

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 10**  
**MAY 29, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Whyte, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Konst.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 9 from 2008. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MILLS presented a resolution Commending Lieutenant Jeff Greene on His Cross Country Bicycle Ride to Help the Red Cross.

Item 6 – MS. IANNELLO presented a Memorial Resolution for Albert J. Massaro.

Item 7 – MS. IANNELLO presented a Proclamation Naming May as Older Americans Month.

Item 8 – MS. IANNELLO presented a resolution Honoring Michael Hazen for 34 Years of Dedicated Service in the Tonawanda Building Department.

Item 9 – MS. IANNELLO presented a resolution In Remembrance of Filumena Wolf.

Item 10 – MS. IANNELLO presented a resolution In Remembrance of Theodore P. Jewell.

Item 11 – MS. IANNELLO presented a resolution Congratulating Donald Floss on Being Named Youth of the Year by the Erie-Niagara Sunrise Exchange Club.

Item 12 – MS. IANNELLO presented a resolution Congratulating Scott Matthew Chown on Being Named an Eagle Scout in Boy Scout Troop 630.

Item 13 – MS. KONST presented a resolution Honoring the Memory of Joanne (Germain) Horn of Lancaster, NY.

Item 14 – MR. MAZUR presented a resolution Honoring the Memory of Hattie M. Zimmiewicz.

Item 15 – MR. MAZUR presented a resolution Honoring the Memory of Stella Lawkowski.

Item 16 – MS. IANNELLO presented a resolution In Memory of Leatrice A. Miller.

Item 17 – MS. IANNELLO presented a resolution Honoring John Percy, Town of Tonawanda Historian, for Receiving the Julia Reinstein Award As Outstanding Historian in NYS.

Item 18 – CHAIR MARINELLI & MR. RATH presented a resolution Congratulating Tommy Radon on Setting A New Record for Ballroom Dance Instruction.

Item 19 – CHAIR MARINELLI presented a resolution Congratulating Louise Cerrone on Her Retirement From the Erie County Attorney's Office.

Item 20 – CHAIR MARINELLI presented a resolution Recognizing George Zimmerman for His Service to Erie County.

Item 21 – MR. RANZENHOFER presented a resolution Congratulating Francis X. Carroll on Receiving the 2008 Lawyer of the Year Award.

Item 22 – CHAIR MARINELLI presented a resolution Welcoming the Semi-Finalists Coming to Buffalo for the Joann Falletta International Guitar Concerto Competition June 9-13.

Item 23 – CHAIR MARINELLI presented a resolution Congratulating BPS School #39 Students in the SPCA's TLC Program.

Item 24 – MR. MILLS & CHAIR MARINELLI presented a resolution Congratulating the Roycroft Campus Corporation on the Impressive Story in the NY Times' Travel Section.

Item 25 – CHAIR MARINELLI presented a resolution Congratulating the Buffalo Bandits, 2008 National Lacrosse League World Champions.

Item 26 – MS. MILLER-WILLIAMS presented a resolution In Memory of Bishop LeRoy Anderson.

Item 27 – MR. KENNEDY presented a resolution Celebrating the Life of James D. Griffin (1929-2008).

Item 28 – MR. REYNOLDS presented a resolution Honoring Elderwood Village at Rosewood Upon Their 10th Anniversary.

Item 29 – MR. REYNOLDS presented a resolution Recognizing and Thanking the Ambassador of the Republic of Macedonia, Zoran Jolveski and the Skopje City Library Braka Miladinovci for Their Donation of 200 Books to the Hamburg Public Library and the Lackawanna Public Library.

Item 30 – MS. MILLER-WILLIAMS presented a resolution In Memory of Rhoda C. Brooks.

Item 31 – MS. MILLER-WILLIAMS presented a resolution In Memory of Willie E. Rollison

MS. WHYTE moved for consideration of the above twenty-seven items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-seven items by including Et Al Sponsorship and adding one from MR. REYNOLDS and MS. KONST. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-nine items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 32 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 33 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 34 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 35 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 36 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 37 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 38 - CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2008 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 39 - MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

MAY 20, 2008	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
--------------	---

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3M-3 (2008)  
**WNY CLIMATE ACTION COALITION:** Letter to County Executive Concerning "Green Jobs Petition."  
(6-0)
  - b. COMM. 8M-15 (2008)  
**PARTNERSHIP FOR THE PUBLIC GOOD:** Greening Buffalo: What Local Governments Can Do.  
(6-0)
  - c. COMM. 9M-1 (2008)  
**TOWN OF SARDINIA:** Copy of Certified Resolution Concerning 8-Year Review of the Sardinia Agricultural District.  
(5-0) Legislator Konst not present for vote.
  - d. COMM. 9M-3 (2008)  
**NYS DEC:** New York Fish, Wildlife & Marine Resource Goals for 2010.  
(5-0) Legislator Konst not present for vote.

- e. COMM. 9M-9 (2008)  
**BRANT TOWN CLERK:** Copy of Certified Resolution Concerning 8-Year Review of the Evans Brant Agricultural District.  
(5-0) Legislator Konst not present for vote.

2. COMM. 9E-16 (2008)  
**COUNTY EXECUTIVE**  
RESOLVED, the Erie County Legislature does hereby confirm the following named individuals as Members of the Board of Managers for Erie County Sewer District No. 8:

Honorable Clark Crook  
Mayor, Village of East Aurora  
571 Main St.  
East Aurora, NY 14052

Mr. Bryan Smith  
21 Westgate Rd.  
East Aurora, NY 14052

(6-0)

3. COMM. 9E-18 (2008)  
**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 Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(6-0)

4. COMM. 9E-19 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Village of East Aurora has become part of Erie County Sewer District No. 8 (ECSD No. 8); and

WHEREAS, Erie County on behalf of ECSD No. 8 has previously entered into a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and East Main Street sanitary sewers in the Village of East Aurora when the NYSDOT reconstructs the roads; and

WHEREAS, the low bid for the sanitary sewer portion of the NYSDOT project is \$2,486,575.84, which is an increase of \$286,575.84 over the estimated previously authorized funding amount; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the Erie County Legislature authorize the increase in funding of \$286,575.84.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie authorizes the increase in funding of \$286,575.84; and be it further

RESOLVED, that the authorized amount for the sanitary sewer portion of the project be increased by \$286,575.84 to a total of \$2,486,575.84 to cover the bid amount; and be it further

RESOLVED, that the Comptroller be authorized and directed to deposit with the New York State Comptroller's Office, for the NYSDOT, the increased amount of \$286,575.84, from ECSD No. 8 Capital Account C.00071 for the NYSDOT's disbursement for the replacement of Main Street and East Main Street sanitary sewers under the contract, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

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

(6-0)

5. COMM. 9E-20 (2008)

**COUNTY EXECUTIVE**

WHEREAS, Beeman Creek Park (the "Park") is one of six Conservation Parks within the Erie County Park System and consists of 391 acres of land all located within the Town of Clarence; and

WHEREAS, the Erie County Parks Master Plan states that the primary purpose of the Park and the others in this classification is for the conservation of the natural environment and nature-based recreational activities; and

WHEREAS, the Master Plan does not call for any development in the near future but states that potential exists for the development of a small informal parking area, trails, trailheads, modest restroom facilities, informational/interpretative kiosks and directional way-finding signage; and

WHEREAS, at a work session of the Clarence Town Board, a motion was adopted expressing interest in acquiring Beeman Creek Park from the County by lease or sale, and Supervisor Scott Bylewski has written a letter to the County Executive indicating the Town's interest in such acquisition; and

WHEREAS, in order for the County of Erie to transfer title to the Park to the Town of Clarence, the Erie County Legislature will be required to approve a Home Rule Request to the New York State Legislature to enact a law authorizing such transfer of title; and

WHEREAS, the County Legislature must also subsequently approve a resolution authorizing the County Executive to execute a Sales Agreement and a deed conveying title; and

WHEREAS, the Home Rule Request, Sales Agreement and Deed all require the inclusion of a narrative metes and bounds legal description which is presently lacking and needs to be written and confirmed by a licensed land surveyor and Title Insurance Company; and

WHEREAS, the Town of Clarence, mindful of the time which will be required to complete the title work, Home Rule Request and action by the New York State Legislature, desires, in the interim, to enter into an Intermunicipal Agreement with the County of Erie which would immediately transfer the control, operation and maintenance of the Park to the Town; and

WHEREAS, the Intermunicipal Agreement, the Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of the Park to the County should the Town cease operating the site as a public park or in the event the Town fails to make Beeman Creek Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an Intermunicipal Agreement with the Town of Clarence which shall provide:

- (i) that, upon execution of the Intermunicipal Agreement by all necessary parties, the control, operation and maintenance of Beeman Creek Park shall pass from the County of Erie to the Town of Clarence;
- (ii) that the Town of Clarence shall operate and maintain Beeman Creek Park as a Conservation Park as described in the Erie County Parks System Master Plan and shall only develop the Park and make improvements within the parameters as proscribed in such Parks Master Plan;
- (iii) that any and all capital improvements and repairs, operation and maintenance costs and expenses associated with Beeman Creek Park during the term of the Intermunicipal Agreement shall be at the sole cost and expense of the Town

of Clarence and the County of Erie shall have no obligation or duty to make improvements and/or repairs, nor shall the County have any obligation or duty to provide funding, in whole or in part, for such improvements and/or repairs;

- (iv) that the term of the Intermunicipal agreement shall expire upon the transfer of title of the Park from the County to the Town of Clarence, unless sooner terminated at the option of either the County or the Town in the event the New York State Legislature fails to enact the enabling legislation authorizing the County to transfer title to the Town;

and be it further

RESOLVED, that certified copies of this resolution shall be sent to Chris Collins, Erie County Executive; Beth Kornbrekke, Director of Budget and Management; James E. Hornung, Sr., Commissioner of Parks, Recreation and Forestry; the Advisory Review Committee; and Gregory J. Dudek, Assistant County Attorney.

(6-0)

**DANIEL M. KOZUB**  
**CHAIR**

Item 40 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

MAY 22, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
--------------	--

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-1 (2008)  
**COMPTROLLER:** Copy of Letter to Ms. Jan Peters, Buffalo Federation of Neighborhood Centers, Inc.  
(5-0)
  - b. COMM. 9M-12 (2008)  
**COLUCCI & GALLAHER, PC:** Materials Distributed at the May 1, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation  
(5-0)

2. INTRO 9-7 (2008)

**RATH AS AMENDED**

WHEREAS, the Berger Commission on Health Care Facilities in the 21<sup>st</sup> Century was created to ensure that the regional and local supply of hospital and nursing home facilities is best configured to appropriately respond to community needs for high-quality, affordable and accessible care, with meaningful efficiencies in delivery and financing that promote infrastructure stability; and

WHEREAS, the mandate of the Commission was to consider and be sensitive to local needs throughout its deliberations; and

WHEREAS, Legacy Healthcare, LLC is a local nursing home provider operating three nursing homes in Erie County; and

WHEREAS, Legacy Healthcare, LLC operates at near capacity, providing 440 beds for seniors in our community; and

WHEREAS, Legacy Healthcare, LLC employs more than 600 employees; and

WHEREAS, the Berger Commission has called for Legacy Healthcare, LLC to give up all 220 beds at its Williamsville Suburban location and terminate operations altogether; and

WHEREAS, such an action would result in the termination of over 250 employees, mostly coming from the City of Buffalo; and

WHEREAS, the negative economic impact of the Berger Commission's edict will exceed \$18 million; and

WHEREAS, these recommendations are not sensitive to local needs; and

WHEREAS, offers to Legacy Healthcare, LLC to implement Berger Commission recommendations have been inconsistent with offers made to other nursing home providers; and

WHEREAS, Legacy Healthcare, LLC's efforts to negotiate in good faith to offer fair and equitable solutions to issues outlined by the Berger Commission have been rebuffed.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that the State of New York enter into good faith negotiations with Legacy Healthcare, LLC to adequately and equitably address the recommendations of the Berger Commission report; and, be it further

RESOLVED, that the State of New York immediately disburse to Legacy Healthcare, LCC the total amount of the "Medicaid Base Year Appeal" owed to Legacy Healthcare, LCC; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Commissioner of Health Richard Daines and the members of the Western New York Legislative Delegation; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson and the local delegation of the New York State Legislature.  
(5-0)

**THOMAS J. MAZUR  
CHAIR**

Item 41 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

MAY 22, 2008	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 8
--------------	---

ALL MEMBERS PRESENT EXCEPT LEGISLATOR KENNEDY. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 16-2 (2007)  
**GRANT, KENNEDY, LOCKLEAR, MARINELLI & MAZUR:** Providing Dedicated Funding for the Arts and Cultural in Erie County to Insure Viability of Arts and Cultural as an Economic Engine for Erie County  
(6-0)
  - b. COMM. 2E-12 (2008)  
**COUNTY EXECUTIVE:** Appointment of Erie County Representative to the Erie County Greenway Fund Standing Committee  
(6-0)
  - c. COMM. 9M-5 (2008)  
**CORNELL COOPERATIVE EXTENSION ERIE COUNTY:** Copy of 2007 Annual Report (6-0)

**BETTY JEAN GRANT  
CHAIR**

Item 42 - MS. KONST presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

MAY 22, 2008	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
--------------	---

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22D-6 (2007)  
**PUBLIC WORKS:** Minimum Capital Budget Requirements  
(5-0) Chair Marinelli not present for vote.
  - b. COMM. 5E-13 (2008)  
**COUNTY EXECUTIVE:** Compliance with Intro. 4-11 (2009) - Capital Projects List  
(5-0) Chair Marinelli not present for vote.
  - c. COMM. 9E-3 (2008)  
**COMPTROLLER:** Monthly Cash Flow Projection and Cash Advance Update  
(5-0) Chair Marinelli not present for vote.
2. RESOLVED, the following item is hereby received and filed and referred to the Community Enrichment Committee:
  - a. INTRO 8-13 (2008)  
**GRANT, MILLER-WILLIAMS, KENNEDY, KOZUB & WHYTE:** Support for the Buffalo Urban Arts Center  
(5-0) Chair Marinelli not present for vote.
3. COMM. 9E-23 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the following grant programs are included in Book B of the 2008 Adopted Budget; and

WHEREAS, the 2008 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2008.

NOW, THEREFORE, BE IT

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

Department	Start Date	Grant Name	Appropriation
District Attorney			
	January 1, 2008	S.T.E.P.S./ Road to Recovery Motor Vehicle Theft & Insurance	70,000
	March 1, 2008	Fraud Prevention Federal Family Violence Prevention	231,283
	March 31, 2008	Services Act	48,243
	April 1, 2008	Aid to Prosecution Program	1,513,001
	July 1, 2008	Operation Impact Program	593,261
	August 1, 2008	Crimes Against Revenue Program	191,792
	September 1, 2008	Community Prosecution Program	109,129
	October 1, 2008	BE SAFE Program Stop Violence Against Women	285,592
	October 1, 2008	Program	141,782
	October 1, 2008	Victim/Witness Assistance Program	386,173
Sheriff			
	January 1, 2008	Human Trafficking	150,000
	July 1, 2008	Operation Impact Program	170,049
Department of Social Services			
	January 1, 2008	CASAC Collocation Demo Project Chemical Dependency Coordination	1,400,000
	January 1, 2008	Team	133,371
	January 1, 2008	Day Care Registration Program	1,035,470
	April 1, 2008	CPS Caseload Reduction Grant	346,659
	April 1, 2008	Strengthening Families Program	250,000
	June 1, 2008	Intensive Case Services for Non- Compliant Families	706,390
	October 1, 2008	Energy Services Packaging Project 08-09	67,906
	October 1, 2008	Home Energy Assistance Program	6,000,000
	October 1, 2008	LTC Point of Entry Program	205,000
Youth Bureau			
	January 1, 2008	Special Delinquency Prevention Program	372,868
Probation			
	January 1, 2008	ATI - Pre-Trial Services Program	311,705
	January 1, 2008	ATI - Community Service Sentencing Pgm	216,702
	January 1, 2008	ATI - Women's Residential Resource Ctr	8,000
	January 1, 2008	Intensive Supervision Program	306,532
	July 1, 2008	Operation Impact Program -	200,500

	Probation	
October 1, 2008	Crime Victim's Board	53,766
	Juvenile Incentive Accountability	
October 1, 2008	Block Grant	14,103
Law		
	Aid to Localities - Indigent Defense	
April 1, 2008	Program	254,003
April 1, 2008	Justice Assistance Grant	171,104
Central Police Services		
April 1, 2008	Aid to Crime Labs Program	365,221
	Aid to Localities - Laboratory	
April 1, 2008	Funding	517,344
	Firearms Lab Capacity Enhancement	
April 1, 2008	Initiative	123,198
County Executive		
January 1, 2008	Office of Workforce Development	188,059

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with community agencies funded under the above grants as indicated in Book B of the 2008 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Probation, Social Services, Law, the Office of the Comptroller and the Division of Budget and Management.

(6-0)

**KATHY KONST**  
**CHAIR**

Item 43 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

MAY 22, 2008	PUBLIC SAFETY COMMITTEE REPORT NO. 6
--------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB & KENNEDY. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-3 (2008)  
**COMPTROLLER:** Appointment of Commissioner of Central Police Services  
(4-0)
  - b. COMM. 8E-4 (2008)  
**KOZUB:** Letter to County Executive Concerning Position of Commissioner of Central Police Services  
(4-0)
  - c. COMM. 8E-5 (2008)  
**COUNTY EXECUTIVE:** Letter to Legislator Kozub Concerning Position of Commissioner of Central Police Services  
(4-0)
  - d. COMM. 8D-5 (2008)  
**COUNTY ATTORNEY:** Letter to Comptroller Concerning Appointment of Commissioner of Central Police Services  
(4-0)

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

Item 44 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

MAY 22, 2008	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
--------------	---

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-8 (2008)  
**COMPTROLLER:** New Reporting Mechanism for All New County Employees, Response to State Comptroller and State Attorney General

- (4-0) Chair Marinelli not present for vote.
- b. COMM. 9D-1 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- c. COMM. 9M-6 (2008)  
**CITY OF BUFFALO COMMON COUNCIL:** Copy of Certified Resolution Condemning Racially-Divisive Comments Concerning Public Leases, Requesting NYS Legislature Legislation  
(5-0)
- d. COMM. 9M-7 (2008)  
**KALEIDA HEALTH:** Copy of Letter to Deputy EC Comptroller - Audit - Concerning Bus Tokens & Tickets  
(5-0)
- e. COMM. 9M-14 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Annual Report for 2007  
(5-0)
2. RESOLVED, the following items are hereby received and filed and referred to the Economic Development Committee:
- a. COMM. 9M-8 (2008)  
**ECIDA:** Notice of ECIDA Board of Directors Meeting to be Held on May 12, 2008  
(5-0)
- b. COMM. 9M-11 (2008)  
**NFTA:** Materials from NFTA Board Meeting Held on March 31, 2008  
(5-0)
3. COMM. 8E-11 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the current vehicular fleet of the County is aging; and

WHEREAS, when a vehicle life has been expended it is turned over to the Purchasing Department for resale at auction; and

WHEREAS, the current practice of Erie County is to place the proceeds from auction of surplus vehicles into the General Fund; and

WHEREAS, it is believed that it is a better practice to place the funds into the appropriate repair account of either the Division of Fleet Services or the department that supplied the respective vehicles for auction; and

WHEREAS, it is believed that this new designation of funds will yield better maintenance of the existing aging fleet by departments and, when it becomes necessary to surplus vehicles, result in better proceeds generated from the auction of surplus vehicles.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides, that upon the receipt of proceeds generated by the sale of County owned surplus vehicles, that the Division of Budget and Management is hereby authorized to adjust, in the amount of the proceeds, the revenue and repair expense budgets of either the Division of Fleet Services or the department supplying the vehicle to auction in order to encourage better maintenance of county owned vehicles; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Comptroller, the Director of Purchasing, the Commissioner of Public Works, the Director of Fleet Services, the Sheriff, the District Attorney, and the Director of Budget and Management.  
(5-0)

4. INTRO 9-5 (2008)

**REYNOLDS, MARINELLI, WHYTE,  
MILLS, MILLER-WILLIAMS,  
IANNELLO & LOUGHRAN**

**AS AMENDED**

WHEREAS, 2-1-1 is an easy to remember telephone number that, where available, connects people with important community services and volunteer opportunities; and

WHEREAS, the implementation of 2-1-1 is being spearheaded by United Ways and comprehensive and specialized information and referral agencies in states and local communities; and

WHEREAS, 2-1-1 reaches approximately 196 million people (over 65% of the total U.S. population) in 41 states and the District of Columbia; and

WHEREAS, as the number of organizations providing specialized services is on the rise, people find it frustrating and confusing to access community services, where as 2-1-1 provides a one-stop service for vital information; and

WHEREAS, 2-1-1 provides a 24-hour, multi-lingual service that provides callers with information about and referrals to human services for everyday needs and in time of crisis.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the 2-1-1 Central Referral Services and requests that the State Legislators secure additional state funding for 2-1-1; and be it further

RESOLVED, that 211 appear before the Government Affairs Committee, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; WNY Delegation, and NYS Governor David Paterson.  
(5-0)

5. COMM. 9E-11 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Division of Planning of the Erie County Department of Environment and Planning has had limited staffing since the 2005 budget cuts; and

WHEREAS, on April 24, 2007, the Erie County Legislature adopted the Framework for Regional Growth (the "Framework") to serve as the guiding policy document concerning land use decisions throughout Erie County; and

WHEREAS, the work needed to implement the planning policies contained in the Framework cannot be sustained by the Department at current staffing levels; and

WHEREAS, the increased economic development activities of the Department require additional staff; and

WHEREAS, the State of New York mandates that Planning functions for GML 239 reviews, agricultural districts and many SEQR requirements be performed at the County level; and

WHEREAS, implementation of the Regional Framework requires professional planning staff specifically dedicated to those duties and State mandated planning functions.

NOW, THEREFORE, BE IT

RESOLVED, that the operating fund budget for the Department of Environment and Planning be revised to delete two (2) existing Junior Planner positions (Position Nos. 51005102 and 51005103) and add two (2) new Planner positions (B100 #0000003787) as follows:

Fund Center	Cost Center	Total
16200	1620060	(\$65,572)
16200	1620060	\$37,886

and, be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Commissioner of Environment and Planning; the County Comptroller; the Director the Division of Budget and Management; the Commissioner of Personnel; and the County Attorney.  
(5-0)

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

Item 45 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

MAY 27, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
--------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS.

1. COMM. 9E-13 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the NYS CHIPS reimbursement to ERIE COUNTY has been increased by \$868,117.00 over that which was originally budgeted; and

WHEREAS, the department desires to utilize this to repair the failing infrastructure; and

WHEREAS, the 2008 Road Fund Budget amount must be increased by \$868,117.00 to accept and utilize this increase; and

WHEREAS, additional CHIPS Funds must only be used for current repairs of roads and bridges in the County.

NOW, THEREFORE, BE IT

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

Fund 210 Cost Center 1231010

REVENUE	ACCOUNT	INCREASE
	407000 Consolidated Highway Aid	\$ 868,117

EXEPENSE

570000 Interfund Subsidy ("Pay-as-you-go")	\$ 868,117
---	------------

Capital Fund 420 B.00182 2008 Capital Overlay

REVENUE	ACCOUNT	INCREASE
	486000 Interfund Subsidy ("Pay-as-you-go")	\$ 868,117

EXPENSE

Capital Projects Expense	\$ 868,117
--------------------------	------------

and be it further

RESOLVED, that one certified copy of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the County Attorney, and the Office of the Comptroller.

(4-0)

2. COMM. 9E-14 (2008)

**COUNTY EXECUTIVE**

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings; and

WHEREAS, a contract was awarded to Grove Roofing Services, Inc., the total expenditure of which shall be based upon an as needed basis for each emergency response repair; and

WHEREAS, several emergency roof repairs have been needed and the contract allowance must be increased in order for the contractor to continue making emergency roof repairs.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to approve the work based upon NYS Department of Labor Prevailing Wage Rate Schedule for all materials furnished and installed for each emergency response repair; and be it further

RESOLVED, that the County Executive be authorized to execute a change order with Grove Roofing Services, Inc. to increase their Roof Repair – Emergency Response Services – All County-owned Buildings – Contract by \$75,000.00 from \$160,000.00 to a not to exceed amount of \$235,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00227 – 2004 Roof Replacement and Waterproofing of Various County Buildings for an amount not to exceed \$75,000.00; and be it further

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

(4-0)

3. COMM. 9E-17 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the existing concrete sidewalks surrounding Old County Hall and the Erie County Court Building are over thirty years old and have deteriorated to a point where they are unsafe and have become a tripping hazard; and

WHEREAS, drainage and landscape improvements are needed in the front sidewalk and slate stone seating areas in front of Old County Hall to prevent accumulation of standing water and freezing during winter months causing a safety hazard; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of Abate Associates for providing Professional Architecture/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Abate Associates for providing Design and Construction Documents for the exterior site work improvements and sidewalk replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Abate Associates for providing Professional Design and Construction Document Services for the Old County Hall and Erie County Court Building – 2008 – Exterior Site Work and Sidewalk Replacement Project for an amount not to exceed \$100,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00018 – 2000 – Erie County Court Renovations for an amount not to exceed \$100,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.  
(4-0)

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

Item 46 – CHAIR MARINELLI directed that the agenda be taken out of order and the forty-sixth item for consideration would be COMM. 10E-31 (2008).

GRANTED.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded. MS. KONST voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 175

RE: Reappointment/Appointment of  
Commissioner to the Erie County  
Water Authority  
(COMM. 10E-31)

May 27, 2008

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

RE. Reappointment/Appointment of Commissioner to the Erie County Water Authority

Dear Mr. Graber:

On May 6, 2008 I informed you that a term for a Commissioner of the Erie County Water Authority expired on April 27, 2008 and requested that you send all notices required by Section 5.01 of the 2008 Rules of Order of the Erie County Legislature. You informed me that all required notices were distributed to the general public and each legislator in a timely manner and that interviews were conducted on May 20, 2008.

As all of the Rules of Order were followed, I am prepared to make an appointment of a Commissioner as required by Section 1053 of the Public Authorities Law. Therefore, I hereby re-appoint KELLY M. VACCO, 6420 HILLCROFT DR., BOSTON, NY 14025, to fill a three year term commencing April 28, 2008 and expiring April 27, 2011.

Thank you for your cooperation in this matter.

Sincerely Yours,

Lynn Marinelli, Chair  
Erie County Legislature

Enc.

We, the undersigned, representing a majority of the members of the Erie County Legislature, do hereby nominate KELLY M. VACCO, 6420 Hillcroft Drive, Boston, New York 14025, for re-appointment as Commissioner of the Erie County Water Authority, to fill a three year term commencing April 28, 2008 and expiring April 27, 2011:

Daniel M. Kozub  
1<sup>st</sup> District

Timothy M. Kennedy  
2<sup>nd</sup> District

Barbara Miller-Williams  
3<sup>rd</sup> District

Michael H. Ranzenhofer  
4<sup>th</sup> District

Maria R. Whyte  
6<sup>th</sup> District

Betty Jean Grant  
7<sup>th</sup> District

Thomas J. Mazur

Timothy M. Wroblewski

8<sup>th</sup> District

Michele M. Iannello  
10<sup>th</sup> District

Robert B. Reynolds, Jr.  
12<sup>th</sup> District

Thomas J. Loughran  
14<sup>th</sup> District

9<sup>th</sup> District

Lynn M. Marinelli  
11<sup>th</sup> District

John J. Mills  
13<sup>th</sup> District

Edward A. Rath, III  
15<sup>th</sup> District

**LEGISLATOR RESOLUTIONS**

Item 47 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MS. IANNELLO abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 176

RE: 10th District Office Lease Amendments  
(INTRO 10-1)

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

WHEREAS, the Erie County Attorney has informed the Legislature that technical amendments are necessary to the lease agreement for district office space for the 10<sup>th</sup> District of the Legislature, in order to effectuate the processing of said lease agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize amendments to the lease agreement for district office space for the 10<sup>th</sup> District of the Legislature, to wit:

AMEND Section Number 7, to read "The Landlord agrees to install an air conditioner in the space provided for same;" and

AMEND Section Number 8, to read "The Landlord agrees to maintain the structure of the building and to keep all walks, driveways, and entrances free of snow and ice;"

and be it further

RESOLVED, that the Clerk of the Legislature is directed to provide a Certified Copy of this resolution to the appropriate Erie County Departments in order to expedite finalization of the lease agreement process for the 10<sup>th</sup> District, and payment to the landlord.

Item 48 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Support of New York State Senate Bill S.7171B, a Measure that Provides for Net Energy Metering for Commercial Solar Electric Generating Systems (INTRO 10-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE & REYNOLDS**

WHEREAS, on May 14, 2008, the New York State Senate approved S.7171B, which provides for net energy metering for commercial solar electric generating systems; and

WHEREAS, this bill was referred to the Assembly Energy Committee on that same day, and the Assembly has been considering the “same as” version of S.7171B, to wit, Assembly Bill A.11146; and

WHEREAS, the Erie County Legislature’s Energy & Environment Committee – on May 20, 2008 – held an informational meeting on the subject of “greening” Erie County for both environmental and economic development reasons; and

WHEREAS, this Honorable Body has approved measures that move Erie County to a “greener” environment, simultaneously saving energy costs for consumers; and

WHEREAS, these measures have encouraged Erie County’s purchase of government vehicles that reduce emissions; encouraged the purchase of renewable energy; adopted LEED standards through The Green Buildings Act; supported the U.S. Cool Counties Climate Stabilization Declaration – and through all these measures striving to reduce our government’s and our community’s carbon footprint in the world; and

WHEREAS, it is indisputable that the businesses of Erie County are competing in a global economy and it behooves this Honorable Body to continue to explore the economic development potential of establishing power generation facilities from non-renewable resources; and

WHEREAS, nationally, an emerging trend in employment or category of worker has been coined with the term “green collar,” and

WHEREAS, this Honorable Body strives to do everything in its power to improve the environment, quality of life and economic opportunity that are present in Erie County, increasing the number of educated and trained “green collar” workers available to environmentally friendly businesses that wish to locate in Erie County; and

WHEREAS, a step in this forward-thinking direction is to express our support for any statewide initiatives to achieve the aforementioned goal; and

WHEREAS, Bill S.7171B fits well into this strategy, as it would provide for net energy metering for non-residential solar electric generating systems and would increase the size of farm waste electric systems; and

WHEREAS, under existing law in New York State, only residential net metering is permitted for solar and wind technologies, as well as wind and farm waste net metering for agricultural properties; and

WHEREAS, Bill S.7171B would expand net energy metering for solar technology to all utility customer classes, as well as increasing the size of a solar electric system that can be net metered for residential customers to 25 kilowatts (KW); and

WHEREAS, Bill S.7171B would be beneficial to farmers, as it would provide for an increase in the size of a farm wasted electric system that can be net metered to 2 megawatts (MW) or peak load, whichever is less; and

WHEREAS, net metering allows a utility customer with an on-site electric generating system to send any excess power that they generate back to the utility grid, receiving an equal credit, at the retail rate, against their own usage, and the credits can be rolled over from month to month; and

WHEREAS, as energy costs continue to rise, generating electricity on-site through renewable means is becoming a more attractive option, especially for large commercial utility customers; and

WHEREAS, widespread use of net metering will have a positive impact on the environment by reducing greenhouse gas emissions associated with the use of coal or oil to generate electricity; and

WHEREAS, as government does everything in its power to encourage the development and use of this alternative energy source, our nation, state and county will be opening the door of economic opportunities for our citizens in the form of “green collar” jobs; and

WHEREAS, a company from outside our region that manufactures the silicon which goes into solar panels recently announced that it will renovate an existing, idled plant in Niagara Falls, New York; and

WHEREAS, this company’s investment in our region will translate into approximately 500 well-paying manufacturing jobs; and

WHEREAS, the presence of a silicon manufacturing plant in our region could potentially entice the manufacturers of solar panels to also locate in the Buffalo Niagara region.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature hereby go on record in support of Senate Bill 7171-B/Assembly Bill 11146, which provides for net energy metering for commercial solar electric generating systems; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to convey certified copies of this resolution to the Governor, Speaker of the Assembly, Majority Leader of the State Senate; and the members of the Western New York Delegation to the State Legislature.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 49 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 10-3 from MARINELLI & WHYTE. Bolstering Our Economy by Recognizing the Value of the Olmsted Parks and the Foresight of the 21st Century Plan.

Item 50 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Opposing S. 4912-B, A Measure That Would Allow a Town Board to Establish A Fire Department Without Regard to Existing Independent and Village Fire Departments Already Within the Town (INTRO 10-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS WROBLEWSKI & KONST**

WHEREAS, there are 130,000 volunteer firefighters and volunteer EMS personnel collectively contributing their time and expertise to protect the life, health and property of millions of residents in New York State, translating statewide into billions of dollars in taxpayer savings; and

WHEREAS, the Firemen's Association of the State of New York (FASNY) has stated its strong opposition to Senate Bill 4912-B, sponsored by State Senator Betty Little, who represents a district in New York State's north country; and

WHEREAS, this legislative proposal – if approved by both houses of the State Legislature and signed into law by the Governor – would dramatically alter the manner in which volunteer fire services and EMS are provided in New York State; and

WHEREAS, S. 4912-B potentially would establish a system whereby approximately 900 not-for-profit fire companies across New York State would be replaced, in turn putting town boards in the business of regulating the delivery of fire and EMS in direct competition with a proven system that works; and

WHEREAS, although this bill would only allow for the establishment of a town fire department where no fire district currently exists, it nevertheless would create a two-tiered system whereby the town government – supported by taxpayers – could supersede and take over fire and EMS in the parts of the town not included in a fire district, without regard for the existing independent and/or village departments; and

WHEREAS, this Honorable Body believes that a town takeover of these efficient, well-run and independent fire companies could potentially politicize the provision of fire services and EMS within a town, as well as substantially increase the financial burden on the taxpayers of the town; and

WHEREAS, this bill erroneously suggests that volunteers will work alongside “call men” who are paid and have access to benefits, including the New York State retirement system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby go on record voicing its strong opposition to Senate Bill 4912-B, which is on its third reading on the Senate floor; and be it further

RESOLVED, that this Honorable Body direct the Clerk of the Legislature to convey certified copies of this resolution to the Governor, Assembly Speaker, Majority Leader of the State Senate and to the members of the Western New York Delegation to the State Legislature.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 51 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 10-5 from RATH & MILLS. The Commission on Property Tax Relief's Proposal to Cap Property Tax Increases.

Item 52 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 10-6 from IANNELLO. Requiring Public Accountability for Private Schools Receiving State Funds.

Item 53 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Funding for the Former Bethlehem Steel Site, Tecumseh Redevelopment Inc. & Gateway Port Rail Infrastructure Project (INTRO 10-7)

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

WHEREAS, the County of Erie is interested in fostering economic growth through business development and sustainable job creation within Erie County; and

WHEREAS, Erie County desires to assist efforts aimed toward increasing shipping, distribution and rail business in our region; and

WHEREAS, Erie County recognizes that the redevelopment of the former Bethlehem Steel site in the City of Lackawanna and Town of Hamburg is critically important to the redevelopment of our waterfront and growth of our region; and

WHEREAS, Erie County desires to work with the South Buffalo Railway Company, the Gateway Corporation, Tecumseh Redevelopment Inc. and the City of Lackawanna to foster the redevelopment of this brownfield and encourage new construction through various state and federal programs, as well as direct contracting for these services where appropriate; and

WHEREAS, Erie County has previously been awarded \$2 million of New York State Multi-Modal funds in 2004, and was allocated another \$2.4 million of NYS Multi-Modal funds in December 2006; and

WHEREAS, Erie County has not yet received a contract for the \$2.4 million NYS Multi-Modal funds from 2006, and in the meantime, the contract time period for the original \$2 million NYS Multi-Modal funds from 2004 has expired; and

WHEREAS, both appropriations of New York State Multi-Modal funds are necessary to start the rail relocation project on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby goes on record supporting the expedited contract execution and release of New York State Multi-Modal contracts, as well as contract amendments previously awarded and funded by the State of New York; and be it further

RESOLVED, that the County Executive shall assign and authorize appropriate Erie County staff from the Department of Environment and Planning to facilitate the securing of such agreements for funding from the NYS Department of Transportation and funding from other state and federal agencies to be utilized for the redevelopment of the former Bethlehem Steel site; and be it further

RESOLVED, that the County Executive is authorized to apply for additional funding from various programs of local, state and federal agencies and to enter into agreements with local, state and federal agencies to receive such funding to be utilized for the redevelopment of the former Bethlehem Steel site; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Deputy County Executive, the Western New York Delegation to Congress and the New York State Legislature, the Division of Budget, the Commissioner of the Department of Environment and Planning and the County Attorney.

Item 54 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Protecting Wetlands  
(INTRO 10-8)

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

WHEREAS, Former President Jimmy Carter amended the Environmental Policy Act of 1969 to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative; and

WHEREAS, wetlands include bogs, marshes, swamps, and wet meadows that are covered with water for periods of a long enough time to support plants that thrive in wet soils, forming unique ecosystems critical to our environment; and

WHEREAS, wetlands provide a natural habitat for a majority of the commercial fish and shellfish consumed in the United States; and

WHEREAS, wetlands are the most valuable inland marshes for waterfowl production in North America, and act as a buffer to protect shore areas from waves and storms causing erosion and damage; and

WHEREAS, the destruction of wetlands nationwide has been dramatic in recent years, even with legislation under the Environmental Policy Act; and

WHEREAS, the protection of wetlands is crucial to the public health, safety and welfare, including our water supply, discharge, pollution, flood and storm hazards; and

WHEREAS, maintenance of these natural systems must be preserved for the preservation of flora and fauna and for other uses including recreation, educational, cultural, and scientific uses; and

WHEREAS, wetlands can be connected to lakes or streams or can stand alone and be less than 5 acres in size; and

WHEREAS, several city, state and regional wetland programs have been put forth by governments and educational systems creating programs within the classroom and through public awareness; and

WHEREAS, local communities can further celebrate the uniqueness, beauty and importance of wetlands through on-the-ground projects, activities and events; and

WHEREAS, it has been proven that environmental stewardship can coexist with economic growth and prosperity as we face the challenge of protecting the Nation's wetlands; and

WHEREAS, many private conservation groups throughout the nation have joined with governments in implementing the 'no-net-loss' rule through mandated replacement elsewhere; and

WHEREAS, it is important that we in Erie County recognize the critical role wetlands play in shaping the life of our residents and environment and that wetlands are special places in the great outdoors of our state to be protected by enforcing all laws and regulations in regard to such wetlands.

NOW, THEREFORE, BE IT

RESOLVED, that we in the Erie County Legislature, after due diligence, do hereby encourage all our citizens to learn more about wetlands preservation and protection; and be it further

RESOLVED that as individuals we take an active role in preserving and protecting this most vital element in our ecosystem; and be it further

RESOLVED, that, whenever possible, we, as individuals, offer our support to those private conservation organizations that are dedicated to the preservation and protection of such lands; and be it further

RESOLVED, that copies of this resolution be sent to the New York State Department of Environmental Conservation and the Erie County Department of Environment and Planning.

Item 55 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Protecting the Erie County  
Taxpayers' Interest Regarding  
the Future of ECMC and Its  
Assets  
(INTRO 10-9)

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

WHEREAS, in 2003, the Erie County Legislature approved a Home Rule Message to the New York State Legislature that included proposed legislation to create the Erie County Medical Center Corporation (ECMCC), a Public Benefit Corporation; and

WHEREAS, state legislation enabled Erie County to assure that ECMCC would continue to operate the Erie County Medical Center as a public hospital with the vital mission of caring for the adult uninsured and under insured in our community; and

WHEREAS, more adult uninsured and under insured patients are cared for at Erie County Medical Center than at any other hospital in Erie County; and

WHEREAS, Erie County Medical Center provides some of the highest-quality healthcare in Erie County, while still serving as the hospital of last resort for the poor; and

WHEREAS, both before and after passage of the aforementioned legislation, Erie County has invested hundreds of millions of dollars supporting the mission of ECMCC and the Erie County Home; and

WHEREAS, as a result of those investments and the business-like approach of the current management of this public benefit corporation, ECMCC is operating in the black, has a very positive financial outlook and a substantial net worth.

NOW, THEREFORE, BE IT

RESOLVED, that any change to the law that created ECMCC is of utmost concern to the taxpaying public and is a local issue and should be brought forward only by duly elected representatives of Erie County, to wit the Erie County Legislature, who are accountable to the taxpayers for the long history of public investment made in pursuit of high-quality, accessible healthcare in Erie County; and be it further

RESOLVED, that in the interest of the taxpayer and in the interest of supporting ECMCC's mission of ensuring access to quality healthcare for everyone in Erie County, any alteration to the law that created ECMCC is a matter of great local interest and should only be considered following the State Legislature's receipt of a Home Rule Message from this Honorable Body; and be it further

RESOLVED, that the Clerk of the Legislature convey certified copies of this resolution to the County Executive, County Attorney, Western New York Delegation of the State Legislature, and the CEO of ECMCC.

MS. WHYTE moved to amend the resolution by adding MS. WHYTE, MR. MILLS, MS. KONST, MR. WROBLEWSKI, MR. LOUGHRAN and MR. RATH as Co-Sponsors. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. LOUGHRAN seconded. MR. RANZENHOFER and MS. IANNELLO voted in the negative.

CARRIED. (13-2)

Item 56 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

RE: Encouraging "Green Collar" Jobs  
In Erie County  
(INTRO 10-10)

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

WHEREAS, on May 20, 2008, the Erie County Legislature's Energy & Environment Committee held an informational meeting on the subject of "greening" Erie County for both environmental and economic reasons; and

WHEREAS, this Honorable Body has, in the recent past, approved measures that move Erie County to a "greener" environment, simultaneously reducing energy costs for consumers and the county's carbon footprint; and

WHEREAS, these measures encouraged Erie County's purchase of government vehicles that reduce emissions; encouraged the purchase of renewable energy; adopted LEED standards through The Green Buildings Act; supported the U.S. Cool Counties Climate Stabilization Declaration, supported the expansion of net metering beyond residential customers to commercial customers of electrical utilities – and through all these measures the Erie County Legislature has strived to reduce both county government's and the entire community's carbon footprint; and

WHEREAS, it is indisputable that the businesses of Erie County are competing in a global economy and it behooves this Honorable Body to continue to explore the economic development potential of businesses related to power generation from renewable resources – including solar and wind energy – as well as the jobs these companies bring to a region; and

WHEREAS, nationally, an emerging trend in employment is the newly-coined category of worker called "green collar," and

WHEREAS, this Honorable Body strives to do everything in its power to improve the environment, quality of life and economic opportunities that are present in Erie County; and

WHEREAS, a forward-thinking way to achieve these goals is by increasing the number of educated and trained “green collar” workers available to environmentally friendly businesses that wish to locate in Erie County; and

WHEREAS, all levels of government should do everything in their power to encourage the development and use of alternative energy sources, and, due to the increased demand that will result, our nation, state and county will be opening the door of economic opportunity for our citizens in the form of “green collar” jobs; and

WHEREAS, the local media reported on a company from outside our region, which manufactures the silicon which goes into solar panels, that recently announced that it will renovate an existing, idled plant in Niagara Falls, New York; and

WHEREAS, this company’s investment in our region will translate into approximately 500 well-paying manufacturing jobs; and

WHEREAS, the presence of a silicon manufacturing plant in our region could potentially entice the manufacturers of solar panels to also locate in the Buffalo Niagara region, and particularly Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby go on record in support of the continued development of economic development initiatives, particularly by Empire State Development and all of the economic development agencies in our region, that will create an enticing business environment for companies that employ “green collar” workers; and be it further

RESOLVED, that this Honorable Body encourage a mutually beneficial dialogue between the economic development entities and the organizations whose mission is the education and training of the workers of the future, including the Buffalo and Erie County Workforce Investment Board and the institutions of higher education, including Erie Community College; and

RESOLVED, that the Clerk of the Erie County Legislature is directed to convey certified copies of this resolution to the Governor, Dan Gundersen, Empire State Development – Upstate Chair, the ECIDA, the Workforce Investment Board, the President of Erie Community College and the Directors of the industrial development agencies in Erie County.

MS. WHYTE moved to amend the resolution by adding MR. MILLS, MR. KENNEDY, MS. KONST, MR. WROBLEWSKI, MR. LOUGHRAN and MR. RATH as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 57 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 8E-27 (2008) AS AMENDED. MR. MILLS seconded. MR. LOUGHRAN voted in the negative.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

RE: Erie County 2008 Consolidated Bond  
Resolution  
(COMM. 8E-27 AS AMENDED)

RESOLUTION NO. 183-2008

BOND RESOLUTION DATED MAY 29, 2008

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2008 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$97,230,215 , APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$43,940,215 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$2,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$51,090,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) April 22, 2008

(Adopted) May 29, 2008

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 undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2008 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2008 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes and classes of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2008 Capital Budget for the County. The plan of financing includes the expenditure of \$43,940,215 in State and Federal aid expected to be received, the expenditure of \$2,200,000 County current funds available or to be available therefor, and the issuance of \$51,090,000 aggregate principal amount of bonds of the County to finance the balance of said appropriations, 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. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor

or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued 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 the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$51,090,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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 respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts 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 the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale

of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the 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 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 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 resolution. MS. KONST seconded.

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

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MS. IANNELLO and MR. LOUGHRAN. (AYES: 13, NOES: 2)

CARRIED.

Item 58 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of INTRO 8-4 (2008). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

RE: Purchase by the Buffalo City Cemetery, Inc. of the Assets of St. Matthew's Cemetery  
(INTRO 8-4)

WHEREAS, The Buffalo City Cemetery, Inc., a New York not-for-profit cemetery corporation having an address at 1411 Delaware Avenue, Buffalo, New York and doing business as the “Forest Lawn Group” (“Forest Lawn”) currently operates three cemeteries: Forest Lawn Cemetery in Buffalo, New York; Lakeside Cemetery in Hamburg, New York; and Williamsville Cemetery in Williamsville, New York; and

WHEREAS, St. Matthews Cemetery Association, an unincorporated religious cemetery association, and St. Matthews United Church of Christ, a New York religious corporation, both having an address of 2644 Clinton Street, West Seneca, New York (collectively, the “St. Matthew’s Group”) currently operates a cemetery known as St. Matthew’s Cemetery, which includes approximately 78 acres of real estate and improvements located at 2644 Clinton Street and 180 French Road in the Town of West Seneca, New York (collectively, the “St. Matthew’s Cemetery”); and

WHEREAS, St. Matthew’s Group and Forest Lawn have been discussing their mutual concern about the challenges facing the long-term viability of cemeteries, including the inherent flaws in the financial structure of cemeteries due to the limited amount of land designated as cemetery lands and the need for those entrusted with the duty of caring for the cemetery to take appropriate actions to provide for the cemetery’s perpetual maintenance; and

WHEREAS, in light of the size of the congregation at St. Matthew’s Church relative to the increasing size and obligations of St. Matthew’s Cemetery, St. Matthew’s Group and Forest Lawn

believe that a combined operation will offer St. Matthew's Cemetery the best opportunity to realize over the long term the promise of perpetual care made to its existing lot owners; and

WHEREAS, St. Matthew's Group and Forest Lawn believe that a combined operation would also be strategically stronger for both parties having greater geographic diversity and a greater ability to adjust to market conditions; and

WHEREAS, St. Matthew's Group and Forest Lawn believe that St. Matthew's Cemetery will also benefit by having unlimited access to Forest Lawn's management resources and marketing experience; and

WHEREAS, Forest Lawn intends on further increasing the revenue capabilities of St. Matthew's Cemetery by investing in a mausoleum for its grounds; and

WHEREAS, for all of these reasons, Forest Lawn and St. Matthew's Group desire to combine forces so that both cemeteries will benefit by sharing economies of scale and complimenting each other's strengths while offsetting their weaknesses, and accordingly, have entered into an Asset Purchase Agreement, dated December 3, 2007 (the "Agreement"), pursuant to which Forest Lawn will purchase from St. Matthew's Group the St. Matthew's Cemetery; and

WHEREAS, the Agreement also contemplates that in connection with the purchase, St. Matthew's Group will transfer to Forest Lawn all of St. Matthew's Group's care and maintenance funds which have been established for the continued long term care of St. Matthew's Group's cemetery grounds (collectively, the "Care Funds"), which funds will be combined with Forest Lawn's existing, statutorily-required, permanent care and maintenance funds for the continued maintenance of St. Matthew's Cemetery and the Forest Lawn's other cemetery properties; and

WHEREAS, the transfer of St. Matthew's Cemetery to Forest Lawn will be beneficial to the public health and welfare of the residents of Erie County, New York; and

WHEREAS, under Section 1506(c) of the New York Not-For-Profit Corporation Law, Forest Lawn is required to obtain the prior approval of the Erie County Legislature of the pending acquisition of the St. Matthew's Cemetery from St. Matthew's Group, as contemplated by the Agreement; and

WHEREAS, as may be further required under Section 1506(a) of the New York Not-For-Profit Corporation Law, Section 12 of the New York Religious Corporation Law and Section 8 of the New York Estates, Powers and Trust Law, Forest Lawn and St. Matthew's Group intend on jointly petitioning the New York State Supreme Court for their approval of the sale of the St. Matthew's Cemetery by St. Matthew's Group to Forest Lawn and the related transfer of the Care Funds to Forest Lawn, as further contemplated by the Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports, approves and consents to the purchase by Forest Lawn from St. Matthew's Group of the St. Matthew's Cemetery and the related transfer of the Care Funds of St. Matthew's Group to Forest Lawn, which funds are to be combined with Forest Lawn's existing, statutorily-required, permanent care and maintenance funds for the

continued maintenance of St. Mathew's Cemetery and the Forest Lawn's three other cemetery properties; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the transactions contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, the Supreme Court of Erie County, New York State Attorney General's Office and the New York State Cemetery Board.

MS. WHYTE moved to approve the resolution. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 59 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of INTRO 8-23 (2008). MS. KONST seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 185

RE: Creation of Restore Erie County Fund  
(INTRO 8-23)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS WHYTE, KENNEDY, GRANT, MAZUR AND LOUGHRAN**

WHEREAS, Erie County is experiencing significant rates of vacancy among both residential and commercial properties; and

WHEREAS, the undeliverable address rate, which serves as an indicator of chronic vacancy, for commercial properties in Erie County is 21%; and

WHEREAS, the undeliverable address rate for residential property in Erie County is 6.12 %; and

WHEREAS, undeliverable address rates dramatically increase when considering just the City of Buffalo and are 28.12% for commercial property and 12.49% for residential property; and

WHEREAS, the Erie Niagara Framework for Regional Growth, which was unanimously approved by the Honorable Body in April 2007, as well as Blue Print Buffalo, a report prepared by the National Vacant Properties Campaign and filed with this body in March 2007, discusses some of the root causes of chronic vacancy in our region; and

WHEREAS, properties that have been vacant in our region even for just a few short years, often need to be demolished due to harsh weather conditions and overall neglect; and

WHEREAS, failure of a municipality to demolish properties in a timely way has a devastating and cancerous effect on the surrounding neighborhood contributing to vandalism, blight, increased abandonment, declining property values, poor quality of life, and growing despair for neighborhood residents; and

WHEREAS, the City of Buffalo alone has approximately 20,000 vacant units in need of demolition and Mayor Brown, working with funds made available from the Restore New York program, has developed an ambitious “Five in Five” plan, which seeks to demolish 5,000 properties in five years; and

WHEREAS, the resources needed to demolish a single residential structure in the City of Buffalo are minimally \$17,000 and more if asbestos abatement is required; and

WHEREAS, local municipalities in our region, most notably Buffalo, Lackawanna, Amherst, and Cheektowaga, are struggling to keep up with their demolition needs because the cost per demolition is so high and the growing problem so expansive; and

WHEREAS, municipalities experience additional costs associated with vacant, abandoned, and blighted properties including additional nuisance abatement costs such as rodent and graffiti removal, additional public safety costs such as fire and policing, decreasing property tax revenue, decreasing population and more; and

WHEREAS, a Restore Erie County Fund used for demolishing, deconstructing, rehabbing, or properly boarding-up and otherwise securing vacant and abandoned properties in the county could be an exciting new tool to address one of the region’s most pervasive and crippling problems.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature calls upon the County Executive to establish a *Restore Erie County Fund* by dedicating \$5 million of the 2008 capital budgets to the demolition, deconstruction, or rehabilitation of distressed properties throughout Erie County; and be it further

RESOLVED, this money be used in concert with the State’s Restore New York Fund; and be it further

RESOLVED, that municipalities in the region access this fund through matching monies so that the rising costs of addressing problem properties is shared among the municipality, the county, and the state; and be it further

RESOLVED, that the newly established Distressed Real Property Task Force, together with the County Executive and the Department of Environment and Planning, further develop other incentive-based ways for municipalities to access this fund; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Environment and Planning, the Distressed Real Properties Task Force, All city, town, and village mayors and supervisors in Erie County, and to the Erie County Association of Governments.

MS. WHYTE moved to amend the resolution. MR. REYNOLDS seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

Delete all of the Resolve Clauses and insert the following:

RESOLVED, that this Legislature supports the concept of establishing a Restore Erie County Fund to facilitate the demolition, deconstruction, and rehabilitation of distressed properties throughout Erie County as a way of stabilizing property values in surrounding neighborhoods; and be it further

RESOLVED, that this Legislature, together with the Administration and the Distressed Real Properties Task Force, will study how such a fund can be established as part of upcoming operating budgets; and be it further

RESOLVED, that this body also study how such a fund can work in concert with the State's Restore New York Fund; and be it further

RESOLVED, that this body further study incentive-based ways that municipalities would be able to access the fund; and be it further

RESOLVED that certified copies of this resolution be sent to the County Executive, the Department of Environment and Planning, the Distressed Real Properties Task Force, all city, town and village mayors and supervisors in Erie County, and to the Erie County Association of Governments.

MS. WHYTE moved to further amend the resolution by adding CHAIR MARINELLI, MR. WROBLEWSKI and MS. IANNELLO as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. KENNEDY seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

### **SUSPENSION OF THE RULES**

Item 60 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 10-11 from MARINELLI & MILLER-WILLIAMS Re: 3rd District Personnel Reorganization

RESOLUTION NO. 186

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

WHEREAS, the District Office of the 3<sup>rd</sup> District Erie County Legislator currently has two staff positions, one RPT and one PT, which together equal one FTE position; and

WHEREAS, one employee currently works as an RPT staffer (Position Number 51005977), while the other position, which is currently vacant, is PT (Position Number 51005978); and

WHEREAS, to effectuate enhanced and more consistent district office constituent services, it has been determined that it would be prudent to combine these two positions into one full-time 40-hour-per-week District Office staff position, while keeping within the Legislature's 2008 adopted budget for 3<sup>rd</sup> District Office staff.

NOW, THEREFORE, BE IT

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

Fund Center 100, Cost Center 1005017 - District Office Staff

DELETE One (1) Administrative Clerk – Legislature RPT (Position Number 51005977, JG 7 Step 4), and One (1) Administrative Clerk – Legislature PT (Position Number 51005978, JG 7 Step 4), effective June 6, 2008; and

REPLACE with One (1) Administrative Clerk – Legislature Full-Time (JG 7 Step 4), effective June 9, 2008;

and be it further

RESOLVED, that the Clerk of the Legislature is directed to complete all necessary paperwork to effectuate this reorganization, and forward certified copies of this resolution to the Erie County Department of Personnel, the Erie County Budget Director and Erie County Fiscal Stability Authority.

MS. WHYTE moved to approve the resolution. MS. GRANT seconded. MS. MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

Item 61 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 10-12 from MARINELLI, ET AL Re: Supporting WNY Construction Jobs Through Support for the NYS Brownfield Cleanup Program

RESOLUTION NO. 187

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

WHEREAS, New York State established the Brownfield Cleanup Program (BCP) under Title 14 of Article 27 of the Environmental Conservation Law as part of the 2003 Superfund/Brownfield Law to encourage and provide incentives for private sector remediation and development of contaminated real property threatening the public health and welfare because of the failure of publicly funded and other liability programs established to accomplish these same objectives; and

WHEREAS, through the BCP taxpayers are offered incentives in the form of tax credits and New York State liability relief to remediate and redevelop brownfield sites where investment would not otherwise be economically feasible and historically has not occurred; and

WHEREAS, since 2003, at least seven brownfield remediation and redevelopment projects in Erie County have been enrolled in the BCP and have been issued certificates of completion or are otherwise currently being remediated; and

WHEREAS, these seven Erie County BCP projects collectively created or retained 100s of jobs within Erie County, employed or employ 100s of construction workers and building trades employees for remediation and redevelopment construction activities, and have expanded Erie County's real property tax base by hundreds of thousands of dollars; and

WHEREAS, the New York State BCP has generated approximately \$1 billion in BCP tax credits for 54 projects throughout New York state to date; and

WHEREAS, less than 2.5 % of the total amount of BCP tax credits issued statewide, or only approximately \$25 million of the \$1 billion in BCP tax credits, are being delivered to Erie County; and

WHEREAS, as part of the enacted New York State budget, and in reaction to BCP costs, the State is not allowing the DEC to “. . . accept any requests for participation in the brownfield cleanup program . . . for ninety days from the effective date of the [budget]”, said 90-days to expire on July 24, 2008; and

WHEREAS, at least 11 BCP projects have been proposed in Erie County that are now prohibited from participating in the BCP as per the 90-day BCP Acceptance Moratorium; and

WHEREAS, these 11 BCP projects represent projects that will create and/or retain 100s of jobs in Erie County, employ 100s of operating engineers and building trades employees, and place

millions of dollars of new property on the Erie County tax rolls while simultaneously remediating contaminated sites to protect the public health and welfare; and

WHEREAS, these 11 BCP projects were conceived on the existence of and acceptance into the BCP, these projects are dependent upon BCP tax benefits and liability relief, these projects would not even have been proposed but for the BCP, and BCP acceptance is a contingency for these projects to be undertaken; and

WHEREAS, letters of support for several of these 11 projects were submitted to the DEC from New York State senators and assembly members, locally elected officials, county agencies, and various private businesses and public interest groups; and

WHEREAS, delaying BCP eligibility determinations with respect to these 11 BCP projects until the running of the 90-day BCP Acceptance moratorium until July 24, 2008 seriously jeopardizes these projects given contamination concerns, BCP uncertainties, and today's already tight credit markets and down turning economy; and

WHEREAS, Erie County, the City of Buffalo, and New York State have spent hundreds of thousands of taxpayer dollars encouraging the remediation of various brownfield sites within Erie County over the last several years; and

WHEREAS, the BCP has been a catalyst jumpstarting private taxpayer participation in brownfield remediation within Erie County, the BCP has reduced public costs related to brownfield remediation in Erie County, the BCP has expedited the protection of the public health and welfare with respect to remediation of contaminated sites within Erie County, and the BCP has created and retained hundreds of jobs and indirectly created hundreds of construction jobs within Erie County; and

WHEREAS, predictable, timely, unambiguous, and objective BCP acceptance criteria have been essential to encouraging private parties to voluntarily enter into the BCP to remediate and redevelop contaminated sites within Erie County; and

WHEREAS, the BCP 90-day BCP Acceptance Moratorium and recent calls to amend the BCP to add new BCP eligibility criteria with respect to claiming BCP tax credits seriously undermines and threatens the continued viability of the BCP as a tool providing meaningful and predictable incentives to the private sector to accept the risks inherent in cleaning and redeveloping contaminated properties consistent with the stated legislative purposes of the BCP.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of the immediate removal of the 90-day moratorium on BCP applications specifically for the 11 Erie County BCP applications that were submitted prior to the April 23, 2008 effective date of the 90-day BCP Acceptance Moratorium to avoid any further construction delays; and be it further

RESOLVED, that the Erie County Legislature request the Commissioner of the New York State Department of Environmental Conservation to immediately make BCP eligibility

determinations with respect to the 11 Erie County BCP projects effective upon the earlier to occur of either the lifting of the BCP Acceptance 90-day moratorium or July 24, 2008; and be it further

RESOLVED, that the Erie County Legislature go on record in support of BCP reform that responsibly addresses BCP tax credit cost concerns in a manner that sustains the BCP as an Erie County and statewide brownfield remediation and redevelopment tool but also in a manner that ensures tax credit predictability and certainty to encourage private sector participation in BCP remediation and redevelopment efforts in the first place ensuring Erie County gets its fair share of remediation and economic development dollars that both improve our environment, and create construction and new economy jobs; and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Paterson, the New York State Western Delegation, NYS Senate Majority Leader & President Pro Tem Joseph L. Bruno, Daniel C. Gundersen, Co-Chairman, Empire State Development, and Christina Orsi, and Director, ESD Buffalo Regional Office.

MS. WHYTE moved to approve the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 62 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-34 from the COUNTY EXECUTIVE. Re: Erie County Home - 2008 - Boiler Tank Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 10-13 from WHYTE. Re: Establishment of County Landbank

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 64 – (COMM. 10E-1) ECFSA Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 65 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

RE: District Attorney's Office – Asset  
Forfeiture Appropriations  
(COMM. 10E-2)

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney’s Asset Forfeiture Trust Fund prior to their being expended; and

WHEREAS, said funds are required to be expended for law enforcement and prosecutorial efforts as Federal guidelines dictate; and

WHEREAS, vehicles are used by the District Attorney’s Office for investigative, surveillance and prosecutorial purposes on a daily basis; however, two of the vehicles currently maintained by said office have mileage exceeding 100,000 miles and are simply no longer safe to drive; and

WHEREAS, surveillance vehicles need to remain as inconspicuous as possible; and

WHEREAS, a savings will be realized by purchasing used vehicles rather than new vehicles and there will be no impact on county tax dollars

NOW, THEREFORE, BE IT

RESOLVED, that \$14,500.00 in available balances in the Erie County District Attorney’s Assets Forfeiture Trust Fund are hereby transferred to the District Attorney’s Assets Forfeiture Program, Funded Program “SAFDA”; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney’s Office:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM  
BUSINESS AREA: 114  
COST CENTER: 1140010  
FUNDED PROGRAM /WBS ELEMENT: SAFDA

<u>Revenue</u>	<u>Increase</u>
421550 Forfeiture Crime Proceeds	<u>\$14,500</u>
Total Revenue	<u>\$14,500</u>

Appropriation

561440 Motor Vehicles	14,500
Total Appropriations	<u>\$14,500</u>

and be it further

RESOLVED, that the District Attorney's Office is hereby authorized to purchase two used vehicles from Briarwood Motors, 65 Center Road, West Seneca, NY 14224 out of Fund 110, Funds Center 11400, Account 561440-Motor Vehicles; and be it further

RESOLVED, the vehicles to be purchased are:

- 2005 FORD Taurus SE, 4 door Sedan, 30,067 miles, not to exceed \$8,300
- 2005 FORD Taurus SE, 4 door Sedan, 46,609 miles, not to exceed \$8,000

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

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

CARRIED UNANIMOUSLY.

After the Fifth WHEREAS Clause Insert the following:

; and

WHEREAS, the Erie County District Attorney's Office has a remaining balance of \$2,925.00 in the Motor Vehicle account of asset forfeiture funds available to appropriate from previous asset forfeiture transfers.

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR WHYTE

Item 66 – (COMM. 10E-3) Information Concerning Veterans' Issues

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 67 – (COMM. 10E-4) Letters Concerning Probation Department Employee Concerns

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (COMM. 10E-5) Appointment of Commissioner of Central Police Services

Item 69 – (COMM. 10E-6) Appointment of Commissioner of Emergency Medical Services

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

Item 70 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. MILLER-WILLIAMS voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 189

RE: Lease of Vacant Land to West  
Herr Imports LLC d/b/a West  
Herr Toyota of Orchard Park  
(COMM. 10E-7)

WHEREAS, West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park (“West Herr”) maintains a place of business for the retail sales of automobiles at 4141 Southwestern Boulevard, Orchard Park, New York; and

WHEREAS, in the year 2007 a portion of West Herr’s property located at 4141 Southwestern Boulevard, (Route 20) Hamburg, NY was acquired by the State of New York through eminent domain for the purpose of widening Southwestern Boulevard, thereby substantially reducing the real property needed by West Herr to effectively market new automobiles; and

WHEREAS, there exists, on the South Campus of Erie Community College (“ECC”), a strip of vacant land comprising a part of said campus which is currently not being used for any particular purpose by ECC as determined by the Board of Trustees of ECC; and

WHEREAS, such strip of land is contiguous to the property of West Herr and is desired by West Herr to be leased for the purpose of constructing a parking surface which would be used for displaying automobiles for sale by West Herr; and

WHEREAS, in December 2007 ECC, at the direction of its Board of Trustees, issued a public RFP from interested parties for the lease of said strip of real property and West Herr was the only party to submit a proposal in response to the RFP; and

WHEREAS, at the January 30, 2008 Erie Community College Board of Trustees meeting a lease with West Herr was approved subject to review and approval by the Erie County Attorney; and WHEREAS, West Herr’s proposal offered to make various improvements to the property comprised of blacktopping, installation of lighting and such other improvements as may be required by Town zoning ordinances and other local land use regulations which would become County property upon expiration of the Lease or would be removed at the request of the County at the sole cost and expense of West Herr; and

WHEREAS, West Herr has proposed an initial lease term of five years and options to renew the Lease for up to three additional five-year terms, with the annual rent to be paid to ECC in the amount of \$28,650.00 for each year of the initial term and, in the event West Herr exercises its

option to renew the Lease, the annual rent for each year during any renewal term shall be increased by three percent (3%) over the preceding year's annual rent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the vacant strip of land consisting of approximately 2 acres and varying from 100 to 127 feet wide as measured from the eastern boundary line of the property owned by 4141 SW, Inc. and located at 4141 Southwestern Blvd., Orchard Park, New York, said strip of land running approximately 800 feet from Big Tree Road to Southwestern Blvd. in a northeasterly direction fairly parallel to the South campus lot line of Erie Community College is not required for public use; and, be it further

RESOLVED, that the Legislature recognizes that West Herr Toyota of Orchard Park is a valuable private enterprise contributing to the economic health and well being of Erie County; and, be it further

RESOLVED, that the County Executive is authorized to execute a lease and any and all ancillary documents and/or instruments necessary for leasing the vacant 2 ± acre parcel as above described to West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park; and, be it further

RESOLVED, that the Lease shall authorize West Herr to develop the property as a parking surface to be used for displaying automobiles for retail sale, improving said property with blacktopping, lighting and such other improvements as may be required by Town zoning ordinances and other land use regulations, title to which would be granted to the County upon expiration of the Lease and any extensions thereto or would be removed at the request of the County at the sole cost and expense of West Herr; and, be it further

RESOLVED, that the Lease shall include a provision establishing an initial term of five (5) years and granting West Herr options to renew the lease for up to three (3) additional five (5) year terms, with the annual rent to be paid to ECC in the amount of \$28,650.00 for each year of the initial term and, in the event West Herr exercises its option to renew and extend the Lease, the annual rent for each year during any renewal term shall be increased by three percent (3%) over the preceding year's annual rent; and, be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Erie County Comptroller, President of ECC, Deputy Commissioner of Real Property Tax, Erie County Fiscal Stability Authority and Assistant County Attorney Gregory J. Dudek.

Item 71 – (COMM. 10E-8) Appointment to the Buffalo and Erie County Botanical Gardens Society Board of Directors

Item 72 – (COMM. 10E-9) Appointment to the Buffalo & Erie County Public Library Board of Trustees

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 73 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Lease of Space on Cell Tower at  
Erie Community College North  
Campus  
(COMM. 10E-10)

WHEREAS, Nextel previously constructed a microwave relay tower at Erie Community College, North Campus, for mutual usage without cost to Erie County; and

WHEREAS, Nextel entered into various lease agreements with Erie County, the latest expired lease requiring rent of \$1,250 monthly, \$15,000 per year; and

WHEREAS, Nextel, now wishes to enter into a five year lease agreement, with an option to extend an additional five years, subject to the County's approval, paying the college approximately \$107,000 in total during the initial five year term (commencing at \$19,760 initially and escalating 4% per year after the initial year for the next four years), and including a four percent (4%) increase per year throughout the five year renewal term, paying the college approximately \$130,200 in total during the five year renewal term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by both the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Nextel WIP Lease Corp. to rent space on the existing microwave relay tower at Erie Community College North Campus; and, be it further

RESOLVED, that the term of the lease for NEXTEL shall be for an initial term of five years commencing at \$19,760, escalating four percent (4%) per year thereafter including an option for one five year renewal, subject to County approval, providing for rent increases of four percent (4%) per year during the renewal period; and, be it further

RESOLVED, that the funds received from this lease is to be budgeted for, and accounted for, as operating revenues of Erie Community College; and, be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Erie Community College, the Erie County Fiscal Stability Authority, the Erie County Comptroller, and Assistant County Attorney, Gregory J. Dudek.

Item 74 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

RE: 2007 Year-End Budget  
Balancing Amendments  
(COMM. 10E-11)

WHEREAS, year end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2007 fiscal year, and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports, and

WHEREAS, 2007 funding within the County Attorney's Risk Retention Fund, the Department of Senior Services, Emergency Services, Health Department, Social Services, Mental Health, and Department of Environment and Planning, is designated for reappropriation into 2008, and

WHEREAS, the amendments require no additional funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to adjust the 2007 Budget in order to facilitate the completion of 2007 financial statements, based on the attached schedule, and be it further

RESOLVED, that authorization is provided to designate available 2007 funding within the County Attorney's Risk Retention Fund in the amount of \$2,000,000, for the Department of Senior Services for grant programs \$8,000, \$36,006 for the Department of Emergency Services, \$7,661 for the Health Department, \$15,503 for various environmental programs within the Department of Environment and Planning, and \$156,000 in public benefit funds monitored by the Department of Environment and Planning, \$37,791 for Social Services contract agencies, \$27,960 for contract agencies in the Department of Mental Health, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into agreement and amend the 2007 contract with the Erie County Bar Association Aid to Indigent Program in order to fund \$398,239 of mandated 2007 expense for the provision of indigent defense services, and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2007 Budget adjustments that may be required based on adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose, and be it further

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

2007 Year End Budget Balancing Amendment

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year end spending. In most cases the source of funds was obtained from within the department where the shortfall occurred.

<b>Fund Center</b>	<b>Department</b>	<b>Account</b>	<b>Increase/ (Decrease)</b>
<b>Fund 110 - Expense Adjustments</b>			
100	Legislature		
		500010 Part Time - Wages	(26,586)
		500020 Regular PT - Wages	26,586
	<b>Legislature Total</b>		<b>0</b>
10610	Bureau of Purchase		
		500000 Full Time - Salaries	(17,196)
		501000 Overtime	17,196
	<b>Bureau of Purchase Total</b>		<b>0</b>
10710	Fleet Services		
		Auto Tr & Hvy Eq	
		505600 Sup	44,262
		506200 Maint & Repair	(44,262)
	<b>Fleet Services Total</b>		<b>0</b>
11200	Comptroller		
		500000 Full Time - Salaries	(45,988)
		516020 Pro Ser Cnt And Fees	45,988
	<b>Comptroller Total</b>		<b>0</b>
11310	Co Clerk Registrar Division Total		
		500000 Full Time - Salaries	(42,412)
		516030 Maintenance Contr	42,412
	<b>Co Clerk Registrar Division Total</b>		<b>0</b>
116	Jail Management		
		500000 Full Time - Salaries	(193,790)
		500010 Part Time - Wages	(22,672)
		500330 Holiday Worked	(10,300)
		500340 Line-Up	(10,199)
		501000 Overtime	(239,275)
		502000 Fringe Benefits	(216,734)
		505800 Medical & Hlth Supp	(45,372)
		506200 Maint & Repair	(2,320)

	516020	Pro Ser Cnt And Fees	15,313
		Dept Payments-	
	516050	ECMCC	71,797
	<u>Jail Management Total</u>		<u>(653,552)</u>
11510	Sheriff Division		
	500000	Full Time - Salaries	701,139
	500010	Part Time - Wages	(120,825)
	500300	Shift Differential	(17,740)
	500320	Uniform Allowance	(9,750)
	500330	Holiday Worked	13,096
	500340	Line-Up	(15,267)
	501000	Overtime	233,818
	502000	Fringe Benefits	(112,000)
	510100	Out of Area Travel	(18,919)
	<u>Sheriff Division Total</u>		<u>653,552</u>
120	Social Services		
	500000	Full Time - Salaries	(8,611,510)
	500010	Part Time - Wages	(169,688)
	500030	Seasonal Emp. Wages	(92,377)
	500330	Holiday Worked	43,914
		Other Employee	
	500350	Pymts	20,057
	501000	Overtime	2,232,234
	516010	Cnt Pmts-Non Pro Pur	(1,324,864)
		MA - Gross Loc	
	525030	Pymts	(1,669,184)
	525040	Family Assistance-FA	2,529,976
	525050	CWS - Foster Care	4,698,723
	525060	Safety Net Assist.	(870,775)
	525080	Ed Handicapped Child	59,779
	525090	Child Care - DSS	(3,632,499)
	525130	State Training Schls	428,423
	525150	DSH Expense	8,874,290
	530000	Other Expenses	(489,048)
	530010	Chargebacks	472,430
	530030	Pivot Wage Subsidies	(422,434)
	<u>Social Services Total</u>		<u>2,077,447</u>
12210	DPW Commissioner		
		Other Employee	
	500350	Pymts	12,553
	<u>DPW Commissioner Total</u>		<u>12,553</u>
12220	DPW Building & Grounds		
	500000	Full Time - Salaries	(527,735)
	500020	Regular PT - Wages	(47,000)
	500300	Shift Differential	10,552
	500330	Holiday Worked	31,546
	500350	Other Employee	38,964

		Pymts	
	501000	Overtime	516,108
	506200	Maint & Repair	61,890
	515000	Utility Charges	106,755
	516030	Maintenance Contr	103,414
		Dept Payments-	
	516050	ECMCC	(22,300)
	575040	I/F Expense-Utility	91,177
	<u>DPW Building &amp; Grounds Total</u>		<u>363,371</u>
12230	DPW Weights & Measures		
	500000	Full Time - Salaries	(34,988)
	<u>DPW Weights &amp; Measures Total</u>		<u>(34,988)</u>
12520	Youth Detention		
	500000	Full Time - Salaries	(30,444)
	500010	Part Time - Wages	(100,518)
		Other Employee	
	500350	Pymts	13,483
	501000	Overtime	117,479
	<u>Youth Detention Total</u>		<u>0</u>
12610	Probation Department		
	500000	Full Time - Salaries	(37,179)
		Other Employee	
	500350	Pymts	18,798
	501000	Overtime	18,131
	516020	Pro Ser Cnt And Fees	10,543
	559000	County Share-Grants	(10,293)
	<u>Probation Department Total</u>		<u>0</u>
12700	Health Division		
	500000	Full Time - Salaries	(117,476)
	500020	Regular PT - Wages	(12,464)
	501000	Overtime	12,464
	505800	Medical & Hlth Supp	(53,147)
		Dept Payments-	
	516050	ECMCC	84,600
	559000	County Share-Grants	202,518
	<u>Health Division Total</u>		<u>116,495</u>
12720	Emergency Medical Services		
	500300	Shift Differential	15,784
	501000	Overtime	79,396
	516020	Pro Ser Cnt And Fees	47,129
	<u>Emergency Medical Services Total</u>		<u>142,309</u>
12730	Public Health Lab		
	500000	Full Time - Salaries	(95,180)
	500020	Regular PT - Wages	(37,579)
	501000	Overtime	37,579

	505800	Medical & Hlth Supp	(306,176)
	510000	Local Mileage Reimb	42,009
	516020	Pro Ser Cnt And Fees	(80,866)
		Dept Payments-	
	516050	ECMCC	95,233
	559000	County Share-Grants	57,455
	<u>Public Health Lab Total</u>		<u>(287,525)</u>
12740	Medical Examiner		
	500000	Full Time - Salaries	(36,390)
		Other Employee	
	500350	Pymts	23,179
	501000	Overtime	13,211
		Dept Payments-	
	516050	ECMCC	30,000
	<u>Medical Examiner Total</u>		<u>30,000</u>
12750	Special Needs		
	500000	Full Time - Salaries	(17,902)
	500010	Part Time - Wages	17,902
	<u>Special Needs Total</u>		<u>0</u>
1335010	Extra Aid to Local Gov. Total		
		Sales Tax Loc Gov	
	516060	3%	8,285,204
	<u>Extra Aid to Local Gov. Total</u>		<u>8,285,204</u>
14030	Community College		
		Co Res Enrl Comm	
	520020	Col	283,430
	<u>Community College Total</u>		<u>283,430</u>
16010	Law Division		
	516010	Cnt Pmts-Non Pro Pur	398,239
	516020	Pro Ser Cnt And Fees	(183,509)
	<u>Law Division Total</u>		<u>214,730</u>
16200	Department of Environment and Planning		
	516020	Pro Ser Cnt And Fees	(50,000)
	561100	Acq: Land	50,000
	<u>Env.&amp;Planning Total</u>		<u>0</u>
16410	Parks		
	500030	Seasonal Emp. Wages	(11,323)
	501000	Overtime	11,323
	<u>Parks Total</u>		<u>0</u>
16440	Parks - Buffalo City Parks		
	500030	Seasonal Emp. Wages	(129,789)
	506200	Maint & Repair	55,583
	516010	Cnt Pmts-Non Pro Pur	74,206

Parks - Buffalo City Parks Total	0
----------------------------------	---

16500	Central Police Services		
	500000	Full Time - Salaries	(359,833)
	500010	Part Time - Wages	29,601
	500300	Shift Differential	10,457
	500330	Holiday Worked	18,521
	500340	Line-Up	16,877
	501000	Overtime	284,377

Central Police Services Total	0
-------------------------------	---

16700	Emergency Services		
	500000	Full Time - Salaries	(33,570)
	500010	Part Time - Wages	33,570

Emergency Services Total	0
--------------------------	---

14010	County-wide Acct Budget		
		Reductions for	
	504990	Personnel Services	2,800,000
	598900	County Contingency	(3,250,000)

County-wide Acct Budget Total	(450,000)
-------------------------------	-----------

500	ECMC		
		Dept Payments-	
	516050	ECMCC	1,001,235

ECMC Sum	1,001,235
----------	-----------

<b>Total Fund 110 Appropriation Adjustments</b>	<b>11,754,261</b>
---	-------------------

**Fund 110 - Revenue Increase**

	County-wide Acct		
14010	Budget		
	402000	Sales Tax Erie Co	3,469,057
	402140	Sales Tax to Loc Gov	8,285,204

County-wide Acct Budget Total	11,754,261
-------------------------------	------------

<b>Total Fund 110 Revenue Adjustments</b>	<b>11,754,261</b>
---	-------------------

<b>Net Fund 110 Adjustment</b>	<b>0</b>
--------------------------------	----------

**Fund 210 - Expense Adjustments**

123	Highways		
	500000	Full Time - Salaries	(257,427)
	500300	Shift Differential	16,315
	500330	Holiday Worked	(80,000)
	501000	Overtime	112,971
	502000	Fringe Benefits	667,077
	506400	Highway Supplies	102,883
	570000	Interfund Transfers	(561,819)

Highways Total	0
----------------	---

<b>Total Highway Adjustment</b>				<b>0</b>
<hr/>				
<b>Fund 310 - Debt Service Adjustments</b>				
173	Sewer Debt District 1, 4, 5			
		550000	Principal - Bonds	(73,284)
			Interfund Transfer	
		570000	Subsidy	73,284
	<b>Sewer Debt District 1, 4, 5 Total</b>			<b>0</b>
174	Sewer Debt District 2			
	Revenue			
			Interfund Revenue	
		486000	Subsidy	322,787
	Expense			
		570000	Interfund Transfers	322,787
	<b>Sewer Debt District 2 Net Change</b>			<b>0</b>
173	Sewer Debt District 3/Southtowns			
		550000	Principal - Bonds	(34,977)
			Interfund Transfer	
		570000	Subsidy	34,977
	<b>Sewer Debt District 3/Southtowns Total</b>			<b>0</b>
<b>Total Fund 310 Adjustment</b>				<b>0</b>

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

CARRIED UNANIMOUSLY.

For the 2007 Year End Budget Balancing Amendments Delete the list of accounts and Insert the revised list of accounts:

2007 Year End Budget Balancing Amendment

The following list of accounts are balanced by fund and indicate where adjustments are needed to match year end spending. In most cases the source of funds was obtained from within the department where the shortfall occurred.

<b>Fund Center</b>	<b>Department</b>	<b>Account</b>	<b>Increase/ (Decrease)</b>	
<b>Fund 110 - Expense Adjustments</b>				
100	Legislature			
		500010	Part Time - Wages	(26,586)
		500020	Regular PT - Wages	26,586
	<b>Legislature Total</b>			<b>0</b>

10610 Bureau of Purchase

	500000	Full Time - Salaries	(17,196)
	501000	Overtime	17,196
	<u>Bureau of Purchase Total</u>		<u>0</u>
10710	Fleet Services		
	505600	Auto Tr & Hvy Eq Sup	44,262
	506200	Maint & Repair	(44,262)
	<u>Fleet Services Total</u>		<u>0</u>
11200	Comptroller		
	500000	Full Time - Salaries	(45,988)
	516020	Pro Ser Cnt And Fees	45,988
	<u>Comptroller Total</u>		<u>0</u>
11310	Co Clerk Registrar Division Total		
	500000	Full Time - Salaries	(42,412)
	516030	Maintenance Contr	42,412
	<u>Co Clerk Registrar Division Total</u>		<u>0</u>
116	Jail Management		
	500000	Full Time - Salaries	(193,790)
	500010	Part Time - Wages	(22,672)
	500330	Holiday Worked	(10,300)
	500340	Line-Up	(10,199)
	501000	Overtime	(239,275)
	502000	Fringe Benefits	(216,734)
	505800	Medical & Hlth Supp	(45,372)
	506200	Maint & Repair	(2,320)
	516020	Pro Ser Cnt And Fees	15,313
	516050	Dept Payments-ECMCC	71,797
	<u>Jail Management Total</u>		<u>(653,552)</u>
11510	Sheriff Division		
	500000	Full Time - Salaries	701,139
	500010	Part Time - Wages	(120,825)
	500300	Shift Differential	(17,740)
	500320	Uniform Allowance	(9,750)
	500330	Holiday Worked	13,096
	500340	Line-Up	(15,267)
	501000	Overtime	233,818
	502000	Fringe Benefits	(112,000)
	510100	Out of Area Travel	(18,919)
	<u>Sheriff Division Total</u>		<u>653,552</u>
120	Social Services		
	500000	Full Time - Salaries	(8,611,510)
	500010	Part Time - Wages	(169,688)
	500030	Seasonal Emp. Wages	(92,377)
	500330	Holiday Worked	43,914
	500350	Other Employee Pymts	20,057
	501000	Overtime	2,232,234

	516010	Cnt Pmts-Non Pro Pur	(1,324,864)
	525030	MA - Gross Loc Pymts	(1,669,184)
	525040	Family Assistance-FA	2,529,976
	525050	CWS - Foster Care	4,698,723
	525060	Safety Net Assist.	(870,775)
	525080	Ed Handicapped Child	59,779
	525090	Child Care - DSS	(3,632,499)
	525130	State Training Schls	428,423
	525150	DSH Expense	8,874,290
	530000	Other Expenses	(489,048)
	530010	Chargebacks	472,430
	530030	Pivot Wage Subsidies	(422,434)
	<u>Social Services Total</u>		<u>2,077,447</u>
12210	DPW Commissioner		
	500350	Other Employee Pymts	12,553
	<u>DPW Commissioner Total</u>		<u>12,553</u>
12220	DPW Building & Grounds		
	500000	Full Time - Salaries	(527,735)
	500020	Regular PT - Wages	(47,000)
	500300	Shift Differential	10,552
	500330	Holiday Worked	31,546
	500350	Other Employee Pymts	38,964
	501000	Overtime	516,108
	506200	Maint & Repair	61,890
	515000	Utility Charges	106,755
	516030	Maintenance Contr	103,414
	516050	Dept Payments-ECMCC	(22,300)
	575040	I/F Expense-Utility	91,177
	<u>DPW Building &amp; Grounds Total</u>		<u>363,371</u>
12230	DPW Weights & Measures		
	500000	Full Time - Salaries	(34,988)
	<u>DPW Weights &amp; Measures Total</u>		<u>(34,988)</u>
12520	Youth Detention		
	500000	Full Time - Salaries	(30,444)
	500010	Part Time - Wages	(100,518)
	500350	Other Employee Pymts	13,483
	501000	Overtime	117,479
	<u>Youth Detention Total</u>		<u>0</u>
12610	Probation Department		
	500000	Full Time - Salaries	(37,179)
	500350	Other Employee Pymts	18,798
	501000	Overtime	18,131
	516020	Pro Ser Cnt And Fees	10,543
	559000	County Share-Grants	(10,293)
	<u>Probation Department Total</u>		<u>0</u>

12700	Health Division			
		500000	Full Time - Salaries	(117,476)
		500020	Regular PT - Wages	(12,464)
		501000	Overtime	12,464
		505800	Medical & Hlth Supp	(53,147)
		516050	Dept Payments-ECMCC	84,600
		559000	County Share-Grants	202,518
	<u>Health Division Total</u>			<u>116,495</u>
12720	Emergency Medical Services			
		500300	Shift Differential	15,784
		501000	Overtime	79,396
		516020	Pro Ser Cnt And Fees	47,129
	<u>Emergency Medical Services Total</u>			<u>142,309</u>
12730	Public Health Lab			
		500000	Full Time - Salaries	(95,180)
		500020	Regular PT - Wages	(37,579)
		501000	Overtime	37,579
		505800	Medical & Hlth Supp	(306,176)
		510000	Local Mileage Reimb	42,009
		516020	Pro Ser Cnt And Fees	(80,866)
		516050	Dept Payments-ECMCC	95,233
		559000	County Share-Grants	57,455
	<u>Public Health Lab Total</u>			<u>(287,525)</u>
12740	Medical Examiner			
		500000	Full Time - Salaries	(36,390)
		500350	Other Employee Pymts	23,179
		501000	Overtime	13,211
		516050	Dept Payments-ECMCC	30,000
	<u>Medical Examiner Total</u>			<u>30,000</u>
12750	Special Needs			
		500000	Full Time - Salaries	(17,902)
		500010	Part Time - Wages	17,902
	<u>Special Needs Total</u>			<u>0</u>
1331020	Mass Transit			
		520030	NFTA-Share Sales Tax	538,902
	<u>Mass Transit Total</u>			<u>538,902</u>
1335010	Extra Aid to Local Gov. Total			
		516060	Sales Tax Loc Gov 3%	8,285,204
	<u>Extra Aid to Local Gov. Total</u>			<u>8,285,204</u>
14030	Community College			
		520020	Co Res Enrl Comm Col	283,430
	<u>Community College Total</u>			<u>283,430</u>
16010	Law Division			

	516010	Cnt Pmts-Non Pro Pur	398,239
	516020	Pro Ser Cnt And Fees	(183,509)
	<u>Law Division Total</u>		<u>214,730</u>
16200	Department of Environment and Planning		
	516020	Pro Ser Cnt And Fees	(50,000)
	561100	Acq: Land	50,000
	<u>Env.&amp;Planning Total</u>		<u>0</u>
16410	Parks		
	500030	Seasonal Emp. Wages	(11,323)
	501000	Overtime	11,323
	<u>Parks Total</u>		<u>0</u>
16440	Parks - Buffalo City Parks		
	500030	Seasonal Emp. Wages	(129,789)
	506200	Maint & Repair	55,583
	516010	Cnt Pmts-Non Pro Pur	74,206
	<u>Parks - Buffalo City Parks Total</u>		<u>0</u>
16500	Central Police Services		
	500000	Full Time - Salaries	(359,833)
	500010	Part Time - Wages	29,601
	500300	Shift Differential	10,457
	500330	Holiday Worked	18,521
	500340	Line-Up	16,877
	501000	Overtime	284,377
	<u>Central Police Services total</u>		<u>0</u>
16700	Emergency Services		
	500000	Full Time - Salaries	(33,570)
	500010	Part Time - Wages	33,570
	<u>Emergency Services Total</u>		<u>0</u>
14010	County-wide Acct Budget		
		Reductions for Personnel	
	504990	Services	2,800,000
	598900	County Contingency	(3,250,000)
	<u>County-wide Acct Budget Total</u>		<u>(450,000)</u>
500	ECMC		
	516050	Dept Payments-ECMCC	1,001,235
	<u>ECMC Sum</u>		<u>1,001,235</u>
<b>Total Fund 110 Appropriation Adjustments</b>			<b>12,293,163</b>
<hr/>			
<b>Fund 110 - Revenue Increase</b>			
14010	County-wide Acct Budget		
	402000	Sales Tax Erie Co	3,469,057
	402100	1% Sales Tax	538,902

	402140	Sales Tax to Loc Gov	8,285,204
County-wide Acct Budget			
Total			12,293,163
<b>Total Fund 110 Revenue Adjustments</b>			12,293,163
<b>Net Fund 110 Adjustment</b>			0

**Fund 210 - Expense Adjustments**

123	Highways		
	500000	Full Time - Salaries	(257,427)
	500300	Shift Differential	16,315
	500330	Holiday Worked	(80,000)
	501000	Overtime	112,971
	502000	Fringe Benefits	667,077
	506400	Highway Supplies	102,883
	570000	Interfund Transfers	(561,819)
	Highways Total		0
<b>Total Highway Adjustment</b>			0

**Fund 310 - Debt Service Adjustments**

173	Sewer Debt District 1, 4, 5		
	550000	Principal - Bonds	(73,284)
		Interfund Transfer	
	570000	Subsidy	73,284
	Sewer Debt District 1, 4, 5 Total		0
174	Sewer Debt District 2 Revenue		
	486000	Interfund Revenue Subsidy	322,787
	Expense		
	570000	Interfund Transfers	322,787
	Sewer Debt District 2 Net Change		0
176	Sewer Debt District 3/Southtowns		
	550000	Principal - Bonds	(34,977)
		Interfund Transfer	
	570000	Subsidy	34,977
	Sewer Debt District 3/Southtowns Total		0
<b>Total Fund 310 Adjustment</b>			0

**Additional Adjustments to Fund 110**

The following reclassifications and adjusting entries to fund 110, are recommended by the Comptroller's Office

17000	County-wide Comptroller Revenue		
		402110	Sales Tax to ECFSA (368,695,655)
		445010	ECFSA Int Intercept (653,946)
		486000	Interfnd Rev Subsidy 368,695,655
		400050	Int&Pen on R P Taxes <u>2,139,895</u>
			Total Revenue 1,485,949
	Appropriations		
		511000	Control Board Expense (653,946)
		570000	InterFund Trans-Subs <u>2,139,895</u>
			Total Expense 1,485,949
County-wide Comptroller Total			<u>0</u>

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

CARRIED UNANIMOUSLY.

Item 75 – (COMM. 10E-12) Property Acquisition at Aero/Youngs Intersection and Intersection Improvements, Cheektowaga

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 76 – (COMM. 10E-13) Department of Social Services, Food Stamp Bonus - Employee Training and Education

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 77 – (COMM. 10E-14) Department of Central Police 2008-2009 Grant, Regional Crime Analysis Center

Received and referred to the PUBLIC SAFETY COMMITTEE

Item 78 – (COMM. 10E-15) Department of Environment and Planning: 2008 Budget Adjustment - Accounting Personnel

Item 79 – (COMM. 10E-16) Erie County Clean School Bus Initiative Phase II

Item 80 – (COMM. 10E-17) Pollution Prevention Reuse Recycling Technical Assistance Grant Revision

Item 81 – (COMM. 10E-18) Erie County Sewer District Nos. 3/8 Transfer of Funds, Increase in Utility Costs

Item 82 – (COMM. 10E-19) Pollution Prevention for Hospitality Sector Businesses

Item 83 – (COMM. 10E-20) Amendatory Resolution for the Union Ship Canal Public Open Space Work

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

Item 84 – (COMM. 10E-21) Appointment of Erie County Budget Director

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 85 – (COMM. 10E-22) Appointment to the Erie County Commission on the Status of Women

Item 86 – (COMM. 10E-23) Appointment to Buffalo Society of Natural Sciences

Item 87 – (COMM. 10E-24) Erie Community College 2008-2009 Budget

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

Item 88 – MS. WHYTE moved to receive & file the following item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

(COMM. 10E-25) In Support of WNY Construction Jobs Through Support of the NYS Brownfields Cleanup Program

**FROM LEGISLATOR IANNELLO**

Item 89 – (COMM. 10E-26) Amendment to Comm. 8E-27 (2008)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SHERIFF**

Item 90 – (COMM. 10E-27) Erie County Sheriff's Office - Aviation Reserve Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM CHAIR MARINELLI**

Item 91 – (COMM. 10E-28) Time Change for Thursday's Regular Session of the Erie County Legislature

Received, Filed & Printed.

May 27, 2008

Mr. Robert M. Graber  
Clerk, Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, N.Y. 14202

Dear Mr. Graber:

Due to funeral services for former City of Buffalo Mayor James D. Griffin scheduled for this Thursday, May 29, 2008 at 1:30 p.m., and to accommodate members of the Legislature who will be attending the services, there is a need to move the time of the session scheduled for Thursday, May 29, 2008 from 2:00 p.m. on that day to 3:30 p.m.

Please notify members of the Legislature, staff, and news media about this change of time for Thursday's session.

Thank you.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

**FROM THE SHERIFF**

Item 92 – (COMM. 10E-29) Erie County Sheriff's Office - "Selective Traffic Enforcement" Program (STEP)

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 93 – (COMM. 10E-30) Create Deputy Chief Medical Examiner Position

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE SHERIFF**

Item 94 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

RE: Erie County Sheriff's Office  
Pharmacy Services  
(COMM. 10E-32)

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

CARRIED UNANIMOUSLY.

Insert the following Resolution:

WHEREAS, the Office of the Sheriff and Departments of Health and Social Services, purchase pharmaceutical services for the Erie County Holding Center, the Erie County Correctional Facility, the Erie County Youth Detention Center and Erie County Public Health Clinics; and

WHEREAS, the Office of the Sheriff and Departments of Health and Social Services are seeking a pharmaceutical services contractor to provide a comprehensive package of services; and

WHEREAS, a Request for Proposals (RFP) was issued on July 27, 2007 and reviewed in compliance with Section 1908 of Erie County Administrative Code which resulted in five submissions which are available for public inspection during regular business hours; and

WHEREAS, a committee appointed by the Sheriff and Commissioner of Health reviewed said proposals and has recommended that the contract be awarded to Contract Pharmacy Services, Inc.; and

WHEREAS, awarding this contract will result in significant savings to the County of Erie; and

WHEREAS, funding for this contract is available in the Office of the Sheriff, Departments of Health, and Social Services (Youth Detention Center) Account 505800 – Medical and Health Supplies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Contract Pharmacy Services, Inc. for a three year period with three one year extensions to provide comprehensive pharmacy services; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Office of the Sheriff, Department of Social Services, the Department of Health, the Office of the Comptroller, the Division of Budget and Management, the Division of Purchase and the Department of Law.

MS. WHYTE moved to approve the item as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

**FROM THE COUNTY EXECUTIVE**

Item 95 – (COMM. 10E-33) Supplemental Agreement with NYSDOT - Right-of-Way Incidentals and Acquisition - Maple Rd., Rehabilitation, Amherst

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 96 – (COMM. 10D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

Item 97 – (COMM. 10D-2) Agenda & Minutes of Board of Trustees Meeting Held on May 15, 2008

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 98 – (COMM. 10D-3) Requesting a Legal Opinion from the County Attorney

Item 99 – (COMM. 10D-4) Transmittal of New Claims Against Erie County

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

**FROM THE EXECUTIVE DIRECTOR - COMMISSION ON THE STATUS OF WOMEN**

Item 100 – (COMM. 10D-5) Letter & Memorandum Concerning Need for Child Drop Off Center in the Rath Building

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE CLERK OF THE LEGISLATURE**

Item 101 – (COMM. 10D-6) Time Change for Thursday's Regular Session of the Erie County Legislature

Received, Filed & Printed.

May 27, 2008

To: All Members of the Erie County Legislature

From: Robert M. Graber

Subject: Time Change for Thursday's Regular Session of the Erie County Legislature

Due to funeral services for former City of Buffalo Mayor James D. Griffin scheduled for this Thursday, May 29, 2008 at 1:30 p.m., and to accommodate members of the Legislature who will be attending the services, Chair Marinelli has informed me that there is a need to move the time of the session scheduled for Thursday, May 29, 2008 from 2:00 p.m. on that day to 3:30 p.m.

Accordingly, the time for the Thursday, May 29, 2008 Regular Session of the Erie County Legislature has been changed from 2:00 p.m. on that day to 3:30 p.m.

Thank you.

**FROM THE DEPUTY COMMISSIONER ENVIRONMENT & PLANNING**

Item 102 – (COMM. 10D-7) State Environmental Quality Review - Negative Declaration - Notice of Determination of Non-Significance

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE BUDGET DIRECTOR**

Item 103 – (COMM. 10D-8) Information/Documentation for ECFSA Concerning Four-Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NIAGARA ERIE REGIONAL COALITION**

Item 104 – (COMM. 10M-1) Agenda & Minutes of Board Meeting Held on May 9, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE GOVERNOR'S OFFICE

Item 105 – (COMM. 10M-2) Acknowledgement of Receipt of Certified Resolution  
Received and Filed.

FROM THE NYS DEC

Item 106 – (COMM. 10M-3) NYS Fish, Wildlife & Marine Resource Goals for 2010 -  
Ecosystem Protection

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 107 – (COMM. 10M-4) NFTA Five-Year Capital and Operating Plan

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSAC

Item 108 – (COMM. 10M-5) NYSAC Weekly Wire Recap: State Throws Current County  
Budgets Out of Balance

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF AMHERST

Item 109 – (COMM. 10M-6) To Support Recertification of the Amherst Agricultural  
District, EC #17, by the Erie County Legislature

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 110 – (COMM. 10M-7) NFTA Cash Flow Statements 4/07-3/08 and 4/08-3/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC BAR ASSN - AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL  
PROGRAM

Item 111 – (COMM. 10M-8) EC Legislature Resolution Comm. 5E-24 (2004)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE PROGRESSIVE DEMOCRATS OF AMERICA

Item 112 – (COMM. 10M-9) Issues Concerning Iraq and Afghan Wars and the Social Budget Impact

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ASSEMBLYMEMBER QUINN

Item 113 – (COMM. 10M-10) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE PRESIDENT OF THE BUFFALO COMMON COUNCIL

Item 114 – (COMM. 10M-11) City of Buffalo Common Council 2008-2009 Action Plan

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE VILLAGE OF WILLIAMSVILLE

Item 115 – (COMM. 10M-12) Certified Copy of Resolution Urging NYS Passage of "NYS Property Taxpayers Protection Act"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 116 – (COMM. 10M-13) Monthly Report and Monthly Activity Report for April 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 117 – (COMM. 10M-14) Final Five-Year Capital Plan for Fiscal Years Ending March 31, 2009-2013

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CITY OF BUFFALO - NYS DEC

Item 118 – (COMM. 10M-15) Update on Brownfield Site Investigation, Cleanup and Reconstruction of Franczyk Park, Buffalo, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR RATH

Item 119 – (COMM. 10M-16) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE VILLAGE OF EAST AURORA

Item 120 – (COMM. 10M-17) Assisting Merchants of Village of East Aurora - Construction of Main Street

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

Item 121 – (COMM. 10M-18) 2007 Annual Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM TERRANEXT

Item 122 – (COMM. 10M-19) Request for Comments Concerning Proposed Cellular Antenna Rawland Site

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECFSA

Item 123 – (COMM. 10M-20) Certified Copy of Resolution - Calling Upon the County to Request ECFSA to Issue Bonds to Fund the County's 2007 and 2008 Capital Expenditures

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF HOLLAND

Item 124 – (COMM. 10M-21) Certified Copy of Resolution Concerning Revision of NY General Municipal Law

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**ANNOUNCEMENTS**

Item 125 – CHAIR MARINELLI expressed appreciation to Buffalo Zoo Executive Director Donna Fernandes, concerning the Capital Budget discussions, and in working with her on new items coming to the Legislature involving the Buffalo Zoo.

Item 126 – LEGISLATOR REYNOLDS announced that everyone is invited to the Hamburg Public Library, 102 Buffalo St., Hamburg for a presentation of 200 books by the Ambassador of the Republic of Macedonia, Zoran Jolveski, on June 6, 2008 at 2:00 p.m. Mr. Reynolds also announced

that the next meeting of the Distressed Real Properties Task Force will be June 25, 2008 at 9:00 A.M.

Item 127 – LEGISLATOR WHYTE announced that with the passage at this session of two ‘Green Resolutions’ in INTRO 10-2 and INTRO 10-10, that she has spoken with the County Executive and Minority Leader about the selection of a point person on ‘Green’ initiatives, and Environment and Planning Commissioner Holly Sinnott has been selected by the County Executive..

Item 128 – LEGISLATOR KENNEDY announced that at the 11:00 A.M., June 5, 2008 meeting of the Economic Development Committee, representatives from the Erie Harbor Development Corp. will attend to present a PowerPoint presentation and conduct a question and answer session, and an upcoming tour will also be arranged.

Item 129 – LEGISLATOR KOZUB announced that everyone is invited to the Botanical Gardens on Saturday, May 31, 2008 for the grand opening ceremony of the ‘Children’s Garden’ at 10:00 A.M., and in light of the passage at this session of the capital budget that includes funds for the Botanical Gardens, attending the event would be rewarding.

Item 130 – LEGISLATOR KONST announced that the Western New York Chamber will hold an Economic Development Forum on June 3, 2008, from 10:00 A.M. to 2:00 P.M., at the Hearthstone Manor in Depew. Presenters will include Christina Orsi, Regional Director of the Empire State Development Corp., and Ken Franasiak, President of Calamar Construction.

### **MEMORIAL RESOLUTIONS**

Item 131 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Charles J. Flynn, Sr.; and in memory of former City of Buffalo Mayor James D. Griffin, whose death is an incredible loss. Mr. Kennedy said that Mayor Griffin was a community leader who worked hard to improve Buffalo in the political arena and at the community level.

Item 132 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Hattie M. Zimniewicz, the sister of former NYS Supreme Court Justice Ann T. Mikoll; and in memory of Stella Lawkowski, grandmother of community activist Sandi Schmid.

Item 133 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Joanne (Germain) Horn of Lancaster, sister-in-law of community leader Nick Locicero.

Item 134 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Leonard C. Gasiewicz, III.

Item 135 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Filumena Wolf, mother of Joseph Wolf; and in memory of Joseph Vodolo.

Item 136 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Dorothy Kopec, mother of Erie County employee Robert Kopec.

Item 137 – Legislator Kozub requested that when the Legislature adjourns, and with Memorial Day this past Monday, May 26, 2008, it do so in memory of all people who lost their lives, or those who are in prison or missing in action, in military service to our country.

**ADJOURNMENT**

Item 138 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WROBLEWSKI moved that the Legislature adjourn until Thursday, June 12, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, June 12, 2008 at 2:00 p.m. Eastern Standard Time.

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