

**ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 25, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present except Legislator Smith.

A moment of silence was held.

The Pledge of Allegiance was led by Legislator Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes of Previous Meeting.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. REYNOLDS presented a resolution Honoring Spirited, Staff Sergeant Christopher T. Howick U.S. Army Killed in Afghanistan.

Item 6 - MARINELLI, IANNELLO & WHYTE presented a resolution Honoring Bronze Medal US Olympic Sled Hockey Team Members Alexi Salamone, Chris Manns, Brad Emmerson.

Item 7 – MS. MARINELLI presented a resolution Recognizing May 21-27 as National Association of Insurance Women Celebration Week for the Insurance Women of Buffalo.

Item 8 – MS. MARINELLI presented a resolution Honoring Eric Martin, Buffalo, NY for Achieving the Rank of Eagle Scout on June 11, 2006.

Item 9 – MS. MARINELLI presented a resolution Honoring the Ellwood Fire Company, District 1, Tonawanda, NY Celebrating 85 Years of Service on June 3, 2006.

Item 10 – MS. MARINELLI presented a resolution Honoring James "Jim" Twombly, PhD, as Amherst Democrat of the Year on June 1, 2006.

Item 11 – MS. MARINELLI presented a resolution Honoring Robert T. Clark, Tonawanda, NY for Achieving the Rank of Eagle Scout on June 14, 2006.

Item 12 – MS. LOCKLEAR presented a resolution Honoring the 2006 Finance Academy Graduates from West Seneca East and West Seneca West High School.

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Item 13 – MS. LOCKLEAR presented a resolution Honoring the 2006 Students of Excellence Awardees from West Seneca East and West Seneca West High School.

Item 14 – MR. LOUGHRAN presented a resolution Recognizing Kathleen V. Byrnes and Michael Rizzo for Their Efforts to Reformulate the Brighton Library into Brighton Place.

Item 15 – MS. LOCKLEAR presented a resolution Recognizing the Cheektowaga Dept. of Senior Services 50th Wedding May 2006 Anniversary Celebration.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 17 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 18 – MS. LOCKLEAR presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

MAY 16, 2006

HEALTH COMMITTEE
 REPORT NO. 7

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

1. COMM. 8E-28 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$3,000,000 for implementing LEADSAFE Erie County, and

WHEREAS, the Department of Housing and Urban Development requires partnerships as part of the grant deliverables, and

WHEREAS, the Erie County Department of Health and other community partners have joined together in a LEADSAFE Erie County partnership for the purpose of providing services under this grant, and

WHEREAS, the Sheehan Memorial Hospital Navigators Community Health Advocacy Group have resigned from the LEADSAFE Erie County Partnership and the Family Medicine Research Institute SUNY at Buffalo has agreed to assume responsibility for providing the Community Health Advocacy services under the grant, and

WHEREAS, Family Medicine Research Institute, SUNY at Buffalo has joined the LEADSAFE Erie County Partnership and met the Department of Housing and Urban Development requirements for participation in grant activities, and

WHEREAS, the County desires to subcontract with Family Medicine Research Institute, SUNY at Buffalo for an amount not to exceed \$62,700 for the period 11/1/05 – 10/31/08 for the purpose of providing program evaluation, plan outreach events, community health outreach to recruit minority contractors and facilitate access to urban neighborhoods, and

WHEREAS, the Department of Housing and Urban Development has authorized a contract modification to accommodate this subcontract and purchase of additional equipment.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a revised contract with the U.S. Department of Housing & Urban Development (HUD) which is budgeted as follows:

LEAD HAZARD CONTROL
11/1/05 – 10/31/08
Grant: 127LEADHAZARD0508 Cost Center: 127038

	CURRENT		REVISED
REVENUE	BUDGET	CHANGES	BUDGET
414000 Federal Aid	<u>\$3,000,000</u>	<u>\$0</u>	<u>\$3,000,000</u>
TOTAL	<u>\$3,000,000</u>	<u>\$0</u>	<u>\$3,000,000</u>

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EXPENSES				
500000	Personnel/Salaries	\$637,506	\$0	\$637,506
501000	Overtime	12,000	0	12,000
502000	Fringe Benefits	201,022	0	201,022
505000	Supplies (Office)	7,200	0	7,200
505200	Supplies (Clothing)	1,000	0	1,000
	Auto Truck & Hvy Equip			
505600	Supplies	1,500	0	1,500
506200	Maintenance & Repair	500	0	500
510000	Travel (Local Mileage)	16,350	0	16,350
510100	Travel (Out of Area)	10,000	0	10,000
510200	Training and Education	3,500	0	3,500
516010	Cnt Pmts-Non Pro Pur	1,393,000	0	1,393,000
516020	Prof Service Contract and Fees	3,500	0	3,500
516030	Maintenance Contracts	1,000	0	1,000
530000	Other Expenses	647,122	-35,000	612,122
561410	Lab & Technical Equipment	23,000	22,000	45,000
561420	Office Furniture & Fixtures	3,000	3,000	6,000
912730	ID Health Lab Services	38,800	0	38,800
980000	ID DISS Services	<u>0</u>	<u>10,000</u>	<u>10,000</u>
	TOTAL	<u>\$3,000,000</u>	<u>\$0</u>	<u>\$3,000,000</u>

and be it further,

RESOLVED, that the Family Medicine Research Institute have joined the Erie County Department of Health and other community partners, in a LEADSAFE Erie County partnership for the purposes of providing services under this grant, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Family Medicine Research Institute for an amount not to exceed \$62,700 for the period 11/1/05 – 10/31/08 for the purpose of providing program evaluation, plan outreach events, community health outreach to recruit minority contractors and facilitate access to urban neighborhoods, and be it further,

RESOLVED, that the subcontract with the Family Medicine Research Institute are special services which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived, and be it further,

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

(5-0)

2. INTRO 9-9 (2006) **AS AMENDED**
LOCKLEAR, MARINELLI, WHYTE, KOZUB, HOLT, KONST, IANNELLO & MILLS

WHEREAS, since 1987, five drownings have occurred at school pools in New York State, and

WHEREAS, evaluations done by the NYS Department of Health have found that these tragedies have occurred while only one certified lifeguard/instructor was providing supervision, and

WHEREAS, our schools and school activities should be places of safety and security for our youth and such tragedies are preventable with additional adult supervision, and

WHEREAS, New York State Senate Bill S7473 would require that whenever a school pool is open a minimum of two (2) qualified adults are present in a supervisory capacity, and

WHEREAS, this will insure that if one supervisor is involved with non pool supervisory activities, another responsible adult is in direct supervision of the swimmers

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in support of the State Senate's adoption of S. 7473 provided State Funds offset the costs, and be it further

RESOLVED, the certified copies of this resolution be forwarded to the WNY State Legislative Delegation, Governor Pataki, NYS Commissioner of Education Richard P. Mills, NYS School Boards Association Executive Director Timothy G. Kremer, Erie County Executive Joel Giambra, Erie County Commissioner of Health Anthony Billittier IV, M.D., and Erie County Attorney Lawrence Rubin.

(5-0)

3. COMM. 9E-9 (2006) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$500,000 for implementing the LEADSAFE Outreach Grant program, and

WHEREAS, the Department of Housing and Urban Development requires partnerships as part of the grant deliverables, and

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WHEREAS, the Erie County Department of Health and other community partners had joined together in a LEADSAFE Outreach partnership for the purposes of providing services under this grant, and

WHEREAS, the Sheehan Memorial Hospital Navigators Community Health Advocacy Group have resigned from the LEADSAFE Outreach Partnership and the Family Medicine Research Institute SUNY at Buffalo, already a partner in the grant, has agreed to assume responsibility for providing the Community Health Advocacy services under this grant, and

WHEREAS, the County desires to increase the amount of the subcontract with Family Medicine Research Institute SUNY at Buffalo from \$40,000 to the amount of \$136,360 for the period 11/1/05 – 10/31/07 for the purpose of efficiently providing statistical analysis of project data and assistance with project evaluation, as well as providing community health outreach, performing in-home visits, plan outreach events, and facilitating access to urban neighborhoods, and

WHEREAS, in order to meet the requirements of this program it will be necessary to create one Regular Part Time position of Senior Environmental Education Specialist, JG XI, Step 0.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a revised agreement with US Department of Housing & Urban Development to be budgeted as follows:

LEAD OUTREACH

11/1/05-10/31/07

SAP Title: 127LEADOUTREACH0507 Cost Center: 1273038

	Current Budget	Changes	Revised Budget
REVENUE			
414000 Federal Aid	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>
TOTAL	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>
EXPENSES			
500000 Personnel/Salaries	\$151,682	\$0	\$151,682
501000 Overtime	6,500	0	6,500
502000 Fringe Benefits	48,958	0	48,958
505000 Supplies (Office)	3,600	0	3,600
505200 Supplies (Clothing)	1,000	0	1,000
506200 Repairs & Maintenance	500	-500	0
510000 Travel (Local Mileage)	9,000	0	9,000
510100 Travel (Out of Area)	3,500	0	3,500
510200 Training & Education	1,500	0	1,500

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516010	Contractual	250,000	3,630	253,630
516020	Prof Sv Dues/Fees	1,000	0	1,000
530000	Other Expenses	18,260	-3,630	14,630
561410	Equipment (Lab & Tech)	4,000	-1,000	3,000
561420	Equipment (Office)	500	500	1,000
980000	DISS Charges	<u>0</u>	<u>1,000</u>	<u>1,000</u>
	TOTAL	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>

and be it further

RESOLVED, that one Regular Part Time position of Senior Environmental Education Specialist, JG XI, Step 0 is hereby created on B100 control number 2008.

The following personnel detail is hereby submitted:

TITLE: Sr. Env. Education Specialist RPT	COUNTY SHARE: 100% Federally Funded
JG: XI	NUMBER OF HOURS: 20/WK
STEP: 0	MANNER FILLED: Re-assign existing staff
HOURLY WAGE: \$20.13	from Healthy Homes Grant
FRINGE BENEFITS: 40%	

And be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended subcontract with Family Medicine Research Institute SUNY at Buffalo in the amount of \$130,360 for the period 11/1/05 – 10/31/07 for the purpose of efficiently providing statistical analysis of project data and assistance with project evaluation, providing community health outreach, performing in-home visits, plan outreach events, and facilitating access to urban neighborhoods, and be it further,

RESOLVED, that the subcontract Family Medicine Research Institute, SUNY at Buffalo is a special service which must be provided immediately and was originally proposed to the granting agency and is now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived, and be it further,

RESOLVED, that certified copies of this resolution will be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
(5-0)

4. COMM. 9E-10 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes

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and Lead Hazard Control in the amount of \$950,000 for continuing the Erie County Healthy Homes Initiative, and

WHEREAS, the purpose of the Healthy Homes Initiative program is to improve the quality of life of children through reduced health and safety risks associated with the home environment, and

WHEREAS, this will be accomplished through home inspection, distribution of intervention products, provision of services and implementation of an education curriculum for property owners and tenants in Erie County, and

WHEREAS, in order to meet the requirements of this program it will be necessary to create one full-time position of Senior Investigating Public Health Sanitarian, JG X, Step 0, and one part-time position of Environmental Education Specialist, JG IX, Step 0.

NOW, THEREFORE, BE IT

RESOLVED, one full-time position of Sr. Investigating Public Health Sanitarian, JG X, Step 0, and one part-time position of Senior Environmental Education Specialist, JG IX, Step 0, are hereby created on B100 control numbers 2009 and 2010.

The following personnel detail is hereby submitted:

TITLE: Sr. Investigating Public Health Sanitarian	COUNTY SHARE: 100% Federally Funded
JG: X	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: Promotional List
ANNUAL SALARY: \$37,886	ANNUAL BENEFITS: \$15,154.40

TITLE: Environmental Education Specialist PT	NUMBER OF HOURS: 19/WK
JG: IX	COUNTY SHARE: 100% Federally Funded
STEP: 0	FRINGE BENEFIT: 13%
HOURLY RATE: \$20.13	
MANNER FILLED: Civil Service Process	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (5-0)

5. COMM. 9E-14 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates the WIC Program, under a grant fully funded by the New York State Department of Health, and

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WHEREAS, the purpose of this program is to provide nutrition related services to pregnant and breastfeeding women, infants and children, and

WHEREAS, in order to efficiently meet the needs of the Department and to increase caseload and patient services, it is necessary to create one Part Time (PT) position of Outreach Aide (WIC), JG 6, Step 0, at an hourly rate of \$13.70.

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Department of Health has authorized this personnel adjustment, and be it further

RESOLVED, that one Part Time (PT) position of Outreach Aide (WIC), JG 6, Step 0, at an hourly rate of \$13.70 is hereby created on B100 control number 2011, and be it further

RESOLVED, that sufficient funds are available in the grant budget to cover these costs.

The following personnel detail is hereby submitted:

TITLE: Outreach Aide (WIC) PT	COUNTY SHARE: 0%
JG: 6	HOURLY RATE: \$13.70
FRINGE BENEFITS: 13 %	STEP: 0
NUMBER OF HOURS TO BE WORKED: 16 Hours per week	
MANNER IN WHICH THE POSITION WILL BE FILLED: Civil Service Process	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (4-0) Legislator Weinstein not present.

6. COMM. 9E-20 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$716,843 over three years by the United States Department of Housing and Urban Development (HUD) to provide rental assistance and supportive services for twenty (20) chronically homeless individuals disabled by serious mental illness and/or chemical dependency under the Supportive Housing Grant Program, and

WHEREAS, additional matching funds of \$88,300 in NYS Office of Mental Health State Aid dollars are available over three years to meet the Federal match requirements of this award, and

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WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless individuals or families disabled by serious mental illness and/or chemical dependency, and

WHEREAS, the Erie County Department of Mental Health has identified Lake Shore Behavioral Health, Inc., as the recipient of the Request for Proposals (RFP) process associated with this award, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Lake Shore Behavioral Health, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a three-year Agreement with the United States Department of Housing and Urban Development (HUD), for the period July 1, 2006 through June 30, 2009, in the amount of \$716,843, to provide rental assistance and supportive services for twenty (20) chronically homeless individuals disabled by serious mental illness and/or chemical dependency, and be it further

RESOLVED, that the appropriation for Lake Shore Behavioral Health, Inc., in the Operating Fund account (GL 516010) of the Erie County Department of Mental Health be increased by \$135,338 to provide rental assistance and supportive services for twenty (20) chronically homeless individuals and/or families disabled by serious mental illness and/or chemical dependency for the period July 1, 2006 through December 31, 2006, which represents the first six (6) months of the three year period. The source of these funds being United States Department of Housing and Urban Development funds (GL 410040) in the amount of 119,474, and unanticipated NYS Office of Mental Health State Aid dollars (GL 406830) in the amount of \$15,864, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2006 contract for the period January 1, 2006 through December 31, 2006 with Lake Shore Behavioral Health, Inc., by an amount not to exceed \$135,338, and be it further

RESOLVED, that the actual grant period may be amended to coincide with the actual grantor award period, and be it further

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

(4-0) Legislator Weinstein not present.

7. COMM. 9E-21 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$1,473,410 over three years by the United States Department of Housing and Urban Development (HUD) to

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provide rental assistance and supportive services for forty (40) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency under the Supportive Housing Grant Program, and

WHEREAS, additional matching funds of \$185,900 in NYS Office of Mental Health State Aid dollars are available over three years to meet the Federal match requirements of this award, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless individuals or families disabled by serious mental illness and/or chemical dependency, and

WHEREAS, the Erie County Department of Mental Health has identified Horizon Human Services, Inc., and Transitional Services, Inc., as recipients of the Request for Proposals (RFP) process associated with this award, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Horizon Human Services, Inc., and Transitional Services, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a three-year Agreement with the United States Department of Housing and Urban Development (HUD), for the period July 1, 2006 through June 30, 2009, in the amount of \$1,473,410, to provide rental assistance and supportive services for forty (40) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency, and be it further

RESOLVED, that the following appropriation increases be established in the Operating Fund accounts of the Erie County Department of Mental Health to provide rental assistance and supportive services for forty (40) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency for the period July 1, 2006 through December 31, 2006, which represents the first 6 months of the three year period:

<u>(GL 516010) Horizon Human Services, Inc.</u>	<u>\$139,515</u>
<u>(GL 516010) Transitional Services, Inc.</u>	<u>\$139,515</u>

The source of these funds being United States Department of Housing and Urban Development funds (GL 410040) in the amount of \$245,568 and unanticipated NYS Office of Mental Health State Aid dollars (GL 406830) in the amount of \$33,462 and; and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2006 contract for the period January 1, 2006 through December 31, 2006 with Horizon Human Services, Inc., by an amount not to exceed \$139,515, and Transitional Service, Inc., by an amount not to exceed \$139,515, and be it further

RESOLVED, that the actual grant period may be amended to coincide with the actual grantor award period, and be it further

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

(4-0) Legislator Weinstein not present.

CYNTHIA E. LOCKLEAR
CHAIRMAN

Item 19 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

MAY 18, 2006

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 9E-22 (2006)
COUNTY EXECUTIVE: ECSSTA - Siemens Building Technologies, Inc. - Energy Performance Contract - Change Order No. 4
 (4-0)
 - b. COMM. 9M-2 (2006)
TOWN OF HAMBURG: Request for Consolidation of Sewer Services w/ECSD No. 3
 (4-0)

2. COMM. 5E-35 (2006)
COUNTY EXECUTIVE

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 2005-2006 snowmobile season in an amount not to exceed \$218,037.50, and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2006 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 \$218,037.50 as pertains to snowmobile trail maintenance performed during the 2005-2006 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 \$208,700.00 for the purpose of snowmobile trail maintenance on club trails during the 2005-2006 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.	\$18,600.00
Eden Trail Blazers Inc.	\$18,350.00
Grand Island Snowmobile Club Inc.	\$ 8,500.00
Hamburg Snowmobile Club Inc.	\$23,775.00
Holland Sno-Rascals Inc.	\$22,375.00
Marilla Sno-Mob Inc.	\$19,100.00
Northern Erie Snowseekers Inc.	\$33,075.00
Pioneer Sno-Surfers Inc.	\$16,975.00
Southern Tier Snowdrifters Inc.	\$22,250.00
WNY Snowmobile Club of Boston Inc.	\$25,700.00

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 \$208,700.00, and an increase in appropriations in the amount of \$208,700.00, 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.

(4-0)

3. **COMM. 9E-17 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to replace/rehabilitate the sanitary sewers in the Village of Blasdell, New York area; and

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WHEREAS, the Department of Environment and Planning has recommended the firm of CRA Infrastructure and Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of CRA Infrastructure and Engineering, Inc. be retained at a cost not to exceed \$375,000.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure and Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202, to provide the needed engineering 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 \$375,000.00 for the Agreement from Sewer Capital Account C.00039, as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive; Mark C. Poloncarz, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Ken Vetter, Director of Budget, Management and Finance.

(4-0)

4. COMM. 9E-18 (2006)

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

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 Joel A. Giambra, County Executive;

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Ken Vetter, Director of Budget and Management; Mark Poloncarz, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.
 (4-0)

5. COMM. 9E-25 (2006)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Board of Managers for Erie County Sewer District #3 to fulfill the position of Martin Moot, who has resigned.

<u>Name and Address</u>	<u>Term Expiration</u>
Robert Pauley Village of Hamburg S6100 South Park Avenue Hamburg, New York 14075 (4-0)	December 31, 2007

THOMAS J. LOUGHRAN
CHAIRMAN

Item 20 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

MAY 18, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-17 (2006)
COUNTY EXECUTIVE: DA's Office – Operation IMPACT Grant
 (4-0)
2. COMM. 7E-19 (2006)
COUNTY EXECUTIVE
 WHEREAS, in 2003 Erie County began construction of a new Public Safety Center (Central Police Services/Emergency Services) which includes a new Communications Center, and

WHEREAS, once completed, this new Center will house a Public Safety Forensic Laboratory, 911 Communications Center, Data Information Operations Center, Law Enforcement Training Academy and Administrative Offices for Erie County and the City of Buffalo, and

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WHEREAS, this 911 Communications Center is scheduled to be ready for occupancy in June 2006, and

WHEREAS, Request for Proposals have been issued by Central Police Services/Emergency Services for: Voice Logging Recorder and Storage Systems in accordance with section 19.08 of the Erie County Administration Code.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award the bid and enter into a contract with NICE Systems, Wilmac, Williamsville, New York, in an amount not to exceed \$180,925, the source of funds being Expedited Deployment funding HS165EXPDEP0406, account 561410, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services/Emergency Services and the Director of Budget, Management and Finance.
 (4-0)

2. COMM. 8E-9 (2006)

COUNTY EXECUTIVE

WHEREAS, Article 18-B of the County Law requires that the Erie County Legislature place into operation a plan for providing counsel to indigent persons who are charged with crime or are otherwise constitutionally and/or statutorily entitled counsel at County expense, and

WHEREAS, for many years Erie County's Article 18-B Plan for indigent defense has combined the efforts of staff attorneys employed by the Legal Aid Bureau of Buffalo, Inc. with those of judicially assigned private attorneys who are administered and compensated through the Assigned Counsel Program of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc., and

WHEREAS, besides carrying forward the traditional local allocation of responsibilities, the Article 18-B Plan for 2006 also includes a vertical defense pilot project under which the Assigned Counsel Program's private attorneys or the Legal Aid Bureau's staff attorneys would handle certain cases from commencement through their ultimate trial-level disposition notwithstanding that the cases originate in the Buffalo City Court and are thereafter capable of moving into County Court or Supreme Court for trial disposition.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves Erie County's County Law Article 18-B Plan for 2006, and be it further

RESOLVED, that the Erie County Legislature hereby approves the transfer of the sum of \$35,000 from the Law Department's Contractual –Erie County Bar account for 2006 to the Law Department's Contractual – Legal Aid account for 2006, and be it further

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RESOLVED, that certified copies of this resolution shall be forwarded to the Budget Division, the County Attorney, the Assigned Counsel Program and the Legal Aid Bureau.

(4-0)

4. COMM. 8E-13 (2006)

COUNTY EXECUTIVE

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center (Central Police Services/Emergency Services) which includes a new Communications Center, and

WHEREAS, once completed, this new Center will house a Public Safety Forensic Laboratory, 911 Communications Center, Data Information Operations Center, Law Enforcement Training Academy and Administrative Offices for Erie County and the City of Buffalo, and

WHEREAS, this 911 Communications Center is scheduled to be ready for occupancy in June 2006, and

WHEREAS, Request for Proposals have been issued by Central Police Services/Emergency Services for: RF Systems Backup and Inbuilding Coverage in accordance with section 19.08 of the Erie County Administration Code.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to award the bid and enter into a contract with Fiberspan, S. Plainfield, New Jersey, in an amount not to exceed \$195,000, the source of funds being Expedited Deployment funding:

HS165EXPDEP0406, account 561410, for \$18,000
 HS165UASIF040305, account 561410 for \$177,000
 and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services/Emergency Services and the Director of Budget, Management and Finance.

(4-0)

5. COMM. 8E-26 (2006)

COUNTY EXECUTIVE

WHEREAS, the Buffalo Youth Impact Project serves high risk probationers, ages 7-15, in Buffalo zip code areas 14211 and 14215, and

WHEREAS, the goals of the Buffalo Youth Impact Project are to provide a coordinated and comprehensive approach for the reduction of juvenile violent crime, and

WHEREAS, the City of Buffalo and the New York State Division of Criminal Justice Services has made federal funding available for this project,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to make the following budgetary adjustments in the general fund budget of the Department of Probation and Youth Detention Services:

Department of Probation and Youth Services
September 1, 2005 to August 31, 2006

<u>Revenue</u>			
	Current Budget	Change	Appropriated Budget
Miscellaneous Aid	\$38,969	-\$5,157	\$33,812
Total Revenue	\$38,969	-\$5,157	\$33,812
<u>Appropriations</u>			
501000 Overtime	\$20,160		\$20,160
502000 Fringe Benefits	\$8,379	-\$5,657	\$2,722
510000 Local Mileage	\$1,800		\$1,800
561410 Equipment (Lab/Tech)	\$7,430	-\$4,930	\$2,500
506200 Repairs/Maint.	0	+\$3,090	\$3,090
516020 Prof. Serv. Contracts	0	+\$2,340	\$2,340
980000 DISS Charge	\$1,200		\$1,200
Total Appropriation	\$38,969	-\$5,157	\$33,812

and be it further

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

(4-0)

6. INTRO 9-11 (2006)

KOZUB, MARINELLI, WHYTE, HOLT, LOUGHRAN, REYNOLDS, KONST, LOCKLEAR, IANNELLO, SMITH, KENNEDY & MILLS

WHEREAS, each year Erie County Holding Center processes more than 20,000 detainees who are awaiting trial on various criminal offenses; and

WHEREAS, the pre-trial detainees have been charged with a criminal offense and are awaiting trial or other court proceedings. They have not been convicted and in many cases are released from the Holding Center after their court proceedings are completed; and

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WHEREAS, in 2005 Erie County provided basic medical care to approximately 8,000 pre-trial detainees and that approximately 1,225 pre-trial detainees were sent to Erie County Medical Center for urgent medical treatment; and

WHEREAS, Erie County spends millions of dollars each year for medical care and treatment for Holding Center detainees; and

WHEREAS, many of the pre-trial detainees received Medicaid and Medicare prior to their detention in the Holding Center; and

WHEREAS, according to the United States Code of Federal Regulations Title 43 Part 435.1008, pre-trial detainees can be stripped of their right to collect Medicaid thus, these health care programs are not available to pre-trial detainees; and

WHEREAS, this immediate cessation of benefits occurs prior to the issuance of formal charges or conviction; and

WHEREAS, as the result of the immediate cessation of federally subsidized medical benefits, all costs of medical care must be borne solely by Erie County; and

WHEREAS, if federally subsidized medical care were available to individuals held in pre-trial detention, it would result in substantial reduction in the cost of running the Holding Center and would translate into substantial benefits to Erie County taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature requests that the United States Congress amend all necessary federal statutes to allow federal financial participation for medical benefits for all pre-trial detainees until they are convicted to a crime and sentenced to incarceration in a secure facility; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the President of the United States of America and Federal Legislators who represent the County of Erie.

(4-0)

7. COMM. 9E-6 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Fire Advisory Board to replace Michael Gates, who has resigned.

Name

Term Expires

Mr. Robert Newell
 5502 Oakridge
 Hamburg, New York 14075

December 31, 2007

(4-0)

8. COMM. 9E-7 (2006)

COUNTY EXECUTIVE

WHEREAS, reliable Public Safety Communications has always been one of the top priority needs for first responders, and

WHEREAS, partnering with New York State on the build-out of the statewide 800MHz system was an integral part of Erie County's plan to upgrade public safety communications, and

WHEREAS, in order to provide the most level of service for 911 calls and to bring the State Police under this Regional Umbrella, and

WHEREAS, this statewide initiative identified Erie County as the first build-out of the statewide 800MHz system and Troop A will be moving into the Communications Center, and

WHEREAS, the Erie County Legislature has previously authorized Erie County to sign a Memorandum of Understanding with New York State to partner on the build-out of this communications system, and

WHEREAS, once completed Erie County Public Safety providers will have access to a reliable, interoperable communications system, and

WHEREAS, the cost of these services will not exceed \$ 124,876, and

WHEREAS, funding is available to not only design, develop and engineer the project requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to extend the existing contract with L. Robert Kimball for an amount not to exceed \$124,876 to provide professional communications services for Erie County, and be it further

RESOLVED, that funding is currently available in Project A.00254 Interoperability Communications account 516020; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services/Emergency Services, and the Director of Budget, Management and Finance.

(4-0)

9. COMM. 9E-8 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Central Police Services has funding available from the 2004 Urban Area Security Initiative (UASI) funding, and

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WHEREAS, the total cost of the two Mobile Command Vehicles will not exceed \$340,000, and

WHEREAS, the Department of Central Police Services would like to purchase two Mobile Command Vehicles to be utilized by all public safety agencies, and

WHEREAS, these vehicles will have interoperable communication equipment available in these two vehicles for communications with all emergency response agencies throughout Erie County and with other counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Central Police Services be authorized to purchase these two Mobile Command Vehicles from 2004 UASI funding at the total cost, not to exceed \$340,000, and be it further

RESOLVED, that the funds would come from the Grant HS165UASIF040305 and the SAP Account #561440, and be it further

RESOLVED, that these two Mobile Command Vehicles will be utilized throughout Erie County for Command Operations and for Interoperable Communications with other emergency response agencies, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, Homeland Security Grants Administrator, the Office of the Comptroller, the Department of Law and the Department of Central Police Services.

(4-0)

DANIEL M. KOZUB
CHAIRMAN

Item 21 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

MAY 18, 2006

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. INTRO 9-10 (2006)
MARINELLI, WHYTE, KOZUB, HOLT, IANNELLO, REYNOLDS & KONST

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WHEREAS, since 1985 Erie County has added a penny to the sales tax and has relied on revenues generated from the sales tax to provide services to its citizens, balance its budget and keep its property tax rate well below the State average; and

WHEREAS, the added penny of sales tax requires approval from New York State and this approval has been given for more than two decades; and

WHEREAS, in preparing the 2006 budget Erie County contacted New York State and was assured that the continuation of the added penny of sales tax would be approved and Erie County's 2006 budget was predicated on receiving approximately \$126 million from the continuation of the added penny; and

WHEREAS, well after the adoption and enactment of the 2006 budget the Erie County Legislature requested a bill from the New York State Assembly for the continuation of the additional penny in sales tax; and

WHEREAS, the Western New York Delegation of the New York State Assembly consisting of Assembly Majority Leader Tokasz, Assemblyman Sam Hoyt, Assemblywoman Crystal Peoples and Assemblyman Mark Schroeder, informed the Erie County Legislature that it would not allow the continuation of the additional penny in sales tax unless the County agreed to give \$12.5 million in revenue to towns and cities in Erie County; and

WHEREAS, the Erie County Legislature informed the Assembly Delegation that the County was committed to a 4-Year Fiscal Recovery Plan after the budget crisis of 2005 and that giving away \$12.5 million would place the County in perilous fiscal straits; and

WHEREAS, after strenuous and lengthy negotiations between representatives of the Erie County Legislature and New York State Assembly, Assembly Majority Paul Tokasz guaranteed the Erie County Legislature that New York State would provide Erie County with an additional \$12.5 million in aid for operating purposes from New York State to offset the negative impact of sales tax sharing; and

WHEREAS, during the third session of 2006, the Erie County Legislature passed a continuation of the eighth percent sales tax with the provision that a percentage of it, roughly \$12.5 Million worth, would be shared with local municipalities starting in 2007; and

WHEREAS, this honorable body, through resolutions forwarded to the Assembly delegation to the State Legislature and the County Executive, in a letter sent to Majority Leader Paul Tokasz and State Senator Dale Volker, identified several areas where additional assistance was requested, including:

- Increased Aid For Regional Cultural Institutions
- Increased Highway Funding
- Containment Of Medicaid Costs

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- Allowing Erie County To Retain The Portion Of The Sales Tax That Goes To The Niagara Frontier Transportation Authority; and

WHEREAS, the New York State Budget was recently approved by the New York State Legislature and the \$12.5 million in operating expenses to Erie County is not readily apparent.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby calls upon NYS Assembly Majority Leader to identify what money within the New York State Budget is designated to cover the \$12.5 million Erie County agreed to share with local municipalities at his request; and be it further

RESOLVED, the Erie County Legislature remains committed to working with all branches of NYS government to identify additional funding and cost savings for 2006 and thereafter; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, the Erie County delegation to the NYS Legislature and the Erie County Fiscal Stability Authority.
 (4-0)

2. COMM. 9E-19 (2006)

COUNTY EXECUTIVE

WHEREAS, at the time of the 2005 budget cuts, extreme cuts were made to the Division of Buildings and Grounds, and

WHEREAS, many of those cuts involved supervisory personnel, and

WHEREAS, in order to restore some necessary oversight roles, but to keep costs down, new Part-time (PT) and Regular Part-time (RPT) positions were created in the 2006 budget, and

WHEREAS, it has now been brought to the attention of the Division that the creation of a Senior Chief Stationary Engineer (PT) is not recognized by the CSEA and it is expected that CSEA will file an Improper Practice Charge against the County and the PERB would rule that the work had been improperly removed from the bargaining unit, and

WHEREAS, to satisfy the CSEA requirements and still keep costs down, the position can be reclassified as an RPT position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes changing the title of Senior Chief Stationary Engineer (PT), (J.G. 11, Step 1) to Senior Chief Stationary Engineer (RPT), (J.G. 11, step 5) as shown on B-100 1986, and be it further,

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

(4-0)

GEORGE A. HOLT
CHAIRPERSON

MS. WHYTE moved to separate Item No. 1 and move the balance of the report. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend Item No. 1. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

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

Delete the Resolution in its entirety and replace with the following:

WHEREAS, since 1985 Erie County has added a penny to the sales tax and has relied on revenues generated from the sales tax to provide services to its citizens, balance its budget and keep its property tax rate well below the State average; and

WHEREAS, the added penny of sales tax requires approval from New York State and this approval has been given for more than two decades; and

WHEREAS, in preparing the 2006 budget Erie County contacted New York State and was assured that the continuation of the added penny of sales tax would be approved and Erie County's 2006 budget was predicated on receiving approximately \$126 million from the continuation of the added penny; and

WHEREAS, well after the adoption and enactment of the 2006 budget the Erie County Legislature requested a bill from the New York State Assembly for the continuation of the additional penny in sales tax; and

WHEREAS, several members of the Western New York Delegation of the New York State Assembly informed the Erie County Legislature that it would not allow the continuation of the additional penny in sales tax unless the County agreed to give \$12.5 million in revenue to towns and cities in Erie County; and

WHEREAS, the Erie County Legislature informed the Assembly Delegation that the County was committed to a 4-Year Fiscal Recovery Plan after the budget crisis of 2005 and that giving away \$12.5 million would place the County in perilous fiscal straits; and

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WHEREAS, during the third session of 2006, the Erie County Legislature passed a continuation of the eighth percent sales tax with the provision that a percentage of it, roughly \$12.5 million worth, would be shared with local municipalities starting in 2007; and

WHEREAS, this honorable body, through resolutions and letters forwarded to members of the Assembly and Senate delegation to the State Legislature and the County Executive identified several areas where additional assistance was requested, including:

- Increased Aid For Regional Cultural Institutions
- Increased Aid for Human Services
- Increased Highway Funding
- Containment Of Medicaid Costs
- Allowing Erie County To Retain The Portion Of The Sales Tax That Goes To The Niagara Frontier Transportation Authority; and

WHEREAS, the New York State Budget was recently approved by the New York State Legislature and the \$12.5 million in operating expenses to Erie County is not readily apparent.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby calls upon the Western New York Delegation of the NYS Assembly and Senate to identify how Erie County can retrieve funding from the State of New York to replace the \$12.5 million in sales tax revenue that Erie County agreed to share with local municipalities; and be it further

RESOLVED, the Erie County Legislature remains committed to working with all branches of NYS government to identify additional funding and cost savings for 2006 and thereafter; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, the Erie County delegation to the NYS Legislature and the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

Item 22 – MR. KENNEDY presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

MAY 18, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-13 (2006)
NYPA: Copy of Letter to Congressman Higgins Re: Allocation of 37 Megawatts to the Buffalo-Niagara Region
 (3-0)
 - b. COMM. 6E-2 (2006)
COUNTY EXECUTIVE: Veto of Local Law. Intro No. 1-2006
 (3-0)

2. COMM. 5E-27 (2006)
COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction and Widening of CR 290, Wehrle Drive, from CR 554, Youngs Road to NY Route 78, Transit Road, in the Town of Amherst, Erie County, P.I.N. 5755.19 (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

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.19,

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping) Phase of the project and in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further,

RESOLVED, that the sum of \$179,100 is hereby appropriated from the 1999 Federal Aid Various Roads and Bridges Program (SAP B.00007), in addition to \$4,000 previously appropriated for the project's Preliminary Engineering (Scoping) Phase via County Resolution No. 23D-18 adopted December 19, 1996; \$181,600 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 9D-26 adopted May 18, 1998; and \$440,100 previously appropriated for the project's Right-of-Way Incidentals and Right-of-Way Acquisition Phases via County Resolution No. 4E-22 adopted March 6, 2003 and made available to cover the cost of participation in the above phases of the Project, and be it further,

RESOLVED, that in the event the amount required to pay the non-Federal share of the cost of the Project's Preliminary Engineering (Scoping) Phase and in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$804,800 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals and Right-of-Way Acquisition Phases exceeds \$4,024,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and also one copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the Office of the County Comptroller.

(3-0)

3. **COMM. 7E-27 (2006)**

COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the Freeman Road Bridge 369-3, over Smokes Creek, BIN 3328010, in the Town of Orchard Park, Erie County, PIN 5756.38 (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

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.38, and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire by fee, permanent easement or temporary easement, portions of real property in the vicinity of the bridge, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

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WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings, and

WHEREAS, the Village of Orchard Park on January 24, 2005 passed a resolution agreeing to negotiate a Memorandum of Understanding regarding the transfer of ownership of the adjacent dam to the Village of Orchard Park upon completion of the bridge/dam reconstruction.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the sum of \$375,000 previously appropriated from the 2002 Federal Aid Road and Bridge Project Program (SAP B.00044) for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 11E-20 adopted July 3, 2003 and made available to cover the cost of participation in the above phases of the Project will now also cover the cost of the Right-of-Way Acquisition Phase of the Project, and be it further,

RESOLVED, that in the event the full Federal and non-Federal share cost of the of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$375,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

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

RESOLVED, that the Commissioner of Public Works or his authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the replacement of the bridge project:

<u>Parcel Number</u>	<u>Township</u>
162.18-1-14	Orchard Park
162.18-1-36	Orchard Park
162.18-1-9	Orchard Park
162.18-1-8	Orchard Park

and be it further,

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further,

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed fair market value, the County Executive shall be authorized to commence eminent domain procedures, and be it further,

RESOLVED, that the County Executive be authorized to transfer ownership of the adjacent dam to the Village of Orchard Park, and be it further,

RESOLVED, that the County Executive be authorized to execute all agreements relating to the dam transfer transaction between the County and the Village of Orchard Park, and be it further ,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner of Public Works to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management and Finance, and the County Comptroller.
 (3-0)

4. COMM. 7E-28 (2006)

COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of the Youngs Road (CR 554) and Aero Drive (CR 324) Intersection, in the Town of Cheektowaga, Erie County, PIN 5756.46 (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

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design V-V1), Right-of-Way Incidentals and Right of Way Acquisition Phases of the Project, PIN 5756.46.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the

Preliminary Engineering (Scoping and Design V-V1), Right-of-Way Incidentals and Right of Way Acquisition Phases of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$122,000 has been appropriated from the 2002 Youngs/Aero Intersection Design Program (SAP B.00043) (for the project via County Resolution No. 9E-57 adopted May 22nd, 2003) and made available to cover the cost of participation in the above phases of the project, 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 (Scoping and Design V-V1), Right-of-Way Incidentals and Right of Way Acquisition Phases exceeds the amount appropriated \$122,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design V-V1), Right-of-Way Incidentals and Right of Way Acquisition Phases exceeds \$145,950, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the County Comptroller.

(3-0)

5. COMM. 7E-30 (2006)

COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of the Harris Hill Road (CR 276) Intersections at Wehrle Drive (CR 275) and Pleasant View Drive (CR 161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (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

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.47.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject Project in the amount of \$225,000, and be it further ,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$175,000 has been previously appropriated from the 2002 Harris Hill with Wehrle and Pleasant View Intersections Design Program (SAP B.00042) for the project's Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases via Resolution No. 22E-25 adopted December 4, 2003, and made available to cover the cost of participation in the above phases of the project, and be it further,

RESOLVED, that the increase of \$50,000 be appropriated from the 2002 Harris Hill with Wehrle and Pleasant View Intersections Design Program (SAP B.00042) project reserves, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance, 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases exceeds \$225,000, the County of Erie shall convene its Legislature, as soon as possible, to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the County Comptroller.
(3-0)

6. COMM. 7E-32 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, Division of Highways, is planning to reconstruct Wehrle Drive (CR 290) between Youngs Road and Transit Road in the Town of Amherst ("Project"); and

WHEREAS, the Erie County Department of Public Works, Division of Highways, conducted a public hearing on September 12, 2002 to present and take comment on the social, economic and environmental effects of the design alternatives for the Project; and

WHEREAS, the Erie County Legislature has previously approved of the Wehrle Drive reconstruction project and appropriated funds for this public Project in its resolution dated March 6, 2003 (Reference: Comm. 4E-22), and in a resolution dated April 1, 2004 (Reference: Comm. 7E-42), the Legislature determined that the chosen design alternative would not have any significant adverse environmental, economic or social impacts and authorized the County of Erie to acquire through the payment of just compensation fee and/or easement title in the necessary "Subject Properties" as specifically identified in said resolution; and

WHEREAS, a proposed resolution was submitted to the Legislature by the County Executive on or about February 28, 2006 (Reference: Comm. 5E-27) to appropriate additional funds for this purpose; and

WHEREAS, in order to facilitate the Project, it is necessary for the County to acquire, by fee, permanent easement or temporary easement portions of real property in the vicinity of the reconstruction project, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", more specifically set forth below; and

WHEREAS, the County has already acquired most of the Subject Properties at a price that equals the appraised value of such property; and

WHEREAS, six (6) property owners have disputed the appraised value of their property as calculated by the County's consultants, and these property owners have requested an "administrative settlement" which exceeds the appraised value of their property; and

WHEREAS, the Commissioner of Public Works desires to pay administrative settlements to these six property owners, since the value of the administrative settlements is far less than the cost of acquiring these properties by eminent domain; and

WHEREAS, approximately twenty-four (24) property owners have refused to convey fee and/or easement title to their properties and have refused to accept all reasonable administrative settlements proposed by the County; and

WHEREAS, in order for the Project to move forward, the Commissioner of Public Works desires that eminent domain proceedings be commenced pursuant to the Eminent Domain Procedure Law against the property owners who have refused to convey fee and/or easement title to their properties; and

WHEREAS, the acquisition of the Subject Properties are de minimus in nature so that the public interest will not be prejudiced by the construction of the public Project.

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NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate administrative settlements with the owners of the following properties towards acquiring a portion of their real property, either by fee or by easement, which is necessary for the Wehrle Drive reconstruction project:

<u>Map #:</u>	<u>Type:</u>	<u>Section-Block-Lot:</u>	<u>Total Settlement Amount:</u>
374-22 & 374-23	FEE, TE	81.01-1-14	\$6,780.00
374-32	TE	81.09-2-6	\$1,000.00
374-34 & 374-35	FEE, TE	81.01-1-13	\$52,084.00
374-39 & 374-40	FEE, TE	81.01-1-10.111 & 81.01-1-10.2	\$45,499.00
374-48 & 374-58	FEE, TE	81.01-1-12.12	\$28,568.00
374-137 & 374-152	FEE, TE	82.09-1-20	\$10,750.00

and be it further

RESOLVED, that should one or more owners of the above-referenced properties refuse to negotiate an administrative settlement, the Commissioner of Public Works, the County Attorney and/or their authorized representatives are hereby authorized to acquire these properties pursuant to the Eminent Domain Procedure Law; and be it further,

RESOLVED, that due to the fact that the owners of the following properties have refused to convey fee and/or easement title to their properties at the properties' appraised value and have refused to accept any reasonable administrative settlements, the Commissioner of Public Works, the County Attorney and/or their authorized representatives are hereby authorized to acquire the following properties pursuant to the Eminent Domain Procedure Law:

<u>Map #:</u>	<u>Type:</u>	<u>Section-Block-Lot:</u>	<u>Township:</u>
374-9	TE	81.09-6-001	Vil. of Williamsville
374-13	TE	81-09-2-002 & 81.09-2-003.1	Vil. of Williamsville
374-15 & 374-157	TE/FEE	81.10-1-038	Vil. of Williamsville
374-28	TE	81.10-5-007	Amherst
374-29	TE	81.09-2-004	Vil. of Williamsville
374-30	TE	81.09-2-005	Vil. of Williamsville
374-37 & 374-38	FEE/TE	81.01-1-007.112	Amherst
374-41	TE	81.10-1-041	Vil. of Williamsville
374-42	TE	81.09-2-007	Vil. of Williamsville
374-45 & 374-46	FEE/TE	81.01-1-003.21	Amherst
374-65 & 374-66	FEE/TE	81.02-3-023.112	Amherst
374-71 & 374-72	FEE/TE	81.02-3-031	Amherst
374-75 & 374-76	FEE/TE	81.02-3-032	Amherst
374-78 & 374-79	FEE/TE	81.02-3-008	Amherst

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374-80 & 374-81	FEE/TE	81.02-1-004	Amherst
374-86	TE	81.09-2-003.2	Vil. of Williamsville
374-96	TE	81.10-5-002	Amherst
374-97	TE	81.10-5-003	Amherst
374-100	TE	81.01-1-006.111	Amherst
374-113 & 374-114	FEE/TE	81.12-4-012.1	Amherst
374-117 & 374-118	FEE/TE	81.02-2-007.111 & 81.02-2-009.2	Amherst
374-119 & 374-120	FEE/TE	81.02-3-017.1	Amherst
374-133 & 374-134	FEE/TE	82.09-1-008	Amherst
374-146 & 374-147	FEE/TE	82.09-2-009	Amherst

and be it further,

RESOLVED, that the County Attorney or his authorized representative shall prepare, and the County Executive shall be authorized to execute, all appropriate documents relating to acquiring fee and/or easement title to the Subject Properties referenced above; and be it further,

RESOLVED, that the expenses of acquiring the Subject Properties referenced above shall be derived from funds previously appropriated by the County Legislature for the Preliminary Engineering, Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Wehrle Drive reconstruction project, such appropriations having been made by resolutions on March 6, 2003 (Reference: Comm. 4E-22), April 1, 2004 (Reference: Comm. 7E-42) and by a proposed resolution that was submitted to the Legislature by the County Executive on or about February 28, 2006 (Reference: Comm. 5E-27) and which is expected to be voted upon by the Legislature at their session on March 16, 2006; and be it further,

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

(3-0)

7. COMM. 8E-23 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, Division of Highways, is planning to reconstruct Maple Road Intersections (CR 192) at Flint, North Forest and Hopkins Roads, in the Town of Amherst, County of Erie, and

WHEREAS, in order to facilitate the reconstruction of the road, it will be necessary for the County to acquire, by fee, permanent easement or temporary easement, portions of real property at Hopkins Road Intersection, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings, and

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WHEREAS, extensive community outreach, public meetings, individual property owner meetings and thorough design review with redesign as necessary and appropriate has been performed in order to minimize property acquisition, and

WHEREAS, without this property acquisition, the project cannot meet Federal Aid Guidelines and, therefore, would put an effective end to the project, and

WHEREAS, the County has invested significant time and design effort to realign Maple Road to minimize necessary property acquisition and satisfy property owner concerns, so that the Project can be moved forward in the design stage.

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the reconstruction of this road:

<u>Parcel Number</u>		<u>Township</u>
56.17-4-3	(SW Corner Hopkins/Maple)	Amherst
56.62-1-1	(NE Corner Hopkins/Maple)	Amherst

and be it further,

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated in the amount of \$77,900.00 by the County Legislature for Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Reconstruction of Maple Road project, such appropriations having been made by Resolution Communication Number 9E-59 on May 22, 2003, and included in the 1999 Federal Aid Various Roads and Bridges Program (SFG 420-134), (SAP B.00007), and be it further,

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further,

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner – Highways, the County Comptroller, the County Attorney, and the Director of Budget, Management and Finance.

(3-0)

8. INTRO 9-6 (2006) **AS AMENDED**
IANNELLO, REYNOLDS, WHYTE, KONST, LOCKLEAR, SMITH, MILLS,
RANZENHOFER & MAZUR

WHEREAS, attempted legislation has repeatedly, and once again, been introduced to remove the NYS Thruway tolls in the Ogden Street and Breckenridge stations; and

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WHEREAS, an even more pressing situation concerns the residents of the Town of Grand Island who must pay an unfair tax to travel from their homes to their place of employment or anywhere off Grand Island; and

WHEREAS, this toll was recently raised from \$.50 to \$.75, and coupled with the spiraling fuel costs, creates a burden on those residents of the Town of Grand Island; and

WHEREAS, Western New York is struggling economically due to the many taxes forced upon us over the past decades, this being one that should have been removed long ago; and

WHEREAS, during the summer tourist season, these toll barriers cause a traffic back up and congestion causing serious delays on the New York State Thruway, Niagara Section; and

WHEREAS, this is not only an inconvenience to residents and tourists, but increases the pollutants into the environment from these idling motor vehicles; and

WHEREAS, removal of said toll barriers on the NYS Thru-way is currently a major topic of the media, elected officials and citizens, albeit the time has come for the Governor to act on removal of these tolls; and

WHEREAS, New York State Senator Coppola has introduced new legislation to discontinue the collection of tolls at the Grand Island bridges in the Niagara Section of the New York State Thru-way.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, the Erie County Legislature joins with Senator Coppola in support of Senate Bill No. 6965 and Assembly Bill No. A2556 in calling for the removal of the NYS Thru-way tolls on the Town of Grand Island, NY and be it further

RESOLVED that copies of this resolution be forwarded to the Honorable George A. Pataki, Governor of this great state of New York and all members of the New York State Thruway Authority, all members of the New York State Legislative delegation and Peter McMahon, Supervisor of the Town of Grand Island.

(3-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved to separate Item No. 6 and move the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN MARINELLI directed that Item No. 6 be returned to the ECONOMIC DEVELOPMENT COMMITTEE for further consideration.

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GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

MAY 18, 2006

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 8

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-2 (2006)
COMPTROLLER: Financial Report of COE for Three (3) Months Ended 3/31/2006
 (4-0)
 - b. COMM. 9D-1 (2006)
BUDGET, MANAGEMENT & FINANCE: Third BMR for FY2006
 (5-0)

DEMONE A. SMITH
CHAIRMAN

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

MAY 4, 2006

HUMAN SERVICES COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. COMM. 9E-11 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has a successful, current year contract with Greater Buffalo Works to operate the NOW program to serve unemployed public assistance recipients who are deemed to be employable, and

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WHEREAS, the NOW program model is to provide immediate subsidized employment to TANF recipients for a duration of 3 to 5 weeks while barriers to permanent full time employment are addressed, and

WHEREAS, individuals that demonstrate job proficiency are quickly moved to private sector employment opportunities and clients that choose not to become employed are subject to public assistance case closure, and

WHEREAS, there is no fiscal impact to this resolution as this contract is to be fully supported by Federal dollars available under the Flexible Fund for Family Services.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Greater Buffalo Works	<u>\$150,000</u>
	Total Expenditure	<u>\$150,000</u>
414000	Federal Aid	<u>\$150,000</u>
	Total Revenue	<u>\$150,000</u>

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

RESOLVED, due to the immediate need to fund this program, the requirement for Request for Proposals is waived, and be it further

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

(3-0)

2. COMM. 9E-12 (2006)

COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging has notified the Erie County Department of Senior Services (Department) that the Long Term Care Insurance Education and Outreach Program (LTCIEOP) program will continue for the period April 1, 2006 to March 31, 2007 and that \$50,000 is available to the Department, and

WHEREAS, the Department desires to continue the grant program designed to inform and educate the general public about long term care insurance, including those policies that are available

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through the New York State Partnership for Long Term Care, via a series of mini conferences and Educational Outreaches, and

WHEREAS, the Department desires to continue the LTCIEOP grant effective April 1, 2006, and

WHEREAS, the Department desires to transfer the part time Coordinator of Volunteer Training- Senior Services position (no. 5101876), from the State Pharmaceutical Assistance Program grant to the LTCIEOP grant, effective October 1, 2006, and

WHEREAS, no County funds are required for the LTCIEOP grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the \$50,000 grant from SOFA to carry out LTCIEOP goals, and be it further

RESOLVED, that the operational structure from the 0506LTCIEOP grant continue, and be it further

RESOLVED, that the County Executive be and is hereby authorized to transfer the part time Coordinator of Volunteer Training- Senior Services (position no. 5101876), from the State Pharmaceutical Assistance Program grant to the LTCIEOP grant, effective October 1, 2006 (see B-100 No.00000020004), and be it further

RESOLVED, that the budget for the LTCIEOP grant, 163LTCIEOP0607, for the period April 1, 2006 through March 31, 2007 be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$50,000
	TOTAL REVENUE	<u>\$50,000</u>
APPROPRIATIONS		
500010	Part Time Wages	\$21,563
502000	Fringe Benefits	5,372
505000	Office Supplies	1,500
	Local Mileage	
510000	Reimbursement	1,100
510100	Out of Area Travel	1,000
516020	Professional Services & Fees	13,665
530000	Other Expenses	3,000

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545000	Rental Expenses	1,400
980000	ID DISS Services	1,400
	TOTAL APPROPRIATIONS	\$50,000

and be it further

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

(3-0)

3. COMM. 9E-13 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Hope for Elderly Independence (HOPE) grant for the period January 1, 2006 to December 31, 2006, and

WHEREAS, the Department of Senior Services has approached the final year of the grant’s funding, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the grant program through the end of the year, and desires to transfer the Sr. Case Manager position to the Expanded In-Home Services for the Elderly Program (EISEP) grant, effective January 1, 2007, and the Secretary to Commissioner position to the Administration & Support cost center, effective May 1, 2006, and

WHEREAS, sufficient funding exists in the respective budgets to cover the personnel costs associated with the transfers, and

WHEREAS, the HOPE grant budget needs to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to transfer the Sr. Case Manager position (no. 8181) to the EISEP grant (163EISEP0607), effective January 1, 2007 (see B-100 No. 0000002005) , and the Secretary to Commissioner position (no. 51001121) to Administration & Support (cost center 1631010), effective May 1, 2006(see B-100 No. 0000002006), and be it further

RESOLVED, that the HOPE grant, 163HOPE2006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
479100	Other Contributions	\$200,000	-\$110,283	\$89,717

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TOTAL REVENUE		\$200,000	-\$110,283	\$89,717
APPROPRIATIONS				
500000	Full Time Salaries	\$92,494	-\$28,003	\$64,491
500350	Other Employee Payments	300	-300	0
502000	Fringe Benefits	36998	-13,172	23,826
505000	Office Supplies	700	-500	200
510000	Local Mileage	1,900	-1,200	700
	Professional Services and			
516020	Fees	64,288	-64,288	0
980000	ID DISS Services	3,320	-2,820	500
TOTAL APPROPRIATIONS		\$200,000	-\$110,283	\$89,717

and be it further

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

(3-0)

4. COMM. 9E-23 (2006)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has been the lead participant for over twenty years in a multi county consortium that focuses on issues related to Medicaid including managed care enrollment, fraud and abuse detection and third party health insurance recoveries, and

WHEREAS, meeting topics are relevant to the highly complex and ever changing arena of Medicaid eligibility, best practices, recent legislation and regulatory clarification, and

WHEREAS, full-day meetings include guest speaker presentations and roundtable discussions, and

WHEREAS, monthly meeting costs for facility rental, lunch, speaker expense and travel expenses are incurred by the WNY Managed Care Coalition in the due course of business of the long standing association, and

WHEREAS, the Department wishes to reinstate a longstanding contract with WNY Managed Care Coalition to cover these expenses, and

WHEREAS, there is no fiscal impact to this resolution as there is no further local share for Medicaid administration or program expense beyond that amount prescribed by State law.

NOW, THEREFORE, BE IT

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

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Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	WNY Managed Care Coalition	<u>\$9,500</u>
	Total Expenditure	<u>\$9,500</u>
407500	State Aid Medicaid	\$4,750
411500	Federal Aid Medicaid	<u>\$4,750</u>
	Total Revenue	<u>\$9,500</u>

and be it further

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

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

THOMAS J. MAZUR
CHAIRMAN

Item 25 – MS. IANNELLO presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

MAY 18, 2006

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT. CHAIRMAN MARINELLI
 PRESENT AS EX-OFFICIO OFFICIAL.

1. RESOLVED, the following item is hereby received and filed:
 - a. INTRO 7-3 (2006)
MINORITY CAUCUS: Development of Student Housing on ECC's South Campus in Hamburg, NY
 (5-0)
2. COMM. 7E-35 (2006)

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COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Commission on the Status of Women to replace Vicki Haas who has resigned and serve for the remainder of her term:

NAME & ADDRESS

TERM EXPIRATION

Ellen Warner
 761 West Ferry Street
 Buffalo, New York 14222

June 30, 2006

MICHELE M. IANNELLO
CHAIRMAN

MS. IANNELLO moved to separate Item No. 1a and move the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN MARINELLI directed that Item No. 1a be returned to the COMMUNITY ENRICHMENT COMMITTEE for further consideration.

GRANTED.

LEGISLATOR RESOLUTIONS

Item 26 - CHAIRMAN MARINELLI directed the following resolution be sent to the FINANCE & MANAGEMENT COMMITTEE.

LEGISLATOR RANZENHOFER Challenged the Chair.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: MILLS, RANZNEHOFER and WEINSTEIN. NOES: HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, WHYTE.

FAILED. (3-11)

INTRO 10-1 from LEGISLATOR RANZENHOFER Re: Erie County Cap on Tax for Motor Fuel & Diesel Motor Fuel

Item 27 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

**A RESOLUTION SUBMITTED BY
 LEGISLATORS MARINELLI, WHYTE, REYNOLDS,
 MAZUR, LOUGHRAN, KENNEDY, KONST AND KOZUB**

WHEREAS, the Erie County Division of Child Protective Services, located within the Department of Social Services, works to ensure that children are safe and to prevent abuse or neglect through the provision of supportive services; and

WHEREAS, it has come to the attention of this Legislature that on September 1, 2006 the NYS Department of Parole Office will be moving to 478 Main Street, which is in close proximity to the offices of Child Protective Services, which is located at 460 Main Street; and

WHEREAS, the NYS Department of Parole Office will have, on a regular basis, convicted criminals entering and leaving the NYS Parole Office; and

WHEREAS, this honorable body is concerned for the safety of the children, as well as the Erie County employees, who are entering and exiting Child Protective Services.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby call upon the Commissioner of Social Services to appear before the Human Services Committee to discuss what provisions it has and/or will make to ensure the safety of the children and employees entering and exiting the Child Protective Services offices; and be it further

RESOLVED, this honorable body hereby requests the NYS Department of Parole to have adequate staff at the 478 Main Street office to ensure the safety of the neighborhood, including the children, families and employees entering and leaving the offices of Child Protective Services, from parolees entering and leaving their offices; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, PEF Region 1 Coordinator Joyce Degenhardt, Chairman of the New York Division of Parole Robert Dennison and Erie County Commissioner of Social Services Michael Weiner.

MS. WHYTE moved to amend the resolution by adding Legislators Iannello and Mills as Co-Sponsors. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

A RESOLUTION SUBMITTED BY
LEGISLATORS MAZUR, KOZUB, MARINELLI, WHYTE,
REYNOLDS, LOUGHRAN, KENNEDY AND KONST

WHEREAS, from 1962 to 1973, the Deseret Test Center, headquartered at Fort Douglas, Utah, conducted a series of chemical and biological warfare vulnerability tests. The Department of Defense has confirmed that the Deseret Test Center conducted dozens of such tests; and

WHEREAS, the purpose of the land-based tests was to learn more about how chemical or biological agents behave under a variety of climatic, environmental and use conditions; and

WHEREAS, the Department of Defense also conducted chemical and biological tests under a program entitled "Project Shipboard Hazard and Defense" to identify U.S. warships' vulnerabilities to attacks and to develop procedures to respond to such attacks while maintaining a war-fighting capability; and

WHEREAS, Department of Veterans Affairs reports that approximately 70,000 veterans were exposed to chemical and biological agents and simulants in a variety of tests since World War II and 6,000 who were exposed participated at the Deseret Test Center; and

WHEREAS, exposure to any biological or chemical agent, simulant, tracer, decontaminant, or herbicide projects may have been harmful or cause increased health risks to any member of the United States Armed Forces or civilian personnel who participated, perhaps unknowingly, in such a project; and

WHEREAS, many veterans who underwent these tests believe that their health was put at risk without their knowledge or consent; and

WHEREAS, H.R. 4259 calls on Congress and the Department of Defense to investigate chemical or biological warfare tests or projects carried out between 1954 and 1973.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports H.R. 4259 of the 109th Congress which mandates an examination of classified and unclassified data, test operation plans, safety plans, test reports, test results, and any other materials related to a chemical or biological warfare test or project, along with the types and dosages of any biological or chemical agent, including any simulant, tracer, decontaminant, pharmaceutical or herbicide used during each chemical or biological warfare test or project; and be it further

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RESOLVED, veterans and civilian employees of the United States Armed Forces who believe they were involved in chemical and biological warfare tests should call the VA's Helpline at (800) 749-8387 for a medical evaluation.

MS. WHYTE moved to amend the item by attaching the following bill and including LEGISLATORS RANZENHOFER, WEINSTEIN, MILLS, IANNELLO and HOLT. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

HR 4259 IH

109th CONGRESS
 1st Session
H. R. 4259

To establish the Veterans' Right to Know Commission.

IN THE HOUSE OF REPRESENTATIVES
November 8, 2005

Mr. THOMPSON of California (for himself, Mr. REHBERG, Mr. FILNER, Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. HOLT, and Mr. STRICKLAND) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Veterans' Right to Know Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Veterans' Right to Know Act'.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the `Veterans' Right to Know Commission' (in this Act referred to as the `Commission').

SEC. 3. DUTIES.

(a) In General- The duties of the Commission shall be--

- (1) to investigate chemical or biological warfare tests or projects, especially such projects carried out between 1954 and 1973, placing particular emphasis on actions or conditions associated with such projects that could have contributed to health risks or been harmful to any United States civilian personnel or member of the United States Armed Forces who participated in such a project or who was otherwise potentially exposed to any biological or chemical agent, simulatant, tracer, decontaminant, or herbicide as a result of such projects; and
- (2) to submit a report to Congress of its findings and recommendations.

(b) Matters to Be Examined- In carrying out this Act, the Commission shall specifically examine--

- (1) classified and unclassified data, test operation plans, safety plans, test reports, test results, and any other materials related to a chemical or biological warfare test or project;
- (2) the types and dosages of any biological or chemical agent, including any simulant, tracer, decontaminant, pharmaceutical, or herbicide, used during each chemical or biological warfare test or project;
- (3) information relating to the personal protection of participants in each chemical or biological warfare test or project, including respiratory equipment, clothing, citadel systems, vaccinations, and safety and medical protocols;
- (4) the list provided to the Department of Veterans Affairs by the Department of Defense of names of individuals who participated in each chemical or biological warfare test or project, the method by which such names were provided, and any other information relating to the number of individuals who participated in such a project or who were otherwise potentially exposed to any biological or chemical agent, simulant, tracer, decontaminant, pharmaceutical, or herbicide as a result of such a project;
- (5) the date and location of any land, air, or sea test conducted as part of any chemical or biological warfare test or project and the dispersal area likely to have been affected by the release of a chemical or biological agent, simulant, tracer, decontaminant, pharmaceutical, or herbicide during the tests; and
- (6) any available data collected during health screenings or cause of death determinations performed on any individual who participated in a chemical or biological warfare test or project to determine any possible health consequences of such participation.

(c) Chemical or Biological Warfare Test or Project- In this Act, the term 'chemical or biological warfare test or project' means any project or program carried out by the Department of Defense, including Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), as a part of which any biological or chemical agent, simulant, tracer, decontaminant, pharmaceutical, or herbicide was tested or used.

SEC. 4. MEMBERSHIP.

(a) Number and Appointment- The Commission shall be composed of 10 members as follows:

- (1) 1 member appointed by the President, who shall serve as chair of the Commission.
- (2) 1 member appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives, who shall serve as vice chair of the Commission.
- (3) 2 members appointed by the majority leader of the Senate.
- (4) 2 members appointed by the Speaker of the House of Representatives.
- (5) 2 members appointed by the minority leader of the Senate.
- (6) 2 members appointed by the minority leader of the House of Representatives.

(b) Qualifications-

- (1) IN GENERAL- Each individual appointed to the Commission shall be a prominent United States citizen with national recognition and significant experience in areas related to the duties of the Commission.

- (2) VETERAN APPOINTMENTS-
- (A) CHAIR AND VICE CHAIR- The chair and vice chair of the Commission shall be veterans (as that term is defined in section 101 of title 38, United States Code).
- (B) MEMBERS- 2 members of the Commission shall be veterans who participated in chemical or biological warfare test or project and who have knowledge of the tests conducted during such projects.
- (3) OTHER APPOINTMENTS- A member of the Commission shall not be an officer of employee of the Federal Government, any State government, or any unit of local government. This paragraph shall not apply to appointments under paragraph (2).
- (c) Terms-
- (1) IN GENERAL- Each member shall be appointed for the life of the Commission.
- (2) VACANCIES- A vacancy in the Commission shall be filled in the manner in which the original appointment was made.
- (d) Time for Appointment- Each member of the Commission shall be appointed before the expiration of the 45-day period which begins on the date of the enactment of this Act.
- (e) Basic Pay- Members shall be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.
- (f) Travel Expenses- Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.
- (g) Chair- The chair shall serve as a full-time employee of the United States.
- (h) Quorum- 6 members of the Commission shall constitute a quorum but a lesser number may hold hearings.
- (i) Meetings-
- (1) INITIAL MEETING- The Commission shall meet as soon as practicable after the date of the enactment of this Act
- (2) SUBSEQUENT MEETINGS- After the initial meeting, the Commission shall meet at the call of the chair or a majority of its members but no fewer than four times each year.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

- (a) Director- The chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a Director.
- (b) Staff- The chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of any additional personnel as may be necessary to enable the Commission to carry out its functions.
- (c) Applicability of Certain Civil Service Laws- The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that any individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.
- (d) Experts and Consultants- The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates not to exceed the

daily equivalent of the maximum annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) Staff of Federal Agencies- Upon request of the Commission, the head of any Federal department or agency may detail, without reimbursement, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 6. POWERS OF THE COMMISSION.

(a) Hearings and Sessions- The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) Public Meetings, Hearings, and Reports-

(1) NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT- Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS- The Commission shall--

(A) hold public hearings and meetings to the extent appropriate; and

(B) release public versions of the reports submitted under section 7.

(3) PUBLIC HEARINGS- A public hearing of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(c) Powers of Members and Agents- Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(d) Obtaining Official Data-

(1) IN GENERAL- The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act, including rosters of personnel who participated in any chemical or biological warfare test or project. Upon request of the chair, the head of that department or agency shall furnish that information to the Commission.

(2) PARTICIPANT INFORMATION-

(A) Before the expiration of the 45-day period which begins on the date of the enactment of this Act, the head of a department or agency of the United States which is in possession of any participant information described in subparagraph (B) shall furnish such information to the Commission.

(B) The participant information referred to in subparagraph (A) is the name, service number, social security number, and birth date of each individual who participated in a chemical or biological warfare test or project and the date and location of any such project in which the individual participated.

(e) Security Clearances-

(1) CHAIR AND VICE CHAIR- The chair and vice chair of the Commission shall hold, as a condition of appointment to or employment with the Commission, appropriate security clearances for access to the classified briefing, records, and materials to be reviewed by the Commission or its staff and shall follow the guidance and practices on security under applicable Executive orders and agency directives.

(2) CERTAIN STAFF- Not fewer than one-third of the staff of the Commission shall hold, as a condition of appointment to or employment with the Commission, appropriate security clearances for access to the classified briefing, records, and materials to be reviewed by the Commission or its staff and shall follow the guidance and practices on security under applicable Executive orders and agency directives.

(3) MEMBERS AND STAFF-

(A) IN GENERAL- Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION- No person shall be provided with access to classified information under this Act without the appropriate required security clearance access.

(f) Gifts, Bequests, and Devises- The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from the sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.

(g) Mails- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) Administrative Support Services- Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(i) Subpoena Power-

(1) IN GENERAL- The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) ISSUANCE OF SUBPOENAS-

(A) IN GENERAL- A subpoena may be issued under this subsection only--

(i) by the agreement of the chair and vice chair; or

(ii) by the affirmative vote of 4 members of the Commission.

(B) SIGNATURE AND SERVICE- Subject to subparagraph (A), a subpoena issued under this subsection may be issued under the signature of the chair or any member designated by a majority vote of the Commission and may be served by any person designated by the chair or by any person designated by a member designated by a majority vote of the Commission.

(3) FAILURE TO OBEY A SUBPOENA- If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or

where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(j) Contract Authority- To the extent or in the amounts provided in advance in appropriation Acts, the Commission may contract with and compensate government and private agencies or persons for services if entering into such contracts would enable the Commission to discharge its duties.

SEC. 7. REPORTS.

(a) Interim Reports- The Commission may submit to Congress, the Committees on Armed Services and Veterans' Affairs of the Senate and House of Representatives, the Congressional intelligence committees, and the President, interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Final Report- The Commission shall transmit a final report to Congress, the Committees on Armed Services and Veterans' Affairs of the Senate and House of Representatives, the Congressional intelligence committees, and the President, not later than 36 months from the date of the initial meeting of the Commission. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for any actions the Commission considers appropriate.

(c) Form of Report- Each report submitted under this section shall be unclassified but may contain a classified annex.

(d) Recommendation to Make Public Certain Classified Information-

(1) IN GENERAL- If the Commission determines that it is in the public interest that some or all of the information contained in a classified annex of a report under this section be made available to the public, the Commission shall make a recommendation to the Congressional intelligence committees to make such information public, and the Congressional intelligence committees shall consider the recommendation pursuant to the procedures under paragraph (2).

(2) PROCEDURE FOR DECLASSIFYING INFORMATION- The procedures referred to in paragraph (1) are the procedures described--

(A) with respect to the Permanent Select Committee on Intelligence of the House of Representatives, in clause 11(g) of Rule x of the Rules of the House of Representatives, One Hundred Eighth Congress; and

(B) with respect to the Select Committee on Intelligence of the Senate, in section 8 of Senate Resolution 400, Ninety-Fourth Congress.

(e) Congressional Intelligence Committees- In this subsection, the term `Congressional intelligence committees' means--

(1) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Select Committee on Intelligence of the Senate.

SEC. 8. TERMINATION.

(a) In General- The Commission shall terminate upon the expiration of the 60-day period which begins on the date the Commission submits its final report under section 7(b).

(b) Administrative Activities- The Commission may use the 60-day period described in subsection (a) to conclude its activities, which may include providing testimony to committees of Congress concerning its findings, conclusions, and recommendations.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$5,000,000 to carry out this Act, which shall remain available until the termination of the Commission.

END

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, KOZUB, KONST AND REYNOLDS

WHEREAS, in the 2006 budget year Erie County will pay \$52,941,648 in debt services, with \$31,621,298 going towards paying off principal and \$20,865,350 going towards interest; and

WHEREAS, this honorable body was elected to insure that Erie County returns to fiscal health and operates in a fiscally prudent manner. Thus, we will provide strict oversight of any County borrowing; and

WHEREAS, this body will not add to the County's debt load unless it is fiscally prudent to do so or necessary for the health and safety of Erie County residents; and

WHEREAS, this honorable body does not presently have complete information regarding proposed bonding for 2006.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body does hereby call upon the administration to present to this Legislature with a list identifying all contractually or statutorily obligated projects it anticipates bonding for the remainder of this year and the whole of next; and be it further

RESOLVED, this honorable body does hereby call upon the administration to present this Legislature with a list identifying all projects for bonding that directly impact on the health and safety of the residents of Erie County; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Comptroller, Budget Director, Commissioner of Environment and Planning and the Commissioner of Public Works.

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MS. WHYTE moved to amend the item by including Legislators Holt, Mills, Weinstein, Iannello, Locklear and Kennedy. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 30 - CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 10-5 from WHYTE & KENNEDY Re: Big Box Retailers, Medicaid & the Hidden Cost to Erie County Taxpayers

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 31 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 6E-31. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: Bond Reso – 2006 Capital Program

RESOLUTION NO. 156 -2006

BOND RESOLUTION DATED MAY __, 2006

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PAYMENT OF A JUDGMENT AGAINST THE COUNTY IN THE CASE OF ERIE COUNTY MEDICAL CENTER CORPORATION V. COUNTY OF ERIE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$26,351,750, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$26,351,750 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) _____, 2006

(Adopted) _____, 2006

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

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to finance payment of a portion of the judgment against the County in the case of Erie

County Medical Center Corporation v. County of Erie, Consent Decree Index Number I2005-1853, to fund the County's capital funding contribution to ECMCC for fiscal years 2006 and 2007. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$26,351,750, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$26,351,750 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$26,351,750 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which said \$26,351,750 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 33(a) of the Law, is five (5) years.

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

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

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

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County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

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

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

CARRIED (13-1).

SUSPENSION OF THE RULES

Item 32 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 10E-33 from CHAIRMAN MARINELLI Re: Revised 2006 Committee Assignments.

Received, Filed & Printed.

2006 COMMITTEE ASSIGNMENTS REVISED MAY 25, 2006

Community Enrichment

Chairperson: Michele Iannello
Vice-Chairperson: Robert B. Reynolds
Members: Thomas Loughran

Economic Development

Chairperson: Timothy M. Kennedy
Vice-Chairperson: Kathy Konst
Members: Robert B. Reynolds

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Clerk: Michael H. Ranzenhofer
 Jeremy Rosen

Clerk: John J. Mills
 Geoffrey M. Szymanski

Energy & Environemnt

Chairperson: Thomas A. Loughran
Vice-Chairperson: Daniel M. Kozub
Members: Maria R. Whyte
 John J. Mills
Clerk: Robert Graber

Finance & Management

Chairperson: Demone A. Smith
Vice-Chairperson: Maria R. Whyte
Members: Kathy Konst
 John J. Mills
Clerk: John C. Davis

Government Affairs

Chairperson: George A. Holt, Jr.
Vice-Chairperson: Cynthia E. Locklear
Members: Robert Reynolds
 Michael H. Ranzenhofer
Clerk: Geoffrey M. Szmanski

Health

Chairperson: Cynthia E. Locklear
Vice-Chairperson: Thomas J. Mazur
Members: Maria R. Whyte
 Barry A. Weinstein
Clerk: Paul Henderson

Human Services

Chairperson: Thomas J. Mazur.
Vice-Chairperson: Demone A. Smith
Members: Michele Iannello
 Barry A. Weinstein
Clerk: Paul Henderson

Public Safety

Chairperson: Daniel M. Kozub
Vice-Chairperson: Timothy M. Kennedy
Members: Robert J. Reynolds
 John J. Mills
Clerk: Robert Graber

Item 33 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 10E-34 from LEGISLATOR SMITH Re: Absence from Session on May 25, 2006
 Session

Received, Filed & Printed.

April 21, 2005

Hon. Kevin M. Kelly
 Clerk, Erie County Legislature
 Old County Hall
 92 Franklin Street – 4th Floor
 Buffalo, NY 14202

Re: Absence from Session on May 25, 2006

MEETING NO. 10
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ERIE COUNTY LEGISLATURE

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's Rules of Order, this will serve as notification of my absence from the Session on May 25 due to previously scheduled personal obligations.

Thank you.

Very truly yours,

Demone Smith
 Erie County Legislator
 7th District

Item 34 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 10E-35 from the COMPTROLLER Re: Bond Reso - \$592,000 - ECSD No. 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 35 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 10E-36 from the COMPTROLLER Re: Bond Reso - \$1,000,000 - ECSTSTA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 36 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

INTRO 6-6 from LEGISLATOR LOUGHRAN Re: Wendt Beach

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 10E-1) Response to Wireless Device Audit

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Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

FROM LEGISLATOR SMITH

Item 38 – (COMM. 10E-2) Schedule of 2006 Mid-Year Budget Hearing

Received, Filed and Printed.

May 18, 2006

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

Dear Mr. Kelley:

Please be advised that the Finance and Management Committee will hold its 2006 Mid-Year Budget Hearings beginning on June 26, 2006 through June 30, 2006. The hearings will begin at 10:00 each morning and end at approximately 3:00 pm.

Thank you in advance for your prompt attention to this matter.

Sincerely,

Demone A. Smith

Cc: Hon Lynn A. Marinelli, Chair of the Erie County Legislature
Hon. Joel A. Giambra, County Executive
Hon. Mark C. Poloncarz, Comptroller

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 10E-3) Division of Budget, Management & Finance - 2005 Year End Budget Balancing Amendments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 40 – (COMM. 10E-4) Bond Resolution - 2006 Capital Program (Excluding ECMCC)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR KOZUB

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

CARRIED UNANIMOUSLY. (13-0-1)

RESOLUTION NO. 157

RE: Legislative Office Space (COMM. 10E-5)

RESOLVED, the Erie County Executive is hereby authorized to to sign a Two (2) Year Lease Agreement with Peter Vinolus, located at 609 Ridge Road, Lackawanna, New York, Upper for Legislative Office Space for Daniel M. Kozub at a monthly rate of \$625.00.

FROM LEGISLATOR MARINELLI

Item 42 – (COMM. 10E-6) Copy of Letter to ECFSA Chair Re: 2007 Budget Process

Received and referred to the FINANCE & MANAGMEMENT COMMITTEE.

Item 43 – (COMM. 10E-7) Copy of Memo to BOE Commissioners Re: BOE Priority Funding Plan

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 44 – (COMM. 10E-8) Appointment to the Cornell University Cooperative Extension Board of Directors

Received, Filed and Printed.

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 10E-9) Authorization for Division of Budget, Management & Finance to hold a Public Auction for Sale of County-Owned Inventory Properties

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 46 – (COMM. 10E-10) Appointments to the Erie County Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – (COMM. 10E-11) Appointment to the Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 10E-12) Senior Services - Authorization to Accept Donations

Received and referred to the HUMAN SERVICES COMMITTEE.

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Item 49 – (COMM. 10E-13) DEP - Division of Sewerage Management - Managerial Confidential

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 50 – (COMM. 10E-14) WNY Stormwater Coalition Local Ordinance Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (COMM. 10E-15) Social Services - Contract W/ Biel's Information Technology

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 52 – (COMM. 10E-16) Surplus Revenue - Road Repair Reserve Fund - Public Hearing Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 53 – (COMM. 10E-17) Establishment of an Asbestos/Air Quality Coordinator Position to Fulfill a Grievance

Item 54 – (COMM. 10E-18) New Architectural Draftswoman and Assistant Electrical Engineer Positions

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

Item 55 – (COMM. 10E-19) Probation & Youth Detention - Division of Criminal Justice Services Challenge Grant Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. IANNELLO voted in the negative.

CARRIED (13-1).

RESOLUTION NO. 158

RE: CPS - Acceptance of the Pilot Project w/NYS Wireless and Erie County, to start the Statewide Wireless Network (COMM. 10E-20)

WHEREAS, the County of Erie has been chosen as one of the Pilot Project counties to provide wireless communications for first responders to communicate with each other, and

WHEREAS, there is no cost of this pilot project to Erie County, and

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WHEREAS, the process will be started with the building of a network operations center for this project, and

WHEREAS, New York State will be allowed to lease space in the new Public Safety Campus with any cost for improvements and the lease costs being paid by New York State or its representatives, and

WHEREAS, this Statewide Wireless Network will bring Erie County into the 21st century for public safety communications with the initial build out.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Central Police Services, is hereby authorized to accept this Pilot Project with New York State Wireless and will allow New York State to lease space in the new Public Safety Campus and New York State will pay for any modifications that will need to be made, and be it further

RESOLVED, that this will allow New York State Wireless and Erie County to start the network operations center for this new system, and be it further

RESOLVED, that this agreement will allow Erie County to start the work with New York State to implement this process to provide wireless communications to all first responders throughout Erie County, and be it further

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

Item 57 – (COMM. 10E-21) Emergency Services - Transfer of Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 58 – (COMM. 10E-22) DEP - Pollution Prevention Technical Assistance Grant Program

Item 59 – (COMM. 10E-23) DEP - Concord, NY Freshwater Wetlands Protection Project

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

Item 60 – (COMM. 10E-24) Senior Services - Authorization to Amend the CSE, EISEP & WRAP-SOFA Grant Budgets

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 10E-25) Lease of Space on Cell Tower at ECC South Campus

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Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 62 – (COMM. 10E-26) DPW - Supplemental for Construction Inspections and Engineering Services - FEMA Projects on Vermont Streets (CR 226) - Town of Holland, Erie County - Project No. FEMA 226-2-8-06

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 – (COMM. 10E-27) ECSD No. 6 - Bethlehem Park Phase II/Village of Hamburg Phase IV - Contract No. 32SA - Change Order No. 1 - Kandey Company, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 64 – (COMM. 10E-28) DPW - Grover Cleveland Golf Courses, Irrigation System, Contingency Fund Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 65 – (COMM. 10E-29) ECSTSTA - Engineering Service Agreements - Work Order: URS-5 - Comm. 21E-33

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 10E-30) DPW - Award of Contract Inspection and Engineering Services - Reconstruction of Flood Damage - Four Rod Road (CR 356) Culverts EC 356-1 & EC 356-4 and Stolle Road (CR 334) Embankment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Personnel - 2006-2007 NYS Safety
 Training Grant Awarded (COMM. 10E-31)

WHEREAS, the New York State Department of Labor Hazard Abatement Board (NYSDOL HAB) has awarded Erie County a grant in the amount of \$76,000 for the safety training of County employees, and

WHEREAS, in order to fulfill the requirements of the grant, Erie County needs to hire a consultant to perform the training that is experienced and approved by NYSDOL HAB, and

WHEREAS, the County Legislature must accept the award of this grant, and

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WHEREAS, the Commissioner of Personnel recommends that the grant be accepted and a Memorandum of Understanding (MOU) be issued to Erie Community College Department of Corporate Training to perform the training that is included in this grant.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the \$76,000 grant from NYSDOL HAB, and be it further

RESOLVED, that the Commissioner of Personnel and/or the County Executive are hereby authorized to enter into any necessary contracts or agreements necessary to implement the aforementioned grant, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes that an MOU be issued to Erie Community College Department of Corporate Training, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Personnel; Office of the Manager of Workers Compensation; the County Executive; the Director of Budget Management and Finance; the Office of the Comptroller; and the Department of Law.

Item 68 – (COMM. 10E-32) ECC Budget 2006-2007

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF MANAGEMENT INITIATIVES

Item 69 – (COMM. 10D-1) Erie County Government Comparison to Major Counties in Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

Item 70 – (COMM. 10D-2) Notice of 5/17/06 Board of Trustee Meeting

Received and filed.

FROM THE DIRECTOR OF MANAGEMENT INITIATIVES

Item 71 – (COMM. 10D-3) Copy of Letter to ECFSA Board Members Re: Erie County Stabilization Project

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

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Item 72 – (COMM. 10D-4) Proposed Agenda for 5/18/06 Board of Trustee Meeting

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 73 – (COMM. 10D-5) Minutes of 4/26/06 Board of Trustees Meeting

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 74 – (COMM. 10M-1) Meeting & Notice of Agenda - 5/1/06D

Received and filed.

FROM THE NYS DEPT. OF LABOR

Item 75 – (COMM. 10M-2) Copy of Letter to ECL Chief of Staff Re: Apprenticeship Local

Law

Received and filed.

FROM CONGRESSMAN HIGGINS

Item 76 – (COMM. 10M-3) Copy of Memo to County Attorney Re: Veterans Office

Received and filed.

FROM THE TOWN OF HAMBURG

Item 77 – (COMM. 10M-4) Certified Resolution Re: Rescinding Resolution Calling for
 Boycott of Exxon Mobil Gas Station

Received and filed.

FROM THE ECWA

Item 78 – (COMM. 10M-5) Health Dept. - Plan Review Fees

Received and referred to the HEALTH COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

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Item 79 – (COMM. 10M-6) List of Certified 2006 State Equalization Rates

Received and filed.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 80 – (COMM. 10M-7) Formal Request for Dedication of the Erie County Bed Tax to the CVB

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO PUBLIC SCHOOLS

Item 81 – (COMM. 10M-8) Overtime Costs Charged Erie County during Primary and Special Elections

Received and filed.

FROM THE ASSOCIATED BUILDERS & CONTRACTS

Item 82 – (COMM. 10M-9) Letter in Opposition of LL 3-2006

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 83 – (COMM. 10M-10) Copy of Letter to County Attorney & Budget Director Re: Available Office Space for ECFSA

Received and filed.

FROM THE NFTA

Item 84 – (COMM. 10M-11) Cash Flow Statements

Received and filed.

MEMORIAL RESOLUTIONS

Item 85 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Raymond W. Kroszik.

Item 86 – Ms. Konst requested that when the Legislature adjourns, it do so in memory of Memorial Day.

Item 87 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Andy Kisch.

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Item 88 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of John Radke.

Item 89 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of John Radke.

ADJOURNMENT

Item 90 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KOZUB moved that the Legislature adjourn until Thursday, June 8, 2006 at 2 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 8, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK