

**ERIE COUNTY LEGISLATURE  
MEETING NO. 10  
MAY 17, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was led by Lisa Daly.

The Pledge of Allegiance was led by John and Jeremy Gangloff.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 –MS. WHYTE moved to approve the minutes from Meeting 8. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. KOZUB presented a resolution Recognizing the 71st Anniversary of the WNY Safety Conference.

Item 6 – MS. IANNELLO presented a resolution In Remembrance of Bruce A. Kaiser.

Item 7 – MS. IANNELLO presented a resolution Proclaiming May 2007 as Older Americans Month.

Item 8 – MR. REYNOLDS presented a resolution Honoring the Claddagh Commission for Receiving the 2007 Community Citizen Award Given by the Evans Grange 133 for Their Services Offered to Individuals with Developmental Disabilities.

Item 9 – MR. REYNOLDS presented a resolution Designating May 20-26 as Emergency Medical Services Week.

Item 10 - MILLER-WILLIAMS, KONST & GRANT presented a resolution Recognizing May 2007 as Law Enforcement Appreciation Month.

Item 11 – MR. REYNOLDS presented a resolution Honoring Dr. Peter G. Roswell for his Dedicated Career Spanning Over Three Decades to the Citizens of Erie County.

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Item 12 – MR. REYNOLDS presented a resolution Congratulating Kathryn Marie Chlosta Upon Becoming New York DECA State President.

Item 13 - MILLER-WILLIAMS & GRANT presented a resolution Honoring May 18, 2007 as NYS Indian Day in Erie County.

Item 14 – MS. MARINELLI presented a resolution Recognizing the 2007 Women in the Law Recipients.

Item 15 - MS. MARINELLI presented a resolution Recognizing May 2007 as National Block Club Month in Erie County.

Item 16 – MS. KONST presented a resolution Honoring Mary Lucariello for Her Dedication and Service to Youth and Families Throughout Erie County.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twelve items with Et Al Sponsorship and include a Miscellaneous Resolution from Legislator Mills. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. MILLS presented a resolution Congratulating W.G. Arthur Co. on 100 Years of Business Operations.

MS. WHYTE moved to approve the above thirteen items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 23 – CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 24 – MR. REYNOLDS presented the following report and moved for immediate consideration and approval. MS. KONST seconded. MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 133

MAY 8, 2007

FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 8

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-2 (2007)  
**COMPTROLLER:** Management Letter for Erie County for FY Ending 12/31/05  
 (5-0)
  - b. COMM. 9E-4 (2007)  
**COMPTROLLER:** Financial Report of COE for Three (3) Months Ended 3/31/07  
 (5-0)
  - c. COMM. 9E-5 (2007)  
**COMPTROLLER:** External Quality Review - Erie County Comptroller's Office Division  
 of Audit and Control

(5-0)

d. COMM. 9D-4 (2007)  
**BUDGET, MANAGEMENT & FINANCE: BMR with Financial Results as of 3/31/07**  
 (5-0)

e. COMM. 9M-3 (2007)  
**AUDIT COMMITTEE FOR ERIE COUNTY: Annual Report of FY Ended 3/31/04**  
 (5-0)

2. COMM. 9E-8 (2007) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, year end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2006 fiscal year, and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on account status information produced by the Comptroller, and

WHEREAS, 2006 funding within the County Attorney's Risk Retention Fund, the Department of Senior Services, Social Services, Mental Health, and Department of Environment and Planning, is designated for reappropriation into 2007, and

WHEREAS, 2006 funding for the Health Department Pandemic Flu initiative and funding for the Hauptman-Woodward Research Institute from the Regional Cultural Asset Fund have been approved in prior resolutions, and

WHEREAS, the amendments require no additional funding, as available balances are used to fund expense accounts indicating a budget shortfall.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to adjust the 2006 Budget in order to facilitate the completion of 2006 financial statements, based on the attached schedule, and be it further,

RESOLVED, that authorization is provided to designate available 2006 funding within the County Attorney's Risk Retention Fund in the amount of \$2,530,887, \$179,340 for the Department of Senior Services grant programs, \$33,088 for the Department of Environment and Planning environmental programs, \$297,820 for Social Services contract agencies, \$51,000 for contract agencies in the Department of Mental Health, \$300,000 for the Health Department, and \$49,000 from the Regional Cultural Asset Fund, to be reappropriated into 2006, and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2006 Budget adjustments that may be required based on adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in

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conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose, and that any further 2006 Budget Adjustments be reported to the Erie County Legislature, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Division of Budget and Management.

<b>Fund</b>	<b>Department</b>	<b>Account</b>	<b>Increase/ (Decrease)</b>
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The following list of accounts are balanced by fund and indicate where increases are needed to match year end spending. In most cases the source of funds were obtained from within the department where the shortfall occurred. Departments requiring additi

110	105	DISS		
		500000	Full Time - Salaries	(63,900.00)
		500020	Regular PT - Wages	17,574.00
		500300	Shift Differential	2,427.00
		500330	Holiday Worked	4,540.00
		501000	Overtime	39,359.00
		DISS Total		0.00
	116	Jail Management		
		500000	Full Time - Salaries	(323,703.00)
		500010	Part Time - Wages	(158,331.00)
		500300	Shift Differential	206,027.00
		500320	Uniform Allowance	37,938.00
		500330	Holiday Worked	81,895.00
		500340	Line-Up	207,978.00
			Other Employee	
		500350	Pymts	(5,638.00)
		501000	Overtime	1,762,941.00
		505200	Clothing Supplies	(23,784.00)
			Food & Kitchen	
		505400	Supp	14,174.00
			Medical & Hlth	
		505800	Supp	(93,421.00)
		506200	Maint & Repair	(8,305.00)
			Pro Ser Cnt And	
		516020	Fees	10,431.00
			Dept Payments-	
		516050	ECMCC	(275,491.00)
		Jail Management Total		1,432,711.00

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120	DSS		
		500000 Full Time - Salaries	(5,507,526.00)
		500010 Part Time - Wages	(153,728.00)
		500300 Shift Differential	3,173.00
		500330 Holiday Worked	87,451.00
		501000 Overtime	1,523,893.00
		Pro Ser Cnt And	
		516020 Fees	27,733.00
		MMIS-Medicaid	
		525000 Loc Sh	(8,000,000.00)
		525010 IGT Expense	1,261,343.00
		Family Assistance-	
		525040 FA	(5,500,000.00)
		Ed Handicapped	
		525080 Child	137,803.00
		525090 Child Care - DSS	(7,420,166.00)
		Home Dlvd Meals-	
		525110 DSS	2,075.00
		525130 State Training Schls	610,002.00
		525150 DSH Expense	5,787,964.00
		530010 Chargebacks	146,483.00
	DSS		
	Total		(16,993,500.00)
163	Senior Services		
		500000 Full Time - Salaries	(10,365.00)
		Seasonal Emp.	
		500030 Wages	10,365.00
	Senior Services		
	Total		0.00
10110	County Executive's Office		
		500020 Regular PT - Wages	7,360.00
		510100 Out Of Area Travel	(7,360.00)
	County Executive's Office Total		0.00
10210	Budget, Mgmt. & Fin.		
		500010 Part Time - Wages	(7,624.00)
		501000 Overtime	7,624.00
	Budget, Mgmt. & Fin. Total		0.00
10610	Bureau of Purchase		
		500000 Full Time - Salaries	(3,637.00)
		500010 Part Time - Wages	1,962.00
		500330 Holiday Worked	1,675.00
	Bureau of Purchase Total		0.00

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10710	Fleet Services		
	500000	Full Time - Salaries	(2,095.00)
	501000	Overtime	2,095.00
Fleet Services Total			0.00
10910	Office of Public Advocacy		
	500000	Full Time - Salaries	7,388.00
		Other Employee	
	500350	Pymts	5,995.00
		Pro Ser Cnt And	
	516020	Fees	(13,383.00)
Office of Public Advocacy Total			0.00
11200	Comptroller		
	500000	Full Time - Salaries	(5,717.00)
	500330	Holiday Worked	5,717.00
Comptroller Total			0.00
11310	Co ClerkRegistrar Div		
	500010	Part Time - Wages	(2,200.00)
		Other Employee	
	500350	Pymts	2,200.00
Co ClerkRegistrar Div Total			0.00
11320	Co Clerk Auto Bureau Div		
		Pro Ser Cnt And	
	516020	Fees	(3,070.00)
	575040	I/F Expense-Utility	3,070.00
Co Clerk Auto Bureau Div Total			0.00
11400	District Attorney		
	500000	Full Time - Salaries	(5,790.00)
		Other Employee	
	500350	Pymts	5,790.00
District Attorney Total			0.00
11510	Sheriff Division		
	500000	Full Time - Salaries	(671,344.00)
	500010	Part Time - Wages	(34,398.00)
	500300	Shift Differential	(10,764.00)
	500320	Uniform Allowance	(1,250.00)
	500330	Holiday Worked	20,400.00
	500340	Line-Up	(20,132.00)
	500350	Other Employee	(8,069.00)

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		Pymts	
	501000	Overtime	534,109.00
	505000	Office Supplies	(20,287.00)
		Auto Tr & Hvy Eq	
	505600	Sup	22,957.00
	506200	Maint & Repair	11,217.00
		Local Mileage	
	510000	Reimb	3,942.00
	510100	Out Of Area Travel	(24,053.00)
	510200	Training And Educat	755.00
		Pro Ser Cnt And	
	516020	Fees	3,090.00
	516030	Maintenance Contr	(16,181.00)
	559000	County Share-Grants	7,796.00
	Sheriff Division		
	Total		(202,212.00)
12210	DPW Commissioner		
	500000	Full Time - Salaries	(28,380.00)
	500010	Part Time - Wages	3,000.00
	500020	Regular PT - Wages	1,338.00
	500330	Holiday Worked	1,302.00
		Other Employee	
	500350	Pymts	20,795.00
	501000	Overtime	1,945.00
	DPW Commissioner Total		0.00
12220	DPW Building & Grounds		
	500000	Full Time - Salaries	(402,141.00)
	500010	Part Time - Wages	(11,822.00)
	500020	Regular PT - Wages	127,748.00
	500300	Shift Differential	7,379.00
	500330	Holiday Worked	23,460.00
		Other Employee	
	500350	Pymts	14,568.00
	501000	Overtime	262,197.00
	506200	Maint & Repair	(12,780.00)
	515000	Utility Charges	66,275.00
		Cnt Pmts-Non Pro	
	516010	Pur	80,029.00
		Pro Ser Cnt And	
	516020	Fees	(39,800.00)
	516030	Maintenance Contr	(60,650.00)
		Dept Payments-	
	516050	ECMCC	51,366.00
	530000	Other Expenses	(68,768.00)

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	575040	I/F Expense-Utility	754,732.00
	DPW Building & Grounds Total		791,793.00
12230	DPW Weights & Measures		
	500000	Full Time - Salaries	(5,007.00)
	501000	Overtime	3,368.00
		Local Mileage	
	510000	Reimb	956.00
	575040	I/F Expense-Utility	683.00
	DPW Weights & Measures Total		0.00
12410	MH - Program Admin.		
	500000	Full Time - Salaries	(7,700.00)
		Other Employee	
	500350	Pymts	7,700.00
	MH - Program Admin. Total		0.00
12420	Forensic MH Services		
	500000	Full Time - Salaries	(25,165.00)
		Other Employee	
	500350	Pymts	25,165.00
	Forensic MH Services Total		0.00
12610	Probation Divn		
	500000	Full Time - Salaries	(97,554.00)
	500010	Part Time - Wages	74,369.00
		Other Employee	
	500350	Pymts	23,185.00
	Probation Divn Total		0.00
12620	Youth Detention		
	500000	Full Time - Salaries	(82,094.00)
	500010	Part Time - Wages	(74,870.00)
	500020	Regular PT - Wages	41,574.00
	500300	Shift Differential	10,212.00
	500330	Holiday Worked	21,003.00
		Other Employee	
	500350	Pymts	(8,960.00)
	501000	Overtime	190,215.00
		Pro Ser Cnt And	
	516020	Fees	(63,478.00)
		Dept Payments-	
	516050	ECMCC	26,619.00
	575040	I/F Expense-Utility	9,330.00
	Youth Detention Total		69,551.00

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12700	Health Division		
	500000	Full Time - Salaries	(9,740.00)
	500010	Part Time - Wages	2,834.00
	500300	Shift Differential	1,653.00
	500330	Holiday Worked	2,313.00
	501000	Overtime	2,940.00
	Health Division		
	Total		0.00
12720	Emergency Medical Services		
	500000	Full Time - Salaries	(24,609.00)
	500010	Part Time - Wages	1,234.00
	500300	Shift Differential	7,530.00
	500330	Holiday Worked	15,845.00
	Emergency Medical Services Total		0.00
12730	Public Health Lab		
	500000	Full Time - Salaries	(24,739.00)
	500300	Shift Differential	1,446.00
	500330	Holiday Worked	1,206.00
		Other Employee	
	500350	Pymts	15,355.00
	501000	Overtime	6,732.00
	Public Health Lab Total		0.00
12740	Medical Examiner		
	500000	Full Time - Salaries	(7,765.00)
	500300	Shift Differential	2,974.00
	501000	Overtime	4,791.00
	Medical Examiner Total		0.00
12750	Special Needs		
	500000	Full Time - Salaries	(12,752.00)
	500010	Part Time - Wages	12,752.00
	Special Needs Total		0.00
14010	Cty-wide Acct Budget		
	530100	Uncollected Taxes Net Inc Deferred	1,958,432.00
	530110	Rev	11,169,533.00
	Cty-wide Acct Budget Total		13,127,965.00
14030	Community College		
		Co Res Enrl Comm	
	520020	Col	112,091.00

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	Community College Total		112,091.00
15000	Board of Elections		
	500000	Full Time - Salaries	(8,987.00)
	500010	Part Time - Wages	4,672.00
	500020	Regular PT - Wages	2,015.00
		Other Employee	
	500350	Pymts	2,300.00
	Board of Elections Total		0.00
16010	Law Division		
	500010	Part Time - Wages	14,943.00
	500020	Regular PT - Wages	(443.00)
		Seasonal Emp.	
	500030	Wages	(14,500.00)
	Law Division Total		0.00
16110	Personnel		
	500000	Full Time - Salaries	(49,443.00)
	500010	Part Time - Wages	47,330.00
	500020	Regular PT - Wages	2,113.00
	Personnel Total		0.00
16200	Env.&Planning Divn.		
	500000	Full Time - Salaries	(68,616.00)
	500020	Regular PT - Wages	1,691.00
		Pro Ser Cnt And	
	516020	Fees	(24,868.00)
	530000	Other Expenses	239,876.00
	Env.&Planning Divn. Total		148,083.00
16410	Parks		
	500010	Part Time - Wages	(14,826.00)
	500300	Shift Differential	8,452.00
	500330	Holiday Worked	6,374.00
	Parks Total		0.00
16440	Parks - Buffalo City Parks		
	500010	Part Time - Wages	(13,919.00)
	500300	Shift Differential	9,827.00
	500330	Holiday Worked	4,092.00
	Parks - Buffalo City Parks Total		0.00
16500	Central Police Srvcs		
	500000	Full Time - Salaries	(39,454.00)

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	500010	Part Time - Wages	30,168.00
	500300	Shift Differential	3,457.00
	500330	Holiday Worked	4,230.00
		Other Employee	
	500350	Pymts	(15,326.00)
	501000	Overtime	104,306.00
	559000	County Share-Grants	(56,554.00)
	Central Police Srvcs Total		30,827.00
16700	Emergency Services		
	500010	Part Time - Wages	(11,091.00)
		Other Employee	
	500350	Pymts	1,750.00
		Local Mileage	
	510000	Reimb	3,087.00
		Pro Ser Cnt And	
	516020	Fees	6,254.00
	Emergency Services Total		0.00
1331020	Mass Transit		
		NFTA-Share Sales	
	520030	Tax	112,660.00
	Mass Transit Total		112,660.00
1650060	Traffic Safety/DWI		
	500000	Full Time - Salaries	3,443.00
	500010	Part Time - Wages	3,000.00
		Cnt Pmts-Non Pro	
	516010	Pur	(6,443.00)
	Traffic Safety/DWI Total		0.00
500	ECMC		
	502000	Fringe Benefits	1,049,417.00
	ECMC Total		1,049,417.00
510	ECMC Home		
	502000	Fringe Benefits	320,614.00
	ECMC Home Total		320,614.00
110	Total		0.00
210	12310	Highways (DPW)	
	500000	Full Time - Salaries	(475,795.00)
	500010	Part Time - Wages	6,000.00
	500300	Shift Differential	2,183.00
	500330	Holiday Worked	(89,125.00)

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		Other Employee	
	500350	Pymts	(97,274.00)
	501000	Overtime	159,651.00
		Pro Ser Cnt And	
	516020	Fees	(100,000.00)
	502000	Fringe Benefits	724,868.00
	506400	Highway Supplies	(130,508.00)
	<u>Highways (DPW) Total</u>		<u>0.00</u>
210	Total		0.00
220	18010	Sewerage Management	
	500000	Full Time - Salaries	(14,897.00)
	500300	Shift Differential	591.00
	500330	Holiday Worked	2,413.00
		Other Employee	
	500350	Pymts	3,713.00
	501000	Overtime	8,180.00
	<u>Sewerage Management Total</u>		<u>0.00</u>
	18110	Sewer Dist. 1,4,5	
	500000	Full Time - Salaries	(39,682.00)
	500010	Part Time - Wages	5,000.00
	500300	Shift Differential	1,308.00
	500330	Holiday Worked	9,328.00
	502000	Fringe Benefits	24,046.00
	<u>Sewer Dist. 1,4,5 Total</u>		<u>0.00</u>
	18210	Sewer District 2	
	500000	Full Time - Salaries	(31,140.00)
	500020	Regular PT - Wages	13,366.00
	500300	Shift Differential	17,774.00
	<u>Sewer District 2 Total</u>		<u>0.00</u>
	18310	SD 3/Southtowns	
	500000	Full Time - Salaries	(36,522.00)
	500020	Regular PT - Wages	4,798.00
	500300	Shift Differential	31,724.00
	<u>SD 3/Southtowns Total</u>		<u>0.00</u>
	18610	Sewer District 6	
	500000	Full Time - Salaries	(4,260.00)
		Other Employee	
	500350	Pymts	4,260.00
	<u>Sewer District 6 Total</u>		<u>0.00</u>

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220					
Total					0.00
310	17200	General Debt			
	Revenue		445031	Int & Earn - Cap Inv	134,913.00
		Total Revenue			134,913.00
			550110	Bond Issue Costs	298,303.00
			550800	Interest - Bonds	(163,390.00)
		Total Expense			134,913.00
		<b>General Debt Total</b>			<b>0.00</b>
	17300	Debt Srv - SD 1,4,5			
				InterFund Trans-	
			570000	Subs	10,461.00
			550000	Principal - Bonds	(10,461.00)
		<b>Debt Srv - SD 1,4,5 Total</b>			<b>0.00</b>
		Debt Srv Sew. Dist			
	17400	2			
				InterFund Trans-	
			570000	Subs	1,814.00
			550000	Principal - Bonds	(1,814.00)
		<b>Debt Srv Sew. Dist 2 Total</b>			<b>0.00</b>
		Debt Srv SD			
	17500	3/South			
			550110	Bond Issue Costs	11,270.00
				InterFund Trans-	
			570000	Subs	35,674.00
			550000	Principal - Bonds	(46,944.00)
		<b>Debt Srv SD 3/South Total</b>			<b>0.00</b>
		Debt Svc - SD 6			
	17600			InterFund Trans-	
			570000	Subs	4,959.00
			550000	Principal - Bonds	(4,959.00)
		<b>Debt Svc - SD 6 Total</b>			<b>0.00</b>
310					
Total					0.00
Grand					
Total					0.00

**Additional Adjustments to Fund 110**

The following reclassifications and adjusting entries to fund 110, are recommended by

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the Comptrollers Office.

17000	County-wide Comptroller	
402110	Sales Tax to ECFSA	(355,002,106.00)
445010	ECFSA Int Intercept	(1,223,681.00)
	Interfnd Rev	
486000	Subsidy	355,383,773.00
	Int&Pen on R P	
400050	Taxes	<u>7,193,308.00</u>
	Total Revenue	6,351,294.00
	Control Board	
511000	Expense	(842,014.00)
	InterFund Trans-	
570000	Subs	<u>7,193,308.00</u>
	Total Expense	6,351,294.00
County-wide Comptroller Total		0.00

(5-0)

**ROBERT B. REYNOLDS, JR.**  
**CHAIRPERSON**

Item 25 – MS. KONST presented the following report, moved to separate No. 3 and move the balance of the report. MS. LOCKLEAR seconded. MR. WEINSTEIN voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 134

MAY 8, 2007

PERSONNEL COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed.
  - a. INTRO 2-2 (2007)  
**MARINELLI:** Legislature Personnel Re-Engineering & Adjustments  
 (4-0)
  - b. COMM. 9E-19 (2007)  
**COUNTY EXECUTIVE:** Budget & Management - Position Transfer  
 (4-0)
2. INTRO 6-9 (2007) **AS AMENDED**

**KONST & IANNELLO**

WHEREAS, the Erie County Charter was reviewed by the Charter Revision Commission beginning in October 2005 and the changes recommended by the Commission were unanimously approved by the Erie County Legislature and subsequently those recommended changes were overwhelming approved by the voters of Erie County; and

WHEREAS, the Erie County Legislature is in the process of insuring that the changes to the Erie County Charter approved by the voters are implemented in a timely and reasonable fashion; and

WHEREAS, among the changes approved by the voters was the creating of an Office of Public Advocacy to be headed by a Commissioner and consisting of several divisions including the Division of Equal Employment Opportunity, the Division on the Status of Women, the Division of Veterans Services, the Division for the Disabled and the Consumer Protection Committee; and

WHEREAS, the changes approved by the voters also included the establishment of an advisory commission to the Division on the Status of Women as well as an advisory board to the Division for the Disabled and provided specifically for the appointment and term of office for the members of the Advisory Commission on the Status of Women; and

WHEREAS, the changes approved by the voters require the County Executive to insure that the Advisory Commission on the Status of Women receive full cooperation, facilities and assistance to properly effectuate its powers and duties under Article XVIII, Section 1804 of the charter; and

WHEREAS, the powers and duties of the Division on the Status of Women in the charter approved by the voters in November, 2006 are essentially the same as those held by the Commission on the Status of Women under the previous charter of Erie County; and

WHEREAS, the members of the current advisory Commission on the Status of Women have appeared before the Legislature on two occasions to express their concern about their role as an advisory group to the Division on the Status of Women; and

WHEREAS, the Charter provides in Article XXIII, Section 2305 certain guidelines relating to Advisory Groups and authorizes each advisory group to establish bylaws to further define their structure and procedures, subject to the approval of the creating authority.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does support the establishment of the Office of Public Advocacy as was overwhelming approved by the voters of Erie County; and be it further

**RESOLVED**, that the Erie County Legislature does encourage the members of the Advisory Commission on the Status of Women in conjunction with the Director of the Division on the Status of Women and the Commissioner of the Office of Public Advocacy to meet and pursuant to Article XXIII, Section 2305 to develop bylaws which define the structure and procedures relating to the Advisory Commission on the Status of Women; and be it further

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**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the bylaws developed pursuant to Article XXIII, Section 2305 be presented to the Legislature by August 15, 2007 for its review to insure that said bylaws are consistent and incorporate the duties and powers that the Legislature as creating authority intended that the Advisory Commission of the Status of Women exercise under the Erie County Charter; and be it further

RESOLVED, that certified copies of this resolution will be presented to the County Executive, the Commissioner of the Office of Public Advocacy, the Chair of the Advisory Commission on the Status of Women and the Executive Director of the Division on the Status of Women.

(4-0)

3. COMM. 9E-7 (2007)

**COUNTY EXECUTIVE**

WHEREAS, Erie County voters approved changes to the Erie County Charter effective January 1, 2007, and

WHEREAS, included in the changes were the establishment of the Department of Real Property Tax Services, and

WHEREAS, the new department is currently without sufficient clerical help.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to create the position of Secretary to the Director, JG 10, (B100-2915) in the Department of Real Property Tax Services, effective June 1, 2007, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to make the following budgetary adjustments in order to fund this request:

**Department of Real Property Tax Services - Fund Center 10210**

<b>Expense</b>	<b>Increase</b>	
500000	Full Time Salaries	\$35,042
502000	Fringe Benefits	<u>14,010</u>
	<b>Total Increase</b>	\$49,052

**County Wide Budget Accounts - Fund Center 14010**

<b>Revenue</b>	<b>Increase</b>	
400010	Exemption Removal Revenue	\$49,052
	<b>Net Change</b>	0

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel, the Director of Real Property and the Director of Budget and Management.

(3-1) Legislator Konst in the negative.

4. COMM. 9E-10 (2007)

**COUNTY EXECUTIVE**

WHEREAS, funds for the recruitment and retention of District Attorneys have been made available to the District Attorney's Office from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$85,608, and

WHEREAS, a portion of these funds will be utilized by District Attorney's Office for recruitment purposes by deleting the two positions of Assistant District Attorney I (JG 11) and adding two positions of Assistant District Attorney II (JG 13) to make these positions more desirable, and

WHEREAS, a portion of these funds will be utilized in the retention of current staff by providing for performance based/longevity bonuses to Assistant District Attorneys to be given at the discretion of the District Attorney.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to delete two positions of Assistant District Attorney I (#401 and #402) and adding two positions of Assistant District Attorney II (B100 #2921), and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to allocate funds within the 2007 General Fund of the District Attorney, Fund 110, Fund Center 11400 as follows:

<u>INCREASE</u>		
Revenues		
408530	State Revenue	\$85,608
	<b>Total Revenues</b>	<b><u>\$85,608</u></b>
Appropriations		
500000	Full Time Salaries	\$ 8,100
502000	Fringe Benefits	14,508
500350	Other Employee Payments	<u>63,000</u>
	<b>Total Appropriations</b>	<b><u>\$85,608</u></b>

and be it further,

RESOLVED, that no county source funding shall be utilized for the provision of bonuses in the event that DCJS does not provide grant monies for the purposes noted above, the bonuses will be discontinued as the result of a lack of funds, and be it further

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

(4-0)

**KATHY KONST**  
**CHAIRPERSON**

MS. KONST moved to amend No. 3. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

**DELETE** the RESOLVED Clauses in the original Resolution and **REPLACE** with the following:

RESOLVED, that the Erie County Legislature hereby provides authorization to create the position of Secretary to the Director, JG 10, in the Department of Real Property Tax Services, effective June 1, 2007; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to make the following budgetary adjustments in order to fund this request:

**Department of Real Property Tax Services – Fund Center 10210**

<b>Expense</b>	<b>Increase</b>
500000 Full Time Salaries	\$27,836
502000 Fringe Benefits	<u>\$11,134</u>
<b>Total Increase</b>	<b>\$38,970</b>

**County Wide Budget Accounts – Fund Center 14010**

<b>Revenue</b>	<b>Increase</b>
400010 Exemption Removal Revenue	\$38,970
<b>Net Change</b>	<b>0</b>

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel, the Director of Real Property and the Director of Budget and Management.

MS. KONST moved to approve No. 3 as amended. MS. WHYTE seconded.

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

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

CARRIED.

**MEETING NO. 10**  
**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

Item 26 – MS. LOCKLEAR presented the following report, moved to separate No. 3 and approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

MAY 6, 2007

HEALTH COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-1 (2007)  
**LOCKLEAR:** Mold Testing: Erie County Family Court Building  
 (4-0)
  - b. COMM. 9D-3 (2007)  
**ECMCC:** Annual Audit Report Certification  
 (4-0)
2. COMM. 6E-10 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health wishes to contract with the New York State Department of Environmental Conservation (NYSDEC) from April 1, 2004 to March 31, 2009 for the purpose of reviewing plans and specifications, reconnaissance inspections and compliance, annual inspections and compliance and complaint investigation inspections for sanitary sewer and on-site wastewater treatment systems in accordance with a mutually agreed on annual work plan, and

WHEREAS, the total value of the contract will not exceed \$156,690 over the five (5) year period subject to availability of funds with an annual cap of \$30,138.56 agreed to annually by the Erie County Department of Health and the New York State Department of Environmental Conservation, and

WHEREAS, the contract allows continuation of sewer reviews under the authority of the New York State Department of Environmental Conservation to be done by the Erie County Department of Health in coordination with reviews of water system improvements and realty subdivisions that are done under contract with the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Environmental Conservation for the purpose of reviewing of water system improvements and realty subdivisions for the period April 1, 2004 through March 31, 2009, and be it further

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**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

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

(4-0)

3. COMM. 9E-17 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Energy Performance Contractor to provide validation and preliminary design services for energy and efficiency upgrades at wastewater treatment facilities in Erie County Sewer District No. 2 and No. 6; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Siemens Building Technologies, Inc., 85 Northpoint Parkway, Suite 8, Amherst, New York 14228.

NOW, THEREFORE BE IT

RESOLVED, that the firm of Siemens Building Technologies, Inc. be retained at a cost not-to-exceed \$48,700.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, Inc., 85 Northpoint Parkway, Suite 8, Amherst, New York 14228, to provide the needed services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$48,700.00 for the Agreement as follows: \$36,525.00 from ECSD No. 2 Operating Fund Contractual Services (Account No. 516020) and \$12,175.00 from ECSD No. 6 Bond Account C.00001; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget, Management and Finance; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.

(4-0)

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

MS. LOCKLEAR moved to amend No. 3. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

**DELETE THE RESOLUTION IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:**

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**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Health Department's Division of Emergency Medical Services is responsible for responding to and planning for mass casualty events, and

WHEREAS, the Erie County Health Department's Division of Emergency Medical Services has received a donation of equipment and supplies from the New York State Health Department, and

WHEREAS, the equipment and supplies include:

- 25 Backboards
- 75 5' 2piece swivel quick-clip straps (for the backboards)
- 25 Laerdal Stifneck Select Cervical Collars
- 24 Pediatric Stifneck Select Cervical Collars
- 25 Multigrip Disposable Head Immobilizers
- 100 Adult Non-Rebreather Oxygen Masks
- 40 Pediatric Non-Rebreather Oxygen Masks
- 12 Ambu Spur II Adult BVM
- 10 Ambu Spur II Pediatric BVM
- 5 Ambu Spur II Infant BVM
- 1 Box Small Frontline Nitrile Gloves
- 1 Box Medium Frontline Nitrile Gloves
- 1 Box Large Frontline Nitrile Gloves
- 3 Boxes Face Masks with Wraparound Visor

WHEREAS, this equipment will be stored and deployed when necessary to support emergency operations at a mass casualty, and

WHEREAS, the equipment is valued at \$3,680.70.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the donated equipment and supplies as listed above from the New York State Health Department, and be it further

RESOLVED, that said equipment will be used to support emergency operations at a mass casualty, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Department of Health, the New York State Health Department and the Department of Law.

MS. LOCKLEAR moved to approve No. 3 as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

Item 27 – MR. LOUGHRAN presented the following report, moved to separate Nos. 5, 6 and 7, and move the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

MAY 8, 2007

ENERGY & ENVIRONMENT COMMITTEE  
 REPORT NO. 8

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-20 (2007)  
**COUNTY EXECUTIVE:** Parks, Recreation & Forestry - Request for Hunt Real Estate Corporation's Desire to Place Exclusive Advertisements on Elmwood Meadows and Grover Cleveland Golf Courses Score Cards  
 (4-0)
  - b. COMM. 6E-7 (2007)  
**LOUGHRAN:** Copy of Letter to County Attorney Re: Advertisement on Golf Cards  
 (4-0)
  - c. COMM. 7E-9 (2007)  
**MARINELLI:** Reappointment / Appointment of Commissioner to the ECWA  
 (4-0)
  - d. COMM. 7M-19 (2007)  
**ECWA:** 2006 Annual Report  
 (4-0)
  - e. COMM. 8E-4 (2007)  
**MARINELLI:** Reappointment/Appointment of Commissioner to the ECWA  
 (4-0)
  - f. COMM. 8E-15 (2007)  
**COUNTY EXECUTIVE:** Open Item - Sewer District Construction Contracts - Award of Contracts  
 (4-0)
  - g. COMM. 8M-5 (2007)  
**TOWN OF HAMBURG:** Town of Hamburg Sewer Districts - Request for Consolidation of Sewer Services with ECSD No. 3  
 (4-0)

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- h. COMM. 9E-6 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 5 - Proposed Modifications of Plans - Erie County  
 Sewer Agency Report  
 (4-0)
- i. COMM. 9M-2 (2007)  
**ECWA:** Management Letter for FY Ending 3/31/06  
 (4-0)
2. COMM. 2E-11 (2007)  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. 137

RESOLUTION DATED \_\_\_\_\_, 2007

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2007.

(Adopted) \_\_\_\_\_, 2007

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. 5 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the 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. 5 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. 5 in said County, consisting of the replacement of existing sanitary sewers throughout the District as and where required, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design and engineering of the facilities of said Sewer District No. 5 is \$1,860,000 to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

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WHEREAS, there will be no additional costs to properties serviced by the District. The hook up/inspection fees required are \$500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection; 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 253-b 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 the Erie County Legislature, 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 8<sup>th</sup> day of June 2007, 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 facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 8<sup>th</sup> day of June, 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 5 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the replacement of existing sanitary sewers throughout the District as and where required, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated March 15, 2007, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$1,860,000 to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

There will be no additional charge for hook ups to properties serviced by the Sewer District. Hook up/inspection fees required are \$ 500.00 per new residential home and a \$2.00 permit

**MEETING NO. 10**  
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fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection.

Dated: Buffalo, New York,  
 \_\_\_\_\_, 2007.

BY ORDER OF THE COUNTY  
 LEGISLATURE OF THE COUNTY OF  
 ERIE, NEW YORK  
 By ROBERT M. GRABER  
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the Front Page and in the Lancaster Bee, the official newspapers of said County, and the Clarence Bee 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)

3. INTRO 8-2 (2007)  
**IANNELLO**

WHEREAS, the United States Army Corps of Engineers (USACE) in March 2007 released a proposed plan for the closure of the Town of Tonawanda Landfill, located adjacent to residential properties on Hackett Drive in the City of Tonawanda; and

WHEREAS, the USACE has stated that testing has shown evidence of Uranium, Radium, Thorium and Americium present on the Landfill site; and

WHEREAS, the USACE has stated that the levels are below the Environmental Protection Agency (EPA) risk levels with minimum exposure, residents of Hackett Drive and Riverview Heights have concerns of health risks due to long term exposure and loss of property value; and

WHEREAS, Legislator Michele Iannello hosted a public meeting on February 8, 2007 and all of the appropriate agencies were present (USACE, NYS Department of Environmental Conservation, Town of Tonawanda and City of Tonawanda), along with 175 residents who heard a presentation followed by a question and answer session; and

WHEREAS, a conference call was conducted on March 19, 2007 between the NYSDEC, NYS Department of Health, USACE, Legislator Michele M. Iannello, representatives from Congressperson Slaughter's office, Assemblyman Schimminger office, elected officials from the Town and City of Tonawanda; and

WHEREAS, residents and elected officials agree that the USACE closure plan is unacceptable as it states that it is not recommending removal of the hazardous materials prior to closure of the Landfill; and

WHEREAS, the only way to determine if toxins have migrated to the private, adjacent properties through run-off or ground water is through further testing and residents and officials alike are calling for such testing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is calling upon the above agencies to come together with the residents of Riverview Heights, and members of the organization called "Clean Up Riverview Heights (CURE);" and be it further

RESOLVED, that the Energy & Environment Committee of the Erie County Legislature call upon the appropriate agencies and the residents of Riverview Heights to meet with the Energy & Environment Committee to present further facts of said issue; and be it further

RESOLVED, that the Energy & Environment Committee act expediently on such a meeting as the Riverview Heights neighborhood appears to have a high rate of cancer and other illnesses potentially resulting from exposure of such toxins named above; and be it further

RESOLVED, that the current and immediate goal is to develop a plan for testing and the type of testing to be accomplished on the adjacent properties on Hackett Drive, including that of Riverview Elementary School, located on Hackett Drive adjacent to the Town of Tonawanda Landfill; and be it further

RESOLVED, that the homeowners of Riverview Heights have a right to protect their investment and the health of their families, thereby, removal being the final and ultimate goal; and be it further

RESOLVED, that the Erie County Legislature goes on record in support of testing of said properties, followed by removal, and that the Energy & Environment Committee will join with those seeking further testing and removal, and serve as an advocate for the citizens of Erie County; and be it further

RESOLVED, that copies of this resolution be sent to the Erie County Executive, the Erie County Attorney, the USACE, NYSDEC, NYS Health Department, Erie County Commissioner of Environmental Health, Town of Tonawanda Supervisor, Mayor of the City of Tonawanda, Congresswoman Louise Slaughter, Assemblyman Robin Schimminger, Senator Antoine Thompson, League of Women Voters, City of Tonawanda School Superintendent Dr. Barbara Peters, and the co-chairs of CURE.

(4-0)

4. COMM. 8E-16 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to assist with the retrofit of diesel school buses; and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the United States Environmental Protection Agency (USEPA) solicited proposals for retrofit projects for school districts; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from USEPA to manage and fund a retrofit program for six school districts in Erie County; and

WHEREAS, the USEPA granted approval of the application allocating funding of \$298,960 over two years for a Erie County Clean School Bus Initiative to be implemented in Erie County; and

WHEREAS, the new grant resources would enable the Department of Environment and Planning to transfer an existing Environmental Education Specialist (JG 9) position to the new grant budget from an existing grant that is expiring; and

WHEREAS, the required County match will be met through overhead and in-kind expense contributions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the USEPA to accept and implement the Erie County Clean School Bus Initiative in an amount not to exceed \$298,960 in grant resources; and be it further

RESOLVED, that the revenue from the Erie County Clean School Bus Initiative is hereby appropriated in the grant as follows:

REVENUE:

414000	Federal Aid – United States Environmental Protection Agency	\$298,960
<b>TOTAL REVENUE</b>		<b>\$298,960</b>

APPROPRIATIONS:

500000	Personnel Services	\$54,000
502000	Fringe Benefits	\$20,280
505000	Supplies	\$500
510000	Local Travel and Mileage	\$180
516020	Professional Service Contract & Fees	\$224,000
<b>TOTAL APPROPRIATIONS</b>		<b>\$298,960</b>

and be it further

RESOLVED, that the following position will be transferred from the Rebuild Western New York Initiative grant budget (162REBUILD0506):

Environmental Education Specialist (JG 9) Position  
 B-100 No. 2911  
 Budgeted Annual Salary: \$46,377

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(4-0)

5. INTRO 9-2 (2007)

**KENNEDY & WHYTE**

WHEREAS, power generation from polluting non-renewable resources, such as oil and coal, results in serious human impairments, negative impacts on wildlife, plants, and the natural environment, and has become a factor in conflicts over the world's dwindling non-renewable resources; and

WHEREAS, energy conservation alone is insufficient to reduce the serious negative impacts caused by fossil fuels used for energy generation; and

WHEREAS, the use of clean renewable energy sources, such as wind, solar, ocean, geothermal and hydro, has many benefits; minimal environmental impacts, increased income for local producers of such energy sources and dramatic air quality improvement; and

WHEREAS, governments can address this problem by purchasing energy from renewable sources to help reduce pollution and to contribute to the development of the market for renewable energy sources; and

WHEREAS, New York State government, Nassau County and Suffolk County as well as the Towns of Clinton, New Paltz and Fishkill have all set goals to purchase a certain percentage of electricity created by renewable energy within the next several years; and

WHEREAS, the Erie County Legislature wishes to exercise leadership in this most important environmental effort.

NOW, THEREFORE, BE IT

RESOLVED, that it should be the policy of Erie County to improve environmental quality and redirect energy policy, promote energy efficiency, clean energy production and clean renewable energy markets; and be it further

RESOLVED, that Erie County is hereby authorized, empowered, and directed to purchase energy from sources that include a growing proportion of non-polluting renewable energy

technologies with a goal of no less than 8% by 2009, 16% by 2011 and 25% by 2013 and; and be it further

RESOLVED, that the County Executive is further authorized, empowered, and directed to issue an annual report to the County Legislature no later than December 31 of each year updating the progress of achieving the 25% goal, said report to be filed with the Clerk of the County Legislature.

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

6. INTRO 9-5 (2007)

**KENNEDY & WHYTE**

WHEREAS, Erie County has many miles of county roads spread throughout the county; and

WHEREAS, the Legislature seeks clarification of which governmental entity is responsible for financing, purchasing, installing and maintenance of traffic signals on these county roads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests the County Executive send a representative from his administration to an upcoming meeting of the Economic Development Committee to provide the Legislature with information regarding the financing, purchasing, installing and maintenance of traffic signals on Erie County roads.

(4-0)

7. INTRO 9-6 (2007)

**KENNEDY & WHYTE**

WHEREAS, Erie County owns and operates a variety of vehicles ranging from passenger automobiles to heavy trucks and equipment; and

WHEREAS, vehicles are a major source of air pollution, in particular, emissions from diesel engines contribute to smog, ozone depletion and to serious health problems and contribute to global climate change; and

WHEREAS, the Erie County Legislature takes the problem of air quality, global climate change and dependence on foreign oil seriously, and this County needs to take prudent steps to reduce emissions from our vehicle fleet; and

WHEREAS, steps to reduce emissions include switching to ultra-low sulfur fuels, installing improved particulate filters and, where practical, switching to compressed natural gas.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County Executive provide the legislature with the following information:

-A detailed list of every vehicle owned/operated by the County of Erie,

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- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County Clerk provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the County Clerk's office,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County Sheriff provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the Sheriff's office,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County District Attorney provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the District Attorney's office,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Clerk, Erie County Sheriff, and Erie County District Attorney.  
 (4-0)

8. COMM. 9E-11 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

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RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.  
 (4-0)

9. COMM. 9E-14 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Village of Hamburg has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 has previously entered into a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and Buffalo Avenue sanitary sewers in the Village of Hamburg when the NYSDOT reconstructs the roads; and

WHEREAS, the low bid for the sanitary sewer portion of the NYSDOT project is \$2,305,852.13, which is an increase of \$92,852.13 over the estimated, authorized funding amount; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the Erie County Legislature authorize the increase in funding of \$92,852.13.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie authorize the increase in funding of \$92,852.13; and be it further

RESOLVED, that the authorized amount for the sanitary sewer portion of the project be increased by \$92,852.13 to a total of \$2,305,852.13 to cover the bid amount; and be it further

RESOLVED, that the Comptroller be authorized and directed to deposit with the New York State Comptroller's Office, for the NYSDOT, the increased amount of \$92,852.13, from ECSD No. 3 Capital Account C.00039 for the NYDOT's disbursement for the replacement of Main Street and Buffalo Avenue sanitary sewers under the contract, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney and two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(4-0)

**THOMAS A. LOUGHRAN  
CHAIRMAN**

MR. KENNEDY moved to amend No. 5. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors: GRANT, IANNELLO, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MILLER-WILLIAMS and REYNOLDS.

MS. WHYTE moved to approve No. 5 as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to amend No. 6. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MILLER-WILLIAMS and REYNOLDS.

MS. WHYTE moved to approve No. 6 as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MR. LOUGHRAN moved to amend No. 7. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors: MILLS, IANNELLO, KONST, LOCKLEAR, LOUGHRAN, MARINELLI and REYNOLDS.

MS. WHYTE moved to approve No. 7 as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. KENNEDY presented the following report, moved to separate Item No. 2 and approve the balance of the report. MR. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

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

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

a. COMM. 8D-4 (2007)

**COUNTY ATTORNEY:** Erie Canal Harbor Development Corporation  
 (5-0)

b. COMM. 9M-13 (2007)

**BUFFALO PLACE:** 2006 Buffalo Place Annual Report  
 (5-0)

2. COMM. 9E-15 (2007)

**COUNTY EXECUTIVE**

WHEREAS, promotion of healthy lifestyles and education are important objectives in Erie County, and

WHEREAS, in order to create an urban farm in the City of Buffalo that will promote healthy lifestyles and education, the Queen City Farm Planning Group is in need of funding that is not currently designated in the 2007 Erie County budget.

NOW, THEREFORE, BE IT

RESOLVED, that the available balance in Account 516000, shall be utilized for the Queen City Farm Planning Group, and be it further

RESOLVED, that, pursuant to this legislation, that the County Executive be authorized to enter into that appropriate Cultural Services Contract with the Queen City Farm Planning Group, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Attorney, the Comptroller, and the County Executive.

(5-0)

3. COMM. 9E-16 (2007)

**COUNTY EXECUTIVE**

WHEREAS, a Project for the Signal Replacements on Colvin Avenue (CR118) at Belmont Road, Colvin Avenue (CR118) at Brighton Road (CR196), and Brighton Road (CR196) at Eggert Road (CR130), in the Town of Tonawanda, Erie County, PIN 5756.86 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

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WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering stage (Design Phases I-VI) of the Project, and

WHEREAS, the NYSDOT initially programmed only a portion of the funds required for the Project and is now able to fully fund the Preliminary Engineering stage (Design Phases I-VI) of the Project, and

WHEREAS, the funds required increased from \$100,000.00 to \$488,000.00, proportionally increasing the local share to \$97,600.00, and

WHEREAS, TVGA Engineering, Surveying P.C. were authorized to perform Design Services for this Project by County Resolution 25E-15 on February 24, 2003.

NOW, THEREFORE, BE IT,

RESOLVED, that the Legislature of the County of Erie hereby approves the above subject Project, and be it further,

RESOLVED, that the Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering stage (Design Phases I-VI) of the Project or portions thereof, and be it further,

RESOLVED, that an initial sum of \$100,000.00 was appropriated from the 2004 Colvin Brighton, et al Road Signals PIN 5756.86 Design Program (SAP B.00125.2) via County Resolution 13E-38 adopted on June 24, 2004, and be it further,

RESOLVED, that the necessary Project increase of \$388,000.00, and, therefore, the balance of the proportional increase in local share in the amount of \$77,600.00 be appropriated from the 2006 Unanticipated Road & Bridge Program (SAP B.00151), and be it further,

RESOLVED, that the project budget be equally increased in revenue and appropriation to represent this agreement, and be it further,

RESOLVED, that the Legislature authorizes the Commissioner of the Department of Public Works to execute a Change Order with TVGA Engineering, Surveying, P.C. to complete the Project in accordance with the agreement with NYSDOT, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Preliminary Engineering stage (Design Phases I-VI) exceeds the total amount appropriated, \$488,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to

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execute all necessary agreements, certifications, or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and as necessary for the administration of the Project and the County of Erie's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with New York State Commissioner of Transportation, by attaching it to any necessary agreements in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward ten (10) certified copies of this resolution to the Deputy Commissioner of Public Works, Division of Highways for attachment to the NYSDOT agreement, and one (1) copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the Office of the Comptroller.

(5-0)

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

CHAIRPERSON MARINELLI directed that No. 2 be returned to the ECONOMIC DEVELOPMENT COMMITTEE for further consideration.

GRANTED.

Item 29 - MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

MAY 10, 2007

PUBLIC SAFETY COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 7M-3 (2007)  
**BUFFALO COMMON COUNCIL:** Certified Resolution Re: Support for Re-Instating the Erie County Community Prosecution Unit  
 (3-0)
  - b. COMM. 7M-17 (2007)

**LEGAL AID BUREAU:** Comm. 17E-9 - Request to Use Funding  
 (3-0)

- c. COMM. 9M-6 (2007)  
**AMHERST TOWN BOARD:** Certified Resolution Re: Acquisition of Erie County Fire Training Facility at Smith and New Roads by the Town of Amherst  
 (3-0)

2. COMM. 7E-22 (2007)

**COUNTY EXECUTIVE**

WHEREAS, funds for the Video Recording of Statements Program have been made available to the District Attorney's Office from the New York State Division of Criminal Justice Services in the amount of \$50,000, and

WHEREAS, these funds will be used by District Attorney's Office to provide various local law enforcement agencies the ability to purchase and enhance their video recording equipment to be used in interviewing and interrogations of defendants and witnesses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the District Attorney's Video Recording of Statements Program Grant as follows:

**Video Recording of Statements Program**  
**Fund: 281, Cost Center: 1140050, Grant: 114VIDEO2007**

Revenues		
409000	State Revenue	\$50,000
	Total Revenues	\$50,000
Appropriations		
516000	Contractual (Local Law Enforcement)	\$36,000
561410	Lab & Technical Equipment	7,000
911590	ID Sheriff	7,000
	Total Appropriations	\$50,000

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

(3-0)

3. COMM. 8E-18 (2007)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Fire Advisory Board for the term stated to replace Chief Charles Stuart:

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<u>Name</u>	<u>Term Expiration</u>
Asst. Chief Daniel Marohn 459 Niagara Street Tonawanda, New York 14150 (3-0)	December 31, 2007

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

Item 30 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

MAY 10, 2007

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

**ALL ITEMS ARE HEREBY TABLED.**

**MARIA R. WHYTE**  
**CHAIRPERSON**

**LEGISLATOR RESOLUTIONS**

Item 31 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Support for the Creation of a Weather  
 Museum (INTRO 10-1)

A RESOLUTION BY LEGISLATORS  
 GRANT, MARINELLI, WHYTE,  
 MILLER-WILLIAMS, KOZUB, KONST and REYNOLDS

WHEREAS, it has been well established that the tourism industry represents an important component in the continuing revival of Downtown Buffalo and the Western New York region; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau recently reported that the tourism industry in Erie County generated one billion dollars in direct visitor spending in 2005; and

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WHEREAS, the Erie County Legislature has continued to encourage the development of the regions cultural institutions which serves to further enhance this community's reputation as a tourism destination point; and

WHEREAS, the Erie Canal Harbor Development Corporation and other important community leaders are actively engaged in an effort to bring unique, family-oriented attractions to the downtown waterfront area; and

WHEREAS, Erie County and Western New York have a nationally known reputation for our weather and its impact are often a topic of discussion around the world; and

WHEREAS, there appears to be widespread and growing support in our community for the inclusion of a Weather Museum in downtown Buffalo; and

WHEREAS, the Weather Museum could serve as an invaluable education and research tool which stimulates interest in the scientific field of meteorology as well as serve as a place where persons of all ages could learn about weather, weather safety and also the history of weather gathering techniques.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature supports the idea of the creation of a Weather Museum in downtown Buffalo which would serve as a valuable addition to our current cultural institutions and increase tourism in Western New York, and be it further

RESOLVED, that certified copies of this resolution be sent to United States Senators Charles Schumer and Hillary Clinton, United States Congressmembers Louise Slaughter and Brian Higgins, Governor Eliot Spitzer, Mayor Byron W. Brown, County Executive Joel A. Giambra, the members of the Buffalo Common Council, The Empire State Development Corporation, the Erie Canal Harbor Development Corporation, the Western New York Legislative Delegation, the National Weather Service and the Buffalo Niagara Convention.

MS. WHYTE moved to amend the resolution for Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 32 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

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INTRO 10-2 from KOZUB, MARINELLI, MILLER-WILLIAMS & GRANT Re: Support of Regulations Designed to Reduce the Theft of Copper and Other Metals

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Removal of Debris Remaining from the  
 October Surprise Storm (INTRO 10-3)

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS MAZUR and MARINELLI**

WHEREAS, the “October Surprise” storm that blanketed Erie County with several inches of wet and heavy snow caused severe damage to trees and shrubbery both on private and public property; and

WHEREAS, the City of Buffalo, Erie County and municipalities through out the County joined together to clean up after the storm; and

WHEREAS, during the period after the storm, all municipalities encouraged residents to remove debris from their backyards and bring the debris to the street to be picked up while the costs were being subsidized by the Federal Emergency Management Agency; and

WHEREAS, many elderly and disabled residents were not able to remove debris from their yards during the winter months and are only now bringing debris to the curbs; and

WHEREAS, the pickup and disposal of this debris is putting an unacceptable strain on municipal budgets; however, the debris must be removed.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature encourages all levels of government to work cooperatively, as they did during the October Storm, to solve the problem of remaining debris; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive and the Mayors or Supervisors of each city or town in Erie County.

Item 34 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 10-4 from WHYTE Re: Buffalo Landbanking

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Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: Legislature's Budget (INTRO 10-5)

**A RESOLUTION SUBMITTED BY  
LEGISLATOR MARINELLI**

WHEREAS, on December 16, 2005 this Honorable Body passed Resolution 32-6 which authorized an expenditure of \$15,000.00 to pay Hank Bromley to be a consultant to serve the Erie County Charter Revision Commission; and

WHEREAS, Mr. Bromley served the Commission with distinction and was requested to continue to serve after the period of his consultancy expired which resulted in an additional expenses of \$250.00; and

WHEREAS, in order to pay Mr. Bromley the original contract must be amended; an amended contract is attached to this Resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby authorized to pay \$250.00 to Hank Bromley of 246 Norwood Avenue, Buffalo NY 14222 for his services to the Erie County Charter Review Commission, and be it further

RESOLVED, that the source of funding for this consultant is from the Legislature Training and Education Account, Fund Center 100, Account Number 510200, and be it further

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

Item 36 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 10-6 from WHYTE Re: Establishment of Neighborhood Empowerment Teams

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: Prescription Drug Discount Cards for  
Uninsured and Underinsured County Residents  
(INTRO 10-7)**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS LOCKLEAR, MARINELLI, MAZUR,  
LOUGHRAN, KONST AND REYNOLDS**

WHEREAS, caring for the health and medical needs of the Uninsured and the Underinsured members of our Community presents monumental challenges; and

WHEREAS, it is estimated that anywhere from 6% to 12% of our State's population is either Uninsured or Underinsured; and

WHEREAS, escalating prescription drug costs represent a prohibitive barrier to the Uninsured and the Underinsured in managing their medical needs; and

WHEREAS, studies have shown that preventative treatment lowers the health care costs that are ultimately borne by counties where government serves as the "Safety Net" for the medically Uninsured or Underinsured; and

WHEREAS, this Honorable Body has been dedicated to finding creative, cost-neutral solutions to assist the members of this Community who cannot afford Health Insurance or otherwise do not receive cost effective prescription benefits; and

WHEREAS, this Honorable Body has identified an innovative solution in the form of the "Discount Prescription Card Program" (the "CARD") offered by Pro Act, Inc.; and

WHEREAS, the Program offered by Pro Act, Inc. offers the following features and benefits including:

1. All-inclusive eligibility, meaning the CARD is available to everyone and anyone regardless of age or income;
2. User Anonymity, meaning no prescription information is tied to any individual or individual's personal identification;
3. No membership or other fees to the participants;
4. No cost to the County;
5. Demonstrated savings of 10% to 20% on brand medications and savings of 20% to 50% on generic medications (as experienced in St. Lawrence County where this program has been in effect since October 2005);

WHEREAS, the CARD program has also been introduced in Jefferson County and Lewis County and both these counties have also experienced dramatic savings; and

WHEREAS, the Program was rolled out in St. Lawrence County after the circulation of an RFP for a prescription drug card service provider and after review of three potential vendors St. Lawrence selected ProAct, Inc. a division of Kinney Drug from Gouverneur, New York; and

WHEREAS, in the roll-out in St. Lawrence County ProAct, Inc. mailed over 49,000 drug cards to all residents in St. Lawrence County in a blitz mailing following a period of advertising, and further the card is also provided free of charge in the county's Office for the Aging, the county's Department of Social Services and is available and accepted at all of the pharmacies in St. Lawrence County.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body does hereby find it to be in the best interests of the residents of Erie County to undertake further study of the ProAct program to determine whether the Legislature may award a contract to ProAct, Inc. to provide the Prescription Discount Card Program to the residents of Erie County upon terms and conditions as are acceptable to the Legislature; or in the alternative issue an RFP to discount card providers as soon as possible to develop the best possible discount prescription card program including at a minimum at least the benefits identified herein; and be it further

RESOLVED, that this item shall be referred to the Health Committee where these questions can be further investigated, Jefferson, Lewis and St. Lawrence Counties contacted to discuss processes and results; and a recommended course of action developed for report back to the full Legislature.

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

CARRIED UNANIMOUSLY.

DELETE the first RESOLVED Clause in its entirety and REPLACE with the following:

RESOLVED, this Honorable Body does hereby find it to be in the best interests of the residents of Erie County to undertake further study of the ProAct program and other similar programs to determine whether the Legislature may award a contract to ProAct, Inc. or other similar organizations to provide the Prescription Discount Card Program to the residents of Erie County upon terms and conditions as are acceptable to the Legislature; or in the alternative issue an RFP to discount card providers as soon as possible to develop the best possible discount prescription card program including at a minimum at least the benefits identified herein; and be it further

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

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Support for Assembly Bill A01662 and  
 Senate S266 (INTRO 10-8)

**A RESOLUTION SUBMITTED BY LEGISLATOR KONST**

WHEREAS, it is the responsibility of all levels of government to protect our most vulnerable citizens, our children; and

WHEREAS, New York State's version of Megan's Law, The Sex Offender Registration Act was enacted in 1996; and

WHEREAS, Megan's Law requires a convicted sex offender to register with the State's Sex Offender Registry; and

WHEREAS, New York State has three different risk levels for convicted sex offender

D Level 1 (low risk of repeat offense),  
D Level 2 (moderate risk of repeat offense),  
D Level 3 (high risk of repeat offense and a threat to public safety exists); and

WHEREAS, New York State has 6,171 individuals who are Level 3 sex offenders, 224 of them live in Erie County; and

WHEREAS, the New York State Assembly and Senate has introduced legislation that would close loopholes in our current laws that would further protect our young citizens; and

WHEREAS, AO1662 and S266 would amend NYS correction law and restrict where Level 3 sex offenders may reside; and

WHEREAS, AO1662 and S266 would make it unlawful for any Level 3 sex offender to reside within one quarter mile of any public or private elementary, middle, high or nursery school or licensed day care facility; and

WHEREAS, this restriction would stay in effect for the length of time that the Level 3 sex offender has this classification; and

WHEREAS, any violation of this new provision would result in a Class E felony.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support New York State Bills AO1662 and S266, legislation that would restrict where Level 3 sex offenders may reside; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the W.N.Y. Delegation, Governor Spitzer, and Mayor Brown and to the Supervisors and Mayors in Erie County.

MS. WHYTE moved to amend the item by including Et Al Sponsorship and attaching the following legislation. MS. KONST seconded.

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CARRIED UNANIMOUSLY.

**A01662 Summary:**

BILL NO A01662

SAME AS Same as S 266

SPONSOR Koon

COSPNSR Bradley, Carrozza, Cymbrowitz, Ortiz, Aubertine, Schroeder, Morelle,  
 Gabryszak

MLTSPNSR Alfano, Barra, Galef, Gordon D, Gunther, Hooper, Lupardo, Mayersohn,  
 Pheffer, Ramos, Robinson, Schimminger, Towns, Weisenberg, Wright

Add S168-w, Cor L

Restricts level three sex offenders from residing within one quarter mile of any school or licensed day care facility; makes a violation of this provision a class E felony.

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**A01662 Actions:**

BILL NO A01662

01/10/2007 referred to correction

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**A01662 Votes:**

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**A01662 Memo:**

BILL NUMBER:A1662

TITLE OF BILL: An act to amend the correction law, in relation to restricting where level three sex offenders may reside

**PURPOSE OR GENERAL IDEA OF BILL:**

To restrict level three sex offenders from residing within one-quarter mile of any school or licensed day care facility.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section 1. Adds a new section to the correction law. Section 168-w deals with level three sex offender residence limitations. Subdivision 1 makes it unlawful for any level three sex offender to reside within one quarter mile of any public or private elementary, middle, high or nursery school; or licensed day care facility. Subdivision 2 states that no

shelter or housing accommodation shall permit or cause the placement of any level three sex offender if the housing is located within one-quarter mile of any public or private elementary, middle, high or nursery school; or licensed day care facility. Subdivision 3 states that the residence prohibitions shall remain in effect for the length of the level three sex offender's classification as such. Subdivision 4 states that any violation of this section will be a class E felony.

S2. Sets the effective date on the first of November next succeeding the date on which this shall have become law.

**JUSTIFICATION:**

Offenses that would require an individual to register on the state's Sex Offender Registry include rape, sodomy, sexual abuse, sexual conduct against a child, patronizing a prostitute, incest, unlawful imprisonment and kidnapping. Level three sex offenders are categorized as the most dangerous of all sex offenders. Often times they have been convicted of the most heinous of sex crimes such as sodomy and rape against young children. The state of New York has gone to great lengths to ensure that sex offenders register on the state's Sex Offender Registry. Further, the more serious the risk to the public, law enforcement has greater access to information regarding these offenders. Currently available to the public with a high-risk offender is an exact address, photograph, their crime of conviction, type of targeted victim, and conditions of parole.

It is the responsibility of the state to protect our most vulnerable citizens. It is already common procedure for special conditions to be imposed on sex offenders. In addition, field officers routinely impose additional conditions such as curfew and travel restrictions to reduce the risk of recidivism. Special Offender Units have been developed specifically to supervise sex offenders using electronic monitoring and additional field contacts with offenders.

Nationwide, state legislatures continue to enhance penalties, supervision and restrictions for sex offenders, particularly those who victimize children. California enacted a law in July 2000 that would restrict sex offenders from living nearby locations where children frequent.

This legislation is designed to close loopholes to protect our young people by distancing sex offenders from schools and giving communities the information that they need to protect their children.

**PRIOR LEGISLATIVE HISTORY:**

**MEETING NO. 10**  
**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

2003-2004: A.9465/S.5995  
 2005-2006: A.1860-A/S.4025-A

**FISCAL IMPLICATIONS:**

Unknown at this time.

**EFFECTIVE DATE:**

This act shall take effect on the first of November next succeeding the date on which it shall have become law.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 39 – MS. WHYTE moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of COMM. 9E-12. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Social Services - Enhanced Case  
 Management Program

WHEREAS, the Department has been notified by New York State of the availability of 100% Federal dollars to be used to provide enhanced case management services to hard to serve TANF clients that are subject to sanction from public assistance cases for failure to comply with work requirements, and

WHEREAS, these clients are often difficult to engage because sanctions only reduce the benefit to the household on a pro rata basis for the sanctioned individual, and benefits continue for the remaining household members and the case can not be closed due to non-compliance, and

WHEREAS, this program is to provide daily one-on-one case management to this set of clients in order to assess barriers to employment and self sufficiency and to also put in place continuous and rigorous individualized strategies to overcome these barriers because it is critical that these clients be engaged and come into compliance so that the County will achieve the required Federal work participation rate and avoid significant penalties for failure to do so, and

WHEREAS, the Department of Social Services has conducted a request for proposals (RFP) to allocate funding to community providers to conduct the Enhanced Case Management Program, and three submissions were received in response to the RFP, one from Buffalo Urban League, a second from Goodwill Industries and a third from Mental Health Peer Connection, and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, awards to each provider that are complementary to their current operations are made based on this competitive scoring and an additional appropriation to expand subsidized employment for sanctioned individuals is made to Greater Buffalo Works, the Department's operator of this critical program element, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

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

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE</u></b>
516010	Goodwill Industries	\$100,000
516010	Mental Health Peer Connection	50,000
516010	Greater Buffalo Works	227,590
516010	Buffalo Urban League	<u>\$200,000</u>
	Total Expenditure	<u>\$577,590</u>
414000	Federal Aid	<u>\$577,590</u>
	Total Revenue	<u>\$577,590</u>

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

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

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

CARRIED UNANIMOUSLY.

Item 40 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 9E-18. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: Senior Services - Authorization to Amend  
the Title VII Grant Budget

WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Abuse Prevention (Title VII) grant for the period January 1, 2007 to December 31, 2007, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final allocations for the Title VII grant program, and

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WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Title VII grant, and

WHEREAS, the Department desires to amend the contract with the American Red Cross to reflect the increase in Title VII funding, and

WHEREAS, there are no County funds associated with the grant, and

WHEREAS, the budget is in need of revision.

NOW, THEREFORE, BE IT

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

RESOLVED, that the budget for the Title VII grant, 163VII2007 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$42,051	<u>\$25,283</u>	\$67,334
	TOTAL CHANGE		<u><u>\$25,283</u></u>	
APPROPRIATIONS				
516010	American Red Cross	\$42,051	<u>\$25,283</u>	\$67,334
	TOTAL CHANGE		<u><u>\$25,283</u></u>	

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 County Attorney, the Comptroller's Office and the Department of Senior Services.

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

CARRIED UNANIMOUSLY.

Item 41 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 7E-19. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 148

RE: Award of Contract - ECSD No. 4 - William  
 St. and Old Schoolhouse Road - Sewer  
 Extension - Contract 36

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bidder for the Erie County Sewer District No. 4, William Street and Old Schoolhouse Road Extension Project, Contract 36, at 2:00 P.M. on March 14, 2007.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 36	Tom Greenauer Development, Inc. P.O. Box 250 Springbrook, New York 14140	\$363,770.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the William Street and Old Schoolhouse Road Extension Project, Contract 36 be awarded to Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140, in the not-to-exceed amount of \$363,770.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest, responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$363,770.00 from Sewer Capital, Erie County Sewer District No. 4, Account C.00063 for Contract 36; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget, Management and Finance; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

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

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**ERIE COUNTY LEGISLATURE**

GRANTED.

COMM. 7E-19 from the COUNTY CLERK Re: Proposed Weather Museum

Received, Filed and Printed.

May 17, 2007

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

Dear Legislator Marinelli:

I wholeheartedly endorse the resolution supporting creation of a Weather Discovery Center in Western New York which will be before your Honorable Body during the May 17 Legislative session.

I have long been a proponent of capitalizing on our weather to project a more positive image for our region. In 2000, I proposed a National Museum of Snow and Ice, with a pilot project in the new Lake Erie Seaway Trust Center in Hamburg. However, working with a unique group of dedicated individuals, the concept has evolved into an All-Weather Discovery Center. This Center will capture the essence of Buffalo by celebrating an image we have long fought to change and a reality that we deal with 365 days a year. The possibilities are endless.

Both nationally and locally, Buffalo's weather is viewed with fear, awe, disdain and host of other emotions ranging from joy to hate. Because of our weather, the word "Buffalo" conjures up a gritty city of rugged individuals who year after year survive harsh climate. Our challenge in becoming a tourist destination (or at least a stop along the way to the Falls) is to capitalize on our weather image, reverse the negativity and show-off with pride all the recreational, scientific, athletic attributes of living in Buffalo.

By showing all kinds of weather, we will certainly draw from a large number of individuals. I encourage you to pass the resolution supporting a Weather Discovery Center and promote our region through creative ideas. I look forward to discussing ideas on developing a Weather Museum with you at any time.

Sincerely,

Kathleen C. Hochul  
Erie County Clerk

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATORS MILLER-WILLIAMS**

**MEETING NO. 10**  
**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

Item 43 – (COMM. 10E-1) Absence From May 3rd Session

Received, Filed and Printed.

May 8, 2007

Robert Graber  
 Clerk, Erie County Legislature  
 92 Franklin Street  
 4th Floor  
 Buffalo, New York 14202

Re: Absence From May 3rd Session

Dear Mr. Graber:

I will be unable to attend any Committee Meetings held during the week of May 7th, 2007, as I will be in Fort Dix, New Jersey to participate in mandatory United States Army Reserve training.

Thank you for your attention to this matter.

Sincerely Yours,

Barbara Miller-Williams  
 3rd District Legislator

**FROM THE SHERIFF**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Operation IMPACT III (COMM. 10E-2)

WHEREAS, the NYS Division of Criminal Justice Services has awarded funds in the amount of \$41,459 to the Erie County Sheriff's Office to participate in Operation IMPACT with members of the Buffalo/Erie County Partnership for the purpose of reducing violent crime, particularly gun related crime; and

WHEREAS, these funds will allow the Sheriff's Office to provide specialized training to officers and to purchase equipment designed to reduce the processing time of inmates; and

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

NOW, THEREFORE, BE IT

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Sheriff's Office is hereby authorized to accept funding in the amount of \$41,459 from the New York State Division of Criminal Justice Services; and be it further

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff's Office – Jail Management

<u>Revenue</u>	<u>Increase</u>
<b>Business Area 116 – Jail Management Division</b>	
Account 409020 – Miscellaneous State Aid	\$ <u>41,459</u>
Total Revenue	\$ <u>41,459</u>
<u>Appropriation</u>	<u>Increase</u>
<b>Business Area 116 – Jail Management Division</b>	
Account 501000 – Overtime	\$ 10,000
Account 510100 – Travel	\$ 3,500
Account 561410 – Lab & Tech Equipment	\$ <u>27,959</u>
Total Appropriation	\$ <u>41,459</u>

and be it further

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

FROM THE COMPTROLLER

Item 45 – (COMM. 10E-3) 2007 RAN Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: Park, Recreation & Forestry - State Aid for  
 Snowmobile Development 2006-07 (COMM.  
 10E-4)

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2006-2007 snowmobile season in an amount not to exceed \$138,250.00, and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2007 Adopted Budget of the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$138,250.00 as pertains to snowmobile trail maintenance performed during the 2006-2007 snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$131,300.00 for the purpose of snowmobile trail maintenance on club trails during the 2006-2007 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$12,800.00
Eden Trail Blazers Inc.	\$11,800.00
Grand Island Snowmobile Club Inc.	\$ 5,100.00
Hamburg Snowmobile Club Inc.	\$16,950.00
Holland Sno-Rascals Inc.	\$15,450.00
Marilla Sno-Mob Inc.	\$12,050.00
Northern Erie Snowseekers Inc.	\$14,000.00
Pioneer Sno-Surfers Inc.	\$ 8,825.00
Southern Tier Snowdrifters Inc.	\$15,725.00
WNY Snowmobile Club of Boston Inc.	\$18,600.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$131,300.00, and an increase in appropriations in the amount of \$131,300.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the Office of the Erie County Comptroller and Assistant County Attorney, Greg Dudek, of the Law Department.

Item 47 – (COMM. 10E-5) Budget & Management - Authorization to Underfill

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (COMM. 10E-6) Ground Lease for Student Housing at ECC South Campus

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: 2-Year Extension of Additional .75% and  
 Compensating Use Tax; Amendment of Erie  
 County Sales and Use Tax Resolution (COMM.  
 10E-7)

RESOLUTION  
 of the

Legislature of Erie County increasing taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York.

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

Section 1. The Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended by amending section 4-A thereof to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning January 15, 2006 and ending November 30, 2009. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 2. Subdivision (E) of clause (1) of section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby amended to read as follows:

(E) With respect to the additional taxes imposed at the rate of three-quarters of one percent by section 4-A of this resolution, for the period beginning January 15, 2006 and ending November 30, 2009, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 3. Subdivision (f) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby amended to read as follows:

Net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing January 15, 2006 and ending November 30, 2009 by section 4-A of this resolution shall be paid to the county and shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law. Nor shall any part of such net collections, or other County revenues, be subject to the revenue sharing formula set forth in a resolution adopted by the Erie County Legislature on December 7, 2004, relative to twelve million five hundred thousand dollars.

Section 4. This enactment shall take effect immediately.

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

CARRIED UNANIMOUSLY.

#### RESOLUTION

of the

Legislature of Erie County increasing taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York.

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

Section 1. The Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended by amending section 4-A thereof to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional ~~one-quarter of one percent~~ rate of such sales and compensating use taxes, for the period beginning July 1, 2005, and ending January 14, 2006, and there is hereby imposed and there shall be paid an additional ~~three-quarters of one percent~~ rate of such sales and compensating use taxes, for the period beginning January 15, 2006 and ending November 30, ~~2007~~2009. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 2. Subdivision (E) of clause (1) of section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby amended to read as follows:

(E) With respect to the additional taxes imposed at the rate of ~~one-quarter of one percent~~ by section 4-A of this resolution, for the period beginning July 1, 2005, and ending January 14, 2006, in respect to the use of property used by the purchaser in this county prior to July 1, 2005, and with respect to the additional taxes imposed at the rate of ~~three-quarters of one percent~~ by section 4-A of this resolution, for the period beginning January 15, 2006 and ending November 30, ~~2007~~2009, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 3. Subdivision (f) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby amended to read as follows:

(f) Net collections from the additional ~~one-quarter of one percent rate of taxes imposed during the period commencing July 1, 2005 and ending January 14, 2006 by section 4-A of this resolution shall be paid to the county and shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law and net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing January 15, 2006 and ending November 30, 2007~~2009 by section 4-A of this resolution shall be paid to the county and shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law. Nor shall any part of such net collections, or other County revenues, be subject to the revenue sharing formula set forth in a resolution adopted by the Erie County Legislature on December 7, 2004, relative to twelve million five hundred thousand dollars.

Section 4. This enactment shall take effect immediately.

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

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

AYES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER, WEINSTEIN and LOCKLEAR. (AYES: 11; NOES: 4)

CARRIED.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

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**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

RE: Resolution to Extend the Buffalo Auto  
 Bureau for One (1) Year (COMM. 10E-8)

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities is charged with operation of local Auto Bureaus, and

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

WHEREAS, the 2007 County Budget as adopted made an appropriation for auto bureau expense in an amount that was sufficient to maintain its Auto Bureau lease obligations for the fiscal year, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive enter into and sign a lease extension with Uniland Development Company as landlord of the Buffalo Auto Bureau for a period of one (1) year to commence at the conclusion of the present lease on April 30, 2007, and be it further

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

Item 51 – (COMM. 10E-9) Designation Pursuant to Erie County Charter Section 304

Received, Filed and Printed.

May 2, 2007

Mr. Robert Graber  
 Clerk – Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Designation Pursuant to Erie County Charter Section 304

Dear Mr. Graber:

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

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**ERIE COUNTY LEGISLATURE**

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

1. Laurence K. Rubin, Erie County Attorney
2. James Hartman, Erie County Director of Budget, Management and Finance

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

Sincerely,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

Item 52 – (COMM. 10E-10) ECSD Nos. 1, 2, 3, 4, 5 and 6 - Engineer Term Agreement - DiDonato Associates

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – (COMM. 10E-11) DPW - Utilization of Tonawanda Creek Rd. (CR 2) & North French Rd. (CR 299) by the NYS Dept. of Transportation for the Replacement of the NY Rt. 270 Bridge

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

RE: 2006 Real Estate Transfer Tax - Surplus Revenue - Road Repair Reserve Fund (COMM. 10E-12)

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

WHEREAS, the 2007 Adopted budget contains funds from the Road Repair Reserve Fund for repair of roads, bridges and equipment, and

WHEREAS, the Road Repair Reserve Fund has an unaudited surplus from the 2006 Real Property Transfer Tax, and

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

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**ERIE COUNTY LEGISLATURE**

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

WHEREAS, a public hearing was held on May 4, 2007.

NOW, THEREFORE, BE IT,

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

**12330 Road Repair Reserve Fund 210**

<b>Revenue</b>		<b>Increase</b>
Account 409190	Appropriated Fund Balance	\$1,350,000
<b>Expense</b>		
Account 912300	ID Highway Services	\$1,350,000
<b>Net Change</b>		-0-

**123 Highways Fund 210**

<b>Expense</b>		<b>Increase</b>
561500	Road Construction & Improvements	\$1,350,000
912300	ID Highway	(1,350,000)
<b>Net Change</b>		-0-

and be it further,

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, Budget Director, Public Works Commissioner, County Attorney's Office; and the Erie County Comptroller's Office.

Item 55 – (COMM. 10E-13) DPW - Botanical Gardens - 2007 Master Plan Improvement - Phase 2

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 56 – (COMM. 10E-14) ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility - Siemens Building Technologies, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 10E-15) Health Dept. - Syphilis Elimination Project "CHAPS" - 12/1/06 - 6/1/07

Received and referred to the HEALTH COMMITTEE.

**MEETING NO. 10**  
**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

Item 58 – (COMM. 10E-16) NYS Multimodal Funding for Rail Work and Infrastructure

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 59 – (COMM. 10D-1) Designation in the Event of Vacancy, Absence or Inability

Received, Filed and Printed.

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TO: HONORABLE JOEL A. GIAMBRA, ERIE COUNTY EXECUTIVE  
HON. KATHY HOCUL, ERIE COUNTY CLERK  
HON. ROBERT GRABER, CLERK OF THE ERIE COUNTY  
LEGISLATURE

FROM: LAURENCE K. RUBIN, ERIE COUNTY ATTORNEY

DATE: MAY 4, 2007

RE: DESIGNATION IN THE EVENT OF VACANCY, ABSENCE OR  
INABILITY

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Pursuant to Erie County Administrative Code Section 6.03, I am hereby designating the following Assistant County Attorneys to exercise the powers and duties of this office in the event of a vacancy in this office or my absence or inability to perform the duties of my office, in the following order:

1. George M. Zimmermann
2. Susannah M. Bochenek
3. Gregory J. Dudek
4. James L. Tuppen
5. Kristen Klein Wheaton

**FROM THE BOARD OF HEALTH**

Item 60 – (COMM. 10D-2) Minutes from 3/8/07 Meeting

Received and referred to the HEALTH COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM PLYMOUTH PARK TAX SERVICE LLC**

**MEETING NO. 10**  
**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

Item 60 – (COMM. 10M-1) Proposal for the Bulk Sale/Assignment of Erie County Tax Sale Certificate Pursuant to the 1/18/07 RFP

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY**

Item 61 – (COMM. 10M-2) Resolution 07-23 - Calling Upon the County to Refinance Eligible Bonds Through ECFA

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE NIAGARA ERIE REGIONAL COALITION**

Item 62 – (COMM. 10M-3) Agenda for 5/11/07 Meeting

Received and filed.

**FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Item 63 – (COMM. 10M-4) Notice for Board of Directors Meeting to be Held 5/21/07

Received and filed.

**FROM THE NYSDEC**

Item 64 – (COMM. 10M-5) Public Notice - Brownfield Cleanup Program

Received and filed.

**FROM THE LEGAL SERVICES FOR THE ELDERLY,  
DISABLED OR DISADVANTAGED OF WNY**

Item 65 – (COMM. 10M-6) 2006 Annual Report

Received and filed.

**FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY**

Item 66 – (COMM. 10M-7) NFTA Board Minutes for Meeting on 3/26/07

Received and filed.

**FROM THE LEGAL AID BUREAU**

Item 67 – (COMM. 10M-8) Monthly Reports and Monthly Activity Reports for 3/07 - 4/07

Received and filed.

**FROM STATE SENATOR RATH**

Item 68 – (COMM. 10M-9) Receipt of Certified Resolution

Received and filed.

**FROM THE ECIDA**

Item 69 – (COMM. 10M-10) 2006 Annual Report

Item 70 – (COMM. 10M-11) 2006 Annual Audited Financial Statements

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

**MEMORIAL RESOLUTIONS**

Item 71 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Yolanda King.

Item 72 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Kenmore Mayor John Beaumont's Father-in Law, Mr. Hobbart.

Item 73 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Loretta Giambra.

Item 74 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Robert Szkudlarek.

Item 75 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Daniel "Danny De" DeMartinis.

Item 76 - Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Patrick Gerritty.

Item 77 - Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Richard Goldstein.

Item 78 – Ms. Konst requested that when the Legislature adjourns, it do so in memory of Mary V. Kavanagh.

Item 79 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Joseph W. Kolkmeier.

**MEETING NO. 10**  
**MAY 17, 2007**

**ERIE COUNTY LEGISLATURE**

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Item 80 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Bruce A. Kaiser.

Item 81 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Donald J. Gallagher.

Item 82- Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of the men and women who passed serving in the United States Armed Services.

Item 83 - Mr. Kennedy requested that when the Legislature adjourns, it remembers the 80th Anniversary of Charles Lindbergh's historic non-stop New York to Paris flight.

Item 84 – Ms. Grant requested that when the Legislature adjourns, it do so in memory of Linda C. Slaughter.

Item 85 – Ms. Whyte requested that when the Legislature adjourns, it keeps its thoughts on the three U.S. soldiers who were captured and are still missing in Iraq.

**ADJOURNMENT**

Item 86 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Thursday, June 7, 2007 at 2 p.m. Eastern Standard Time. MS. KONST seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 7, 2007 at 2 p.m. Eastern Standard Time.

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