerical Position in Erie County Fire Safety Division

Received and filed.

FROM THE TOWN OF LANCASTER

Item 115 – (COMM. 7M-8) Certified Resolution Re: ECSD No. 4

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**APRIL 6, 2006**

**ERIE COUNTY LEGISLATURE**

Received and filed.

**FROM ASSEMBLYMAN CRYSTAL PEOPLES**

Item 116 – (COMM. 7M-9) Copy of Letter to Dept. of Health Commissioner Re: Supreme Court Ruling Upheld for Households Containing an SSI Recipient

Received and filed.

**FROM THE NFTA**

Item 117 – (COMM. 7M-10) NFTA Board Minutes for Meeting Held 2/27/06

Received and filed.

**FROM THE ECIDA**

Item 118 – (COMM. 7M-11) Notice of Board Meeting to be Held 4/10/06

Received and filed.

**FROM THE NFTA**

Item 119 – (COMM. 7M-12) Annual Operating Budget for FY Ending 3/31/07 and 5-Year Capital Plan

Received and filed.

**ADJOURNMENT**

Item 120 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of William J. Pitts.

Item 121 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Clarice Brown.

Item 122 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Sammy “Pee Wee” West.

Item 123 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Mary Chappelle.

Item 124 - Mr. Holt requested that when the Legislature adjourns, it do so in memory of Eugene Binder.

Item 125 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of Harvey Whitement.

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**ERIE COUNTY LEGISLATURE**

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Item 126 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Marie Jackson.

Item 127 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of his father.

Item 128 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Josephine Bono.

Item 129 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Michael Ashbury.

**ADJOURNMENT**

Item 130 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, April 27, 2006 at 2 p.m. Eastern Standard Time. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 27, 2006 at 2 p.m. Eastern Standard Time.

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