

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 8**  
**March 14, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

A Pledge of Allegiance was led by Mr. Smith.

Item 1 – CHAIRMAN HOLT directed that the Rules of the Legislature for 2005 Remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – Minutes of Previous Meeting were tabled.

Item 5 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MR. MCCARVILLE presented a resolution Honoring the East Aurora High School Student Lucy Coughlin, Nominated For The United Way Community Hero Award. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 7 - MR. MCCARVILLE presented a resolution Honoring The East Aurora Girls Varsity Basketball Team For Their Third Undeclared Season In The ECIC Division Four. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY

Item 8 - SMITH & HOLT presented a resolution Honoring Alpha Kappa Alpha Sorority Inc. Xi Epsilon Omega Chapter Annual Founder's Day 2005 Award Recipients. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 9 - SMITH & HOLT presented a resolution Honoring Sharon West Executive Director Of The Buffalo Municipal Housing Authority After 31 Years Of Services. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 10 – MR. WROBLEWSKI presented a resolution Honoring Adam Evans From West Seneca Troop 616 Upon Receiving His Eagle Scout Badge. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 11 - SMITH & HOLT presented a resolution Honoring Three Legendary Tuskegee Airmen From Buffalo, Louis-Winston Johnson, Rudolph Laster, And Leeland Jones. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY

Item 12 - MR. MCCARVILLE presented a resolution Honoring The East Aurora Boys Swim Team For Capturing The 2005 ECIC A Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 13 - SMITH & HOLT presented a resolution Honoring Rev. Dr. Claudette Anderson Copelan - Guest Speaker For The Alpha Kappa Alpha Sorority Inc. Gamma Phi Omega Chapter 2005 Founder's Day Luncheon. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 14 - SMITH, HOLT, AND MARINELLI presented a resolution Proclaiming March 6-12 2005 As Girl Scout Week In Western New York. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 15 - MR. WROBLEWSKI presented a resolution Honoring West Seneca Satellite and The Variety Club Telethon For Their Work With Women And Children In Western New York. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY

Item 16 – MS. MARINELLI presented a resolution Honoring Leo J. Jarmuz Upon 100<sup>th</sup> Birthday Celebration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 17 - SMITH & HOLT presented a resolution Honoring The 2005 Beautillion Extraordinaire Recipients. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 18 – MR. KENNEDY presented a resolution Honoring South Park High School Upon Its 90th Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 19 – MR. DEBENEDETTI presented a resolution Honoring Mrs. Dorothy Simpson Upon Her 90th Birthday. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

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Item 20 - SMITH & HOLT presented a resolution Honoring Former WBLK Radio Personality Dawn (Break-A-Dawn) Blackstock Flemming With A Memorial Celebration In Her Memory. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 21 - SMITH & HOLT presented a resolution Honoring Mary Lee Crosby Upon Her 100th Birthday. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

MS. MARINELLI moved to approve the above sixteen items as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

### LOCAL LAWS

Item 22 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

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Item 25 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 26 – MS. MARINELLI presented Local Law No. 16 (Print #2) 2004 and moved to receive and file the item. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

GRANTED.

Item 27 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 28 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 29 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 30 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2005 remain on the table.

GRANTED.

Item 31 – CHAIRMAN HOLT directed that Local Law No. 5 (Print #1) 2005 remain on the table.

GRANTED.

**COMMITTEE REPORTS**

Item 32 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 41

MARCH 9, 2005

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. INTRO 4-10 (2004)  
**SWANICK:** Opposition to Imposition of Additional Tolls on Roads & Highways in WNY  
(5-0)
  - b. COMM. 8E-21 (2004)  
**COUNTY EXECUTIVE:** DPW - Reconstruction of Maple Road - Intersection at Flint, North Forest & Hopkins Roads, Town of Amherst - AS AMENDED  
(5-0)
  - c. INTRO 10-3 (2004)  
**MARSHALL:** Elimination of NYS Tax on Clothing & Footwear Under \$110  
(4-1) Legislator Marshall voted in the negative.
  - d. INTRO 17-15 (2004)  
**HOLT:** NYS Thruway Tolls for Buffalo-Area Commuters  
(5-0)
  - e. COMM. 23E-1 (2004)  
**CUSACK:** Letter to Legislator Schroeder Re: Comm. 16M-7 & Comm. 19M-26  
(5-0)
  - f. COMM. 23E-35 (2004)  
**CHASE:** Request for Update on 2004 Road Projects from DPW  
(5-0)
  - g. INTRO 30-6 (2004)  
**MINORITY CAUCUS:** Proposed NYS Thruway Toll Increase  
(5-0)
  - h. COMM. 4D-11 (2005)  
**DPW:** 2004/2005 Snow Plow Routes  
(5-0)

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- i. COMM. 4D-13 (2005)  
**DPW:** Copy of Memo To County Attorney's Office Re: Capital Projects that Need to Remain Open if Red Budget is Implemented  
(5-0)
- j. COMM. 6M-3 (2005)  
**NFTA:** 17A Report & the Capital Expenditure Reports for 3rd Quarter of FY Ending 3/31/05  
(5-0)

- 2. COMM. 1E-9 (2005)  
**COUNTY EXECUTIVE**  
WHEREAS, the Department of Public Works received bids on October 26, 2004, for the Erie County Highway Maintenance Facilities, Overhead Exterior Door Replacement, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Roof and Masonry Restoration at the Clarence Maintenance Garage as follows:

GENERAL CONSTRUCTION WORK

MGR Constructors, Inc.

Base Bid:	\$156,295.00
Alternate Bid #1	<u>\$ 22,600.00</u>
Total	\$178,895.00

and be it further,

RESOLVED, that the sum of \$20,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following: Erie County Highway Garage Renovations, Project B.00104 in the amount of \$62,840.00 and Exterior Building Rehabilitation, Project A.00044 in the amount of \$138,055.00, and be it further,



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

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

3. COMM. 6E-23 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the City of Buffalo owns and operates a District Heat Facility that provides hot water to many City-owned buildings, as well as the County-owned facilities of the Rath Building and Family Court Building, and

WHEREAS, the existing contract for the City of Buffalo to provide hot water for heating between the City of Buffalo and Erie County has now expired and requires renewal if Erie County is to continue to receive hot water for the purpose of heating its buildings, and

WHEREAS, the City of Buffalo and Erie County have held a series of negotiations and have agreed on a tentative agreement for the City of Buffalo to supply these Erie County-owned facilities with hot water for a term of five years renewable for five years thereafter, and

WHEREAS, the Department of Public Works desires to enter into this contract,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with the City of Buffalo to supply hot water for the purpose of heating its facilities, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, two certified copies to the Director of Budget and Management and two certified copies to the Office of the Comptroller and one certified copy to the Office of the County Executive.

(5-0)

4. COMM. 6E-32 (2005)

**COUNTY EXECUTIVE**

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WHEREAS, air monitoring and environmental services are required for the Botanical Gardens Implementation of the Master Plan, Architectural/Engineering Agreement, and

WHEREAS, the firm of URS Corporation Group presently has a General Engineering contract with the County of Erie to provide design services, and

WHEREAS, the firm of URS Corporation Group has the Architectural/Engineering & Environmental expertise to provide the required services to implement the long-range master plan and environmental impact statement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to enter into a supplemental agreement with URS Corporation Group with a maximum fee not-to-exceed \$35,000, including testing, reimbursables, and miscellaneous expenses relative to the design services for master plan implementation and environmental impact statement, and be it further,

RESOLVED, that the \$35,000 fee allocation be taken from the Botanical Gardens account, Project A.00234, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management and Finance; one copy to the Office of the Comptroller; one copy to the Office of the County Executive; and one copy to the Department of Parks and Recreation and one copy to the Botanical Gardens Society.

(5-0)

**TIMOTHY M. WROBLEWSKI**  
**CHAIRMAN**

MR. WROBLEWSKI moved to separate item #3 (Comm. 6E-23) and move the balance of the report for approval. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved to amend item #3. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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ADD the following as the new fourth (4<sup>th</sup>) WHEREAS Clause:

WHEREAS, according to the Department of Public Works, while the actual 2004-2005 cost to the County will not be known until the end of the heating season, based on the last three heating seasons, the estimated cost for heating the Family Court and Rath Buildings during the 2004-2005 season is approximately \$142,228, and

ADD the following as the new second (2<sup>nd</sup>) RESOLVE Clause:

RESOLVED, that after the end of the 2004-2005 heating season, the Commissioner of Public Works is directed to report to the Legislature in writing, the actual cost to the County of the district heat program for 2004-2005, and be it further

MR. WROBLEWSKI moved for the approval of the item as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

MARCH 9, 2005

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER.

1. RESOLVED, that the following item is received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE
  - a. COMM. 16E-24 (2004)  
**COUNTY EXECUTIVE:** Botanical Gardens - Main Dome Hardscaping (4-0) Legislator Ranzenhofer absent.
2. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 30M-4 (2004)  
**ERIE COUNTY WATER AUTHORITY:** 2005 Budget

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- (4-0) Legislator Ranzenhofer absent
- b. INTRO 2-4 (2005)  
**WEINSTEIN, RANZENHOFER, SWANICK, MCCARVILLE, CUSACK, & MARSHALL:** Endorsement of the Neighbor Notification Awareness Program  
(4-0) Legislator Ranzenhofer absent
- c. COMM. 2D-10 (2005)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** SEQR - Negative Declaration - Hamilton Drive and The Bluffs, Town of Evans  
(4-0) Legislator Ranzenhofer absent
- d. COMM. 4E-7 (2005)  
**COUNTY EXECUTIVE:** Erie County Sewer Construction Projects - Annual Change Order Report  
(4-0) Legislator Ranzenhofer absent
- e. COMM. 4E-12 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Proposed Village of Hamburg Extension (2004)  
(4-0) Legislator Ranzenhofer absent
- f. COMM. 4E-14 (2005) **AS AMENDED**  
**COUNTY EXECUTIVE:** ECSD No. 2 - Proposed Modifications of Plans - Erie County Sewer Agency Report  
(4-0) Legislator Ranzenhofer absent
- g. COMM. 4E-16 (2005)  
**COUNTY EXECUTIVE:** EC/Southtowns Sewage Treatment Agency - Proposed Village of Blasdell Connection - Amended Erie County Sewer Agency Report  
(4-0) Legislator Ranzenhofer absent
- h. COMM. 4E-17 (2005)  
**COUNTY EXECUTIVE:** EC/Southtowns Sewage Treatment Agency - Engineering Service Agreement - Dated 4/20/2000 - Change Order No. 5 - R&D Engineering, Inc.  
(4-0) Legislator Ranzenhofer absent
- i. COMM. 4E-18 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 6 - Proposed Increase & Improvement of Facilities - EC Sewer Agency Report  
(4-0) Legislator Ranzenhofer absent

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- j. COMM. 4D-5 (2005)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** SEQR - Negative Declaration - Extension of ECSD No. 3  
 (4-0) Legislator Ranzenhofer absent
- k. COMM. 4M-2 (2005)  
**EC ENVIRONMENTAL MANAGEMENT COUNCIL:** 2004 State of the Environment Report  
 (4-0) Legislator Ranzenhofer absent
- l. COMM. 4M-11 (2005)  
**ERIE COUNTY WATER AUTHORITY:** Unaudited Comparative Financial Statements for the Years Ended 12/31/04 & 12/31/03  
 (4-0) Legislator Ranzenhofer absent
- m. COMM. 6E-22 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 3  
 (4-0) Legislator Ranzenhofer absent
- n. COMM. 6D-1 (2005)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** A Resolution Calling for a Public Hearing for the Purpose of Considering a Proposed Increase and Improvements in ECSD No. 6  
 (4-0) Legislator Ranzenhofer absent
- o. COMM. 6M-4 (2005)  
**NYS DEPT OF AGRICULTURE & MARKETS:** District Review Plan to Modify EC Agriculture District No. 1  
 (4-0) Legislator Ranzenhofer absent

3a. COMM 23E-30 (2004) **AS AMENDED**  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. 43

RESOLUTION DATED \_\_\_\_\_, 2005.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 6 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ 2005.

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(Adopted) \_\_\_\_\_, 2005

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 6 of the County of Erie, New York, has heretofore been established, and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 6 which report and estimate of cost have been approved by the Board of Managers of said District on January 18, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 6 in said County, consisting of the reconstruction of approximately 422,400 linear feet of sanitary sewer; the reconstruction of approximately 248,160 linear feet of storm sewer; the construction of various improvements to pumping stations; and the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary to develop the plan to discharge to the Buffalo Sewer Authority, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 6 is \$4,000,000 to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6; and

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the cost thereof to the Typical Property (as defined in the County Law) is \$6.28; such costs not being above the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

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

NOW, THEREFORE, BE IT  
 RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 7th day of April, 2005, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting

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a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 6 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

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

Section 4. This resolution shall take effect immediately.

(4-0) Legislator Ranzenhofer absent

3b. COMM 23E-30 (2004) **AS AMENDED**  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. 44

RESOLUTION DATED \_\_\_\_\_, 2005.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ 2005.

(Adopted) \_\_\_\_\_, 2005

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, (the "District") has heretofore been established, and

WHEREAS, an Increase and Improvement of Facilities in the amount of \$2,100,000 was heretofore approved in 2002 to make improvements to the Big Sister Wastewater Treatment Plant, the replacement of asbestos cement pipe on Route 5 and the replacement of vetrified clay pipe on Oak Grove Drive, and

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WHEREAS, there is an excess of unneeded funds for said project, and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 2 in said County, consisting of the replacement of variable frequency drives at various pumping stations, and the replacement of equipment and additional reconstruction of the Big Sister Treatment Plant and sewer rehabilitation, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District No. 2 is \$480,000, to be assessed against a benefited area which consists of the entire area of the District; and

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

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor in Buffalo, New York, in said County, on the 7<sup>th</sup> day of April, 2005, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in The Front Page and in the Hamburg Sun, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.



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Section 4. This resolution shall take effect immediately.

(4-0) Legislator Ranzenhofer absent

3c. COMM 23E-30 (2004) **AS AMENDED**  
**COUNTY EXECUTIVE**  
RESOLUTION NO. 45

RESOLUTION DATED \_\_\_\_\_, 2005.

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

(Introduced) \_\_\_\_\_ 2005.

(Adopted) \_\_\_\_\_, 2005

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

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

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

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**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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WHEREAS, an Increase and Improvement of Facilities in the amount of \$6,327,000 was heretofore approved in 2002 to make improvements to the Erie County-Southtowns Sewer Treatment Agency consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast Interceptor, and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for such increase and improvement of the facilities of said Southtowns Sewer Treatment Agency which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said Southtowns Sewer Treatment Agency in said County, consisting of the reconstruction of the Milestrip Pumping Station to pump directly to the Agency's Overflow Retention Facility and the discharging of dry weather flows from the Blasdell Plant directly into the Northeast Interceptor, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer Southtowns Sewer Treatment Agency is \$9,100,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

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

NOW, THEREFORE, BE IT

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**ERIE COUNTY LEGISLATURE**

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the 92 Franklin Street, 4<sup>th</sup> Floor in Buffalo, New York, in said County, on the 7<sup>th</sup> day of April, 2005, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of the facilities of Erie County-Southtowns Sewer Treatment Agency in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in \_\_\_\_\_ and in \_\_\_\_\_, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(4-0) Legislator Ranzenhofer absent

4. COMM. 4E-8 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Sewerage Management has requested approval of an Agreement with Michelle P. Battaglia, 198 Roycroft Boulevard, Snyder, New York 14226, to provide Performance Evaluation Training classes for supervisory employees in the Division; and

WHEREAS, County Regulations require annual Employee Performance Evaluations for each employee in the Division; and

WHEREAS, there has been no specific training offered to employees to prepare employee appraisals in a fair and objective manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement with Michelle P. Battaglia, 198 Roycroft Boulevard, Snyder, New York 14226, to provide Performance Evaluation Training classes in the amount of \$2,500 is hereby approved; and be it further

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RESOLVED, that the funding for the training services be allocated proportionately from Sewer District Nos. 1-4-5, 2, 3/Southtowns and 6 Contractual Services Accounts; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Joel A. Giambra, County Executive, Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Office of the Comptroller and the Erie County Budget Office.

(4-0) Legislator Ranzenhofer absent

5. COMM. 4E-13 (2005)  
**COUNTY EXECUTIVE:**  
 RESOLUTION NO. 46-2005

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2005.

(Adopted) \_\_\_\_\_, 2005.

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

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

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

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 29, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

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

WHEREAS, said County Legislature duly adopted Resolution 469 on November 4, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

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WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on December 16, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$9,000,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(4-0) Legislator Ranzenhofer absent

6. COMM. 4E-19

**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

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**ERIE COUNTY LEGISLATURE**

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 2005, 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 7, 2005
Orchard Park	ECC South Campus	June 18, 2005
Erie County	To Be Determined	July 16, 2005
Buffalo	To Be Determined	September 10, 2005

and be it further

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

(4-0) Legislator Ranzenhofer absent

7. COMM. 6E-20 (2005)

**COUNTY EXECUTIVE**

WHEREAS, The New York State Department of State is seeking applications from local governments under the 2005 Quality Communities Program; and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, Erie County is desirous of completing the Shoreline Trail Signage Coordination Program and said project is an eligible activity under the Quality Communities Program,

NOW, THEREFORE BE IT

RESOLVED, That the Erie County Executive is authorized to submit a grant application for an amount not to exceed \$60,000 to the New York State Department of State under the provisions of the Quality Communities Program for a Shoreline Trail Signage Coordination Program; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any and all contracts with the New York State Department of State in an amount not to exceed \$60,000 for the purpose of carrying out the Shoreline Trail Signage Coordination Program; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Comptroller; and to the Commissioner of the Department of Environment and Planning.

(4-0) Legislator Ranzenhofer absent

8. COMM. 6E-26 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Legislature awarded a contract to URS Corporation for various engineering services on November 5, 1998, COMM 20E-17; and

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

WHEREAS, the Erie County Division of Sewerage Management had recommended the formal close-out of the engineering agreement with URS Corporation dated November 5, 1998 in the amount of \$137,224.89; and

WHEREAS, the Erie County Division of Sewerage Management has since discovered the correct close-out amount should be \$138,882.80; and

WHEREAS, the Erie County Division of Sewerage Management is now recommending the formal close-out of the engineering agreement with URS Corporation dated November 5, 1998 in the amount of \$138,882.80.

NOW, THEREFORE, BE IT



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RESOLVED, that the Engineering Agreement dated November 5, 1998 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and URS Corporation be formally closed-out in the final amount of \$138,882.80 and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances related to the November 5, 1998 engineering agreement between Erie County and URS Corporation; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one (1) certified copy each to the Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Ranzenhofer absent

**RAYMOND K. DUSZA**  
**CHAIRMAN**

MR. DUSZA moved to separate items #2, 3a, 3b, 3c, and 6. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to move the balance of the report. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to amend item #2 by correcting a typo. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ADD the following after 2o:

- p. COMM. 6M-14 (2005)  
**ECWA:** Letter to ECL Re: NYS Comptrollers Audit of ECWA  
 (4-0) Legislator Ranzenhofer absent

MR. RANZENHOFER moved to amend item #2 by sending #2b (INTRO 2-4) back to the ENERGY & ENVIRONMENT COMMITTEE for further consideration. MR. McCARVILLE seconded.

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CARRIED UNANIMOUSLY.

MR. DUSZA moved for the approval of the item as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to amend 3a by replacing “Hamburg Sun” with “Amherst Bee” within section 3. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to amend 3b by replacing “Hamburg Sun” with “Amherst Bee” within section 3. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to amend 3c by adding “The Front Page” and the “Amherst Bee” in Section 3 as the official newspapers of Erie County. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to send item #6 (COMM. 4E-19) back to committee. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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**ERIE COUNTY LEGISLATURE**

Item 33 - MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

MARCH 9, 2005

PUBLIC SAFETY COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. LL INT 16-2 (2004)  
**SMITH & KENNEDY:** A LL to Prohibit the Sale, Purchase, & use of Alcohol Without Liquid (AWOL) Machines or Alcohol Vapor Devices Within ED (5-0)
  - b. COMM. 6M-8 (2005)  
**CITY OF BUFFALO POLICE DEPARTMENT:** Letter to ECL Re: Closure of the EC Central Police Services Laboratory (5-0)
  - c. COMM. 6M-9 (2005)  
**NYS DIVISION OF CRIMINAL JUSTICE SERVICES:** Letter to Chairman Holt Re: Elimination of the Western Region Statewide Automated Fingerprint Identification Processing Site (5-0)
  - d. COMM. 6M-10 (2005)  
**EC FIRE ADVISORY BOARD:** Copy of Press Release Re: 2005 Erie County Budget (5-0)
  - e. COMM. 6M-11 (2005)  
**CRIME PREVENTION ASSN. OF WNY, INC:** Letter to Chairman Holt Re: Public Safety Concerns as a Result of 2005 EC Budget (5-0)
2. COMM. 4E-9 (2005)  
**COUNTY EXECUTIVE**  
 WHEREAS, funds have been received from the Federal Emergency Management Agency (FEMA) through the Federal Government to establish a grant, and

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WHEREAS, this grant will fund travel, supplies, contractual agreements and other expenses related to the exercising of the International Joint Contingency Plan, and

WHEREAS, the International Joint Committee on Emergency Planning's Contingency Plan will have exercises conducted with these funds, and

WHEREAS, this plan is between Erie and Niagara Counties and the Niagara Region of Canada which benefits these entities in case of a major emergency, and

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to receive funding from the Federal Emergency Management Agency (FEMA) to assist in the establishment of a grant to exercise the International Joint Committee's Emergency Contingency Plan, and be it further

RESOLVED, that funds be utilized to fund exercises and other functions of the International Joint Committee for Emergency Planning, and be it further

RESOLVED, that the following budgetary accounts be created in order to complete the above tasks:

Department of Emergency Services Citizens Corps Council Grant	
Revenue	
SAP Acct. 414000 - Federal Aid	\$ <u>14,000</u>
TOTAL	\$ 14,000
Appropriations	
SAP Acct. 505000 – Office Supplies	\$ 3,000
SAP Acct. 510100 – Out of Area Travel	1,000
SAP Acct. 516020 – Professional Services Contracts and Fees	7,800
SAP Acct. 530000 - Other Expenses	<u>2,200</u>
TOTAL	\$ 14,000

and be it further

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

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**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

(5-0)

3. COMM. 4E-20 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Clerk's office was notified by the New York State Division of Criminal Justice Services Division that Erie County was awarded a \$17,600 grant for purposes of purchasing a Gunkeeper ID/Tracking System for the Erie County Clerk's Office Pistol Permit Department; and

WHEREAS, the Gunkeeper ID/Tracking System will create an efficient means of processing pistol permit applications and storage of applicant data, while producing a plastic pistol permit card to replace the existing paper permits; and

WHEREAS, the reduction in duplicative work for the staff will result in more efficient and timely processing of pistol permit applications and amendments,

NOW THEREFORE BE IT

RESOLVED, that the Erie County Executive, on behalf of the Erie County Clerk's Office, is authorized to enter into a contract with the NYS Division of Criminal Justice Services for purposes of accepting the \$17,600 grant for the purchase of the Gunkeeper ID/Tracking System, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish a grant which will allow for the purchase of the Gunkeeper ID/Tracking System in the County Clerk's Office:

**Erie County Clerk's Office**

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$17,600
Total Revenue	\$17,600

Appropriation

Acct. 561410 Lab and Tech. Equipment	\$17,600
Total Appropriation	\$17,600

And be it further

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

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

(5-0)

4. COMM. 6E-24 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze DNA cases in a more efficient manner,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the Federal National Institute of Justice and accept funding in the amount of \$126,521, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-Department 650  
 Central Police Services  
 Forensic Laboratory  
 09/01/2004 to 12/31/2005

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	\$126,521
<b>Total Revenue</b>	<b>\$126,521</b>

Appropriation	
Acct. 505800 Med & Health Supplies	\$ 12,800
Acct. 561410 Lab& Tech Equipment	\$113,721
<b>Total Appropriation</b>	<b>\$126,521</b>

And be it further,

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

(5-0)

5. COMM. 6E-25 (2005)

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**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

**COUNTY EXECUTIVE**

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 120 additional, unsolved forensic DNA cases,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the Federal National Institute of Justice and accept funding in the amount of \$131,327, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-Department 650  
 Central Police Services  
 Forensic Laboratory  
 09/01/2004 to 12/31/2005

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	<u>\$131,327</u>
Total Revenue	\$131,327
 <u>Appropriation</u>	
Acct. 501000 Overtime	\$51,977
Acct. 502000 Fringe Benefits	\$16,112
Acct. 505800 Med & Health Supplies	\$6,267
Acct. 516020 Prof. Service Contracts	<u>\$56,971</u>
Total Appropriation	\$131,327

And be it further,

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

(5-0)

6. COMM. 6E-33 (2005)

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**ERIE COUNTY LEGISLATURE**

**COUNTY EXECUTIVE**

WHEREAS, the Erie County CPS Forensic Lab has been awarded a National Forensic Sciences Improvement Act Grant to be administered by the N.Y. Division of Criminal Justice Services, and

WHEREAS, said funds will enhance the ability of the Central Police Services Forensic Laboratory to analyze evidence and generate reports associated with firearm and shooting related investigations,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$42,517 with the N.Y. Division of Criminal Justice Services, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-Department 650  
 Central Police Services  
 Forensic Laboratory  
 01/01/2005 to 12/31/2005

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	<u>\$42,517</u>
Total Revenue	\$42,517

<u>Appropriation</u>	
Acct. 501000 Overtime	\$33,478
Acct. 502000 Fringe Benefits	<u>\$ 9,039</u>
Total Appropriation	\$42,517

And be it further,

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

(5-0)

**EDWARD J. KUWIK**  
**CHAIRMAN**



**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

MR. KUWIK moved for the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

RESOLUTION NO. 48

MARCH 9, 2005

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed
  - a. COMM. 25E-2 (2004)  
**COMPTROLLER:** Copy of Letter to Budget Director Re: Shortfall in Sales Tax Revenue  
 (5-0)
  - b. COMM. 25E-3 (2004)  
**COMPTROLLER:** Copy of Letter to Budget Director Re: Shortfall in Sales Tax Revenue (Response to Comm. 21E-17)  
 (5-0)
  - c. COMM. 30D-17 (2004)  
**DISS - FLEET SERVICES:** Letter to Legislator DeBenedetti Re: Comm. 19E-41 & 22E-3  
 (5-0)
  - d. INTRO 1-4 (2005)  
**WEINSTEIN:** Proposed Amendment to Communication 30E-49 (2004)  
 (5-0)
  - e. INTRO 1-5 (2005)  
**DEBENEDETTI:** Package "C" - Proposed Amendment to Communication 24E-1  
 (5-0)
  - f. INTRO 2-5 (2005)  
**RANZENHOFER:** Financial Accountability And Oversight

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- (5-0)
- g. COMM. 2E-1 (2005)  
**COMPTROLLER:** Interim Financial Reports for the Three Months Ended 3/31/04, the Six Months Ended 6/30/04, & the Nine Months Ended 9/30/04  
(5-0)
- h. INTRO 4-1 (2005)  
**RANZENHOFER, SWANICK, CHASE, MARSHALL, MCCARVILLE & CUSACK:** Financial Accountability & Oversight  
(5-0)
- i. COMM. 4E-3 (2005)  
**COMPTROLLER:** Apportionment and Distribution of 4% Sales Tax for January  
(5-0)
- j. COMM. 4E-22 (2005)  
**COUNTY EXECUTIVE:** Adjustments and transfers to 2005 County Budget  
(5-0)
- k. COMM. 4D-3 (2005)  
**COUNTY ATTORNEY:** Home Rule Requests for Passage of Tax Bills for Additional Sales Tax & Further Additional 1% Sales Tax; Drop-dead Deadline Date for Imposition of Additional Sales Tax  
(5-0)
- l. COMM. 4M-1 (2005)  
**GARY S. HOWELL:** Petition Opposing Proposed Sales Tax Increase  
(5-0)
- m. COMM. 4M-3 (2005)  
**TOWN OF CHEEKTOWAGA:** Certified Resolution Urging Extending Period for Penalty on Taxes  
(5-0)
- n. COMM. 4M-10 (2005)  
**GARY S. HOWELL:** Petition Opposing Proposed Sales Tax Increase  
(5-0)
- o. COMM. 6E-4 (2005)  
**COMPTROLLER:** Letter to Legislature Re: Recommendations On How To Proceed With Budget Shortfall  
(5-0)

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- p. COMM. 6E-9 (2005)  
**COMPTROLLER:** Comptroller's Office Staffing Requirements for 2005  
(5-0)
- r. COMM. 6D-6 (2005)  
**COUNTY ATTORNEY:** Law Department's 2005 Budget Adjustments  
(5-0)
- s. COMM. 6D-9 (2005)  
**COUNTY ATTORNEY:** 2005 Budget Deficit Remediation Cash Flow and  
Availability Statement  
(5-0)
- t. COMM. 6M-15 (2005)  
**AFSCME LOCAL 1095:** Letter to ECL Re: Recommendations for Elimination  
of Positions  
(5-0)

2. COMM. 1D-21 (2004) **AS AMENDED**  
**DIRECTOR OF BUDGET, MANAGEMENT, & FINANCE**  
WHEREAS, the Erie County Director of Real property Tax Services has received  
applications for corrected tax billings and/or refunds for taxes previously paid in  
accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see  
attached listing) now therefore be it,

RESOLVED, that petitions numbered 205044 through 205063 inclusive be  
hereby approved or denied base upon the recommendation of the Director of Real  
Property Services and be charged back to the applicable towns and / or cities.

<b>FISCAL YEAR</b>	2005	Petition No.	<b>205044</b>
	ASSESSOR	<b>Cancel</b>	\$145,570.5
<b>S-B-L</b>	77.25-2-14	<b>140200</b>	<b>BUFFALO</b>
	Acct. No. 112	\$145,570.55	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>140200</b>	<b>BUFFALO</b>	<b>\$0.00</b>







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**Charge To:                    143089 CHEEKTOWAGA                    \$745.79**

CANCEL CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF  
 OF  
 52,500 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2) C

**FISCAL YEAR 2005                    Petition No.                    205053**

**ASSESSOR                    Cancel                    \$1,253.63**

**S-B-L 114.16-7-1                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$419.06    County  
 Acct. No. 132                    \$834.57    Town/SpecialDist/School

**Charge To:                    143089 CHEEKTOWAGA                    \$834.57**

CANCEL - CLERICAL ERROR, THE DISABILITY EXEMPTION IN THE  
 AMOUNT OF  
 58,750 WAS OMITTED FORM THE TAX ROLL IN ERROR, RPTL 550(2)C

**FISCAL YEAR 2005                    Petition No.                    205054**

**ASSESSOR                    Cancel                    \$574.72**

**S-B-L 44.00-1-29.1                    143200 CLARENCE**

Acct. No. 112                    \$328.81    County  
 Acct. No. 132                    \$245.91    Town/SpecialDist/School

**Charge To:                    143200 CLARENCE                    \$245.91**

CANCEL - CLERICAL ERROR, THIS PARCEL IS UNDER 44.00-1-29. RPTL 550(2)  
 F

**FISCAL YEAR 2005                    Petition No.                    205055**

**ASSESSOR                    Cancel                    \$251.95**

**S-B-L 305.00-2-34                    143889 CONCORD**





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<u><b>Charge To:</b></u>	Acct. No. 132 <b>144489 EVANS</b>	\$53.10	Town/SpecialDist/School <b>\$53.10</b>
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REFUND-CLERICAL ERROR, PARCEL WAS CHARGED INCORRECTLY ON FRONTAGE

FOR THIS TAX. ROTL 550(2) E  
CHECK FOR: NORTH EVANS FIRE CO INC

<b>FISCAL YEAR 2004</b>	Petition No.	<b>205059</b>
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ASSESSOR	<b>Refund</b>	\$106.00
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<b>S-B-L</b> 207.07-4-22	<b>144489 EVANS</b>
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	Acct. No. 112	\$0.00	County
<u><b>Charge To:</b></u>	Acct. No. 132 <b>144489 EVANS</b>	\$106.00	Town/SpecialDist/School <b>\$106.00</b>

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR INCORRECT FRONTAGE.

RPTL 550(2) E  
CHECK FOR: NORTH EVANS FIRE CO

<b>FISCAL YEAR 2005</b>	Petition No.	<b>205060</b>
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ASSESSOR	<b>Cancel</b>	\$159.30
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<b>S-B-L</b> 207.07-4-22	<b>144489 EVANS</b>
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	Acct. No. 112	\$0.00	County
<u><b>Charge To:</b></u>	Acct. No. 132 <b>144489 EVANS</b>	\$159.30	Town/SpecialDist/School <b>\$159.30</b>

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR FRONTAGE

RPTL 550(2) E  
CHECK FOR: NORTH EVANS FIRE CO

<b>FISCAL YEAR 2005</b>	Petition No.	<b>205061</b>
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ASSESSOR	<b>Cancel</b>	\$65.50
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**S-B-L 220.02-1-9.2 144489 EVANS**

Acct. No. 112	\$18.15	County
Acct. No. 132	\$47.35	Town/SpecialDist/School
44020 ANGOLA-EVANS FIRE PROTECT	\$8.64	
44093 ERIE CO SEW DST 2	\$5.39	

**Charge To: 144489 EVANS \$33.32**

ERROR IN ESSENTIAL FACT, PARCEL WAS CHARGED FOR A GARAGE THAT WAS NOT IN EXISTENCE ON THIS PROPERTY. THE ASSESSMENT WAS 76,000 AND SHOULD BE 73,000. RPTL 550(2) B

**FISCAL YEAR 2005 Petition No. 205062**

**ASSESSOR Refund \$21.00**

**S-B-L 235.06-3-13.1 144489 EVANS**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$21.00	Town/SpecialDist/School
44069 ERIE CO SEW DIST 2	\$21.00	

**Charge To : 144489 EVANS \$0.00**

REFUND - CLERICAL ERROR, THE FRONTAGE ON THIS PARCEL WAS CALCULATED INCORRECTLY. RPTL 550(2) E

**FISCAL YEAR 2003 Petition No. 205063**

**ASSESSOR Refund \$235.00**

**S-B-L 235.15-4-36 144489 EVANS**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$235.00	Town/SpecialDist/School
44078 ERIE CO SEW DST 2	\$235.00	

**Charge To: 144489 EVANS \$0.00**

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR TWO UNITS OF SERVICE WHEN IT SHOULD ONLY BE CHARGED FOR 1 UNIT RPTL 550(2) E  
 CHECK FOR: NANETTE CLARK

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(5-0)

3. COMM. 6E-1  
**COMPTROLLER**  
 RESOLUTION NO. 49 - 2005

BOND RESOLUTION DATED \_\_\_\_\_, 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,850,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 4; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,850,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 4 TO SAID COUNTY.

(Introduced) \_\_\_\_\_, 2005

(Adopted) \_\_\_\_\_, 2005

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated February 3, 2005 an increase and improvement of facilities for Sewer District No. 4 has been approved at a estimated maximum cost of \$4,850,000, and

WHEREAS, it is now desired to provide for the financing of said costs,

NOW THEREFORE BE IT

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,850,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 4, consisting of the reconstruction and/or replacement of approximately 7,765 linear feet of sewer, the installation of new Didion and Brunck Road sanitary sewers, the upgrading and/or replacement of pumping stations, and the reconstruction of the overflow retention facility, all as more fully described in the report and estimate of cost approved by the

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Board of Managers of said District on September 15, 2004, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,850,000. The plan of financing includes the issuance of \$4,850,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No. 4.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$4,850,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,850,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

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

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

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
  - (c) such obligations are authorized in violation of the provisions of the Constitution.
- Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

4. COMM. 6E-2  
**COMPTROLLER**

RESOLUTION NO. 50 -2005

BOND RESOLUTION DATED \_\_\_\_\_, 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$9,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO.3 TO SAID COUNTY.

(Introduced) \_\_\_\_\_, 2005

(Adopted) \_\_\_\_\_, 2005

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WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly the resolution of this County Legislature dated February 17, 2005, an increase and improvement of the Southtowns Treatment Facility has been approved at an estimated maximum cost of \$9,000,000, and

WHEREAS, it is now desired to provide for the financing of said cost, NOW  
THEREFORE BE IT

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$9,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency, consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, all as more fully described in the report and estimate of cost approved by the Board of Managers of the Southtowns Sewer Treatment Agency on April 29, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$9,000,000. The plan of financing includes the issuance of \$9,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$9,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$9,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

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Section 4. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which \$9,000,000 bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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(c) such obligations are authorized in violation of the provisions of the Constitution.

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

(5-0)

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

MR. SMITH moved to separate items #3 (Comm. 6E-1) and #4 (Comm. 6E-2).  
MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the balance of the report. MR.  
KUWIK seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved for the approval of item #3. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER,  
SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK,  
MARINELLI, SMITH, WROBLEWSKI. (AYES 15, NOES 0).

MR. SMITH moved for the approval of item #4. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER,  
SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK,  
MARINELLI, SMITH, WROBLEWSKI. (AYES 15, NOES 0).

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

MARCH 9, 2005

GOVERNMENT AFFAIRS



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COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is received, filed and referred to the FINANCE & MANAGEMENT COMMITTEE
  - a. COMM. 4D-7 (2005)  
**COUNTY ATTORNEY:** ECMC Public Benefit Corporation - Transition Period (5-0)
2. RESOLVED, that the following items are hereby received and filed.
  - a. INTRO 23-4 (2004)  
**MCCARVILLE, MARSHALL, CHASE, RANZENHOFER, CUSACK, & SWANICK:** Urging Governor Pataki to Sign the Home Inspection Professional Licensing Act (A.76-B/S.6100-B) (5-0)
  - b. COMM. 2E-16 (2005)  
**COUNTY EXECUTIVE:** Letter to Legislator Marinelli Re: Items in GA Committee - Comm. 19E-62 & Comm. 23E-22 (5-0)
  - c. COMM. 4D-4 (2005)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County (5-0)
  - d. COMM. 4D-6 (2005)  
**DISS - FLEET SERVICES:** 4th Quarter 2004 Review (5-0)
  - e. COMM. 4D-9 (2005)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County (5-0)
  - f. COMM. 4D-12 (2005)  
**COUNTY ATTORNEY:** Letter to Chairman Holt Re: Lay-Off Notices within the Department of the Legislature (5-0)
  - g. COMM. 4D-16 (2005)

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**COUNTY ATTORNEY:** Notice of Suit Against ECL, County Executive,  
 Commissioner of Personnel by DA Frank J. Clark  
 (5-0)

- h. COMM. 6D-4 (2005)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
 (5-0)
- i. COMM. 6D-8 (2005)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
 (5-0)
- j. COMM. 6D-11 (2005)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
 (5-0)
- k. COMM. 6D-13 (2005)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
 (5-0)
- l. COMM. 6M-7 (2005)  
**NYS SUPREME COURT:** Suit Against ECL by Sheriff Patrick Gallivan  
 (5-0)
3. COMM. 2E-11 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the following grant programs are included in Book B of the 2005 Adopted Budget.

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 Federal, State, County and other local source funding for the following grant programs which commence on January 1, 2005:

<u>Department</u>	<u>Grant Program</u>	2005 Budget Book B <u>Page No</u>
110 - Co. Exec. Comm. Dev. Fund	Office of Workforce Development	4
200 - Social Svcs.	Day Care Registration Program	108

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200 - Social Svcs.	New York Works Block Grant	109
250 - Youth Bureau	Special Delinquency Prevention Program (SDPP)	118
140 - Dist. Atty	Motor Vehicle Theft and Insurance Fraud Prevention	136*
140 - Dist. Atty	Drug Treatment Diversion Program (DTDP)	136
260 - Probation	Intensive Supervision Program	155
260 - Probation	Juvenile Intensive Supervision Program	155
260 - Probation	Alternatives to Incarceration – Pre-Trial Project, Community Service Sentencing and Women’s Residential Resource Center	155, 156
260 - Probation	Mental Health Juvenile Justice Project	156

\* Commences on 2/1/05

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following administrative units: County Executive, District Attorney, Probation, Social Services, Youth Bureau, Law, Comptroller and Budget, Management and Finance.

(5-0)

4. COMM. 4E-10 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, The County of Erie operates a Geographic Information System (GIS) which provides computerized mapping services, including Internet mapping capabilities, to county agencies, local governments, the business community, and the general public; and

WHEREAS, The County of Erie has been awarded a \$50,974 grant from the New York State Archives for updating and improving the Erie County GIS program; and

WHEREAS, The County Legislature, on September 23, 2004 (Comm. 20E-14) authorized acceptance of this grant award and establishment of the appropriate budget accounts; and

WHEREAS, The Department of Environment and Planning is the lead agency for this grant, which will provide the technology to make GIS data available through the

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County's GIS/ Map Clearinghouse, and which will also integrate the County's GIS data into the County's multi-user Relational Data Base Management System, making the data more secure and widely available,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with Bergmann Associates of Buffalo and Rochester, New York in an amount not to exceed \$38, 339 for services relating to updating and enhancing the County's GIS program; 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 County Comptroller; and the Commissioner of the Department of Environment and Planning.

(5-0)

**LYNN M. MARINELLI**  
**CHAIRPERSON**

MS. MARINELLI moved for the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. KENNEDY presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

March 9, 2005

COMMUNITY SERVICES  
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. INTRO 10-14 (2004)  
**WEINSTEIN: Sale of Erie County Medical Center**  
 (5-0)

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- b. COMM. 16M-9 (2004)  
**ADMINISTRATORS ASSOCIATION OF ECC - LOCAL 330 UAW:**  
 Certified Resolution Supporting the Three Campuses of ECC in Their Present Location  
 (5-0)
- c. COMM. 19M-47 (2004)  
**ERIE COUNTY POMONA GRANGE #6:** Certified Resolution Opposing ECC Merger  
 (5-0)
- d. INTRO 20-13 (2004)  
**SMITH:** EC Probation Participation in Bar Sweeps & Block Club Meetings  
 (5-0)
- e. COMM. 4D-14 (2005)  
**HEALTH:** Proposed Amendments to the EC Sanitary Code and Notice of Public Hearing on Amendment on 2/24/05  
 (5-0)
- f. COMM. 4M-4 (2005)  
**NYS OFFICE OF TEMPORARY & DISABILITY ASSISTANCE:** Letter to Chairman Re: Changes in Local Discretion of TANF Funds  
 (5-0)
2. INTRO 13-3 (2004)  
**WEINSTEIN & DEBENEDETTI**  
 WHEREAS, in 1997, New York State Senator Anthony Nanula proposed merging Erie Community College's (ECC) two suburban campuses into the existing city campus in downtown Buffalo, and

WHEREAS, that proposal was rejected by the ECC Board of Trustees and leadership, and its students, and was similarly rejected by Erie County Legislators, including the suburban legislators from both political parties who represented the areas where the two suburban campuses are located, and

WHEREAS, in August 2000, ECC initiated a process to create an institutional assessment/feasibility study to assist in the ultimate creation of a master plan, and

WHEREAS, in 2001, County Executive Joel Giambra initiated a process of studying ECC with the apparent aim of consolidating its two suburban campuses into the city campus, and

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WHEREAS, at the request of the County Executive, the Erie County Legislature approved the hiring of a consultant, Resultants International, at a cost of \$400,000 to undertake the institutional assessment/feasibility study and to conduct a wide-ranging review of the college, including curriculum, staffing, and campus infrastructure and locations, and

WHEREAS, in early 2002, in his State of the County address, the County Executive called for the consolidation of ECC's campuses into a single downtown Buffalo campus and the relocation of the approximately 8,000 suburban campus students to a new, larger city campus – an idea reacted to with alarm and concern by ECC students and their parents at that time, and

WHEREAS, in May 2002, the Resultants study was released and it pointedly did not recommend a single campus, but rather recommended that suburban campuses be maintained, each with a distinctive mission and focus on specific programs, and

WHEREAS, responding to the report, in January 2003, the County Executive sought out a new consultant to undertake a new master plan for ECC, and

WHEREAS, in February 2003, without consultation with representatives from Niagara County Community College (NCCC), the County Executive proposed that ECC and NCCC explore a merger – an idea that NCCC officials rejected then and again in November 2003, and

WHEREAS, at the request of the County Executive, in March 2003, the Erie County Legislature approved a \$627,000 contract to retain eight separate consultants to conduct a facilities master plan study of ECC's long-term options and campus sites, and

WHEREAS, at that point, legislators representing the areas of the suburban campuses expressed reservations concerning the County Executive's consolidated campus proposal, and

WHEREAS, that study was conducted throughout 2003 with little to no inclusion of the public nor the Legislature in the study or the process, and

WHEREAS, all meetings of the ECC Working Committee which included ECC, Legislature and Executive representatives were canceled during 2003, and

WHEREAS, in November 2003, just days after his reelection, the County Executive announced that his "Topic 1" priority in his second term was closing the two suburban campuses, and merging them into a single downtown campus and eventually merging ECC with NCCC, and

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WHEREAS, demonstrating the preponderance of suburban students in the college's current and future enrollment, and the need to maintain suburban campuses, at Spring 2004, of the 12,354 enrolled students at the three campuses, 6,173, or 50% attend the north campus, 3,356, or 27% attend south campus, and 2,825, or 23% attend the city campus, and

WHEREAS, the consultants delivered the Draft Generic Environmental Impact Statement (DGEIS) to the Giambra Administration in late 2003 and to the ECC Board of Trustees in January 2004, and

WHEREAS, on February 9, 2004, the County Executive stated that he was seeking to close the two suburban campuses, and

WHEREAS, in mid-March 2004, a copy of the DGEIS became available to the Erie County Legislature, and

WHEREAS, the DGEIS proposes three plans for ECC, with alternative one maintaining the three campuses as currently arranged and using traditional public funding mechanisms to make necessary repairs and upgrades at a potential total cost of \$132.6 million, and

WHEREAS, alternative two creates a single consolidated campus in downtown Buffalo and sells the suburban campuses to developers for future development and/or greenspace at a potential total cost of \$166.5 million, and

WHEREAS, alternative three retains the three campuses but creates a more active participation between the public and private sectors working together to completely rehabilitate and modernize and expand the existing three campuses and create student dormitory housing on both suburban campuses at a potential total cost of \$134 million, and

WHEREAS, prior to the release of the DGEIS to the public in March 2004, three community forums were held by members of the Legislature in late February 2004, and public meetings were held by the ECC Board of Trustees in early May 2004, and

WHEREAS, many residents at those meetings, as well as a majority of ECC students, parents, faculty and staff and some trustees expressed concern and opposition to the consolidation proposal, stating their desire that the suburban campuses be maintained, and with ECC faculty, staff and trustees pointing out that their sole mission is to educate and train students for future careers – not promote economic development per se, and

WHEREAS, in a survey of 6,993 ECC students conducted by ECC itself in Spring 2004, 66% of students said they would transfer to another college if the college

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was consolidated in a downtown Buffalo campus, and 75% of those nearly 7,000 students expressed opposition to the County Executive's consolidation proposal, and

WHEREAS, residents and college and local government officials have expressed concern that any consolidation plan might lead to a massive loss of student population to neighboring community colleges or other academic institutions, resulting in significant financial losses for the college and its sponsors, and

WHEREAS, residents and college and local government officials have expressed concern that any consolidation plan might lead to the unwise private redevelopment of the Amherst and Orchard Park campuses, the elimination of greenspaces at those sites, and the further loss of parks and playing fields in those communities, and

WHEREAS, residents and college and local government officials have expressed concern that the consolidation plan would cost significantly more than any other alternatives in the DGEIS or other possibilities not included in or contemplated in the DGEIS, resulting in a significant financial burden for the college, the State University of New York, and Erie County at a time when each entity is facing significant financial pressures and difficulty,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its opposition to any consolidation proposal or plan that closes the suburban campuses in Amherst and Orchard Park and which does not take into account the wishes and needs of the students and faculty and staff of ECC, as well as the local residents and local governments in those suburban communities, and be it further

RESOLVED, that this Honorable Body expresses its support for a facilities master plan and a DGEIS that recognizes the important role the suburban campuses play for commuter students, non-traditional students, and students who might otherwise not attend college, and embraces the needs and demands of the college's constituency – its students, and be it further

RESOLVED, that this Honorable Body calls on the ECC Board and leadership to work with the County Administration, the Legislature, and others to develop new proposals for the future rehabilitation and improvement of the three campuses, including facilities and curriculum, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the ECC Board of Trustees, ECC President, SUNY Chancellor, County Executive, and to the ECC Faculty Federation, ECC Administrator Association, CSEA, AFSCME, SES, and ECC Student Association.



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Fiscal Impact: Not known at this time.

(5-0)

3. COMM. 4E-21 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Expanded In-home Services for the Elderly Program (EISEP) and the Community Services for the Elderly (CSE) grants for the period April 1, 2004 to March 31, 2005, and for the Area Agency for Aging grant (III-B) for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the New York State Office for the Aging decreased the funding for CSE and EISEP, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the programs' objectives, and

WHEREAS, the Department and three of the Cluster agencies have identified CSE funds that the Custer agency will be unable to use prior to March 31, 2005, and

WHEREAS, the Department desires to allocate these funds to benefit the entire case management network by covering all home care and day care costs, and

WHEREAS, the grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the EISEP grant budget, Project 163EISEP0405, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
<u>Account</u>	<u>Description</u>			
409000	State Aid Revenues	\$1,448,951	-\$41,573	\$1,407,378
	Other Revenue-Grant			
466100	Program	\$111,620	-\$14,500	97,120
	<b>TOTAL CHANGE</b>		<u><u>-\$56,073</u></u>	
<b>APPROPRIATIONS</b>				
<u>500000</u>	<u>Full time Salaries</u>	<u>\$394,751</u>	<u>-\$30,941</u>	<u>\$363,810</u>

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505000	Office Supplies	3,000	-1,500	1,500
	Other Projected			
516020	Agencies	16,584	-16,584	0
516020	Home Care Services	1,083,780	26,952	1,110,732
530000	Other Expenses	9,930	-4,000	5,930
980000	ID DISS Services	37,571	-30,000	7,571
	TOTAL CHANGE		<u><u>-\$56,073</u></u>	

and be it further

RESOLVED, that the CSE grant budget, Project 163CSE0405, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid Revenues	\$927,327	<u>-\$18,363</u>	\$908,964
	TOTAL CHANGE		<u><u>-\$18,363</u></u>	

<b>APPROPRIATIONS</b>				
500000	Full time Salaries	\$164,219	-\$38,925	\$125,294
502000	Fringe Benefits	49,381	-6,781	42,600
516010	BFNC	100,728	-5,000	95,728
	Lt. Col. Matt Urban			
516010	Center	113,948	-3,000	110,948
	St. Augustine Comm.			
516010	Center	147,374	-10,500	136,874
	Other Projected			
516020	Agencies	1,135	-1,135	0
516020	Home Care Services	0	51,978	51,978
980000	ID DISS Services	20,831	-5,000	15,831
	TOTAL CHANGE		<u><u>-\$18,363</u></u>	

and be it further

RESOLVED, that the III-B grant budget, Project 163III-B2004, be revised as follows:

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APPROPRIATIONS		CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description			
500000	Personal Services	\$954,331	-\$55,000	\$899,331
	Adult Day Care			
516020	Services	51,153	55,000	106,153
TOTAL CHANGE			\$0	

and be it further

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

(5-0)

4. COMM. 6E-21 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Public Health Laboratories are responsible for laboratory services for the Erie County Departments, other government agencies, local health care providers and hospitals, and

WHEREAS, the Centers for Disease Control and the Prevention/Association of Public Health Laboratories (APHL) have requested that the Erie County Public Health Laboratories conduct a survey to assess antibiotic susceptibility of gonorrhea (GC) in Erie County, and

WHEREAS, the Association of Public Health Laboratories has agreed to Reimburse the Erie County Public Health Laboratories for the cost of this survey, and

WHEREAS, the Erie County Public Health Laboratories 2005 General Operating Budget needs to be modified to accomplish this survey.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with the Association of Public Health Laboratories for services to be budgeted as follows:

**Erie County Public Health Laboratory**  
**GC Susceptibility Survey**

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<u>ACCOUNT</u>	<u>REVENUE</u>	<u>BUDGET</u>
416610	PH Lab Fees – APHL Survey	<u>\$15,000</u>
	TOTAL	<u>\$15,000</u>
<b>EXPENSES</b>		
505800	Laboratory & Medical Supplies	<u>\$15,000</u>
	TOTAL	<u>\$15,000</u>

and be it further

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

(5-0)

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

MR. RANZENHOFER moved to separate item #2 (Intro 13-3). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to approve the balance of the report. MR. RANZENHOFER seconded.

MR. RANZENHOFER moved to amend. MS. CUSACK seconded.

ADD THE FOLLOWING AS CO-SPONSORS: CUSACK AND MARSHALL.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 37 – Ms. Marinelli presented the following resolution and moved for immediate consideration. MR. DeBENDETTI seconded.

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RESOLUTION NO. 53

Recertification of Alden-Newstead  
Agricultural District (No. 1) &  
Clarence-Newstead Agricultural  
District (No. 14) (INTRO 8-1)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS  
HOLT, MARINELLI, RANZENHOFER, DeBENEDETTI, DUSZA,  
KENNEDY, KUWIK, SMITH, WROBLEWSKI, CHASE, CUSACK  
MARSHALL, McCARVILLE, SWANICK & WEINSTEIN

WHEREAS, the Erie County Legislature held a public hearing on August 3, 2004, regarding the 8-Year Review of the Alden-Newstead Agricultural District (No. 1), and the Clarence-Newstead Agricultural District (No. 14) which were initially created in 1972 and 1980, respectively; and

WHEREAS, the existing Alden-Newstead and Clarence-Newstead Agricultural District boundaries were approved (with modification to the Clarence-Newstead Agricultural District) and adopted by the Erie County Legislature by resolution on September 23, 2004; and

WHEREAS, the necessary documentation on the Alden-Newstead and Clarence-Newstead Agricultural Districts was forwarded to the New York State Department of Agriculture and Markets for State review and recertification as required by law; and

WHEREAS, the New York State Department of Agriculture and Markets has notified Erie County of the State recertification in a communication dated January 28, 2005,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the recertified Alden-Newstead Agricultural District (No. 1) and the Clarence-Newstead Agricultural District (No. 14) with modification with the anniversary dates of November 18, 2004 and April 9, 2004, respectively; and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Erie County Clerk David J. Swartz; Laurence K. Rubin, the Commissioner of the Department of Environment and Planning; Nathan L. Rudgers, Commissioner of the New York State Department of Agriculture and Markets (10 B Airline Drive, Albany, NY 12235); the New York State Department of Transportation (Buffalo Office, 125 Main Street, Buffalo, NY 14203); and the Town Supervisors and Town Clerks of Alden, Clarence and Newstead.

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MS. MARINELLI moved for the approval of the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 38 - CHAIRMAN HOLT directed the following resolution be directed the GOVERNMENT AFFAIRS COMMITTEE.

MR. RANZENHOFER moved to CHALLENGE THE CHAIR. MR. McCARVILLE seconded.

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, AND WEINSTEIN. NOES: CHASE, SWANICK, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, AND WROBLEWSKI. (AYES – 5, NOES – 10)

FAILED.

Intro. 8-2 FROM LEGISLATOR WEINSTEIN Re: A 25% Legislator Salary Reduction Set Aside For Constituent Service

Item 38 - CHAIRMAN HOLT directed the following resolution be directed the COMMUNITY SERVICES COMMITTEE.

GRANTED.

Intro. 8-3 FROM LEGISLATORS SWANICK, CHASE, AND McCARVILLE Re: Written Notice Terminating The Intermunicipal Agreement For Operation, Management And Improvement Of City Of Buffalo Parklands

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

2005 Budget and Salary Adjustments  
(Intro. 8-4)

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

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MS. MARINELLI moved to amend the item by adding the following resolution.  
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the County of Erie is experiencing significant fiscal pressures in its 2005 Budget resulting in a 2005 deficit of at least \$108 million, and

WHEREAS, the County is currently undergoing a significant downsizing in its personnel, including many hundreds of civil servants, with many county employees losing their jobs, and

WHEREAS, given this situation, it is imperative that the County government negotiate across-the-board salary reductions for all county employees, including those in the collective bargaining units, elected officials and managerial-confidential (M/C) employees, and

WHEREAS, to that end, an across-the-board 10% salary cut for all county employees is desired to assist the county in these fiscal times, and

NOW, THEREFORE, BE IT

RESOLVED, that in the interest of achieving cost savings in these difficult fiscal times, the Erie County Legislature does hereby wish to discuss an across-the-board 10% pay cut to include all elected, managerial-confidential and unionized employees through 2005, and be it further

RESOLVED, that the savings to be achieved through the pay cut and the negotiated joint effort of all parties shall be used and allocated for the specific purpose of returning laid-off county employees to the county workforce to provide vital services to the community in 2005, and be it further

RESOLVED, that this Honorable Body directs the Commissioner of Personnel to initiate a comprehensive review of compensation forthwith, including the salary reductions for said officials, and to expeditiously report his findings to the Legislature, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Comptroller, Director of Budget, Management and Finance, Commissioner of Personnel and the County Attorney for immediate implementation and action.

**Fiscal Impact:** Positive for public services.

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MS. MARINELLI moved to further amend the resolution to include Et Al sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

Support For Proposed Medicaid Reform  
 Legislation (Intro. 8-5)

A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS CHASE, SWANICK, & McCARVILLE

WHEREAS, Erie County is struggling to survive financially under current Medicaid mandates imposed by New York State, and

WHEREAS, numerous good proposals have been put forth by New York State and local elected officials, including plans to cap costs, create co-pays, modify prescription drug coverage, investigate and prosecute fraud, cut programs and/or benefits, give control for non-federally mandated programs to counties and other worthwhile initiatives, and

WHEREAS, a plan containing nine bills recently put fourth by Assemblyman Robin Schimminger calls for:

- County control of non-federally mandated programs;
- Elimination of certain optional services;
- Imposition of new co-payments and requirements for prepayments at the time services are rendered;
- Standardized eligibility criteria;
- Closure of long-term care loopholes;
- Increase in tax credit for long-term care insurance;
- Increased number of Medicaid recipients enrolled in managed care;
- Institution of a 90-day residency requirement, and



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WHEREAS, Erie County has supported numerous other Medicaid initiatives and will continue to support all meaningful initiatives to cut Medicaid costs to Erie County, and

WHEREAS, the Erie County Legislature is grateful for the support and initiative shown by Assemblyman Robin Schimminger of the Western New York Delegation, and

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature is committed to lobbying for Medicaid reform, and be it further

RESOLVED, that this Honorable Body implores New York State to continue working towards meaningful Medicaid reform, and be it further

RESOLVED, that this Honorable Body supports and applauds the efforts of Assemblyman Robin Schimminger in introducing legislation with meaningful Medicaid reform, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, and the Western New York Delegation of the New York State Legislature.

CHARLES M. SWANICK

JEANNE Z. CHASE

STEVEN P. McCARVILLE

Fiscal Impact: NONE

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

- INSERT the following after the Second WHEREAS clause:

WHEREAS, during last year's legislative session, the New York State Senate passed S.7617, a product of the Senate's Medicaid Reform Task Force chaired by Senator Mary Lou Rath, which included a dozen elements to fundamentally restructure Medicaid to make it more efficient, improve the quality of care and provide fiscal relief to county taxpayers, and

WHEREAS, S.7617 is awaiting re-introduction to the Senate this year for legislative consideration, and

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- DELETE the Fifth WHEREAS clause and REPLACE with the following:

WHEREAS, the Erie County Legislature is grateful for the support and initiative shown by Senator Rath and Assemblyman Schimminger of the Western New York Delegation,

- DELETE the Third RESOLVE clause and REPLACE with the following:

RESOLVED, that this Honorable Body supports and applauds the efforts of both Senator Rath and Assemblymen Schimminger in introducing legislation with meaningful Medicaid reform, and be it further

MS. MARINELLI moved to further amend the resolution to include Et Al sponsorship. MR. SWANICK seconded.

MS. MARINELLI moved for the approval of the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

Requesting A State Comptroller  
 Comprehensive Financial Review of Erie  
 County Finances (Intro 8-6)

A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS HOLT, MARINELLI, KUWIK, DUSZA, DEBENEDETTI, SMITH,  
 WROBLEWSKI, KENNEDY, WEINSTEIN, CUSACK AND MARSHALL

WHEREAS, Erie County is operating under a 2005 deficit of at least \$108 million, with massive layoffs, service reductions or eliminations and other cutbacks having already taken place and more to follow in the next few weeks, and

WHEREAS, for at least the past year, there have been problems and issues in obtaining reliable and timely financial information, such as budget monitoring reports and other data from the appropriate County financial officials,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature, noting the current fiscal crisis and the dilemma involving timely, accurate financial information from the responsible county financial officials, does hereby formally request that the New York State Comptroller, in conjunction with the Erie County Comptroller's office, undertake a comprehensive financial review of all County's finances, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, Budget Director, New York State Comptroller, and the local delegation of the New York State Legislature.

GEORGE A. HOLT, JR.

LYNN M. MARINELLI

EDWARD J. KUWIK

RAYMOND K. DUSZA

ALBERT DEBENEDETTI

DEMONE SMITH

TIMOTHY M. WROBLEWSKI

TIMOTHY M. KENNEDY

BARRY A. WEINSTEIN

ELISE M. CUSACK

DENISE E. MARSHALL

**Fiscal Impact:** Positive for Erie County fiscal stability.

MS. MARINELLI moved to amend the item by including Et Al sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 43 - CHAIRMAN HOLT directed the following resolution be directed the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 8-7 FROM LEGISLATORS DEBENEDETTI AND SMITH Re: Questions Surrounding The Proposed Sale of Erie County's Revenue Anticipation Notes

Item 44 - CHAIRMAN HOLT directed the following resolution be received and filed.

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GRANTED.

Intro. 8-8 FROM LEGISLATOR HOLT Re: Amendments To The 2005 Erie County Budget

Item 45 - CHAIRMAN HOLT directed the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 8-9 FROM LEGISLATOR WEINSTEIN Re: 2005 District Office Adjustments

Item 46 - CHAIRMAN HOLT directed the following resolution be directed to the COMMUNITY SERVICES COMMITTEE.

GRANTED.

Intro. 8-10 FROM LEGISLATOR CUSACK Re: Creation of a City-County Parks Progress Group To Study And Issue Recommendations & Improvements To The Inter-Municipal Cooperation Agreement For The Management & Operation Of The City Of Buffalo Parks System

Item 47 - CHAIRMAN HOLT directed the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 8-10 FROM LEGISLATORS HOLT, KENNEDY, SWANICK, & CHASE Re: New York State Thruway Tolls For Buffalo-Area Commuters

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 48 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT from further consideration of Comm. 2E-5 (2005). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

Re: Rath/City Hall Security Systems

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MS. MARINELLI moved to amend the item by adding the following resolution.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

WHEREAS, bids were received for the Homeland Security Enhancements  
Rath/City Hall Security System project on February 18, 2005, and

WHEREAS, the project has to be completed by June 1, 2005, because of 2003  
UASI grant requirements,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to  
execute a contract with the lowest responsible bidder, U&S Services, Inc., in an amount  
of \$437, 510, and be it further

RESOLVED, that the sum of \$45,000 be allocated for a construction contingency  
fund with authorization for the Commission of Public Works to approve change orders in  
an amount 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 sum of \$5,000.00 be allocated for testing, inspection, and  
miscellaneous expenses with authorization for the Commissioner of Public Works to  
expend said funds, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from  
UASI Homeland Security grant HS 122UASIF030305 in the amount of \$487,510, and be  
it further

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

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI  
seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

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None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 49 – (Comm. 8E-1) Certificate of Determination By The Comptroller Relative To The Terms, Form, And Details of Sale And Issuance of \$3,435,784 EFC Sewer System Serial Bonds

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 50 – (Comm. 8E-2) Summary of 2005 Budget Adjustments

**FROM THE SHERIFF**

Item 51 – (Comm. 8E-3) EC Sheriff's Office - 2005 Budget

**FROM THE COMPTROLLER**

Item 52 – (Comm. 8E-4) Comptroller's Office 2005 Budget

**FROM THE DISTRICT ATTORNEY**

Item 53 – (Comm. 8E-5) Budget Cuts

**FROM THE COUNTY CLERK**

Item 54 – (Comm. 8E-6) Request For Departmental Submissions - 2005 Budget

**FROM THE COUNTY EXECUTIVE**

Item 55 – (Comm. 8E-7) 2005 Budget Adjustments

The above six items were received and filed.

Item 56 – (Comm. 8E-8) Payment In Lieu Of Taxes (PILOT) Application Agreement & Regional Development Fund For GEICO Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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FROM THE SHERIFF

Item 57 – (Comm. 8E-9) EC Sheriff's Office - 2005 Budget

Item 58 – (Comm. 8E-10) Testimony of Sheriff Before ECL

The above two items were received and filed.

FROM LEGISLATORS DeBENEDETTI & WEINSTEIN

Item 59 – (Comm. 8E-11) Letter to NFTA Executive Director Re: Request For Discussions Regarding Reductions In NFTA Funding For FY2005

Item 60 – (Comm. 8E-12) Letter to Buffalo Bills VP/Operations Re: Request For Discussions For Possible Reductions in County Appropriations For FY2005

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 61 – (Comm. 8E-13) Testimony of County Clerk Before ECL

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 62 – (Comm. 8E-14) ECSD No. 6 - Contract No. 31SA - Contract Close Out - C. Destro Development Co., Inc

Item 63 – (Comm. 8E-15) ECSD No. 5 - Town of Amherst - Amended Service Agreement

Item 64 – (Comm. 8E-16) ECSD No. 3 - Village of Hamburg - Amended Service Agreement

Item 65 – (Comm. 8E-17) ECSD Nos. 2, 4, 6 & Southtowns Sewage Treatment Agency - Variable Speed Drive Replacement Program

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

Item 66 – (Comm. 8E-18) Senior Services - Authorization to Amend the Operation Restore Trust (ORT), III-C-1 and III-C-2 Grants

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Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 67 – (Comm. 8E-19) DPW - Botanical Gardens Reconstruction - Main Dome Hardscaping - Comm. No. 16E-24

Item 68 – (Comm. 8E-20) DPW - Homeland Security Enhancements - Rath/City Hall Security Systems

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

Item 69 – (Comm. 8E-21) ECSD No. 1 - A/E Agreement Dated 11/7/02 - Parsons Engineering Science, Inc. - Change Order No. 1

Item 70 – (Comm. 8E-22) ECSD No. 1 - Contract No. 33 - Mineral Springs Road Meter Station - Bid Opening

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

FROM THE DISTRICT ATTORNEY

Item 71 – (Comm. 8E-23) Testimony of District Attorney Before ECL

FROM THE COMPTROLLER

Item 72 – (Comm. 8E-24) Testimony of Comptroller Before ECL

The above two items were received and filed.

Item 73 – (Comm. 8E-25) Apportionment and Distribution of 4% Sales Tax for February

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 74 – (Comm. 8E-26) Budget Reduction Proposal

Received and filed.

FROM THE COMPTROLLER



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Item 75 – (Comm. 8E-27) Letter to Legislator Smith Re: Detailed List Of Costs For Last Year’s Borrowing & Tobacco Asset Securitization Proceeds

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE SHERIFF

Item 76 – (Comm. 8E-28) Proposed Reductions to Sheriff's Department

Received and filed.

FROM CHAIRMAN HOLT

Item 77– (Comm. 8E-29) Majority Appointment of its Non-Voting Representative to the ECMCC Board of Directors

RECEIVED, FILED, AND PRINTED.

March 7, 2005

Jody Lomeo  
 Chairman, Board of Directors  
 Erie County Medical Center Corporation  
 462 Grider Street  
 Buffalo, NY 14215

RE: Majority Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation Board of Directors.

Dear Chairman Lomeo:

Pursuant to Section 3628(2) of Article 10-C, Title 6 of the N.Y. Public Authorities Law, which created the Erie County Medical Center Corporation, the Majority Caucus of the Erie County Legislature wishes to notify you of its appointment of a Non-Voting Representative to Erie County Medical Center Corporation Board of Directors:

APPOINTEE

TERM

Michael Mullins  
 4336 Coventry Green Circle  
 Williamsville, NY 14221

One (1) year

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Therefore, we would ask that this letter be received, filed and printed by the Erie County Legislature to allow Mr. Mullins to continue his service on the Erie County Medical Center Corporation Board of Directors.

Sincerely,

George A. Holt, Jr.  
Chairman

cc: Erie County Legislature  
Joel A. Giambra, Erie County Executive  
Michael Young, Chief Executive Officer, ECMCC

FROM LEGISLATOR SMITH

Item 78– (Comm. 8E-30) Letter to Clerk of Legislature Re: Requesting Items in Finance & Management Committee Be Consolidated Into Single Agenda Item

RECEIVED, FILED, AND PRINTED.

March 9, 2005

Kevin M. Kelley  
Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Mr. Kelley:

As Chairman of the Legislature's Finance and Management Committee, I hereby request that the following items in said committee regarding ECMCC be consolidated into a single agenda item and kept in the Finance and Management Committee for future consideration:

Intro 6-19 (2004)  
Comm. 19D-45 (2004)  
Comm. 21E-17 (2004)  
Comm. 25E-4 (2004)  
Comm. 25E-7 (2004)  
Comm. 25M-14 (2004)  
Comm. 26M-5 (2004)

If you have any questions, please let me know.

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Sincerely,

Demone Smith  
 Chairman, Finance and Management Committee

FROM THE COMPTROLLER

Item 79 – (Comm. 8E-31) Copy of Letter To Budget Director Re: Availability of Fund Balance

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE COUNTY EXECUTIVE

Item 80 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

2005 Erie County Budget:  
 Ratification of Layoff Notices &  
 Layoffs & Approval of Technical  
 Adjustments to 2005 Erie County  
 Budget (Comm. 8E-32)

WHEREAS, the 2005 Erie County Budget was enacted by the Erie County Legislature on December 8, 2004; and

WHEREAS, the 2005 Erie County Budget, as enacted on December 8, 2004, anticipated an additional increase in the County sales tax by one percent (1%), and such sales tax revenues were not forthcoming; and

WHEREAS, the Erie County Legislature adopted amended Communication 4E-23 on February 14, 2005, amended Communication 6E-14 on February 17, 2005 and amended Communication 7D-1 on March 4, 2005, in an effort to balance the 2005 Erie County Budget; and

WHEREAS, Communication 7D-1, as amended, contained pages of budget line item adjustments (pages 13-36), and position adjustments (pages 1-12 and pages 37-74); and

WHEREAS, the position adjustments in a few cases did not equal the line item adjustments indicated; and

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WHEREAS, the personal services account adjustments in the operating budget of the District Attorney included amounts which were based on position adjustments in the grant fund; and

WHEREAS, the position deletions in the County Clerk Auto Bureau did not equal personal services account adjustments; and

WHEREAS, Communication 7D-1, as amended, indicated line item personal service adjustments in the Board of Elections totaling \$936,529, however the Board of Elections has not submitted position adjustments to the Legislature or Administration that would equal said amount; and

WHEREAS, Communication 7D-1, as amended, did not contain intended adjustments in the County Medicaid and Fringe Benefit accounts; and

WHEREAS, before the amendment to Communication 7D-1 was enacted by the Legislature in the early morning hours of March 4, 2005, a number of layoff notices were sent to certain employees by various department heads and elected officials; and

WHEREAS, these layoff notices were sent to County employees by County officials (appointed or elected) who were not under an order or an injunction preventing them from delivering such layoff notices and/or making such layoffs effective; and

WHEREAS, the Legislature now desires to ratify the validity of said layoff notices and the layoffs described therein.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Department of Social Services, account 525000, MMIS local share of Medicaid, is hereby decreased by \$6,000,000 which was the original intent of the Legislature; and be it further

RESOLVED, that fringe benefit accounts for all departments be decreased as determined by the Division of Budget, Management, and Finance, said fringe benefit decreases shall be proportionate with personal services adjustments and total \$2,512,192; and be it further

RESOLVED, that it is the understanding of the Division of Budget, Management, and Finance that all positions listed in Comm. 7D-1 on pages 1-12 and pages 37-74, with a negative number shall indicate a position deletion, and positions listed with a positive number shall indicate a restoration; and be it further

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RESOLVED, that the Division of Budget, Management and Finance shall accept as the personnel services line item budget, the totals indicated on pages 1-12 and 37-74 of Communication 7D-1, as amended, for full time, part time, regular part time and seasonal employee adjustments, which includes position deletions as set forth in the February 14th resolution (Comm. 4E-23, as amended) and February 17th resolution (Comm. 6E-14, as amended); and be it further

RESOLVED, that an exception to the above will be in the County Clerk Auto Bureau and Registrar's Office; and be it further

RESOLVED, that the County Clerk has submitted the attached schedules which provides clarification of all position deletions and account adjustments in the Auto Bureau and Registrar's Office, said schedules shall be considered the complete list of personnel cuts and account adjustments and will replace the schedules contained in Communication 7D-1 for the County Clerk, total additional general fund savings to be achieved of \$524,640, and be it further

RESOLVED, that personal service accounts of the District Attorney shall be adjusted to reflect position deletions in the general fund only; and be it further

RESOLVED, that the position of Victim Witness Case Manager, position number 51000314, and Project Coordinator, position number 7590, shall be restored in the grant fund of the District Attorney, and that the position of Senior Paralegal, position number 51000311, be deleted in the grant fund of the District Attorney; and be it further

RESOLVED, that based on savings achieved in the District Attorney's grant adjustments, that the District Attorney's operating budget, account 559000 County Share of Grants, be decreased by \$112,911; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make adjustments as required in the District Attorney grants to realize the above referenced savings; and be it further

RESOLVED, that the Division of Budget, Management, and Finance shall accept the line item personal services adjustments (page 13 of 74, Comm. 7D-1) indicated for the Board of Elections, which total \$936,529; and be it further

RESOLVED, that the Board of Elections shall be instructed to submit to the Administration and the Legislature a comprehensive list of position deletions totaling \$936,529; and be it further

RESOLVED, that two positions in the Department of Law of Assistant County Attorney, Job Group 16. (position number 345 and 354), are not deleted, but adjusted to

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reflect a reduction in grade to a job group 15, for a total savings of \$20,050 as had been previously indicated; and be it further

RESOLVED, that the following budget adjustments which have no impact on the general fund, are hereby authorized within Fund 210, Highways Department in order to properly fund highway supplies,

Account 502000 Fringe Benefits	decrease	(700,000)
Account 575040 Utilities	decrease	(200,000)
Account 506400 Highway Supplies	increase	900,000

and be it further

RESOLVED, that the attached 2005 line item budget, which contains all of the above adjustments, represents the 2005 adjusted budget; and be it further

RESOLVED, that all layoff notices, which were prepared and sent to employees prior to this Legislature's enactment of Communication 7D-1 during the early morning hours of March 4, 2005, are hereby ratified and validated and the employees to which these notices were sent are to be laid off on the dates set forth in the notices; and be it further

RESOLVED, that the Legislature recognizes that these layoff notices were sent to County employees by County officials (appointed or elected) who were not under any order or an injunction preventing them from sending out such layoff notices and/or making such layoffs effective; and be it further

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

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded. LEGISLATOR KENNEDY in the negative.

CARRIED (14-1).

ADD the following as the new eleventh (11<sup>th</sup>) RESOLVE Clause:

RESOLVED, that at the request of the Erie County Sheriff, the following adjustments are made to the Sheriff Division and the Jail Management Division:

<u>Appropriation</u>	<u>Increase</u>
<b>Business Area 116 – Jail Management Division</b>	
Commitment Item 500000 – Full Time Salaries	<u>\$ 669,864</u>

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**Appropriation**

**Decrease**

**Business Area 115 – Sheriff’s Division**

Commitment Item 500000 – Full Time Salaries \$ 401,214

**Business Area 116 – Jail Management Division**

Commitment Item 501000 – Overtime \$ 125,000

Commitment Item 505400 – Food & Kitchen Supplies \$ 143,650

**NET IMPACT**

**\$ 0**

<b>Department</b>	<b>Fund Center</b>	<b>Job Group</b>	<b>Job Title</b>	<b>Positions Deleted</b>	<b>Savings</b>
Sheriff	11510	9	Sergeant	1	(38,688)
		9	Detective Deputy	5	(205,058)
		8	Deputy Sheriff Criminal	5	(155,513)
		6	Police Complaint Writer	1	(27,855)
		6	Confidential Aide (Sheriff)	5	(134,050)
				17	(561,164)

<b>Department</b>	<b>Fund Center</b>	<b>Job Group</b>	<b>Job Title</b>	<b>Positions Deleted</b>	<b>Savings</b>
Jail Management	11610	12	Nursing Supervisor	1	(46,753)
		11	Correctional Counselor	1	(32,751)
		10	Head Nurse (Holding Center)	2	(81,627)
		9	Identification Officer	2	(71,662)
		7	Industrial Training Supervisor	1	(31,587)
		6	Confidential Aide (Sheriff)	1	(26,108)
		5	Cook	1	(19,127)
		4	Account Clerk	1	(22,303)

<b>Department</b>	<b>Fund Center</b>	<b>Job Group</b>	<b>Job Title</b>	<b>Positions Created</b>	<b>Cost</b>
Sheriff	11510	3	Receptionist	8	159,950
				8	159,950

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Jail Management	11610	6	Senior Account Clerk	1	28,152
		8	Registered Nurse	2	69,955
		8	Deputy Sheriff Criminal	25	760,055
		9	Sergeant	1	42,283
		9	Corrections Officer	1	26,546
		11	Corrections Lieutenant	2	74,791
				32	1,001,782

and be it further

MS. MARINELLI moved to approve the item as amended. MR. SWANICK seconded. LEGISLATOR KENNEDY in the negative.

CARRIED (14-1).

Item 81 – (Comm. 8E-33) Commissioner of the Dept. of Mental Health - Variable Minimum

Received and filed.

Item 82 – (Comm. 8E-34) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 83 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 59

Re: STOP DWI - Appropriation for  
Forensic Chemist (Comm. 8E-35)

WHEREAS, the Erie County Central Police Services Forensic Lab (CPS Lab) performs important analysis of blood evidence taken from suspected drunken drivers, and

WHEREAS, the capacity of the CPS Lab to supply results in a timely fashion and deliver experienced court testimony is equally important to successful prosecution, and

WHEREAS, chemists from the Central Police Services Forensic Lab have demonstrated their professional ability to provide these services, and



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WHEREAS, the Erie County STOP-DWI Office concludes that successful prosecution and punishment of drunken drivers deters others from driving while intoxicated, and

WHEREAS, all STOP-DWI Office revenue is derived from fines paid by convicted drunken drivers and no tax dollars are used in any STOP-DWI Office initiative, and

WHEREAS, funds to sustain evidential blood testing at the Central Police Services Forensic Lab are available in the STOP-DWI Reserve Account,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that STOP-DWI Office Budget reflects an increase in its 2005 revenue and funding is restored for a Forensic Chemist in the CPS Lab:

CPS LAB  
 COST CENTER #1650040

FULL TIME SALARIES	ACCT #500000	\$ 44,650
FRINGE BENEFITS	ACCT #502000	13,842
MEDICAL & HEALTH SUPPLIES	ACCT #505800	5,000
ID CENTRAL POLICES SERVICES	ACCT #916500	(63,492)

STOP-DWI PROGRAM  
 COST CENTER #1650060  
 WBS ELEMENT SDWI

DWI PROGRAM REVENUE	ACCT #415650	(\$63,492)
ID CENTRAL POLICE SERVICES	ACCT #916500	63,492

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Comptroller's Office, the Office of the Commissioner of Central Police Services, and the Erie County STOP-DWI Office.

MS. MARINELLI moved for approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY

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Item 84 – (Comm. 8E-36) DPW - Agreement With NYSDOT - Seneca Street (CR 215) - Bridge Over Norfolk Southern Railroad - Town of West Seneca - PIN. 5755.25, Erie County

Item 85 – (Comm. 8E-37) DPW - Map No. 10-C, Parcel No. 252 - Conveyance of Excess Highway Right-Of-Way No Longer Needed To The Adjoining Property Owner Being Quaker Crossing, LLC, Milestrip Rd. - Town of Orchard Park

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

Item 86 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

Re: Senior Services - Authorization to Revise The III-C-2, III-E and HOPE Grant Budgets (Comm. 8E-38)

WHEREAS, the Erie County Legislature reduced the 2005 County Share –Grants account, 559000 in cost center 1631010 by \$87,099, in Comm. 7D-1, dated March 3, 2005, and

WHEREAS, the Department desires to transfer the Secretary to the Commissioner position (# 8044), from the Administrative Division, cost center 1631010, to the 100% federally funded HOPE grant, 163HOPE2005, cost center 1632010, and eliminate the Research Analyst position (#7915) in the III-E grant, effective immediately, and

WHEREAS, these position adjustments are reflected on B-100 position authorization forms, control numbers 734 and 735, in the SAP system, and.

WHEREAS, the budgets for the following three grants need to be revised:

Home Delivered Meals Grant Program (III-C-2),  
 Elder Caregiver Support Grant (III-E), and  
 Hope for Elderly Independence Grant (HOPE)

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to transfer the Secretary to the Commissioner position (# 8044), from the Administrative Division, cost center 1631010, to the HOPE grant, 163HOPE2005, and be it further

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RESOLVED, that the County Executive be and hereby is authorized to eliminate the Research Analyst position (#7915) in the III-E grant, 163III-E2005, and be it further

RESOLVED, that the III-C-2 grant, 163III-C-22005, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
466000	Miscellaneous Revenue	\$0	\$38,843	\$38,843
	County Share			
479000	Contribution	89,319	<u>-38,843</u>	50,476
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

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

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
479000	County Share Contribution	262,017	<u>-48,256</u>	213,761
	TOTAL CHANGE		<u><u>-\$48,256</u></u>	
APPROPRIATIONS				
500000	Full time Salaries	\$470,933	-\$36,851	\$434,082
502000	Fringe Benefits	142,643	<u>-11,405</u>	131,238
	TOTAL CHANGE		<u><u>-\$48,256</u></u>	

and be it further

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

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		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Personal Services	\$48,730	\$32,094	\$80,824
502000	Fringe Benefits	15082	9800	24,882
	Professional Svc Contracts &			
516020	Fees	129,968	-41,894	88,074
TOTAL CHANGE			<u>\$0</u>	

and be it further

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

MS. MARINELLI moved to approve the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 87 – (Comm. 8E-39) Appointment to the Erie County Preparedness Advisory Board

RECEIVED, FILED, AND PRINTED.

March 10, 2005

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

**Re: Appointment to the Erie County Disaster Preparedness Advisory Board**

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint the following individual to the Erie County Disaster Preparedness Advisory Board for a term expiring December 31, 2006 to replace Patrick Fellner, who has resigned:

NAME & ADDRESS

TERM EXPIRATION

Glenn Filbert  
 National Fuel Gas Distribution Corporation

December 31, 2006

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6363 Main Street  
Williamsville, NY 14221-5887

Very Truly yours,

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

Jag/JDA

Cc: Appointee  
Commissioner Michael Walters  
Deputy Commissioner Dean Messing

Item 88 – (Comm. 8E-40) County Clerks Use of 24 Hour Vehicle

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 89 – (Comm. 8E-41) DPW - Grover Cleveland Golf Course - Irrigation System - Pump House/Storage Building & Elma Meadows Storage Building

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 90 – (Comm. 8E-42) DPW - Settlement of Principal Stores Clerk Grievance

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 91 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 61

Re: 2005 Budget Deficit Declaration  
(Comm. 8E-43)

The Honorable  
Erie County Legislature  
25 Delaware Ave.  
Buffalo, NY 14202

March 9, 2005

Dear Legislators:

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As you know, I asked Your Honorable Body to enact a new revenue because state-mandated Medicaid, pension and other costs have drained Erie County's reserves. Without new revenue, Erie County cannot continue to provide local public health, public safety and other services.

My Administration has advised Your Honorable Body that prior-year fund balance was already committed. Thus your decision not to enact a revenue meant that the Legislature had to balance the 2005 budget by reducing appropriations by \$108 million.

The Erie County Comptroller, until today, took a contrary position regarding \$14.1 million of prior-year fund balance, arguing that funds in that amount were available to balance the 2005 budget.

Comptroller Naples on Wednesday reversed her position. Where before she had testified to the contrary to Your Honorable Body, Comptroller Naples now says that \$14.1 million in prior year fund balance is not available to balance the 2005 budget.

This means that the Comptroller agrees with the Budget Director that the 2005 budget is out of balance by \$14.1 million.

It is extremely urgent for the Erie County Legislature act immediately, pursuant to Section 1806 of the Erie County Charter, to balance the 2005 budget. I pledge to work with you, between now and the Legislative session scheduled for Monday, March 14, 2005, as you identify \$14.1 million in additional reductions in appropriations.

Yours Truly,

JOEL A. GIAMBRA  
Erie County Executive

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY

March 10, 2005

The Honorable Joel A. Giambra  
County Executive  
County of Erie  
95 Franklin Street  
Buffalo, NY 14202

Dear Mr. Giambra:

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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We are in receipt of your formal written declaration, under Section 1806 of the Erie County Charter, declaring the 2005 Erie County Budget (as amended) to be in deficit by an additional \$14.1 million (attached).

As you know, Section 1806 of the Charter expressly states: "If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, *the county executive shall report to the county legislature without delay the estimated amount of the deficit, remedial action taken by him*, and his recommendations as to further action. The county legislature shall take such action as it deems necessary to prevent or minimize any deficit" (emphasis added).

Your declaration of an additional \$14.1 million deficit for 2005 fails to provide or address any remedial action taken by you, or your recommendations as to further action. We therefore direct you and the Director of Budget, Management and Finance provide to the Legislature, by close of business Friday, March 11th, your recommendations for further action and suggestions for remedial action to address the new \$14.1 million deficit for 2005.

We also ask, through this letter, that the Budget Director and Comptroller attend the caucuses of the Legislature on Monday, March 14th starting at 10 am to meet with Legislators and attend to this deficit issue.

Thank you for fulfilling your obligations under Section 1806.

Sincerely,

Lynn M. Marinelli  
Majority Leader

Demone Smith  
Chair, Finance and Management Committee

Attachment

cc: Legislators  
Comptroller Nancy Naples  
Budget Director Joseph Passafiume

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY

March 11, 2005

The Honorable  
Erie County Legislature

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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92 Franklin Street  
Buffalo, New York 14202

Re: 2005 Erie County Budget Deficit of \$14.1 Million Dollars

Honorable Members:

In response to your letter of March 10, 2005 regarding the \$14.1 million deficit, the following remedial action is recommended for your approval.

The attached resolution requests your approval to decrease funding in the amount of \$14.1 million dollars to the Niagara Frontier Transit Authority (NFTA), budgeted in the Public Benefit Department of Mass Transit, account 520030, NFTA share of sales tax. It is our further recommendation that the Executive and Legislative Branch of County government work with the NFTA to obtain funding from New York State in the same amount.

Further county wide reductions including reductions to the Erie County Medical Center Corporation, Erie Community College, and Erie County Public Library will be required if funding to the NFTA is not decreased.

Thank you for your consideration of this matter. If your Honorable Body requires any further information, kindly contact the Director of Budget, Management and Finance and he will be happy to accommodate your request.

Very truly yours,

**JOEL A. GIAMBRA**  
**Erie County Executive**

WHEREAS, the 2005 Erie County Budget contains appropriations for payments to the Niagara Frontier Transit Authority (NFTA), and

WHEREAS, the County of Erie will request funding from, the State of New York to assume said funding,

NOW THEREFORE BE IT



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RESOLVED, that authorization is hereby provided to decrease funding for the Niagara Frontier Transit Authority, in the Public Benefit Department of Mass Transit, account 520030, NFTA share of sales tax, by \$14,100,000, and be it further

RESOLVED, that the above savings be utilized to decrease account 402190, Appropriated Fund Balance, in County Wide Accounts Monitored by Budget, by \$14,100,000, and be it further

RESOLVED, that the Legislature requests assistance from the State of New York to appropriate \$14,100,000 in their 2005-2006 Budget, for the Niagara Frontier Transit Authority, and be it further

RESOLVED, that if New York State does not assume the \$14,100,000 NFTA payment, further county wide reductions including reductions to the Erie County Medical Center Corporation, Erie Community College, and Erie County Public Library will be required, and be it further

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

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY

**DELETE** the resolution in its entirety and **REPLACE** with the following:

WHEREAS, according to a formal deficit declaration made by the Erie County Executive on March 10, 2005, the 2005 Erie County Budget is out of balance by \$14.1 million, and

WHEREAS, on March 11, 2005, as a remedial measure to reduce that deficit, the Erie County Executive proposed eliminating \$14.1 million of the County's support to the Niagara Frontier Transportation Authority (NFTA) under the Mass Transit Department, NFTA-Share of Sales Tax, and

WHEREAS, concurrent with the County's potential reduction of \$14.1 million to the NFTA, the County Executive has formally asked the State to assume that cost in 2005,

NOW, THEREFORE, BE IT

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RESOLVED, that authorization is hereby provided to decrease funding for the Niagara Frontier Transportation Authority in the Public Benefit Department of Mass Transit, Account 520030, NFTA Share of Sales Tax, by \$16,419,648, and be it further

RESOLVED, that the savings to be generated through the said reduction to the NFTA shall be utilized to decrease Account 402190, Appropriated Fund Balance, in the Countywide Accounts Monitored by Budget, by \$14,100,000, and be it further

RESOLVED, that the additional savings of \$2,319,648 generated through the elimination of funding to the NFTA shall be placed into the Department of Social Services, Account 525000, MMIS-Medicaid Local Share, for the purpose of funding the County's 2005 Medicaid burden, and be it further

RESOLVED, that the Erie County Legislature joins the County Executive in seeking assistance from the State of New York and requesting that the State appropriate \$16,419,648 in the 2005-2006 State Budget for the NFTA, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, State Legislature, NFTA, Comptroller, Budget Director and County Attorney.

**Fiscal Impact:** Necessary to Balance 2005 Erie County Budget.

MS. MARINELLI moved to approve the item as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 92– MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 62

Re: Probation & Youth Detention  
 Services - Adjustment in Personnel  
 Budget (Comm. 8E-44)

WHEREAS, the Erie County Department of Probation and Youth Detention Services suffered a substantial reduction in funding for personnel services in the 2005 Budget, and

WHEREAS, the reduction in funding requires a significant reduction in staff, and

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WHEREAS, the Erie County Department of Probation and Youth Detention Services was initially advised of the loss of 5 (five) Probation Supervisor positions instead of 6 (six), and

WHEREAS, Civil Service and Union regulations require that all part-time employees be laid off prior to the layoff of any full-time personnel, and

WHEREAS, part-time workers are essential to the continued operation of the Youth Secure Detention Center.

NOW THEREFORE, BE IT

RESOLVED, that the following changes be approved and implemented to keep the Department of Probation and Youth Detention Services in compliance with applicable rules and regulations and prior understandings of adjusted staffing levels.

IN FUND 110, DEPARTMENT 12620

RESTORE THE FOLLOWING POSITIONS

#10530	Youth Detention Worker	\$29,806
#10499	Youth Detention Worker	<u>\$30,472</u>
	Total:	\$60,278

DELETE THE FOLLOWING POSITIONS

#10534	RPT Youth Detention Worker	\$21,917
#10536	RPT Youth Detention Worker	\$13,698
#10537	RPT Youth Detention Worker	\$13,698
#02979	PT Detention Home Intake	<u>\$10,965</u>
	Total:	\$60,278

IN FUND 110, DEPARTMENT 12610

RESTORE THE FOLLOWING POSITION

#07558	Probation Supervisor	\$62,348
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SUBSTITUE THE FOLLOWING POSITION

#02998	Detention Social Worker	\$48,949
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WITH AN ADDITIONAL CUT TO

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Account Code 501000	Overtime	\$13,399
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RESTORE THE FOLLOWING POSITION

#02973	Detention Intake Worker	\$40,061
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DELETE THE FOLLOWING POSITIONS

#02984	RPT Intake Worker	\$18,693
#02979	PT Intake Worker	\$12,626

REDUCE THE FOLLOWING POSITION

#02980	PT Intake Worker	<u>\$ 8,742</u>
Total:		<u>\$40,061</u>

and be it further

RESOLVED, that the requested changes amount to the same dollar reduction as originally specified, and be it further

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

MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 93 – (Comm. 8E-45) ECSD No. 4 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-2, Legislative Comm. 21E-33

Received and Referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 94 – (Comm. 8E-46) Health - Personnel Adjustment & Establishment of Fee-For-Service Rates

Item 95 – (Comm. 8E-47) Health - Lease Agreement for Women, Infants and Children's (WIC) Program Distribution Site - 200 Cazenovia Street, Buffalo, NY

Item 96 – (Comm. 8E-48) Health - Hamburg District Office - Lease Renewal Agreement - 17 Long Ave. - Hamburg, NY

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

Item 97 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 63

Re: Senior Services - Authorization  
to Amend the CSI Grant Budget  
(Comm. 8E-49)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Services Initiative (CSI) grant for the period April 1, 2005 to March 31, 2006, and

WHEREAS, the Department has reviewed the budget and desires to enhance services provided in a community setting at which seniors come together for services and activities that support their independence and which seek to prevent the well elderly from requiring more intense services, and

WHEREAS, the Department already contracts with the Lt. Col. Matt Urban Human Services Center under the Community Services for the Elderly and Expanded In-Home Services for the Elderly Programs, and

WHEREAS, the Department desires to execute a contract with the Lt. Col. Matt Urban Human Services Center to include the CSI funds and provide the above mentioned services through March 31, 2006, and

WHEREAS, the CSI grant budget needs to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to execute a contract with the Lt. Col. Matt Urban Center for the period April 1, 2005 to March 31, 2006, for the \$33,822 in CSI funds, and be it further

RESOLVED, that the CSI grant budget, Project 163CSI0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			

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516010	Other Projected Agencies	\$6,822	-\$6,822	\$0
516010	Lt. Col. Matt Urban Center	0	33,822	33,822
516020	Other Projected Agencies	4,000	-4,000	0
561440	Motor Vehicles	23,000	-23,000	0
TOTAL CHANGE			<u>\$0</u>	

and be it further

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

MS. MARINELLI moved to approve the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY

Item 98 – (Comm. 8E-50) Personal Services Contract - County Planning Services

Item 99 – (Comm. 8E-51) ECSD No. 4 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-3, Legislative Comm. 21E-33

Item 100 – (Comm. 8E-52) ECSD No. 3/Southtowns Sewage Treatment Agency - Proposed 2005 Amended Budget - Village of East Aurora/Town of Aurora & Village of Hamburg

Item 101 – (Comm. 8E-53) ECSD No. 1 - Engineering Services Agreements - Work Order: URS-2, Legislative Comm. 21E-33

Item 102 – (Comm. 8E-54) ECSD No. 1 - Engineering Services Agreements - Work Order: URS-1, Legislative Comm. 21E-33

Item 103 – (Comm. 8E-55) ECSD No. 5 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-1, Legislative Comm. 21E-33

Item 104 – (Comm. 8E-56) DEP - Erie County Niagara Power Project Relicensing Settlement Offer From New York Power Authority

Item 105 – (Comm. 8E-57) ECSD No. 3 - Town of Hamburg - Sanitary Sewer Services Agreement

Item 106 – (Comm. 8E-58) ECSD No. 1 - Interdepartmental Agreement Between DPW & DEP – Closeout

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Item 107 – (Comm. 8E-59) ECSD No. 6 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-4, Legislative Comm. 21E-33

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 108 – (Comm. 8D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 109 – (Comm. 8D-2) 2005 Budget Cuts

**FROM EMERGENCY SERVICES**

Item 110 – (Comm. 8D-3) Letter to Legislature Re: 2005 Budget

**FROM THE COUNTY ATTORNEY**

Item 111 – (Comm. 8D-4) 2005 Budget Cuts - EC Law Department

**FROM ERIE COMMUNITY COLLEGE**

Item 112 – (Comm. 8D-5) Agenda for Board of Trustees Meeting Held 2/23/05

The above four items were received and filed.

**FROM THE COUNTY ATTORNEY**

Item 113 – (Comm. 8D-6) Notice of Claim Filed Against ECL By Nancy Naples

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 114 – (Comm. 8D-7) Accomplishments of the Custodial Department

**FROM THE DEPARTMENT OF ENVIRONMENT AND PLANNING**

Item 115 – (Comm. 8D-8) Adjustments to 2005 County Budget

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FROM DISS

Item 116 – (Comm. 8D-9) Request For Modification to 2/15/05 Legislative Amendments Involving the DISS Portion of the 2005 Corrected Adopted Amended Budget

The above three items were received and filed.

FROM THE COUNTY ATTORNEY

Item 117 – (Comm. 8D-10) Justice Makowski's Recent Decision

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PERSONNEL

Item 118 – (Comm. 8D-11) Cancellation For Request For Exam No. 60-661, Program Consultant - Social Services (RPT)

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT AND PLANNING

Item 119 – (Comm. 8D-12) SEQR - Solicitation for Lead Agency Status - Utica and Quebec Streets, West Taft Avenue, & Pt. Breeze Dr. - Town of Evans

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 120 – (Comm. 8D-13) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM MENTAL HEALTH

Item 121 – (Comm. 8D-14) Key Components of County Tax In The EC Dept. of Mental Health 2005 Budget

FROM EQUAL EMPLOYMENT OPPORTUNITY

Item 122 – (Comm. 8D-15) Memorandum - Special Session of the ECL to fulfill the Order of the Courts as Provided by NYS Supreme Court Justice Joseph G. Makowski



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FROM EMERGENCY SERVICES

Item 123 – (Comm. 8D-16) Impact Statement

FROM SOCIAL SERVICES

Item 124 – (Comm. 8D-17) Memorandum - Supporting Documentation  
Regarding Impacts of DSS Budget Cuts

FROM THE COUNTY ATTORNEY

Item 125 – (Comm. 8D-18) Law Department's 2005 Budget

FROM SENIOR SERVICES

Item 126 – (Comm. 8D-19) Memorandum - Special Session of the ECL

FROM THE OFFICE FOR THE DISABLED

Item 127 – (Comm. 8D-20) Copy of Memorandum to Deputy County Executive  
Re: Services Provided by EC Office of the Disabled

FROM THE DEPARTMENT OF HEALTH

Item 128 – (Comm. 8D-21) Impact of Budget Cuts on Health Dept.

FROM ECMC

Item 129 – (Comm. 8D-22) Agenda for Board of Directors Meeting Held 3/4/05

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 130 – (Comm. 8D-23) Reply to Memorandum Sent by Clerk of the  
Legislature & Majority & Minority Chiefs-of-Staffs

FROM THE BOARD OF ELECTIONS

Item 131 – (Comm. 8D-24) 2005 Budget Presentation

FROM DISS

Item 132 – (Comm. 8D-25) DISS 2005 Budget Requested Data

FROM PROBATION

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Item 133 – (Comm. 8D-26) Statistics on Probations Cases in Individual Legislative Districts

FROM ECC

Item 134 – (Comm. 8D-27) Minutes of Board of Trustees Meeting Held 1/26/05

FROM THE COUNTY CLERK

Item 135 – (Comm. 8D-28) Budget Amendments Rendered By County Clerk

FROM THE DEPARTMENT OF ENVIRONMENT AND PLANNING

Item 136 – (Comm. 8D-29) Impact of Budget Amendments

FROM LABOR RELATIONS

Item 137 – (Comm. 8D-30) Labor Relation's Budget Presentation to ECL

The above seventeen items were received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 138 – (Comm. 8D-31) SEQR - Negative Declaration - Evans Town Park to EC Bennett Beach Park

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE PROBATION DEPARTMENT

Item 139 – (Comm. 8D-32) Adjustments in Probation Budget

Received and filed.

FROM SOCIAL SERVICES

Item 140 – (Comm. 8D-33) Request For Modification to 2/15/05 Legislative Amendments Involving the DSS Portion of the 2005 Corrected Adopted Amended Budget

Received and filed.

FROM THE COUNTY ATTORNEY

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Item 141 – (Comm. 8D-34) Notice of Filing of Local Law No. 1-2005 with  
Secretary of State

RECEIVED, FILED, AND PRINTED.

March 7, 2005

**VIA HAND DELIVERY**

Mr. Kevin M. Kelley, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> floor  
Buffalo, New York 14202

RE: LOCAL LAW No. 2-2005

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing. Also enclosed is the original letter from the County Executive to Chairman Holt, dated March 1, 2005 concerning this Local Law. Please call me at extension 2224 with any questions.

Very Truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: GREGORY DUDEK  
Assistant Erie County Attorney

Enclosure

March 1, 2005

Chairman George A. Holt, Jr.  
Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

RE: Local Law Intro No. 1 – 2005

Dear Chairman Holt:

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I am returning my approval of Local Law Intro. No. 1 – 2005 Print #2 with reservations.

I am in agreement with the intent and spirit of the Local Law as stated in my letter addressed to you and copied to all Legislators dated January 27, 2005. Therefore, I am not vetoing the same.

The Budget Director however, requested modifications of the language contained within Section 1814 (F) to reflect a more appropriate information flow. Also, given the severe personnel reduction in Budget Department, they will have difficulty providing the documentations contained within the Local Law notwithstanding the aforementioned issue.

The Budget Director has stated his willingness to work towards accomplishing the intent and spirit of the Local Law to the best of his ability.

Very truly yours,

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

cc: Kevin M. Kelley, Clerk of the Erie County Legislature

County of Erie

Local Law No. 2 of the year 2005

A local law establishing and convening a commission to be known as the  
Citizens Budget Review Commission of Erie County.

Be it enacted by Legislature of the  
 County of Erie as follows:

Section 1. AMENDING SECTION 305 OF THE ERIE COUNTY CHARTER.

Section 305. Division of budget and management. There shall be in the office of the county executive a division of budget and management headed by a director of budget and management who shall be appointed by and will serve at the pleasure of the county executive. The director of budget and management shall assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits

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issued by the comptroller. The director of budget and management shall report to the county executive on the implementation of such audit recommendations and his actions pertaining to efficiency and productivity monitoring.

All reference contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

Section 2. CREATING NEW SECTION 1814 OF THE ERIE COUNTY CHARTER.

Section 1814 (a). The Citizens' Budget Review Commission.

The Citizens' Budget Review Commission shall be established to assist and advise the Erie County Legislature in the oversight of the County's Budget and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems.

Upon the adoption of this Local Law the Erie County Legislature hereby creates a Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.

Section 1814 (b). Commission Purview and Reporting.

The Citizens' Budget Review Commission shall study the fiscal operations of the County of Erie in their full scope. The Commission shall provide regular reports to the Legislature at the conclusion of each fiscal quarter, and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the County Legislature. The Commission shall file its annual report with the Erie County Legislature annually on or before October 15.

Section 1814 (c). Membership; Terms; Vacancies.

The Citizens' Budget Review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie County. Such members shall be appointed by the Erie County Legislature upon recommendation from the following entities:

- A. One (1) member shall be recommended and appointed by the Erie County Executive.
- B. One (1) member shall be recommended annually by the Chair of the Erie County Legislature and confirmed by the Legislature.
- C. One (1) member shall be recommended annually by the Majority Leader on behalf of the majority members of the Erie County Legislature and confirmed by the Legislature.
- D. One (1) member shall be recommended annually by the Minority Leader on

- behalf of the minority members of the Erie County Legislature and confirmed by the Legislature.
- E. One (1) member shall be appointed who has professional experience as a certified public accountant. After receiving a list of at least three qualified candidates who have been recommended by the Western New York chapter of the New York State Association of Certified Public Accountants, the Legislature shall then appoint one individual from this list to the Commission.
  - F. One (1) member shall be appointed who has professional experience in the banking and finance industry. After receiving a list of at least three qualified candidates who have been recommended by banking institutions and credit unions located within Erie County, the Legislature shall then appoint one individual from this list to the Commission.
  - G. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance. After receiving a list of at least three qualified candidates who have been recommended by the Bar Association of Erie County, the Legislature shall then appoint one individual from this list to the Commission.
  - H. One (1) member shall be appointed who has professional experience with organized labor. After receiving a list of at least three qualified candidates who have been recommended by Buffalo AFL-CIO Central Labor Council, the Legislature shall then appoint one individual from this list to the Commission.
  - I. One (1) member shall be appointed from the Erie County business community. After receiving a list of at least three qualified candidates who have been recommended by the Buffalo Niagara Partnership, the Legislature shall then appoint one individual from this list to the Commission.
  - J. Two (2) members shall be appointed by the Erie County Legislature based upon recommendations from the public and shall be construed to represent a cross-section of the County's diverse population and a depth of appropriate experience and expertise.
  - K. The Comptroller of the County of Erie shall be an ex-officio, non-voting member of the Commission. Only the Comptroller, not a designee, shall be seated on the Commission.
  - L. The Director of Budget and Management shall be an ex-officio, non-voting member of the Commission. Only the Director of Budget and Management, not a designee, shall be seated on the Commission.
  - M. The Erie County Attorney shall be an ex-officio, non-voting member of the Commission. Only the Erie County Attorney, not a designee, shall be seated on the Commission.

With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the County, nor be a member of another County Board or Commission during the term of his/her appointment to the Citizens' Budget Review Commission of Erie County.

The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.

Members shall serve without compensation. Staff support shall be provided by the staff of the Erie County Legislature under the direction of the Clerk of the Erie County Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.

Section 1814 (d).      Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chairperson for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice-chairperson, who shall serve as chairperson in the chairperson's absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.

Section 1814 (e).      Meetings.

The Commission shall hold monthly public meetings to review the County's finances, including year-to-date and year-end projections for the County Budget. In addition to these monthly public meetings, the Citizens' Budget Review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the Erie County Legislature. All meetings of the Commission shall be subject to the Open Meetings Law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be held on such days and at such hours so as to encourage the maximum amount of public awareness and shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked-in to the Erie County Legislature and are to be made available to the public for inspection during regular business hours.

Section 1814 (f).      Powers of the Commission and Information Available to Commission.

The Commission shall have the power to make such studies and investigations into the County's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical

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information, including monthly budget reports, relating to the County's budget and finances from the Comptroller of the County, the County Executive, and his appointed Director of Budget and Management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the County's finances.

In addition to any other information requested by the Commission, the Director of Budget and Management shall submit to the Commission monthly budget reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.

Section 1814 (g). Failure to Provide Timely Information.

Should the County Executive, his appointed Director of Budget and Management, or anyone fail to provide information including but not limited to the budget reports requested in sub-section (f) above, the Chair of the Commission shall notify the Clerk of the Erie County Legislature and the Chair of the Erie County Legislature, in writing, and the Chair of the Legislature shall compel that such information be provided to the Commission by exercising the powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No. 1-1959, as amended, constituting the Erie County Charter.

Section 3. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part this law or in its application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law, provided, however that the provisions of this local law shall expire and be deemed repealed on and after January 1, the year two thousand and seven.



**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

A Public Hearing was held on the foregoing Erie County Local Law Intro. No. 1-2005, Print No. 2, on Wednesday, February 23, 2005, due notice having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGNE said Local Law this 1 day of March, 2005

JOEL A. GIAMBRA

A Public Hearing was held on the foregoing Erie County Local Law Intro. No. 1-2005, Print No. 2, on Wednesday, February 23, 2005, due notice having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby disapprove AND veto SAID Local Law this \_\_\_ day of \_\_\_\_\_, 2005.

FROM ERIE COMMUNITY COLLEGE

Item 142 – (Comm. 8D-35) Notice & Agenda of Meeting of the Board of Trustees To Be Held 3/16/05

Received and filed.

FROM PURCHASE

Item 143 – (Comm. 8D-36) Vehicle Purchases QTR4-2004

Item 144 – (Comm. 8D-37) Furniture Purchases QTR4-2004

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM PERSONNEL

Item 145 – (Comm. 8D-38) Cancellation of Exams

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM NYSAC

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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Item 146 – (Comm. 8M-1) Copy of Resolution Approved at 2005 Legislative Conference Calling On The Governor & State Legislature To Reach Agreement On A Local Medicaid Cap

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM STATE SENATOR RATH

Item 147 – (Comm. 8M-2) Receipt of Certified Resolution

FROM THE BUFFALO ARTS COUNCIL

Item 148– (Comm. 8M-3) Letter to ECL Re: 2005 Budget

The above two items were received and filed.

FROM THE BUFFALO BOARD OF EDUCATION

Item 149– (Comm. 8M-4) Letter to Chairman Holt Re: School Health Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO ARTS COUNCIL

Item 150– (Comm. 8M-5) Thank You All For Saving Arts & Culture

FROM THE ECWA

Item 151 – (Comm. 8M-6) Letter to ECL Re: NYS Comptroller Audit

The above two items were received and filed.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 152 – (Comm. 8M-7) Seeking Comments And/Or Recommendations on Common Council Item "M. Coppola - City County Parks Agreement"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ERIE CANAL HARBOR PROJECT

Item 153 – (Comm. 8M-8) SEQR Findings Statement

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM AFSCME LOCAL 195

Item 154 – (Comm. 8M-9) Erie County Budget

FROM JUDGE DRURY

Item 155 – (Comm. 8M-10) Letter to Legislature Re: Cuts to Probation Department

FROM NYSAC

Item 156 – (Comm. 8M-11) County Property Tax Levy & Sales Tax Rate Trends

FROM THE EC ASSOCIATION OF CHIEFS OF POLICE

Item 157 – (Comm. 8M-12) Letter to Legislator Smith Re: Request for Restoration to Public Safety Department's Budgets

FROM THE BUFFALO HOME & GARDEN SHOW

Item 158 – (Comm. 8M-13) Letter to Legislator Smith Re: Request for Restoration of Convention Center Appropriation

FROM THE TOWN OF BRANT

Item 159 – (Comm. 8M-14) Letter to Legislator Smith Re: Request for Restoration to Emergency Services Department's Budget

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 160 – (Comm. 8M-15) Letter to Legislator Smith Re: Request for Restoration of Cultural Organizations Allocation

FROM THE HAMBURG NATURAL HISTORY SOCIETY

Item 161 – (Comm. 8M-16) Letter to Legislator Smith Re: Request for Restoration of Cultural Organizations Allocation

FROM THE ASSOCIATION OF EC GOVERNMENTS

Item 162 - (Comm. 8M-17) Letter to Legislature Re: County Budget Cuts

**MEETING NO. 8**  
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**ERIE COUNTY LEGISLATURE**

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The above ten items were received and filed.

FROM THE BUFFALO TEACHER'S FEDERATION

Item 163 – (Comm. 8M-18) Letter to Legislature Re: School Nurses

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM MCINTOSH & MCINTOSH, P.C.

Item 164 – (Comm. 8M-19) Letter to Legislature Re: County Job Layoffs

FROM DANIEL M. KOZUB, LACKAWANNA 2ND WARD COUNCILMAN

Item 165 – (Comm. 8M-20) County Budget Situation

FROM NYS MOTOR TRUCK ASSOCIATION INC.

Item 166 – (Comm. 8M-21) Erie County Budget

The above three items were received and filed.

FROM CRYSTAL PEOPLES - NYS ASSEMBLY - 141ST DISTRICT

Item 167 – (Comm. 8M-22) Letter to Smith Re: E-911 Systems

FROM THE NYS BLACK, PUERTO RICAN, HISPANIC & ASIAN LEGISLATIVE CAUCUS

Item 168 – (Comm. 8M-23) Preliminary Analysis of the Governor's Executive Budget 2005-2006

FROM THE NFTA

Item 169 – (Comm. 8M-24) Letter to Legislators DeBenedetti & Weinstein Re: Comm. 8E-11

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECIDA

Item 170 – (Comm. 8M-25) Notice of Board of Directors Meeting Held 3/2/05

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE NYS SECRETARY OF STATE

Item 171 – (Comm. 8M-26) Receipt of Certificate of Appointment of Member of ECIDA

RECEIVED, FILED, AND PRINTED.

CERTIFICATE OF APPOINTMENT  
OF MEMBER OF ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

To the Honorable Secretary of the State of New York:

Pursuant to Section 856, Subdivision 2 of the General Municipal Law, the undersigned hereby certifies that the following person has been appointed and is currently serving as a Member of the Erie County Industrial Development Agency:

Timothy M. Wroblewski  
 1500 Union Road  
 West Seneca, New York 14224

Effective: February 14, 2005

THE COUNTY LEGISLATURE OF  
 THE COUNTY OF ERIE

By: Kevin M. Kelley, Clerk

RECEIVED  
 MISC RECORDS  
 FEB 25 2005  
 DEPARTMENT OF STATE

FROM NANCY RODRIGUEZ

Item 172 – (Comm. 8M-27) Suit Against ECL Re: Buffalo School Nurses

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CSEA

**MEETING NO. 8**  
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**ERIE COUNTY LEGISLATURE**

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Item 173 – (Comm. 8M-28) Copy of Letter to EC Labor Relations Director Re: Unable to Attend 3/3/05 Meeting

Received and filed.

FROM THE TOWN OF ELMA

Item 174 – (Comm. 8M-29) Letter to Legislator Marinelli Re: Meadows Park & Public Golf Course

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 175 – (Comm. 8M-30) Notice of Meeting To Be Held 3/17/05

FROM THE ERIE COUNTY BAR ASSOCIATION

Item 176 – (Comm. 8M-31) Certified Resolution Re: 2005 Funding Levels/Erie County Clerk

FROM THE EC FIRE ADVISORY BOARD

Item 177 – (Comm. 8M-32) Letter to Legislator Smith Re: Budget Cuts Effect On Fire Fighter Training

The above three items were received and filed.

FROM THE BUFFALO NIAGARA PARTNERSHIP

Item 178 – (Comm. 8M-33) Letter to Legislator Smith Re: Erie County Financial Planning Commission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE NYS COMPTROLLER

Item 179 – (Comm. 8M-34) Copy of Letter to ECWA Re: Audit Performed to ECWA

FROM JUDGE SHARON TOWNSEND

Item 180 – (Comm. 8M-35) Copy of Letter to EC Deputy Commissioner of Building & Grounds Re: Maintenance of Court Facilities

**MEETING NO. 8**  
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**ERIE COUNTY LEGISLATURE**

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FROM THE NYS COMPTROLLER

Item 181 – (Comm. 8M-36) Copy of Press Release Re: Audit Finds Strong Internal Financial Controls And Monitoring In Place At NFTA

FROM THE BUFFALO ARTS COUNCIL

Item 182 – (Comm. 8M-37) Copy of Letter to Sheriff Re: Value of Arts Programs

The above four items were received and filed.

FROM THE NYS DEPARTMENT OF LABOR

Item 183 – (Comm. 8M-38) Shared Work: The Lay-Off Alternative

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE GREATER REFUGE TEMPLE OF CHRIST

Item 184 – (Comm. 8M-39) Memo To Legislators Smith & Holt Re: Refuge Temple Non-Secure Detention Program

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 185 – (Comm. 8M-40) Notice & Agenda For Meeting To Be Held 3/15/05

The above two items were received and filed.

**MEMORIAL RESOLUTIONS**

Item 186 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Leon White.

**ADJOURNMENT**

Item 187 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until March 17, 2005 at 2 p.m. Eastern Standard Time. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 8**  
**March 14, 2005**

**ERIE COUNTY LEGISLATURE**

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The Chairman declared the Legislature adjourned until Thursday, March 17, 2005 at 2 p.m. Eastern Standard Time.

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