

**ERIE COUNTY LEGISLATURE
MEETING NO. 13
JULY 12, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present except Legislator Ranzenhofer.

An invocation was held led by Legislator Reynolds.

The Pledge of Allegiance was led by Legislator Locklear.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – Ms. WHYTE moved to approve the minutes for meetings 11 and 12 of 2007. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. LOUGHRAN presented a resolution Honoring Chief of Police John J. Moslow Upon Retiring After Completing 32 Years of Dedicated Service to the Citizens of Amherst.

Item 6 – MILLER-WILLIAMS and GRANT presented a resolution Recognizing the 28th Annual Women for Human Rights and Dignity, Inc. Forum and Luncheon.

Item 7 – MS. LOCKLEAR presented a resolution In Memory of Edna Moore Schultz.

Item 8 – KONST and MARINELLI presented a resolution Recognizing Eddie Ryan's Pot Roast Melt Sandwich Upon Winning Taste of Buffalo's Best Overall Food Category.

Item 9 – MS. MARINELLI presented a resolution Honoring Mary Freeman After 37 Years of Service to the Dept. of Youth Services/Detention.

MS. WHYTE presented the above five items and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above five items for Et Al sponsorship. MS. KONST seconded.

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CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above five items as amended. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 15 – CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table.

GRANTED.

COMMITTEE REPORTS

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Item 17 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 182

JUNE 28, 2007

HUMAN SERVICES COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLER-WILLIAMS.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 12D-2 (2007)
SOCIAL SERVICES: Response to Questions Raised Regarding Comm. 11E-16
 (3-0)

2. COMM. 12E-23 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B), the Congregate Dining (III-C-1) and the Elder Caregiver Support Grant (III-E) grants for the period January 1, 2007 through December 31, 2007, and

WHEREAS, the total federal funding available for the grant programs is more that originally adopted, and

WHEREAS, the Department desires to increase the III-E allocations for home care and adult day care services and the III-C-1 allocation for food preparation services; and to allocate III-B funds for an alternate service provider to support and service the case management system, and

WHEREAS, the Department contracts with Legal Services for the Elderly under the III-B grant, and with the Salvation Army of Buffalo, the Town of Amherst and several sponsors for III-C-1 meal clean-up and escort of senior participants, and

WHEREAS, the Department desires to amend the contracts with Legal Services for the Elderly by \$30,000 (\$25,000 cash and \$5,000 subcontractor match); and with the Salvation Army of Buffalo, the Town of Amherst and the various Stay Fit Dining site sponsors to reflect a \$.22 per meal reimbursement rate, effective 1/1/07, and

WHEREAS, the Department continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County, and

WHEREAS, the Department recommends that a new congregated dining site, located at the Timon Towers Apartments, be added to the Stay Fit Dining program to serve needful seniors in a previously underserved community, and

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WHEREAS, the Department desires to contract with the sponsor, Delta Development, to begin serving meals after June 15, 2007, and

WHEREAS, the Department has reviewed its service objectives and position composite as a result of recent transfers of positions to various grants, vacancies, retirements and increased billing volume, and desires to add a full time Chief Account Clerk, an Account Clerk position and one part time Community Service Aide position to the III-B grant, effective 6/11/07, (B-100 nos. 3006 to 3008), and

WHEREAS, sufficient funds are available in the personnel and fringe benefit accounts to cover these changes, grant reimbursements will be maximized and overall departmental cost and operational efficiencies will be enhanced, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the grant programs through the end of the year, and

WHEREAS, the budgets will need to be revised for these three grant programs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the contracts with Legal Services for the Elderly, the Salvation Army of Buffalo, the Town of Amherst and the various Stay Fit Dining site sponsors, by the amounts detailed herein, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Delta Development for a dining site at Timon Towers, effective June 1, 2007, and with PCI for an alternate service provider to support and service the case management system, effective June 15, 2007, and be it further

RESOLVED, that a full time Chief Account Clerk and Account Clerk position and a part time Community Service Aide position be added to the III-B grant, effective 6/11/07, and be it further

RESOLVED, that the III-B grant, 163III-B2007, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$1,385,526	\$83,745	\$1,469,271
417000	Contributions-Participants	0	2,800	2,800
466100	Other Revenue-Grant Program	2,800	-2,800	0
466320	Subcontractor Match	23,119	5,000	28,119
	TOTAL REVENUE		<u>\$88,745</u>	

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APPROPRIATIONS

510200	Training and Education	\$5,656	\$3,000	\$8,656
516010	Legal Services	226,519	30,000	256,519
516020	Professional Services & Fees	8665	9500	18,165
	System Support & Software			
516020	Modifications	0	45,000	45,000
530000	Other Expenses	4,937	1,245	6,182
	TOTAL APPROPRIATIONS		<u>\$88,745</u>	

and be it further

RESOLVED, that the III-C-1 grant, 163III-C-12007, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$1,318,882	\$60,272	\$1,379,154
417000	Contributions-Participants	0	716,750	716,750
466000	Miscellaneous Receipts	4,666	-4,666	0
466100	Other Revenue-Grant Program	702,258	-702,258	0
466320	Subcontractor Match	0	9,029	9,029
	TOTAL REVENUE		<u>\$79,127</u>	

APPROPRIATIONS

500000	Full Time Salaries	\$546,617	-\$10,000	\$536,617
502000	Fringe Benefits	212,520	12,000	224,520
510000	Local Mileage Reimbursement	10,500	2,500	13,000
510100	Out of Area Travel	3,000	-900	2,100
516020	Contracted Food Service	1,122,612	43,697	1,166,309
516020	Clean-up & Escort Services	59,830	22,867	82,697
516010	Salvation Army	51,712	1,218	52,930
516010	Town of Amherst	92,069	2,482	94,551
516020	Other Prof Ser Cnt & Fees	9,266	4,363	13,629
530000	Other Expenses	0	900	900
	TOTAL APPROPRIATIONS		<u>\$79,127</u>	

and be it further

RESOLVED, that the III-E grant, 163III-E2007, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$613,078	\$78,001	\$691,079

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417000	Contributions-Participants	0	1,000	1,000
466000	Miscellaneous Receipts	13,000	-13,000	0
466100	Other Revenue-Grant Program	2,000	-2,000	0
466320	Subcontractor Match	0	10,000	10,000
466330	Other Local Match	0	8,400	8,400
	TOTAL REVENUE		<u>\$82,401</u>	

APPROPRIATIONS

510000	Local Mileage Reimbursement	\$10,000	\$1,500	\$11,500
516020	Home Care Services	50,000	32,000	82,000
516020	Adult Day Care Services	160,000	42,000	202,000
516020	Professional Services & Fees	2,202	4,000	6,202
530000	Other Expenses	2,495	1,901	4,396
980000	DISS Services	14,200	1,000	15,200
	TOTAL APPROPRIATIONS		<u>\$82,401</u>	

and be it further

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

(3-0)

3. COMM. 12E-24 (2007)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment and reappointment of the following individuals to the Erie County Youth Services Board for the term ending December 31, 2008.

Appointments

Sean Lora-Hetzner
740 Lafayette Ave.
Buffalo, NY 14222

Naeem Jenkins-Nixon
115 Godfrey Street
Buffalo, NY 14215

Michael J. Dietrick
15 Coventry Lane
Orchard Park, NY 14127

Reappointments

Leisha Gordon

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First Niagara Bank
6950 S. Transit Road

LaVerne Ampadu
110 Mona Drive
Amherst, NY 14226

Aniela Baj
180 Sheffield Avenue
Buffalo, NY 14220

Tony D. Williams
309 Tacoma Ave. #13
Buffalo, NY 14216

Robert A. Marinucci
339 Tracy Lane
Grand Island, NY 14072

Kimberly Trent
79 Briar Hill Road
Orchard Park, NY 14127

Randy Simpson
622 Virginia Street
Buffalo, NY 14203

Gary Galbreath
41 Fairfield Ave.
Lancaster, NY 14086

Karen Hargrove
953 Amherst Street
Buffalo, NY 14216

Donald R. Gernatt
133660 East Avenue
Springville, NY 14141

Susan Morrison
355 Harlem Road
West Seneca, NY 14224

BeHai Tran
298 Lexington Ave.
Buffalo, NY 14222

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Patrice Jacobs
 42 Saybrook Place
 Buffalo, NY 14209

Elisabeth Smolka
 7 Soldier Wood Circle
 Orchard Park, NY 14127

Bryce Hopkins
 41 Chesterfield Drive
 Buffalo, NY 14215

Akilah Carr
 83 Shoshone Street
 Buffalo, NY 14214

Jacob Steffen
 3465 N. Boston Road
 Eden, NY 14057

Amanda Loveless
 2194 Hobblebush Lane
 Lake View, NY 14085
 (3-0)

4. COMM. 12E-25 (2007)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment and reappointment of the following individuals to the Erie County Council on the Disabled for the term stated:

APPOINTMENTS

<u>Name and Address</u>	<u>Term Expiration</u>
Cheryl Dearlove 62 Warburton Place Tonawanda, New York 14223	June 30, 2009

REAPPOINTMENTS

<u>Name and Address</u>	<u>Term Expiration</u>
Andrew R. Kiener 139 Alberta Drive Amherst, New York 14226	June 30, 2009

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Ronald A. Clark June 30, 2009
 77 Karen Drive
 Tonawanda, New York 14150

J. Lynn Brennan June 30, 2009
 44 Harvard Place
 Orchard Park, New York 14127

Kathy S. Hoffman June 30, 2009
 6130 Long Street
 Clarence Center, New York 14035

Maria Biro June 30, 2009
 374 Center Road
 West Seneca, New York 14224

Robert McPartland June 30, 2009
 47 Groveland Street
 Buffalo, New York 14214

Charles H. Root, Jr. June 30, 2009
 12013 Hillview Terrace
 Holland, New York 14080

Ilona Tylwalk June 30, 2009
 56 Cobblestone Lane
 Williamsville, New York 14221

Bradford R. Watts June 30, 2009
 352 Phyllis Avenue
 Buffalo, New York 14215

Gloria Simpson June 30, 2009
 736 Longmeadow Road
 Amherst, New York 14226

(3-0)

5. **COMM. 12E-27 (2007)**
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services wishes to execute an expanded contract with Erie County Medical Center for substance abuse prevention and assessment services to Child Protective Services Investigations (CPS) and Persons in Need of Supervision (PINS) Diversion, and

WHEREAS, this initiative is the first year of a three year demonstration project to utilize Certified Alcoholism and Substance Abuse Counselors (CASAC) and facilities approved by the New York State Office of Alcoholism and Substance Abuse Services (OASAS), and

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WHEREAS, the project funds are designated to contract with a current provider of alcoholism and substance abuse outpatient treatment services to provide integrated chemical dependency assessment, referral, case management and prevention services within the CPS, PINS and multidisciplinary Family Services Team (FST), and

WHEREAS, chemical dependency is implicated in a high percentage of child welfare cases which greatly increases the risk of recurrence of child abuse and neglect and is a major barrier to reunification of children in foster care with their biological parents, and chemically dependent youth stand a greater chance of becoming involved in the juvenile justice system, and

WHEREAS, the magnitude of chemical dependency problems places considerable stress on child welfare agencies, whose staff often lack the time and expertise to identify and treat chemical dependency problems, and the service integration inherent in the collocation model is designed to improve both child welfare and chemical dependency outcomes by increasing problem identification, facilitating access to treatment, increasing engagement and retention and improving coordination between service providers and child welfare workers, and

WHEREAS, there is no fiscal impact to this resolution as this demonstration project is fully funded by a special NYS award designated for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

**Department of Social Services, Department 120, Fund 281,
Grant 120CASACCOLOC2007, Cost Center 1208030**

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516050	Contractual – ECMC	\$1,400,000
	Total Expenditure	<u>\$1,400,000</u>
409000	State Aid	\$1,400,000
	Total Revenue	<u>\$1,400,000</u>

and be it further

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

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

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

(2-1) Legislator Ranzenhofer voted in the negative.

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6. COMM. 12E-50 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Long Term Care Point of Entry Program (POE) for calendar year 2007, and

WHEREAS, the Department of Senior Services (Senior Services) is the lead agency to operate a Long Term Care Point of Entry that will serve the elderly, adults with disabilities, and children with disabilities requiring long term care services, and

WHEREAS, Senior Services uses the POE funds in accord with the approved Program Work Plan, which consists of implementing a centralized point of entry; sustaining program operations and functions that meet NYSPOE standards; serving all long term care consumers through operation of the core functions in a manner that supports their independence and self-determination; evaluating the POE's effectiveness and impact on the long term care system; and implementing data collection efforts necessary for POE evaluation and required reporting, and

WHEREAS, the Senior Services has reviewed the budgets and actual costs of carrying out the grant programs through the end of the year and desires to revise the budget to cover all costs of carrying out program objectives, and

WHEREAS, the Senior Services desires to charge the portion of the Supervisor of Planning, Development and Evaluation and a Senior Case Manager's salary and fringe benefits to the POE Program that was spent on POE planning and conferences, and

WHEREAS, the POE program is funded entirely by State funds.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Senior Services POE cost center 1632080 for the period January 1, 2007 through December 31, 2007 be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$64,881	-\$20,000	\$44,881
505000	Office Supplies	0	2,000	2,000
506200	Maintenance & Repairs	0	1,000	1,000
510100	Out of Area Travel	0	6,000	6,000
510200	Training & Education	0	1,000	1,000
530000	Other Expenses	0	8,000	8,000
561420	Office Furniture	0	2,000	2,000
TOTAL CHANGE			<u>\$0</u>	

and be it further

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RESOLVED, that the Supervisor of Planning, Development and Evaluation and Senior Case Manager's salaries and fringe benefits be charged to the POE Program for the time spent on POE activities, and be it further

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

(3-0)

7. COMM. 12E-51 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services will receive a \$28,000 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at diversity awareness and leadership training, these donated funds will be used to draw down additional State share funding in the amount of \$62,000, and

WHEREAS, a series of unique components will be implemented by the National Federation for Just Communities (NFJC) as the preeminent provider of these community services, and

WHEREAS, the NFJC is a human resources organization dedicated to overcoming racism, bias, and discrimination by building understanding, respect, and trust through education, advocacy and community involvement, and

WHEREAS, central to achieving this mission are cross cultural youth educational programs to foster communication between groups that do not normally interact and these programs include the Urban Suburban Student Association, the Youth Leadership Conference, Leadership Youth Retreats and the Youth Action Council, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	National Federation for Just Communities	<u>\$80,000</u>
	Total Expenditure	<u>\$80,000</u>
418430	Donated Funds	\$28,000
407680	State Aid Services for Recipients	<u>62,000</u>
	Total Revenue	<u>\$80,000</u>

and be it further

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

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

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

(4-0)

THOMAS J. MAZUR
CHAIRMAN

Item 18 –MS. IANNELLO presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

JUNE 28, 2007

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 12M-5 (2007)
ANGELA P. GEORGI: Funding for Arts and Culture
 (4-0)

2. INTRO 9-13 (2007)
IANNELLO & KONST

WHEREAS, the Erie County Fiscal Stability Authority (ECFSA) is a public authority of the State of New York and, as such has been granted authority to approve the allocation of certain State funds to promote efficient government within Erie County; and

WHEREAS, a total of \$18 million was put in the care of the ECFSA to utilize at the discretion of the board, known as "efficiency grant" funding; and

WHEREAS, in 2006, a proposal was put forth to ensure greater future funding for the Buffalo Niagara Convention and Visitors Bureau (CVB) through the dedication of the hotel occupancy tax ("bed tax") to tourism marketing, which included a necessary "start-up" grant of approximately \$2.1 million of efficiency grant funding; and

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WHEREAS, a consensus existed for the merit of the proposal and investment in the CVB, which provides a 20-1 return on investment paid for by out-of-town visitors, thus positively impacting the local tax burden on Erie County residents; and

WHEREAS, despite the conceptual support, the ECFSA was unable to award the grant as it did not fill the State requirement of an investment in reform that creates "cost savings"; and

WHEREAS, the CVB proposal is a clear example of opportunities that exist for reform in Erie County that are worthy of efficiency grant funding in the great benefit they offer to Erie County taxpayers, but do not meet the stringent criteria laid out in the efficiency grant legislation; and

WHEREAS, to date, the bulk of the \$18 million in funds designated for efficiency reforms in Erie County remains unutilized; and

WHEREAS, that opportunities for Erie County to derive benefit from the designated efficiency grant funding are numerous, although many of these opportunities would not fall under the classification of "cost savings."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Legislature amend the language which authorizes the use of efficiency grant funds for "cost savings" only, to include the ability to invest in other efficiency reforms, more specifically those that create opportunities for revenue enhancement; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Fiscal Stability Authority, Governor Spitzer, NYS Comptroller DiNapoli, The Western New York Delegation, County Executive Giambra, County Comptroller Poloncarz and the Buffalo Niagara Convention and Visitors Bureau.
 (3-1) Legislator Ranzenhofer voted in the negative.

MICHELE M. IANNELLO
CHAIRPERSON

Item 19 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

JUNE 28, 2007

HEALTH COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. INTRO 12-4 (2007)

AS AMENDED

GRANT, LOCKLEAR, MAZUR & KONST

WHEREAS, the Berger Commission after careful review of the "State of Healthcare in New York State" issued its recommendations regarding the closing and or merging of several health facilities in New York State; and

WHEREAS, among the recommendations by the Commission was the requirement that Kaleida Health and ECMCC engage in discussions regarding the merger of these two institutions to eliminate unnecessary duplication of services and result in reduced expenses for the cost of healthcare; and

WHEREAS, it has long been recognized that ECMCC is one of the most outstanding and premier trauma centers in this state and region of the country resulting in ECMCC providing critical, lifesaving healthcare services on a daily basis; and

WHEREAS, ECMCC recently provided life-saving health care for Officer Patricia Parete and Firefighter Mark Reed demonstrating a continuing need in our community for a top-notch health care institution with employees who are committed to providing quality care to ensure the saving of lives; and

WHEREAS, ECMCC recently played a critical role in the release of the wrongly convicted Anthony Capozzi, whose release from jail was facilitated because ECMCC retained DNA evidence in their files for over twenty years and a review of that evidence demonstrated that Mr. Capozzi was not the individual who committed the crimes for which he had been imprisoned; and

WHEREAS, ECMCC, under its current management, has reversed the financial position of the hospital thereby reducing the need for and its reliance on public taxpayer dollars for support; and

WHEREAS, ECMCC has been and continues to be a vital, important contributor to the economic well-being of the City of Buffalo and the Western New York region; and

WHEREAS, ECMCC has demonstrated its continued concern for the Community as a whole by providing \$10,000 for Mayor Byron Brown's recently successful "Gun Buy Back Program," which culminated in the removal of several hundred weapons from our city.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does commend ECMCC for its continued service to our community in providing outstanding and quality healthcare and support for programs that improve the quality of life in our community; and be it further

RESOLVED, that the Erie County Legislature does encourage ECMCC to return to the table in its negotiations with Kaleida and pursue a speedy conclusion to the required discussions between the parties thereby ensuring that the public of Erie County and the Western New York region will continue to have access to the fine services provided by ECMCC and Kaleida.

(3-0)

2. COMM. 12E-30 (2007)

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WHEREAS, the Erie County Department of Health currently operates an HIV Partner Notification program, and

WHEREAS, the purpose of this grant is to provide HIV surveillance and partner assistance services in conjunction with the New York State Health Department disease control staff, and

WHEREAS, the New York State Department of Health has approved a grant modification which includes the creation of one Regular Part Time position of Caseworker, JG VII, and

WHEREAS, there are sufficient funds available in the grant budget to accommodate this staffing modification.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant award from the New York State Department of Health which authorizes a staffing adjustment, and be it further

RESOLVED, that one Regular Part Time position of Caseworker, JG VII, Step 0, is hereby created as indicated on B100 #2546.

The following personnel detail is hereby submitted:

Title: Caseworker RPT	Number of hours to be Worked: 20/wk
JG: VII	Hourly Wage: \$13.17
County's Share: 0%	Manner in which Position will be Filled: Civil Service
Fringe Benefits: 41.15%	

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0)

3. COMM. 12E-31 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

WHEREAS, the Erie County Health Department wishes to enter into a five year lease agreement with Harlem Road Associates for space located at 3527 Harlem Road, Suite #8, Cheektowaga, New York, to be utilized as a WIC distribution site.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a five year lease agreement with Harlem Road Associates for space located at 3527 Harlem Road, Suite #8, Cheektowaga, New York, commencing September 1, 2007 and terminating August 31, 2012, at the monthly rate of \$1,125.00 for the first two years and \$1,150.00 per month for the last three years, there being funds available in the WIC Program budget, and be it further

RESOLVED, that in the event that the Health Department terminates the lease prior to its expiration due to non-renewal of the WIC grant the buyout will be calculated as follows: cost of improvements, locking closet and installation of wiring times the remaining months of the lease divided by 60, and be it further

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

4. COMM. 12E-32 (2007)

COUNTY EXECUTIVE

WHEREAS, due to the reorganization of the Department's Environmental Health Services in 2007, these programs no longer have access to the Change Fund in the Department's Rath Building Office, and

WHEREAS, the Division of Public Health Laboratories, Epidemiology, and Environmental Health is requesting the establishment of a Change fund in the amount of \$100.00 at the Division's administrative offices at 462 Grider Street, Clinical Center Building BB, and

WHEREAS, this fund will be utilized to provide change to clients and customers who are paying for Department of Health permits and which are necessary in conducting County business where the County requires payment upon delivery, and

WHEREAS, the account activities will be monitored and maintained by adequate fiscal control through a post-audit procedure, and

WHEREAS, Section 2.06 of the County Administrative Code authorizes the establishment of a Change Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of a Change Fund in the amount of \$100.00 in the Division of Public Health Laboratories, Epidemiology, and Environmental Health at the Division's administrative offices at 462 Grider Street, Clinical Center Building BB, and be it further

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

(3-0)

5. COMM. 12E-33 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

WHEREAS, the Erie County Department of Health contracts with Breastfeeding Peer Counselors to improve the successful breastfeeding rate of mothers in low income or minority communities, and

WHEREAS, we are requesting an increase in the hourly rate for Breastfeeding Peer Counselor and Breastfeeding Peer Counselor Coordinator so that it is commensurate with Breastfeeding Peer Counselor and Breastfeeding Peer Counselor Coordinator rates in other NYS counties, and

WHEREAS, funds are available in Account 516020, Professional Services Contract and Fees, in the WIC grant 2006 - 2007 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition by the Erie County Department of Health of such necessary services from qualified individuals for those categories as are listed in Exhibit A, incorporated herein,

Exhibit A
Erie County Department of Health
Contractual Service Rate for Fee-For-Service Personnel
Annual Compensation Will Be Less Than \$10,000

TITLE	RATE
Breastfeeding Peer Counselor	\$9.00 per hour
Breastfeeding Peer Counselor Coordinator	\$10.00 per hour

and be it further

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

(3-0)

CYNTHIA E. LOCKLEAR
CHAIRMAN

Item 20 – MR. KENNEDY presented the following report, separate number 3 and approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

JUNE 28, 2007

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 12M-8 (2007)

ECIDA: Buffalo Brownfields Redevelopment Fund
 (4-0)

2. COMM. 12E-10 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works advertised and received one proposal from Troy & Banks for audit services related to Utilities, Water Billing and Telecommunications, and

WHEREAS, a selection committee was formed to review the proposal, and

WHEREAS, the selection committee has recommended that Troy & Banks be awarded a contract for the work at a rate that varies between 24% and 25% depending on the type of audit work performed.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with Troy & Banks for the audit work at a rate that varies between 24% and 25% depending on the type of audit work performed, and be it further

RESOLVED, that the Erie County Legislature authorizes the County Executive to receive the refunds from exceptions found by Troy & Banks minus their fee and credit the share returned to the respective entity that overpaid the original bill, and be it further

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

(4-0)

3. COMM. 12E-11 (2007)
COUNTY EXECUTIVE

AS AMENDED

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WHEREAS, the County of Erie, pursuant to Comm. 14E-11 dated June 2, 2005, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a two year agreement with local municipalities for such purposes, and

WHEREAS, the said agreement expires August 1, 2007 at a line mile reimbursement rate of \$2,532.00, and

WHEREAS, it would be in the best interests of Erie County to extend the agreement at a lane mile reimbursement rate increasing five percent each year for an additional three year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes such extension of the said Snow and Ice Control Agreement, as modified and updated, for a period of three years, a lane reimbursement rate increasing five percent each year for an additional three-year period, to expire August 1, 2009, payable from adopted Division of Highways O & M budgets, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized and directed on behalf of Erie County to execute an agreement effecting such extension and modification, and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit three (3) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Deputy Commissioner of Public Works - Division of Highways, County Comptroller, County Attorney, and thirty-five (35) certified copies for distribution by the Department of Public Works to the participating local municipalities.

(4-0)

4. COMM. 12E-53 (2007)

COUNTY EXECUTIVE

WHEREAS, the Town of Evans secured \$754,300 in federal funding for the Town of Evans Multi-Use Pathway in the Town of Evans, extending from Bennett Beach park to approximately Wendt Beach Park; and

WHEREAS, through an assignment agreement between Erie County and the Town of Evans executed on October 10, 2006, the project will now be constructed by Erie County; and

WHEREAS, the project's nature and funding source require provision of construction engineering and inspection services; and

WHEREAS, said services were originally to be performed by Wendel-Duchscherer Architects and Engineers through a contractual agreement with the Town of Evans; and

WHEREAS, due to Wendel-Duchscherer's knowledge of project details, prior agreement to provide said services to the Town of Evans, and nearness of estimated construction bid date, a waiver of the consultant selection process as required under Section 19.08 of the Erie County Administrative Code is appropriate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Construction Engineering and Inspection Service Contract for the Town of Evans Multi-Use Pathway, Federal Aid Project #5756.75, with Wendel-Duchscherer; and be it further

RESOLVED, that funding for said agreement shall not exceed \$95,000 and is available in SAP Account A.00213; and be it further

RESOLVED, that a waiver is hereby granted of those consultant selection provisions as required under Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the County Attorney.

(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved to amend number 3. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

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

WHEREAS, the County of Erie, pursuant to Comm. 14E-11 dated June 2, 2005, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a two-year agreement with local municipalities for such purposes, and

WHEREAS, the said agreement expires August 31, 2007 at a lane mile reimbursement rate of \$2,532.00, and

WHEREAS, it would be in the best interest of Erie County to extend the agreement at a lane mile reimbursement rate increasing by five percent each year for an additional three year period,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes such extension of the said Snow and Ice Control Agreement, as modified and updated, at a lane mile reimbursement rate increasing five percent each year for an additional three year period, to expire August 31, 2010, payable from adopted Division of Highways O & M budgets in amounts as indicated below:

September 1, 2007 through August 31, 2008	\$2,658.60 per lane mile
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September 1, 2008 through August 31, 2009	\$2,791.53 per lane mile
September 1, 2009 through August 31, 2010	\$2,931.11 per lane mile

and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized and directed on behalf of Erie County to execute an agreement effecting such extension and modification, and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit (3) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Deputy Commissioner of Public Works – Division of Highways, County Comptroller, County Attorney, and thirty-five (35) certified copies for distribution by the Department of Public Works to the participating local municipalities.

MR. KENNEDY moved to approve number 3 as amended. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

JUNE 28, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 12-10 (2007)
REYNOLDS: Support for Great Lakes Restoration Bill
 (4-0)
 - b. COMM. 12E-54 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Professional Services Agreement with CRA Infrastructure and Engineering, Inc. - Blasdell Sanitary Sewer System - Rehabilitation/Replacement
 (4-0)
 - c. COMM. 12D-10 (2007)
ENVIRONMENT & PLANNING: SEQR - Village of Hamburg Sanitary Sewer Improvements
 (4-0)

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- d. COMM. 12M-6 (2007)
CORNELL UNIVERSITY COOPERATIVE EXTENSION ERIE COUNTY:
 Recommendation for Appointment to Cornell Cooperative Extension's Representative on the
 Erie County Agriculture and Farmland Protection Board
 (4-0)
- e. COMM. 12M-11 (2007)
NYS DEPT. OF AGRICULTURE & MARKETS: RFP for Farmland Protection
 Implementation Projects
 (4-0)

2. COMM. 2E-11 (a) (2007)
COUNTY EXECUTIVE
 RESOLUTION NO. _____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING (I) A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 5 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 5, INCLUDING ALL EXTENSIONS HERETOFORE AND HEREAFTER ESTABLISHED.

(Introduced) _____, 2007

(Adopted) _____, 2007

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

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 5 Board of Managers dated June 13, 2007, an extension to the District has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the District, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the

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proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the establishment of the proposed extension includes the leasing from the Town of Clarence of all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Clarence Sewer Districts: # 2, #6, #7, and #9, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007; and

WHEREAS, no additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 5 with respect to the extension of the boundaries of such District and the leasing of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, the estimated cost of hook up fees will be \$250 per home for lateral inspection of individual connections to County built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers, and a \$2 permit fee at the time of connection to the District; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated June 13, 2007, a resolution of the Erie County Sewer District No. 5 Board of Managers dated June 13, 2007, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, it is now desired to call a public hearing to consider said extension and consolidation of the District in accordance with the provisions of Sections 254, 274 and 274-b of the County Law.

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public

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hearing upon the aforesaid proposal to (i) extend the District in said County, such extension to be known as "The Town of Clarence Sewer District Nos. 2, 6, 7, and 9 Extension," and (ii) consolidate the District and its extensions heretofore and hereafter established, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. It is hereby determined that all expenses of the District, including all extensions heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Section 3. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension and consolidation of the Erie County Sewer District No. 5 in said County.

The extension of said Erie City Sewer District No. 5 shall be known as "The Town of Clarence Sewer District Nos. 2, 6, 7, and 9 Extension" and shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 5 Board of Managers dated June 13, 2007 heretofore filed with the County Legislature.

The proposed extension of the Erie County Sewer District No. 5 shall comprise the entire area as follows:

CLARENCE TOWN SEWER DISTRICT NO. 2

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie, State of New York and being part of Lots 8, 10 and 12, Section 6, Township 12, Range 6; also all of Lots 9 and 11 and part of Lots 7 and 12, Section 7, Township 12, Range 6; also part of Lot 3, Section 8, Township 12, Range 6; also part of Lots 2, 4 and 6, Section 10, Township 12, Range 6; also part of Lots 1 and 2, Section 11, Township 12, Range 6; also part of Lot 1, Section 12, Township 12, Range 6 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point on the center line of Roll Road, which is also the north line of Lot 6, Section 10 and the south line of Lot 1, Section 11 and said point being Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road; thence south, parallel to and Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road Four Hundred (400.0) feet more or less, to a point Four Hundred (400.0) feet south of, as measured at right angles thereto, the centerline of Roll Road; thence east, parallel to and Four Hundred (400.0) feet south of, as measured at right angles thereto, the north line of Lots 6, 4, and 2 of Section 10, and Lots 12, 10, and 8 of Section 6 Five Thousand Nine Hundred Eighty (5,980) feet,

more or less, to a point Four Hundred (400.0) feet east of, as measured at right angles thereto, the west line of Lot 8, Section 6; thence north, parallel to and Four Hundred (400.0) feet east of, as measured at right angles thereto, the west line of Lot 8, Section 6 and the west line of Lot 7, Section 7, Four Thousand Three Hundred Seventy-nine (4,379.0) feet, more or less, to the centerline of Clarence Center Road; thence westerly along the centerline of Clarence Center Road to a point Four Hundred (400.0) feet east of, as measured at right angles thereto, the centerline of Herr Road; thence north parallel to and Four Hundred (400.0) feet east of, as measured at right angles thereto, the centerline of Herr Road and its extension north Five Thousand Sixty (5,060.0) feet more or less, to a point Twelve Hundred (1,200.0) feet north of, as measured at right angles thereto, the centerline of Keller Road, which is also the south line of Lot 3, Section 8; thence west, parallel to the Twelve Hundred (1,200.0) feet north of, as measured at right angles thereto, the south line of Lot 3, Section 8 and Lot 1, Section 12, Five Thousand Nine Hundred Eighty (5,980.0) feet more or less to a point Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road as extended north; thence south, parallel to and Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road and its extension north Nine Thousand Twenty-nine (9029.0) feet to the centerline of Roll Road to the point of beginning and containing Thirteen Hundred (1300) acres more or less.

CLARENCE TOWN SEWER DISTRICT NO. 6

ALL THAT TRACT OR PARCEL OF LAND in the Town of Clarence, County of Erie, State of New York, and being all of Lot 1, Section 15, Township 12, Range 6 and Lot 3, Section 11, Township 12, Range 6 and Part of Lots 1, 2 and 4, Section 11, Township 12, Range 6 and Part of Lot 2, Section 15, Township 12, Range 6, Part of Lot 1, Section 12, Township 12, Range 6, Part of Lots 6, 8, 10 and 12, Section 10, Township 12, Range 6 and Part of Lots 2 and 4, Section 14, Township 12, Range 6 of the Holland Land Company Survey and further bounded and described as follows:

BEGINNING, at a point 300' westerly of the centerline of Thompson Road and 400' southerly from the centerline of Roll Road which is also the south line of Lot 1, Section 11, Township 12, Range 6, said point being Three Hundred (300.00) feet west of, as measured at right angles thereto the centerline of Thompson Road; thence northerly and parallel with the centerline of Thompson Road and the extension thereof an approximate distance of Nine Thousand Two Hundred Twenty-nine (9,229.0) feet to a point in the north line of Tax Map Parcel 044-01-28, Thence westerly and along the north line of the forementioned tax map parcel an approximate distance of One Thousand Seventy-five (1075.0) feet to the centerline of Heise Road which is the west line of Lot 1, Section 12, Township 12, Range 6 and the northeast corner of Erie County Sewer District No. 5 Extension No. 1A; thence southerly and along the west line of Lot 1, Section 12 and Lot 2, Section 11 and the centerline of Heise Road, a distance of One Thousand Two Hundred Eight and Sixty-eight Hundredths (1,208.68) feet; thence westerly at right angles to the aforesaid centerline and lot line a distance of Five Hundred (500.0) feet to a point; thence southerly and parallel to the centerline of Heise Road a distance of One Thousand One Hundred Fifty (1,150.0) feet to a point; thence easterly at right angles to the aforementioned line a distance of Five Hundred (500.0) feet to a point in the centerline of Heise Road and west line of Lot 2, Section 11; thence southerly along the aforementioned line a distance of Eight Hundred Eight and Thirty-six Hundredths (808.36) feet to the centerline of Clarence Center Road; thence northwesterly along the centerline of Clarence Center Road a distance of Four Hundred Fifty-eight and Eighty Hundredths (458.80) feet to an angle point;

thence continuing westerly along the centerline of Clarence Center Road a distance of Nine Hundred Six and Eighty-three Hundredths (906.83) feet to a point on the east line of lands now or formerly the Washington Thompson Estate; thence southerly along the east line of the Washington Thompson Estate a distance of One Thousand Eight-three and Sixty-eight Hundredths (1083.68) feet to a point; thence westerly along the south line of the Washington Thompson Estate a distance of One Thousand Three Hundred Forty-four and Sixty-five Hundredths (1344.65) feet to a point in the centerline of Shimerville Road; thence northerly along the centerline of Shimerville Road an approximate distance of 400 feet to the centerline of Clarence Center Road and the southeast corner of the Meadow Lakes Extension of Erie County Sewer District No. 5; thence westerly along the south line of the forementioned sewer district and the centerline of Clarence Center Road an approximate distance of Five Thousand Four Hundred (5,400) feet to the centerline of Newhouse Road and the west line of Lot 2, Section 15; thence southerly along the centerline of Newhouse Road and the west line of Lots 1 and 2, Section 15 an approximate distance of Four Thousand Seven Hundred (4,700) feet to a point in the centerline of Roll Road said point being the southwest corner of Lot 1, Section 15 and the north line of Erie County Sewer District NO. 5; thence easterly along the centerline of Roll Road and the south line of Lot 1, Section 15, a distance of approximately One Thousand Three Hundred Twenty (1,320.0) feet to the centerline of Harris Hill Road, a northeast corner of Erie County Sewer District No. 5 and the northwest corner of Lot 4, Section 14, Township 12, Range 6; thence southerly along the centerline of Harris Hill Road, an east line of Erie County Sewer District No. 5 and the west line of Lot 4, Section 14, Township 12, Range 6 a distance of Four Hundred (400.0) feet to a point; thence easterly through Lots 2 and 4, Section 14, Township 12, Range 6 and Lots 6, 8, 10 and 12, Section 10, Township 12, Range 6, Four Hundred (400.0) feet southerly and parallel with the north line of said Lots an approximate distance of Six Thousand Three Hundred Thirty (6,330.0) feet to the point or place of beginning.

CLARENCE TOWN SEWER DISTRICT NO. 7

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number 7, Section 14, Township 12, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in a line drawn parallel with and distant 460 feet westerly from the east line of Lot Number 7, said point of beginning being 949 feet north, measured along said line, from the south line of Lot Number 7, being also the centerline of Sheridan Drive (as a 100 foot highway); running thence northerly parallel with the east line of Lot Number 7, a distance of 3075.72 feet more or less, to the north line of Lot Number 7, being also the centerline of Greiner Road; thence westerly along the north line of Lot Number 7 approximately 504.54 feet to a point being the northwest corner of premises conveyed to Richard A. Stewart and wife, by deed recorded in Erie County Clerk's Office in Liber 5191 of Deeds at page 140, said point being the point of intersection of the easterly line extended northerly of premises conveyed to Kenneth G. Stoll, by deed recorded in Erie County Clerk's Office in Liber 4580 of Deeds at page 551; thence southerly on a line being the extension northerly of the east line of premises conveyed to Stoll, as aforesaid and continuing thence southerly along the east line of premises conveyed to Stoll, as aforesaid, a total distance of 433 feet to a point being the southeast corner of premises so conveyed to Stoll; thence westerly parallel with the north line of Lot Number 7, a distance of 100 feet to a point in the westerly parallel with the north line of Lot Number 7, a distance of 100 feet to a point in the westerly line of premises conveyed to Richard A. Stewart and wife by the aforementioned deed in

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Liber 5191 of Deeds at page 140, said line also being the easterly line of lands shown under Cover Map No. 1952 as filed in the Erie County Clerk's Office; thence southerly on a line parallel with the west line of Lot Number 7, being also the west line of premises conveyed to Richard A. Stewart and wife by the aforementioned deed, said line also being the easterly line of Cover Maps 1952 and 2022 as filed in the Erie County Clerk's Office, to a point in said west line of said lands conveyed to Richard A. Stewart and wife by the aforementioned deed and the east line of said lands shown under Cover Map 2022 as filed in the Erie County Clerk's Office, distance 951.14 feet north of the point of intersection of said west line with the centerline of Sheridan Drive and thence easterly approximately 599.60 feet to the point and place of beginning.

CLARENCE TOWN SEWER DISTRICT NO. 9

ALL THAT TRACT OR PARCEL OF LANDS situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No.(s) 2,4,6 and 8, Section 1 and Lot No.(s) 1,3,5,7,9 and 13, Section 2, Township 12, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at the intersection of the centerline of Greiner Road (66' wide) with the northerly extension of the westerly line of a certain map entitled "Hillcrest Subdivision" as recorded in the Erie County Clerk's Office in Map Cover Book No. 1965; THENCE southerly along the westerly line of Map Cover No. 1965 and a southerly extension thereof a record distance of 3030.8 feet more or less to a point in the southerly line of Main Street (99' wide); THENCE easterly along the southerly line of Main Street a record distance of 617.8 feet more or less to a point in the westerly line of lands conveyed to the Town of Clarence as recorded in the Erie County Clerk's Office in Liber 9998 at page 310; THENCE southerly along the westerly line of said lands conveyed to the Town of Clarence a record distance of 330.0 feet more or less to a point in the southwest corner of said lands conveyed to the Town of Clarence; THENCE easterly along the southerly line of said lands conveyed to the Town of Clarence and an easterly extension thereof being a line parallel with the southerly line of Main Street a record distance of 1074.4 feet more or less to a point in the northwest corner of lands conveyed to Jean Welch recorded in the Erie County Clerk's Office in Liber 10387 at page 849; THENCE southerly along the westerly line of said lands conveyed to Welch a record distance of 403.2 feet more or less to a point in the southwest corner of said lands conveyed to Welch; THENCE southeasterly along a line a map distance of 139.7 feet more or less to a point in the northwest corner of lands conveyed to James Metz as recorded in the Erie County Clerk's Office in Liber 7128 at page 243; THENCE southwesterly along the westerly line of said lands conveyed to Metz a record distance of 92.4 feet more or less, to an angle point therein; THENCE southerly along the westerly line of said lands conveyed to Metz and a southerly extension thereof, being a line parallel with the westerly line of Ransom Road (66' wide), a record distance of 449.9 feet more or less to a point in the southwest corner of lands conveyed to John Hutchinson as recorded in the Erie County Clerk's Office in Liber 6833 at page 419; THENCE easterly along the southerly line of said lands conveyed to Hutchinson a record distance of 59 feet more or less to a point in the northwest corner of lands conveyed to John Hutchinson as recorded in the Erie County Clerk's Office in Liber 6833 at page 423; THENCE southerly along the westerly line of said lands conveyed to Hutchinson in Liber 6833 at page 423 and a southerly extension thereof, being a line parallel with the westerly line of Ransom Road, a record distance of 744.3 feet more or less to a point in the southwest corner of lands conveyed to James Nawrot as recorded in the Erie County Clerk's Office in Liber 9219 at page 47, also being a point in the north line of Sublot No. 24 as

shown on a certain map entitled "Royal Oaks Subdivision" as recorded in the Erie County Clerk's Office in Map Cover Book No. 2414; THENCE easterly along said lands conveyed to Nawrot, also being the northerly line of said Map Cover No. 2414 a record distance of 141.7 feet more or less to a point in the northwest corner of lands conveyed to Douglas Garlapo as recorded in the Erie County Clerk's Office in Liber 8878 at page 32, also being a point in the easterly line of said Map Cover No. 2414; THENCE southerly along the easterly line of said Map Cover No. 2414 and the westerly line of said lands conveyed to Garlapo and a southerly extension thereof a record distance of 374.2 feet more or less to a point in the northerly line of Royal Oak Drive (70' wide) as shown on said Map Cover No. 2414; THENCE easterly along the said north line of Royal Oaks Drive a record distance of 250.1 feet more or less to a point in the westerly line of Ransom Road; THENCE easterly along a line a map distance of 68.1 feet more or less to a point in the easterly line of Ransom Road, also being a point in the southwest corner of lands conveyed to Richard Davidson as recorded in the Erie County Clerk's Office in Liber 8730 at page 494; THENCE easterly along the southerly line of said lands conveyed to Davidson and an easterly extension thereof a record distance of 378.5 feet more or less to a point in the southeast corner of land conveyed to Jeffrey Feinen as recorded in the Erie County Clerk's Office in Liber 9324 at page 213; THENCE northeasterly along the easterly line of said lands conveyed to Feinen a record distance of 272.4 feet more or less to the northeast corner of said lands conveyed to Feinen, also being a point in southerly line of a certain map entitled "Marter Subdivision" as recorded in the Erie County Clerk's Office in Map Cover No. 2302; THENCE easterly along said southerly line of Map Cover No. 2302 a record distance of 166.0 feet more or less to a point in the westerly line of Sawmill Road (66' wide); THENCE easterly along the approximate centerline of Sawmill Road a record distance of 561 feet more or less to the intersection of said centerline with the southerly extension of the westerly line of a certain map entitled "Pine Manor Subdivision" as recorded in the Erie County Clerk's Office in Map Cover Book No. 2376; THENCE northerly along the southerly extension of said westerly line of Map Cover No. 2376 a record distance of 569.8 feet more or less to the northwest corner of said Map Cover No. 2376; THENCE easterly along the north line of said Map Cover No. 2376 a record distance of 618.0 feet more or less to the northeast corner of said Map Cover No. 2376, also being a point in the westerly line of a certain map cover entitled "Clarence Gardens Part 3" as recorded in the Erie County Clerk's Office in Map Cover Book No.(s) 2224 and 1899; THENCE northerly along the westerly line of said Map Cover No.(s) 2224 and 1899 a record distance of 322.0 feet more or less to a point in the centerline of Boyd Drive (66' wide); THENCE easterly along the centerline of Boyd Drive a record distance of 762.3 feet more or less to a point in the centerline of Schurr Road (66' wide); THENCE northerly along the centerline of Schurr Road a record distance of 1165.7 feet more or less to a point in the westerly extension of the southerly line of lands conveyed to Kenneth Loewer as recorded in the Erie County Clerk's Office in Liber 9684 at page 485; THENCE easterly along the southerly line of said lands of Loewer a map distance of 173 feet more or less to a point in the southeast corner of said lands conveyed to Loewer; THENCE northerly along the easterly line of said lands conveyed to Loewer a record distance of 50.6 feet more or less to a point in the southwest corner of lands conveyed to Richard Petrie as recorded in the Erie County Clerk's Office in Liber 10039 at page 54; THENCE easterly along the southerly line of said lands conveyed to Petrie and an easterly extension thereof, being a line parallel with the southerly line of Bodine Road (South Park Avenue, 49.5' wide) a map distance of 810 feet more or less to a point in the easterly line of lands conveyed to Alice Lamendola as recorded in the Erie County Clerk's Office in Liber 10900 at page 4149; THENCE northerly along the easterly line of said lands conveyed to Lamendola a map distance of 530 feet more or less to a point in the southerly line of Main Street; THENCE easterly along the southerly line of Main Street a map distance of 185 feet more or less to a point; THENCE

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northerly along a line being the southerly extension of the westerly line of lands conveyed to Our Lady of Peace R.C. Church as recorded in the Erie County Clerk's Office in Liber 9774 at page 422 a map distance of 426 feet more or less to a point, said point being 330 feet more or less northerly of the north line of Main Street as measured along the westerly line of said lands conveyed to Our Lady of Peace R.C. Church; THENCE westerly along a line parallel with the northerly line of Main Street and 330 feet more or less therefrom a map distance of 2145 feet more or less to a point, said point being 300 feet more or less easterly of the centerline of Salt Road (66' wide) as measured at right angles therefrom; THENCE northerly along a line parallel with and 300 feet more or less from the centerline of Salt Road map distance of 2100 feet more or less to a point in the easterly extension of the centerline of Greiner Road; THENCE westerly along the centerline of Greiner Road and its easterly extension thereof a record distance of 3783.5 feet more or less to the point or place of beginning.

The establishment of the proposed extension includes the leasing from the Town of Clarence of all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Clarence Sewer Districts: # 2, #6, #7, and #9, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 5 with respect to the extension of the boundaries of such District and the leasing of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

The estimated cost of hook up fees will be \$250 per home for lateral inspection of individual connections to County built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers, and a \$2 permit fee at the time of connection to the District. The cost of the extension to the Typical Property (as defined in the County Law) is \$325 per year which represents a decrease in sewer cost of approximately \$10.45 per year due to the extension. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

The County Legislature has determined that, pursuant to Section 274-b of the County Law, all expenses of Erie County Sewer District No. 5, including all extensions as heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Dated: Buffalo, New York,

_____, 2007.

BY ORDER OF THE COUNTY
LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

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By

 Robert M. Graber
 Clerk, County Legislature

Section 4. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the Front Page and in the Lancaster Bee the official newspapers of said County, and the Clarence Bee not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 5. This resolution shall take effect immediately.

(4-0)

3. COMM. 2E-11 (b) (2007)

COUNTY EXECUTIVE

RESOLUTION NO. ____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2007

(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Sewer Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the leasing of the existing facilities, but future annual charges will be apportioned between real

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property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$308.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, such extension to be known as "The Town of Hamburg Sewer Districts Extension (2007)," and for such other action on the part of said County Legislature in relation thereto as may be required by law.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be known as "The Town of Hamburg Sewer Districts Extension (2007)," and substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County

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Sewer District No. 3 Board of Managers dated June 13, 2007, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

TOWN SEWER DISTRICT NO. 4 (CLOVERBANK)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot Nos. 35 and 39, Township 9, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerline of Lake Shore Road (66' wide) with the centerline of Cloverbank Road (66' wide); thence southeasterly along the centerline of said Cloverbank Road a distance of 273± feet to a point, said point being the extension north of the east line of Map Cover 1206 known as "Cloverbank on the Lake"; thence south along said east line of Map Cover 1206 a distance of 2041± feet to a point on the westerly property line of lands owned by Niagara Mohawk Power Company, said point also being the most southeasterly corner of said Map Cover 1206; thence southwesterly along said westerly line of Niagara Mohawk Power Company and also being the southeasterly line of Map Cover 1206 a distance of 860± feet to a point on the west line of Farm Lot 35; thence north along said west line of Farm Lot 35 a distance of 5.83 feet to a point; thence southwesterly continuing along said southeasterly line a distance of 426± feet to a point on the northerly right of way of Amsdell Road; thence northwesterly along said right of way of Amsdell Road a distance of 150± feet to the point of intersection with the westerly right of way of Southcrest Avenue (50' wide); thence southwesterly along a line that is a continuation of the westerly right of way of said Southcrest Avenue a distance of 300± feet to a point, said point being the intersection of the southerly extension of the west line of Map Cover 1206; thence north along said extension line, north along said west line of Map Cover 1206 and north along the northerly extension of said west line of Map Cover 1206 a distance of 2480± feet to a point at the water's edge of Lake Erie; thence northeasterly following along said water's edge a distance of 2,495± feet to the southerly line of Map Cover 1158; thence southeast along said southerly line a distance of 420± feet to a point on the centerline of Lake Shore Road (66' wide); thence southwesterly along said centerline a distance of 1,117± feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 5 (LOCKSLEY)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. thirty (30), Township nine (9) Range eight (8) of the Holland Land Company's Survey and more particularly abounded and described as follows:

BEGINNING at the intersection of the center line of the Lake Shore Road and the southwesterly line of the Locksley Park Subdivision, as filed under Cover No. nine hundred eighty-eight (988), Erie County Clerk Office; thence easterly along the center of Lake Shore Road about one thousand nine hundred and forty-seven (1947) feet to a point one hundred (100) feet easterly from the easterly line of Stratford Terrace; thence southeasterly three hundred (300) feet to a point one hundred thirteen and seventy-four hundredths (113.74), feet east of the easterly line of said Stratford Terrace; thence easterly seven and twenty-six hundredths (7.26) feet; thence southeasterly

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one hundred twenty-one (121) feet from and parallel with Stratford Terrace; about three hundred twenty-three (323) feet; thence southerly one hundred ninety and six tenths (190.6) feet to a point ninety-five (95) feet easterly from the easterly line of Stratford Terrace; thence easterly three hundred ninety-two (392) feet to land now owned by George C. Laub; thence southerly along Laub's westerly line about nine hundred twenty six (926) feet to the northerly right-of-way line of Niagara, Lockport and Ontario Power Co.; thence southwesterly along said right-of-way line about one thousand eight hundred seventy-six (1876) feet to the southwesterly line of Locksley Park Subdivision; thence northwesterly along said southwesterly line of subdivision about one thousand eight hundred twenty-two (1822) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 10 (AMSDELL HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number Thirty-nine (39), Township Nine (9), Range Eight (8) of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Amsdell Road where it intersects the easterly line of Penn Central Railroad; thence southeasterly along said centerline of Amsdell Road a distance of One Hundred Ninety Four (194)_± feet to the point of intersection with the centerline of Brundage Road (50' wide); thence southwesterly along said centerline of Brundage Road One Hundred Fifty (150)_± feet to the east line of Map Cover 1814; thence southerly along said east line of Map Cover 1814 a distance of Three Thousand Nine Hundred Thirty Two (3,932)_± feet to a point at the southeast corner of said Map Cover 1814, said point also being the southeast corner of Lot No. 39; thence westerly along said south line of Lot No. 39 a distance of Three Hundred (300)_± feet to a point at the southwesterly corner of said Map Cover 1814, said point also being the southeast corner of SBL 181.15-2-2 as described in Liber 9506 Page 652; thence northerly along the east line of said SBL 181.15-2-2 a distance of Seven Hundred Fifty One and Five tenths (751.50)_± feet to a point, said point being Two Hundred (200) feet south of the southerly line of South Place (50' wide), said point also being the southeast corner of SBL 181.15-2-3; thence westerly along a line parallel to the south line of said South Place a distance of one hundred twenty five (125)_± feet to a point at the southwest corner of said SBL 181.15-2-3; thence north along the west line of said SBL a distance of Sixty Two (62)_± feet to a point at the southeast corner of SBL 181.15-2-1; thence west along the south line of said SBL 181.15-2-1 a distance of One Hundred and Eighty and Eighty Eight Hundredths (180.88)_± feet to a point that intersects the extension south of the west line of Map Cover 1814; thence northerly along said extension line and west line of Map Cover 1814 a distance of Two Thousand Eight Hundred Nine (2809)_± feet to a point on the easterly line of Penn Central Railroad right-of-way; thence northeasterly along said easterly line of Penn Central Railway a distance of Eight Hundred Forty Two (842)_± feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 12 (BETHFORD)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 36, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

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BEGINNING, at intersection of McKinley Parkway and Lake Avenue; thence easterly along Lake Avenue to the easterly line of said Lot No. 36, Township 10, Range 7; thence southerly along said easterly line of said Lot No. 36, to Mile Strip Road; thence westerly along Mile Strip Road to McKinley Parkway; thence northerly along McKinley Parkway to Lake Avenue to the place of beginning; excepting, all that parcel of land at the northwest corner thereof, having three hundred feet (300') frontage on McKinley Parkway and one hundred thirty feet (130') frontage on Lake Avenue, described in a deed recorded in Erie County Clerk's Office in Liber 3023 at page 421, also excepting six (6) parcels of land at the northeast corner thereof, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36 and together being five hundred ninety-four and six-tenths feet (594.6') in width, measured along said northerly line of said Lot No. 36 westerly from said corner, also excepting four (4) parcels of land fronting on Lake Avenue, beginning at the west line of premises described in a deed recorded in Erie County Clerk's office in Liber 1255 of deeds at page 428, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36, and together being three hundred seventy-five feet (375') in width measured along said north line of said Lot No. 36 easterly for said west line described in said last mentioned deed.

Also, all that tract or parcel of land, situate lying and being in the Town of Hamburg, County of Erie and State of New York, known and distinguished as part of Lot No. 35, Township 10, Range 7, of that part of the Buffalo Creek Reservation known as the Milestrip as surveyed by John Lamberton and bounded as follows:

Beginning, in the west line of Lot No. 35 distant nine hundred and ninety-four (994) feet south of the north line of Lot No. 35; thence east along the northerly line of Joseph Lichor property two hundred sixty-nine (269) feet to the northeast corner of same; thence north parallel to the west line of Lot No. 35 to the middle of Smokes Creek; thence northwesterly along the middle of Smokes Creek to the north line of Lot No. 35; thence west along the north line of Lot No. 35 to the northwest corner of Lot No. 35; thence south along the west line of Lot No. 35 nine hundred and ninety-four (994) feet to the northwest corner of Joseph Lichor property to the place of beginning.

TOWN SEWER DISTRICT NO. 13 (SOUTH LYTH)

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Hamburg, County of Erie, State of New York, being part of Lot No. 442, Township 10, Range 7, of the Buffalo Creek Indian Reservation and, on a Subdivision Map made of part of said Lot and filed in the Erie County Clerk's Office, under Map Cover Number 1918, known as Subdivision Lot Nos. 1 to 35, both inclusive, and also three parcels shown on said Subdivision Map fronting on Lake Avenue all of which premises are bounded as follows:

BEGINNING at a point in Lake Avenue, which is the southwest corner of Lot No. 442; thence northerly, along the westerly line of said Lot No. 442, 1,618.55 feet, which is the southwest corner of Subdivision Lot No. 57 of Map Cover 1655; thence easterly and southeasterly, along the south line of Map Cover 1655, to its intersection with the west line of property described in a deed recorded in the Erie County Clerk's Office in Liber 4483 of Deeds at Page 127; thence southerly, along the west line of said property described in said Deed, to the southwest corner thereof; thence easterly, along the south line of the lands described in said Deed, to the east line of Lot No. 442;

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thence southerly along the easterly line of said Lot No. 442, to the southeast corner thereof; thence westerly, along the south line of said Lot No. 442, to the point of beginning.

TOWN SEWER DISTRICT NO. 18 (BENZ)

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lots Number 43 and 44, Township 9, Range 7 of the Holland Land Company's survey and more particularly bounded and described as follows:

BEGINNING at the northeast corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941, thence southeasterly along the southwesterly line of lands now or formerly owned by Adolph Knab, a distance of one thousand three hundred sixty-four and twenty-nine hundredths (1364.29) feet to the west line of Abbott Road; thence southerly along the west line of Abbott Road, a distance of one hundred three and twenty-nine hundredths (103.29) feet to a point where Abbott Road deflects easterly twenty-eight degrees and four minutes ($28^{\circ} 04''$)' thence southeasterly along the southwesterly line of Abbott Road, a distance of sixty (60.0) feet to a point in the southwesterly line of Abbott Road; thence southwesterly at right angles to the last described line, a distance of three hundred sixty-five feet (365.0) to a point in the southwesterly line of a proposed sixty foot street; thence southeasterly at right angles to the last described line a distance of six (6.0) feet more or less; thence easterly at an included angle of sixty-seven degrees and forty minutes ($67^{\circ} 40'$) a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to a point in the northeasterly line of a proposed fifty-five foot street; thence northwesterly along the northeasterly line of said proposed street at an included angle of one hundred twelve degrees and twenty minutes ($112^{\circ} 20'$) a distance of one hundred seventy (170) feet; thence westerly at an included angle of one hundred twelve degrees and twenty minutes ($112^{\circ} 20'$), a distance of eight hundred forty-six and sixty-eight hundredths (846.68) feet to a point on the southwesterly line of a proposed street; thence northwesterly along the southwesterly line of said proposed street, a distance of twenty (20.00) feet, more or less to a point where said proposed street deflects easterly twenty-one degrees and thirty-one minutes ($21^{\circ} 31'$); thence northerly along the westerly line of said proposed street, a distance of three hundred ten (310) feet more or less; thence westerly, a distance of two hundred thirty-three and sixty hundredths (233.60) feet, more or less to the easterly line of Ashbury; thence northerly along this said easterly line of Ashbury, a distance of three hundred fifty-one and five tenths (351.5) feet; thence southeasterly at an included angle of seventy degrees, thirty minutes and thirty-six seconds ($70^{\circ} 30' 36''$) to a point on an arc having a radius of thirty-five (35.0) feet; thence southeasterly, easterly and northeasterly along said arc, a distance of ninety-three and three tenths (93.3) feet; thence southeasterly along a line drawn parallel and thirty-five (35.0) feet southerly from the southerly line of Map Cover 1941, a distance of one hundred sixty-three (163.0) feet; thence northeasterly along the southeasterly line of Map Cover 1941 a distance of four hundred eight-two and eight tenths (482.8) feet to the southeasterly corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941; thence northwesterly along the southwesterly line of said Sublot 204 a distance of eighty(80)feet to the southwesterly corner of said Sublot 204; thence northeasterly along the northwesterly line of said Sublot 204 a distance of one hundred seventy (170) feet to the northwesterly corner of said Sublot 204; thence southeasterly along the northeasterly line of said Sublot 204 a distance of eighty (80) feet to the place of beginning.

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Being all of Edward G. Benz Subdivision Part 2, as filed in Erie County Clerk's Office under Map Cover 2106 and Sublot 204 in the Edward G. Benz Subdivision, as filed in the Erie County Clerk's Office under Map Cover 1941 contained 26.5 acres, more or less.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 43, Township 9, Range 7 of the Holland Land Company's survey being more particularly bounded and described as follows:

BEGINNING at the intersection of the southwesterly line of Abbott Road and the easterly line of Lot 43, Township 9, Range 7 said easterly line being also the easterly line of the Town of Hamburg, thence southerly along the said easterly line of Lot 43, a distance of about one thousand four hundred fifteen (1415.0) feet to the southerly line of lands of Edward G Benz, thence westerly along the southerly line of Benz a distance of one thousand one hundred seven and two tenths (1107.2) feet to a point; thence northwesterly along the northeasterly line of lands now or formerly owned by George Fierle, a distance of one thousand six hundred fifty-nine and three tenths (1659.3) feet to the northerly line of Lot 43, Township 9, Range 7; thence northerly along the easterly line of lands now or formerly owned by M.R. Ashbury, a distance of one hundred forty-five and nine tenths (145.9) feet to a point; thence easterly along the southerly bounds of a twenty foot wide access roadway shown on a map filed in the Erie County Clerk's Office under Map Cover 2106, a distance of two hundred thirty-three and six tenths (233.6) feet to the westerly bounds of Willow Drive as shown on said Map Cover 2106; thence southerly along the westerly bounds of Willow Drive a distance of about three hundred ten (310) feet to a point where the westerly bounds of Willow Dive deflect to easterly twenty-one degrees and thirty-one minuets ($21^{\circ} 31'$); thence southeasterly along the westerly bounds of a proposed street a distance of about twenty (20.0) feet to the southerly line of Holly Place as shown on Map Cover 2106; thence easterly along the southerly bounds of Holly Place, a distance of eight hundred forty-six and sixty eight hundredths (846.68) feet to the northwesterly corner of Sublot 47 as shown on Map Cover 2106; thence southeasterly along the southwesterly line of said Sublot 47, a distance of one hundred seventy (170.0) feet to the southwesterly corner of said Sublot 47; thence easterly along the southerly line of Sublots 47, 48 and 49 as shown on said Map Cover 2106, a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to the southwesterly line of a proposed street shown on said Map Cover 2106; thence northwesterly along the southwesterly line of said proposed street a distance of about six (6.0) feet to a point; thence northeasterly at right angles to the last described line a distance of sixty (60.0) feet to the southwesterly corner of Sublot 50 as shown on Map Cover 2106; thence continuing northeasterly along the southeasterly line of said Sublot 50 and the southeasterly bounds of Best Street a distance of three hundred seven (307.0) feet to the southwesterly bounds of Abbott Road; thence southeasterly along the southwesterly bounds of Abbott Road, a distance of about twenty (20.0) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 19 (SHELDON ACRE)

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Hamburg, County of Erie and State of New York, and being part of Lot 48, Township 9, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

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BEGINNING at the northeast corner of said Lot 48, running thence westerly along the north line of said lot two hundred ninety-three and seventy hundredths (293.70) feet, running thence southerly on a line parallel to the east line of said Lot 48 sixteen hundred ninety-six and twenty hundredths (1696.20) feet more or less to the center line of Sheldon Road; thence north sixty-four degrees eighteen minutes east (N.64° 18'E.) and along the said center line of Sheldon Road three hundred twenty-six and four hundredths (326.04) feet to the east line of said Lot 48; running thence north along said east line of Lot 48 fifteen hundred fifty-four and thirty hundredths (1554.30) feet more or less to the northeast corner of said Lot to the point or place of beginning.

TOWN SEWER DISTRICT NO. 21 (HAMBURG MASTER)

BEGINNING at the point of intersection of the southeast shore line of Lake Erie with the north line of land of 3773 Lake Shore Road, Inc., said north line being about three hundred ninety (390) feet north measured at right angles from the north line of Lot 16, Township 9, Range 8; thence east along the north line of 3773 Lake Shore Road, Inc. property about eleven hundred (1100) feet to the center line of the Old Lake Shore Road; thence southeast along the northeast line of Snyder land about four hundred sixty (460) feet to the north line of Lot 16; thence east along the north line of Lot 16 about thirteen hundred (1300) feet to the east line of lands subdivided and shown on subdivision map filed in the Erie County Clerk's Office under Cover 416 and known as Bayview; thence southerly along the east line of lands shown on said subdivision map about eighteen hundred fifty (1850) feet to a point four hundred fifty (450) feet northeast measured at right angles from the northeast line of Bayview Road; thence southeasterly parallel with Bayview Road about one thousand (1000) feet to a line extended westerly which is two hundred (200) feet north from the north line of North Street as laid out on map filed in the Erie County Clerk's Office under Cover 694 and parallel therewith; thence easterly parallel with the north line of North Street about thirty-five hundred forty (3540) feet to the southwest right-of-way line of the Erie Railroad; thence southeasterly along the southwest line of said Erie Railroad about thirty-two hundred (3200) feet to a line parallel with and two hundred fifty (250) feet easterly from the east line of South Park Avenue; thence southerly parallel with the east line of South Park Avenue about eleven thousand eight hundred eighty (11,880) feet to a line dividing land owned by the Buffalo Trotting Association on the north and Michael Petrichrick on the south; thence westerly along said dividing line two hundred fifty (250) feet to the east line of South Park Avenue; thence continuing westerly across South Park Avenue and along the north line of land owned by James Dunnigan and said line extended, being the south line of land shown on a subdivision map recorded in the Erie County Clerk's Office under Map Cover 713, twenty-seven hundred (2700) feet to a line three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road; thence southwesterly parallel with and three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road about eleven hundred (1100) feet to the southwest line of Camp Road; thence southeast along the southwest line of Camp Road about one hundred forty (140) feet to the north line of land shown and subdivided on a map filed in the Erie County Clerk's Office under Cover 1401; thence westerly along the north line of said land as subdivided on said Cover 1401 about three hundred forty (340) feet to a point two hundred forty (240) feet southwest of Camp Road as measured at right angles thereto; thence northwest and parallel with Camp Road about fifteen hundred thirty (1530) feet to the northwest line of land owned by M. Hartson; thence northeast along the northwest line of said Hartson land two hundred forty (240) feet to the southwest line of Camp Road; thence northwest along the southwest line of Camp Road about nineteen hundred thirty (1930) feet to the northwest line of land taken by the State of New York for Thruway purposes and known as the Erie Section of

the New York State Thruway; thence southwesterly along the northwest line of land of said Erie Thruway about seven thousand (7000) feet to the west line of Lot 20, Township 9, Range 8; thence north along said west line of Lot 20 about eighteen hundred (1800) feet to a line parallel with the southwest line of Rogers Road and two hundred (200) feet southwest therefrom, measured at right angles thereto; thence northwest parallel with the southwest line of Rogers Road about one thousand (1000) feet to the most westerly corner of land of Henry Dybowski; thence westerly about four hundred (400) feet to a point in the west line of land owned by Stanley Dybowski, said point being nine hundred (900) feet south from the north line of Lot 28, Township 9, Range 8; thence westerly parallel with the north line of Lot 28 about three hundred thirty-eight (338) feet to the west line of land of Frank J. Brzezinski; thence north along the west line of said Brzezinski land and crossing Southwestern Boulevard and continuing north along the west line of land owned by Charles Smalian nine hundred (900) feet to the south line of Lot 29, thence west along the south line of Lot 29; about twenty-seven hundred (2700) feet to the southwest corner of Lot 29; thence northerly along the west line of said Lot 29 about twenty-one hundred fifty (2150) feet to a point in a line drawn parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom measured at right angles thereto; thence westerly along said line parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom about eighteen hundred (1800) feet to the southeast line of lands of the New York, Chicago, & St. Louis Railroad, also known as the Nickle Plate Railroad; thence northeasterly along said southeasterly right-of-way line of said Railroad about eighty-two hundred twenty (8220) feet to an extension southerly of the east line of Locksley Park Sanitary Sewer District; thence north along said extension and along the said east line of Locksley Park Sanitary Sewer District about thirteen hundred (1300) feet to an angle in said District Boundary; thence west along a north line of said District three hundred ninety-two (392) feet to an angle in said District Boundary; thence north along the east line of said District one hundred ninety and sixty hundredths (190.60) feet to an angle in said District Boundary; thence northerly along the east line of said District about three hundred twenty-three (323) feet to an angle in said District Boundary; thence west along a north line of said District Boundary seven and twenty-six hundredths (7.26) feet to the east line of said District; thence north along the east line of said District and said east line extended northerly about three hundred forty (340) feet to the southeast shore of Lake Erie; thence northeasterly along the southeast shore line of Lake Erie about eighty-three hundred (8300) feet to the point of beginning.

EXTENSION 1 TO HAMBURG MASTER TOWN SEWER DISTRICT NO. 21,
(BRIERWOOD EXTENSION)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Numbers 28, 34, and 35, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the southeast corner of Lot 35 with the southwest corner of Lot 29; thence northerly along the east line of Lot 35 a distance of 2,140 feet more or less to a point, said point being 280 feet more or less south of the southerly highway boundary of Cloverbank Road (49.5 feet wide); thence westerly along a line parallel to said highway boundary a distance of 480 feet more or less to a point of intersection with the east line of lands reserved by WEBR, Inc. in an instrument recorded in Liber 6227 of Deeds at page 312 on October 9, 1957; thence southerly at an interior angle of 66 degrees 51' a distance of 1,142 feet more or less to a point of curvature; thence southerly, westerly, and northerly along a curved line having a radius of 264

feet, an arc distance of 829.38 feet to a point of tangency; thence northerly along a line drawn parallel to the above described line which was 1,142 feet long, at a distance of 528 feet westerly therefrom as measured at right angles, a distance of 1,236.59 feet to an angle point in the westerly line of lands so reserved by WEBR, Inc. by above deed; thence westerly along a line parallel to and 280 feet more or less south of the southerly highway boundary of Cloverbank Road, a distance of 790 feet more or less to a point in the southeasterly line of lands conveyed to Lake Shore and Michigan Southern Railway Company by instrument recorded in Liber 309 of Deeds at page 568 on July 19, 1872; thence southwesterly along said railway lands as conveyed by the last described deed and by instrument recorded in Liber 426 of Deeds at page 91 on October 4, 1881, a distance of 2,820 feet more or less to the northwest corner of lands conveyed to the County of Erie by instrument recorded in Liber 8603 of Deeds at page 595 on January 4, 1978, thence southeasterly along said lands conveyed to the County of Erie along the following four courses: (1) southeasterly at an interior angle of 85 degrees, 54' 46", 97.82 feet; (2) southeasterly at an interior angle of 167 degrees, 35' 19", 117.16 feet; (3) southeasterly at an interior angle of 208 degrees, 13' 45", 181.82 feet; (4) southeasterly at an interior angle of 169 degrees 56' 49", 41.44 feet to a point of intersection with the south line of Lot 35; thence westerly along said lot line a distance of 305 feet more or less to the point of intersection with the northwest corner of Lot 34; thence southerly along the west line of Lot 34 a distance of 575 feet more or less; thence easterly at right angles a distance of 16.1 feet to a point; thence northeasterly along a line which is perpendicular to the southwesterly highway boundary of Amsdell Road (66 feet wide), a distance of 115 feet more or less to a point of intersection with a line which is parallel to and 125.0 feet east of the west line of Lot 34; thence southerly along said parallel line a distance of 3,422.49 feet to a point of intersection with the south line of Lot 34; thence easterly along said lot line a distance of 2,000.69 feet to a point; thence northerly at an interior angle of 91 degrees 49' 34" a distance of 800 feet more or less to a point; thence easterly at an exterior angle of 91 degrees 41' 40" a distance of 688.18 feet to a point; thence northerly at an interior angle of 88 degrees 18' 20" a distance of 1,283.36 feet to a point; thence northeasterly at an exterior angle of 161 degrees 35' 34" a distance of 299.42 feet to a point of intersection with the southerly highway boundary of Amsdell Road; thence southeasterly at an exterior angle of 88 degrees 18' 56" along said highway boundary a distance of 276.14 feet to a point, said point being 650.78 feet west of the east line of Lot 34; thence southerly along a line which is parallel to said lot line a distance of 487 feet to a point; thence easterly at right angles a distance of 200 feet to a point; thence northerly at right angles a distance of 490 feet to a point of intersection with the northerly highway boundary of Amsdell Road; thence easterly along said highway boundary a distance of 1,840 feet more or less to a point in the northwesterly highway boundary of Southwestern Boulevard (100 feet wide); thence northeasterly along said highway boundary a distance of 890 feet more or less to the southwest corner of lands conveyed to Ettore Imagna and Betty Imagna by instrument recorded in Liber 5389 of Deeds at page 398 on August 31, 1953; thence northerly along Imagna's west line a distance of 477.37 feet to the northwest corner thereof; thence southeasterly along Imagna's northeast line a distance of 227.98 feet to the northeast corner thereof; thence southerly along Imagna's east line a distance of 190.35 feet to the southeast corner thereof in the northwest line of Southwestern Boulevard; thence northeasterly along the northwest line of Southwestern Boulevard a distance of 196.7 feet to the southwest corner of lands conveyed to Norman Klaus by instrument recorded in Liber 3864 of Deeds at age 171 on April 5, 1946; thence northerly along the west line of Klaus a distance of 750.96 feet to the northwest corner thereof, to a point of intersection with the north line of Lot 28; thence westerly along said lot line a distance of 2,264.89 feet to the point or place of beginning.

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Also including all that tract or parcel of land situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at the intersection of the southeasterly highway boundary of Southwestern Boulevard with the southwesterly highway boundary of Rogers Road (66 feet wide); thence southwesterly along said highway boundary of Southwestern Boulevard a distance of 595 feet more or less to the point of beginning, said point being 1,478 feet more or less west of the east line of Lot 28; thence southerly along a line which is parallel to said lot line a distance of 430.9 feet to a point; thence westerly at right angles a distance of 239.34 feet to a point; thence northerly at right angles a distance of 250 feet to a point of intersection with the southeasterly highway boundary of Southwestern Boulevard; thence northeasterly along said highway boundary a distance of 300 feet to the point or place of beginning.

EXTENSION 2 TO HAMBURG MASTER SEWER DISTRICT NO. 21,
(SHANNON HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 8, Township 9, Range 8 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point of intersection of the westerly line of the property of the former Hamburg Railway Company and a line 200 feet north of the north line of North Street, also being the north boundary of the Hamburg Master Sewer District; thence northeasterly along the westerly line of said Hamburg Railway Company's land to the westerly line of the Erie Railroad Company's lands; thence northwesterly along the westerly line of said Erie Railroad Company's lands to a point in a line which is parallel to and approximately 744 feet north of the southerly line of the lands conveyed to Nathan P. Bristol and recorded in the Erie County Clerk's Office in Liber 13 at Page 197; thence westerly along said line a distance of 425 feet; thence southwesterly at an interior angle of 98 degrees a distance of 549 feet more or less to the previously described line 200 feet north of the north line of North Street; thence easterly along said line and parallel to the north line of North Street a distance of 420 feet more or less to the point or place of beginning.

TOWN SEWER DISTRICT NO. 25 (Northeast)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Townships 9 and 10, Range 7 of the Holland Land Company's Survey and more particularly bounded as follows:

BEGINNING at a point of intersection of the centerline of Willett Road with the centerline of Abbott Road, said point being also the northeast corner of the Town of Hamburg; running thence southeasterly along the centerline of Abbott Road to its point of intersection with the centerline of Olympic Avenue; thence westerly along the centerline of Olympic Avenue to its point of intersection with the easterly town line; running thence southerly along the easterly town line to its intersection with the centerline of Sowles Road extended; running thence westerly along said centerline of Sowles Road extended to its intersection with the easterly line of Hamburg Master Sewer District; running thence northerly along the easterly boundary of the Hamburg Master Sewer

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District and the New York State Thruway to its intersection with the southerly line of the City of Lackawanna also being the centerline of Willett Road; thence running easterly along the centerline of Willett Road to the point of beginning, excepting the Town Sewer Districts known as Bethford, South Lyth and Sheldon Acres in the Town of Hamburg and all established town sewer districts within the area not specifically described above.

The establishment of the Proposed Sewer Extension includes the leasing from the Town of Hamburg of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Hamburg Sewer Districts: #4, #5, #10, #12, #13, #18, #19, #21, and #25, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the leasing of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection.

The cost of the extension to the Typical Property (as defined in the County Law) is \$308 per year. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

Dated: Buffalo, New York,

_____, 2007.

BY ORDER OF THE COUNTY
 LEGISLATURE
 OF THE COUNTY OF ERIE, NEW YORK
 By _____

Robert M. Graber
 Clerk, County Legislature

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

Section 4. This resolution shall take effect immediately.

(4-0)

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4. COMM. 2E-11 (c) (2007)
COUNTY EXECUTIVE
 RESOLUTION NO. ____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2007

(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Sewer Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County

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Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$314.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, such extension to be known as "The Wanakah Sewer District Extension," and for such other action on the part of said County Legislature in relation thereto as may be required by law.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County. The extension of said Erie City Sewer District No. 3 shall be known as "The Wanakah Sewer District Extension," and substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

TOWN SEWER DISTRICT NO. 3 (WANAKAH)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg County of Erie, State of New York, and being parts of Lot 39 and Lot 42 Township 9, Range 8 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 42 where it intersects the center line of Old Lake Shore Road, said point also being on the east right-of-way of Lakewood Drive (66' wide) extended north; thence north along the west line of Lot 42 a distance of 110± feet to a point at the waters edge of Lake Erie; thence northeasterly along the waters edge of Lake Erie a distance of 9,531± feet to a point that intersects the extension north of the west line of Map Cover 1206, said

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point being the northeast corner of SBL 169.19-13-5 as described in Liber 10135 page 261, and also being the west line of Cloverbank Town District No. 4; thence southerly along said extension line, south along said west line of Map Cover 1206, south along the southerly extension of said west line of Map Cover 1206 a distance of 2721± feet to a point on the northwesterly property line of lands owned by Niagara Mohawk Power Company, SBL 181.10-1-9, as described in Liber 6051, page 20, said point being the southeast corner of SBL 181.07-2-12 as described in Liber 11094 page 6912 and also being the southeast corner of subdivision Lot No. 17, Block No. 4 of Map Cover No. 643; thence southwesterly along said northwesterly line of Niagara Mohawk Power Company a distance of 7028± feet to the southeast corner of SBL 181.13-4-31 as described in Liber 7154 page 177; thence westerly along the south line of SBL 181.13-4-31 and its extension a distance of 1653± feet to a point on the west line of West Lane (50' wide), said point also being at the southeast corner of SBL 180.20-1-10 as described in Liber 6502 page 467 and also being the southeast corner of subdivision Lot No. 58 of Map Cover No. 1960; thence continuing westerly along the south line of said Map Cover 1960 a distance of 680.09± feet to a point at the southwest corner of Map Cover 1960, said point also being the southwest corner of SBL 180.20-1-1 as described in Liber 6424 page 405 and also being the southwest corner of Sublot No. 43 of said Map Cover 1960; thence north along the west line of said Map Cover 1960 and its extension north a distance of 2471± feet to the point or place of beginning.

The establishment of the Proposed Sewer Extension includes the acquisition from the Wanakah Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection.

The cost of the extension to the Typical Property (as defined in the County Law) is \$314.00 per year. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

Dated: Buffalo, New York,

_____, 2007.

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BY ORDER OF THE COUNTY
 LEGISLATURE
 OF THE COUNTY OF ERIE, NEW YORK
 By _____
 Robert M. Graber
 Clerk, County Legislature

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

Section 4. This resolution shall take effect immediately.
 (4-0)

5. COMM. 2E-11 (d) (2007)
COUNTY EXECUTIVE

RESOLUTION NO. ____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2007

(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Sewer Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$258.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, such extension to be known as "The Woodlawn Sewer District Extension," and for such other action on the part of said County Legislature in relation thereto as may be required by law.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 29th day of August 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

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The extension of said Erie City Sewer District No. 3 shall be known as "The Woodlawn Sewer District Extension," and substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

TOWN SEWER DISTRICT NO. 1 (WOODLAWN)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, and being part of Lot Nos. 7, 8, 11, 12 and 14, Township 10, Range 8 of the Buffalo Creek Reservation and part of Lot Nos. 11 and 12, Township 10, Range 8 of the Ogden Gore Tract bounded and described as follows;

BEGINNING, at a point on the south line of Farm Lot No. 7, Township 10, Range 8, where it intersects the west right-of-way of Woodlawn Avenue (60' wide); thence northerly along said west line of Woodlawn Avenue a distance of 2350± feet to the point of intersection with the north line of Farm Lot No. 11; thence easterly along the said north line of Farm Lot No. 11 a distance of 1234± feet to a point on the west line of Lakeshore Road, said point being the north east corner of subdivision Lot No. 38 in Block No. 1 of Map Cover 464, said point also being the northeast corner of SBL 150.50-1-13 as described in Liber 8367, page 76; thence northerly along the west line of said Lake Shore Road a distance of 102± feet to a point that intersect the extension westerly across Lake Shore Road of the north line of SBL 150.16-2-34 as described in Liber 11040, page 2118; thence easterly along said extension line and along said north line of SBL 150.16-2-34 a distance of 766± feet to a point; thence northeasterly continuing along the north line of SBL 150.16-2-34 a distance of 250± feet to a point; thence easterly continuing along the north line of SBL 150.16-2-34 a distance of 755± feet to a point at the northeast corner of said SBL 150.16-2-34, said point being on the west line of the Village of Blasdell; thence southerly along the west line of said Village of Blasdell a distance of 1148± feet to a point on the south line of Farm Lot 11, said point being the southeast corner of subdivision Lot No. 43 of Map Cover No. 550; thence westerly along said south line of said Farm Lot No. 11 a distance of 603 feet to the northeast corner of SBL 150.16-2-27.13 as described in Liber 10906, page 8088; thence southerly along the east line of SBL 150.16-2-27.13 and its extension south a distance of 847± feet to a point at the northeasterly corner of SBL 150.16-2-31 as described in Liber 10915, page 9399; thence southwesterly along the easterly line of SBL 150.16-2-31 a distance of 246± feet to a point on the center line of Mile Strip Road (57.75' wide); thence southeasterly along said centerline of Mile Strip Road a distance of 738± feet to a point on the centerline of Rush Creek, said point being the southeast corner of SBL 150.00-1-10 as described in Liber 9370, page 220; thence westerly along the centerline of Rush Creek a distance of 536± feet to the southwest corner of said SBL 150.00-1-10; thence northerly along the west line of said SBL 150.00-1-10 a distance of 500± feet to a point 30 feet south of the south line of Farm Lot No. 7; thence westerly along a line parallel to the south line of said Farm Lot No. 7, a distance of 1048± feet to the east right-of-way of Lakeshore Road; thence northwesterly crossing said Lake Shore Road, a distance of 184± feet to a point at the southeast corner of SBL 150.66-4-23.1 as described in Liber 11069, page 2510, said point being the southeast corner of Sublot No. 37 of Map Cover No. 464, Block No. 9 and also being on the south line of Farm Lot No. 7; thence westerly along said

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Farm Lot No. 7 and south line of Map Cover No. 464 a distance of 1138± feet to the point or place of beginning.

The establishment of the Proposed Sewer Extension includes the acquisition from the Woodlawn Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection.

The cost of the extension to the Typical Property (as defined in the County Law) is \$258.00 per year. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

Dated: Buffalo, New York,

_____, 2007.

BY ORDER OF THE COUNTY
 LEGISLATURE
 OF THE COUNTY OF ERIE, NEW YORK

By _____

Robert M. Graber
 Clerk, County Legislature

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

Section 4. This resolution shall take effect immediately.

(4-0)

6. INTRO 12-1 (2007)
MILLS, LOUGHRAN, KOZUB, WHYTE, REYNOLDS, KONST & LOCKLEAR

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WHEREAS, the New York State Scenic Byways program was created in 1992 by the State Legislature to encourage both economic development and resource conservation; and

WHEREAS, the WNY Southtowns Scenic Byway consists of a scenic tour loop that would be designated along existing roadways in the “Southtowns” of Erie County, New York including roads in the Towns of Orchard Park, Aurora, Colden, Concord, and Boston and the incorporated Villages of Orchard Park, East Aurora, and Springville; and

WHEREAS, the Scenic Byways program will serve as a significant joint tourism development program for the multi-jurisdictional scenic byway area; and

WHEREAS, the byway’s overall theme is “Heritage to the Hills,” which encompasses the area’s rich history and traditional villages, its wooded hillsides and ever-changing palette on the rolling topography, and the views and recreational opportunities created by the hilly terrain; and

WHEREAS, the byway would also promote the wide array of outdoor pastimes like fishing, boating, wildlife observation, winter sports, hiking, hunting, and

WHEREAS, in 2000, in order to meet the desire for a coordinating entity, the WNY Southtowns Scenic Byway Steering Committee was established; and

WHEREAS, the WNY Southtowns Scenic Byway Steering Committee has submitted plans to nominate the WNY Southtowns Scenic Byway for inclusion on the list of New York State Scenic Byways; and

WHEREAS, to date, the WNY Southtowns Scenic Byway has received financial support from the Towns of Orchard Park, Boston and Concord, New York State, Erie County, and through a variety of grants and appropriations; and

WHEREAS, a successful nomination would provide the WNY Southtowns Scenic Byway with access to additional sources of State financial and technical support; and

WHEREAS, New York State Scenic Byway designation does not involve the taking of any private property or state or federal oversight; and

WHEREAS, as part of the New York State Scenic Byway designation approval process all governments that are partners in this scenic byway are required to issue a *resolution of support*. The resolutions obtained from the various local governments with jurisdiction along the controlled roadways must indicate their willingness to participate and confirm that they will not issue building permits or any other permits or other permission to construct new outdoor, off premises advertising signs along a designated scenic byway; and

WHEREAS, the New York State Department of Transportation is mandated to regulate the erection and control of new and existing signs along all of the National Interstate Highway System and Primary Highway System roads in New York State, whether or not they are designated scenic byways. With the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in 1991, the Primary Highway System was further defined to include highways which are

on the National Highway System, and control of outdoor advertising was extended to designated scenic byways. Primary Highway System roads are selected New York State, county and local roads that are typically the major travel routes within the State. These roads by virtue of this status, are eligible for increased funding from the federal government, and fall under the Sign Control Program; and

WHEREAS, New York State established its Scenic Byways Program in 1992. ISTEPA requires that if a State has a scenic byway program, the State may not allow the erection of any sign, display, or device which is not in conformance with the federal legislation along any highway on the Interstate System or Federal-aid primary system which is designated as a scenic byway. The legislation includes an accommodation for some signs such as directional signs, official signs, for sale or lease signs, on-premise signs, and "free coffee;" and

WHEREAS, roadways designated as Federal Scenic Byways are protected by 23 U.S.C. 131 (s). This cites, "[o]nce a scenic byway has been officially designated by the New York State [sic], the erection of any new sign, display or device on these highways is prohibited." This should in no way be construed as meaning that once a roadway is designated as a scenic byway, no further signs of any sort are permitted. To the contrary, businesses can still erect signs on their business site, signs may still be posted to provide information and directions to travelers and "for sale" and "for lease" signs are still permitted. These signs must, of course, comply with local signage regulations; and

WHEREAS, it is also important to keep in mind that scenic byways are designated as such, because of their cultural or historical significance, recreational or archaeological qualities, or because of natural and scenic beauty along the route. As such, scenic byways need not be continuous. Certain portions of the byway may be neither scenic, nor beautiful, nor have any historical or cultural significance. These stretches of highway can be removed from scenic byway designation. Once removed, 23 U.S.C. 131 (s) regulations would not apply to that portion of the roadway; and

WHEREAS, designation as a Federal scenic byway does place certain restrictions regarding signage along a byway. These restrictions are outlined in 23 U.S.C. 131 (s). Certainly, these restrictions have a significant effect on outdoor advertising, such as billboards which are not on the premises of the business advertised. Such new billboards would essentially be eliminated along a scenic byway. However, businesses would not be restricted from advertising their business on premises, so long as the sign complies with local regulations and the sign is closer to the place of business than it is to the byway. The regulations appear to have the intention of maintaining scenic beauty along a scenic byway, without harming businesses which are located along the scenic byway; and

WHEREAS, Part of the local government involvement in the Scenic Byway is responsibility by the local government for maintaining local sections of the Byway as they do now.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature acknowledges the county's support of the scenic byway concept and that this doesn't mean that the County of Erie is responsible to fund the Byway and it also does not exclude the County of Erie from funding the Byway if its representatives so choose; and be it further

RESOLVED, that the New York State Department of Transportation (NYSDOT) will pay for and do the initial sign installation and local Departments of Public Works would have to contact NYSDOT and get a replacement sign if one is damaged on their portion of the byway and they will not have to pay for the sign but must perform the replacement work, with one provided to them; and be it further

RESOLVED, That the County of Erie supports the designation of the Southtowns Scenic Byway as a New York State Scenic Byway, be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to send a copy of this resolution to Robert J. Lennartz, Chairman of the Western New York Southtown's Scenic Byway Steering Committee.
 (4-0)

7. COMM. 12E-29 (2007)

COUNTY EXECUTIVE

WHEREAS, the Town of Evans secured \$754,300 in federal funding for the Town of Evans Multi-Use Pathway in the Town of Evans, extending from Bennett Beach park to approximately Wendt Beach Park; and

WHEREAS, through an assignment agreement between Erie County and the Town of Evans executed on October 10, 2006, the project will now be constructed by Erie County; and

WHEREAS, the project's nature and funding source require provision of construction engineering and inspection services; and

WHEREAS, said services were originally to be performed by Wendel-Duchscherer Architects and Engineers through a contractual agreement with the Town of Evans; and

WHEREAS, due to Wendel-Duchscherer's knowledge of project details, prior agreement to provide said services to the Town of Evans, and nearness of estimated construction bid date, a waiver of the consultant selection process as required under Section 19.08 of the Erie County Administrative Code is appropriate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Construction Engineering and Inspection Service Contract for the Town of Evans Multi-Use Pathway, Federal Aid Project #5756.75, with Wendel-Duchscherer; and be it further

RESOLVED, that funding for said agreement shall not exceed \$95,000 and is available in SAP Account A.00213; and be it further

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RESOLVED, that a waiver is hereby granted of those consultant selection provisions as required under Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the County Attorney.

(4-0)

8. COMM. 12E-55 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 33 to Paul J. Gallo Contracting, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 33 in the amount of \$313,990.40 which includes Change Order No. 1 (final), a decrease of (\$17,909.60) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 33 between the County of Erie and Paul J. Gallo Contracting, Inc., 4244 Ridge Lea Road, Amherst, New York 14226, be accepted in the amount of \$313,990.40 which includes Change Order No. 1 (final), a decrease of (\$17,909.60); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract 33 between the County of Erie and Paul J. Gallo Contracting, Inc. in the amount of \$313,990.40 and make final payment from Sewer Capital, Erie County Sewer District No. 1, Account C.00032; and be it further

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

(4-0)

9. COMM. 12E-56 (2007)
COUNTY EXECUTIVE

WHEREAS, The NYSDOT periodically schedules the improvement of sections of State Highway; and

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WHEREAS, these improvements require the adjustment of County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the individual review and approval of the Board of Managers of the sewer district; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that a NYSDOT Public Utility Work Agreement is ready to be entered into, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended to the Legislature that Erie County enter into the NYSDOT Public Utility Work Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature approve the Erie County Department of Environment and Planning, Division of Sewerage Management entering into a NYSDOT Public Utility Work Agreement for adjusting County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the individual review and approval of the Board of Managers of the sewer district; and be it further

RESOLVED, that the Erie County executive is hereby authorized to sign the NYSDOT Public Utility Work Agreement allowing the NYSDOT to perform the necessary adjustment of County sanitary sewer facilities located within the State highway right-of-way as required and at no cost to the County, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
 (4-0)

10. COMM. 12E-57 (2007)
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

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WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, it is necessary to extend the term of the grant in order to best utilize current personnel and to continue to meet the objectives of the original grant work plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a contract extension for the continuation of the SIRG 11 Program; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

**THOMAS A. LOUGHRAN
CHAIRMAN**

Item 22 – MR. KOZUB presented the following report, moved to separate number 2 and approve the balance of the report. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

JUNE 28, 2007

PUBLIC SAFETY COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 12E-2 (2007)

DISTRICT ATTORNEY: Information Regarding the DA's Office
 (4-0)

2. INTRO 10-2 (2007)

KOZUB, MARINELLI, MILLER-WILLIAMS & GRANT

WHEREAS, according to available data copper thefts are at their highest level nationally in ten years; and

WHEREAS, between March, 2005 and April, 2006, national copper prices have increased 160 percent; and

WHEREAS, in the last year the price of copper has nearly tripled as demand for a variety of metal has soared throughout the world; and

WHEREAS, the rapidly accelerating copper prices have led to an increasing number of thefts across the United States of everything from electrical wires to plumbing pipes as thieves steal and resell the expensive metal to junkyard dealers and salvage yard operators; and

WHEREAS, the municipalities in Erie County have recently experienced a large number of thefts involving the removal of copper and other metals from homes (occupied and vacant) as well as businesses throughout the region; and

WHEREAS, in Erie County during the storm of October, 2006, thieves stole electrical wires from downed power lines thereby delaying the restoration of electrical service to large pockets of our community; and

WHEREAS, the theft of copper pipes from homes and businesses have led to increased costs to the owners of the property and caused in many instances severe damage to many properties where the theft has gone undetected for a period of time: and

WHEREAS, the New York State Legislature is currently considering A. 06250 by Peoples and S. 04029 by Volker and Thompson, which would provide stricter regulations and compliance measures for operators of junk and salvage yards and penalties for those dealers who engage in illegal operations in the trade of scrap material; and

WHEREAS, the proposed legislation would impose stricter penalties on repeat offenders, require that sellers provide written verification of their authorization to sell certain items before they can be purchased and scrap yards to obtain a copy of a state issued identification card from the seller, maintain certain records and tag and hold the property for 72 hours.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature believes that it is important to protect the general public from the negative impacts caused by the theft of copper and other metals from their homes, schools and businesses, and be it further

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RESOLVED, that the Erie County Legislature does urge the New York State Legislature to approve A. 06250 and S. 04029, which amend the general business law of New York State in relation to the lawful sale of scrap copper and other metal by junk dealers and create a Task Force on lawful junk dealing and recycling; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the members of the Western New York Legislative Delegation, Governor Eliot Spitzer, to the President of the New York State Senate and the Speaker of the New York State Assembly.

(4-0)

3. COMM. 12E-12 (2007)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Anne Martin, of 301 Lakefront Blvd., Buffalo, New York as the Erie County Director of the Department of Probation for a term which expires on December 31, 2007.

(4-0)

4. COMM. 12E-58 (2007)

SHERIFF

WHEREAS, procedures have been established by Communication #6E-28 adopted on April 5, 2007, and

WHEREAS, there are adequate funds available in the reserve fund for distribution to the Sheriff's Office from the sale of surplus helicopter parts, and

WHEREAS, the use of these funds will reduce the amount of county tax dollars required for the support and maintenance the Sheriff's Office Aviation Division.

NOW, THEREFORE, BE IT

RESOLVED, that \$392,000 in available balances in the Aviation Reserve Fund is hereby transferred to the Erie County Sheriff's Office, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

<u>REVENUE</u>		<u>Increase</u>
480020	Sale of Scrap & Excess Materials	<u>392,000</u>
	Total Revenue	<u>392,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
505200	Clothing Supplies	1,870
505600	Auto, Truck & Heavy Equipment Supplies	1,530
506200	Maintenance & Repair	87,000

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510100	Out-of-Area Travel	25,000
516030	Maintenance Contracts	1,600
561410	Lab & Technical Equipment	215,000
561440	Motor Vehicle Equipment	<u>60,000</u>
	Total Appropriations	<u>392,000</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller and the Office of the Sheriff for implementation.
 (4-0)

5. COMM. 12E-59 (2007)
SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account, and

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

NOW, THEREFORE, BE IT

RESOLVED, that \$40,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>40,000</u>
	Total Revenue	<u>40,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
505200	Clothing Supplies	36,000
561410	Lab & Technical Equipment	<u>4,000</u>
	Total Appropriations	<u>40,000</u>

and be it further

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RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller and the Office of the Sheriff for implementation.
 (4-0)

DANIEL M. KOZUB
CHAIRMAN

MR. KOZUB moved to amend number 2. MS. WHYTE seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

DELETE the Eighth (8th) WHEREAS Clause in its Entirety and REPLACE with the following:

WHEREAS, the New York State Legislature is currently considering A.6291-A and S.3584-A, which would provide stricter regulations and compliance measures for operators of junk and salvage yards and penalties for those dealers who engage in illegal operations in the trade of scrap material; and

DELETE the Second (2nd) RESOLVED Clause in its Entirety and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby urge the New York State Legislature to approve and Governor Spitzer to sign into law A.6291-A and S.3584-A, which amends the general business law of New York State in relation to the lawful sale of scrap copper and other metal by junk dealers and create a Task Force on lawful junk dealing and recycling; and be it further

ATTACH the following State Legislation:

STATE OF NEW YORK

6291--A

2007-2008 Regular Sessions

IN ASSEMBLY

March 6, 2007

Introduced by M. of A. BRADLEY, LAFAYETTE, CLARK, EDDINGTON -- Multi-Sponsored by -- M. of A. DeLMONTE, GALEF, MAYERSOHN, PHEFFER, STIRPE, WEISENBERG, YOUNG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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13 description as will reasonably locate the same, his OR HER occupation
 14 and name of his OR HER employer and place of employment or business,
 15 which statement the junk dealer shall forthwith file in the office of
 16 the chief of police of the city or village in which the purchase was
 17 made, if made in a city or incorporated village, and otherwise in the
 18 office of the sheriff of the county in which made. THE JUNK METAL DEAL-
 19 ER SHALL ALSO MAKE AND RETAIN A COPY OF THE GOVERNMENT ISSUED PHOTO-
 20 GRAPHIC IDENTIFICATION CARD USED TO VERIFY THE IDENTITY OF THE PERSON
 21 FROM WHOM THE JUNK METAL WAS PURCHASED AND SHALL RETAIN THIS COPY IN A
 22 SEPARATE BOOK OR REGISTER FOR TWO YEARS FROM THE DATE OF PURCHASE OF THE
 23 JUNK METAL AND INCLUDE AN ADDITIONAL COPY OF THIS IDENTIFICATION WITH
 24 THE INFORMATION REQUIRED TO BE TRANSMITTED TO THE CHIEF OF POLICE OR
 25 SHERIFF PURSUANT TO THIS SECTION.

26 S 3. Section 69-g of the general business law, as added by chapter 431
 27 of the laws of 1976, is amended to read as follows:

28 S 69-g. Records. 1. Such scrap processor shall record (i) each
 29 purchase of any pig or pigs of metal, bronze or brass castings or parts
 30 thereof, sprues or gates or parts thereof, utility wire or brass car
 31 journals, or of metal beer kegs, and (ii) each purchase of iron, steel
 32 and/or nonferrous scrap for a price of fifty dollars or more, and
 33 preserve such record for a period of three years; which record shall
 34 show the date of purchase, name of seller, his residence address by
 35 street, number, city, village or town, THE DRIVER`S LICENSE NUMBER OR
 36 INFORMATION FROM A GOVERNMENT ISSUED PHOTOGRAPHIC IDENTIFICATION CARD,
 37 IF ANY, OF SUCH PERSON, or by such description as will reasonably locate
 38 the seller, the type and quantity of {either} SUCH purchase {(i) or
 39 (ii)}; and the scrap processor shall cause such record to be signed by
 40 the seller or his agent. It shall be unlawful for any seller to refuse
 41 to furnish such information or to furnish incorrect or incomplete infor-
 42 mation. SUCH SCRAP PROCESSOR SHALL ALSO MAKE AND RETAIN A COPY OF THE
 43 GOVERNMENT ISSUED PHOTOGRAPHIC IDENTIFICATION CARD USED TO VERIFY THE
 44 IDENTITY OF THE PERSON FROM WHOM THE SCRAP METAL WAS PURCHASED AND
 SHALL
 45 RETAIN THIS COPY IN A SEPARATE BOOK, REGISTER OR ELECTRONIC ARCHIVE FOR
 46 TWO YEARS FROM THE DATE OF PURCHASE.

47 2. Such records shall be available for inspection by the police
 48 department of the state or the municipality in which the establishment
 49 is located.

50 S 4. This act shall take effect on the one hundred eightieth day after
 51 it shall have become a law.

MR. KOZUB moved to approve number 2. MR. MAZUR seconded. MR. RANZENHOFER
 voted in the negative.

CARRIED. (14-1)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

JUNE 28, 2007

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. LL INT. 3-1 (2007)
IANNELLO, MARINELLI, REYNOLDS, KONST & LOUGHRAN: A LL Amending Article II, Section 202 of the Erie County Charter
 (4-0)
 - b. COMM. 3E-47 (2007)
MARINELLI: Government Affairs Committee Matrix Training
 (4-0)
 - c. COMM. 12D-3 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)
2. COMM. 12E-5 (2007)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities is charged with operation of local Auto Bureaus, and

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

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

WHEREAS, the lease for the Auto Bureau at 2122 George Urban Blvd, Cheektowaga, NY is set to expire and, should it do so, an interruption of revenue and service will immediately occur.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive enter into and sign a lease extension as proposed with Urbandale Development Company as landlord of the Cheektowaga Auto Bureau for a period of

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five (5) years to commence at the conclusion of the present lease on September 30, 2007, and be it further

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

(4-0)

MARIA R. WHYTE
CHAIRPERSON

Item 24 – MS. KONST presented the following report and moved for immediate consideration and approval. MS. GRANT seconded. MS. IANNELLO and MS. GRANT voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 193

JUNE 12, 2007

PERSONNEL COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATORS MILLER-WILLIAMS AND KOZUB.
 CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-6 (2007)

COUNTY EXECUTIVE

WHEREAS, Sheriff's Office court security positions had been providing reimbursed security services for the New York State Office of Court Administration (OCA); and

WHEREAS, OCA decided to end the contract with the Sheriff's Office and create its own security force, by hiring Sheriff's employees who had been working the in the Courts; and

WHEREAS, Sheriff Court related positions, now vacant, are no longer required in the Division of Jail Management.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the deletion of the following vacant positions in the Division of Jail Management:

Amount	Title	Job Group
1	Principal Court Deputy	11
4	Lieutenant Officer	10

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2	Sergeant Officer	9
129	Deputy Sheriff Officer	8
1	Deputy Sheriff Officer (55A)	8
<u>3</u>	Deputy Sheriff Officer Spanish Spk.	8f
140		

and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the following budget adjustment to balance the budget of the Division of Jail Management Fund Center 116:

Revenue	Current Budget	Decrease	Adjusted Budget
408560 SA-Criminal Justice Program	9,598,200	(7,004,654)	2,593,546
Expense			
500000 Full Time Salaries	38,336,670	(4,908,654)	33,428,016
500320 Uniform Allowance	602,250	(105,000)	497,250
500340 Line Up	1,431,880	(125,000)	1,306,880
502000 Fringe Benefits	<u>19,223,730</u>	<u>(1,866,000)</u>	<u>17,357,730</u>
Total	59,594,730	(7,004,654)	52,589,876

and be it further

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

(3-0)

2. COMM. 12E-9 (2007)

AS AMENDED

COUNTY EXECUTIVE

WHEREAS, the Sheriff's Office Division of Jail Management continues to generate significant amounts of overtime; and

WHEREAS, high prisoner populations, staffing deletions in 2005 and the inability to use State court deputies to assist in prisoner transports to the courts have all contributed to overtime; and

WHEREAS, the NYS Commission of Corrections and the Erie County Comptroller's Office have recommended increased staffing levels; and

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WHEREAS, due to vacancies, it is projected that the Jail Management Division will generate savings in the full time salary account which can be utilized to create new positions and balance the overtime account.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following staffing adjustments in the Division of Jail Management:

Title	Job Group	Positions to Add/(Delete)
Security		
Sergeant Officers	9	2
Deputy Officers	8	8
Booking and Classification		
Records Clerk	5	2
Medical Care		
Registered Nurse	8	4
Medical Aid	7	(3)
Registered Nurse PT	8	1
Medical Aid PT	7	(1)

and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the following budget adjustment to balance the budget of the Division of Jail Management, Fund Center 116:

Expense	Current Budget	Increase/ (Decrease)	Adjusted Budget
500000 Full Time Salaries	38,336,670	(1,091,004)	37,245,666
500320 Uniform Allowance	602,250	9,750	612,000
501000 Overtime	8,610,000	990,000	9,600,000
502000 Fringe Benefits	<u>19,223,730</u>	<u>91,254</u>	<u>19,314,984</u>
	59,594,530	0	59,594,530

and be it further

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

(3-0)

3. COMM. 12E-34 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health Division of Public Health Laboratories, Epidemiology & Environmental Health has the responsibility for

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surveillance, tracking and epidemiology of reportable infectious/communicable diseases, and

WHEREAS, the Division has new responsibilities for disease tracking and intervention activities for patients from the Department's Sexually Transmitted Disease Clinic, and

WHEREAS, in order to meet the needs of the Department in an effective and efficient manner, it is necessary to create one full-time position of Principal Clerk, JG VI, Step 0, and

WHEREAS, sufficient existing funds are available in the Adopted 2007 Budget due to vacant positions for which qualified candidates have been difficult to identify and due to the delay in filling vacancies with the existing approval requirements.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Principal Clerk, JG VI, Step 0 is hereby created as indicated on B100 control number 2969.

The following personnel detail is hereby submitted:

TITLE: Principal Clerk

JG: VI

STEP: 0

ANNUAL SALARY: \$28,503

FISCAL IMPACT ON THE BUDGET FOR THE REMAINING
 PORTION OF THE FISCAL YEAR: Effective June 1, 2007

COUNTY'S SHARE: \$18,242 (64%)

FRINGE BENEFIT COST: 41.15%

SOURCE FROM WHICH POSITION TO BE FILLED: Civil Service Eligibility List

and be it further

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

(3-0)

4. COMM. 12E-49 (2007)

COUNTY EXECUTIVE

WHEREAS, as a result of previous budget cuts, retirements and general attrition of personnel, Environmental Health has lost integral parts of its organizational structure, and

WHEREAS, the loss of organizational structure erodes expertise and negatively impacts the public health of Erie County residents, and

WHEREAS, repair and stabilization of the Environmental Health organizational structure is of immediate and pressing concern, and

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WHEREAS, staffing adjustments including the creation of two full-time Associate Public Health Sanitarian positions, JG XIV, two full-time Senior Public Health Sanitarian positions, JG XII, one full-time Senior Investigating Public Health Sanitarian position, JG X and one part-time Associate Public Health Sanitarian, JG XIV and the deletion of one vacant full-time Associate Public Health Engineer position, JG XV (position number 00000600) and one Supervising Public Health Sanitarian JG XI position (position number 00010151) when it becomes vacant . This will provide the long-term framework allowing Environmental Health Services to move forward effectively and efficiently, and

WHEREAS, these staffing adjustments will immediately result in the savings of \$7,700 from the Department FY2007 General Operating budget despite a net gain of staff due to the combination of deleted positions and new hires at lower steps and grade levels.

NOW, THEREFORE, BE IT

RESOLVED, that two full-time positions of Associate Public Health Sanitarian, JG XIV, Step 0, two full-time positions of Senior Public Health Sanitarian, JG XII, Step 0, one full-time position of Senior Investigating Public Health Sanitarian, JG X, Step 0, and one part-time position of Associate Public Health Sanitarian, JG XIV, Step 0, are hereby created and one vacant full-time position of Associate Public Health Engineer, JG XV position number 00000600 is hereby deleted and one full-time position of Supervising Public Health Sanitarian, JG XI position number 00010151 is hereby deleted when it becomes vacant, as indicated on B100 Control Numbers 2984, 2994 and 2995.

The following personnel detail is hereby submitted:

TITLE: Associate Public Health Sanitarian

JG: XIV

STEP: 0

ANNUAL SALARY: \$54,902

COUNTY SHARE: 64%

CIVIL SERVICE: Yes

CIVIL SERVICE LIST: Promotional List

ANNUAL BENEFITS: 41.15%

TITLE: Senior Public Health Sanitarian

JG: XII

STEP: 0

ANNUAL SALARY: \$44,876

COUNTY SHARE: 64%

CIVIL SERVICE: Yes

CIVIL SERVICE LIST: Promotional List

ANNUAL BENEFITS: 41.15%

TITLE: Senior Investigating Public Health Sanitarian

JG: X

STEP: 0

ANNUAL SALARY: \$37,886

COUNTY SHARE: 64%

CIVIL SERVICE: Yes

CIVIL SERVICE LIST: Promotional List

ANNUAL BENEFITS: 41.15%

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TITLE: Associate Public Health Sanitarian PT NUMBER OF HOURS: 19/WK
 JG: IX COUNTY SHARE: 64%
 STEP: 0
 HOURLY RATE: \$26.395 FRINGE BENEFIT: 13%
 MANNER FILLED: Previous experience in Public Health Sanitarian Title

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0)

5. COMM. 12E-52 (2007)

COUNTY EXECUTIVE

WHEREAS, the District Attorney's Office receives funding from the New York State Division of Criminal Justice Services for the Crimes against Revenue Program (CARP) Grant, and

WHEREAS, the District Attorney desires to upgrade one position of Assistant District Attorney V to that of Assistant District Attorney VI to make the salary level commensurate with the duties and knowledge required of that position for this particular grant program, and

WHEREAS, the District Attorney wishes to replace the position of Confidential Investigator of Accounts, JG 7, which is currently vacant, with that of Economic Crime Analyst , JG 11, to more accurately reflect the qualifications and job duties required of this position by the grant objectives under this particular program, and

WHEREAS, the funds necessary to effectuate the following changes are available through the CARP grant, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2006 and 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to delete position #51001786, namely one Assistant District Attorney V, Job Group 16 and create one position of Assistant District Attorney VI, Job Group 17 (B100 #3011), and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to delete position #51001787, namely one Confidential Investigator of Accounts, Job Group 7 and create the position of Economic Crime Analyst, Job Group 11, (B-100 #2990), and be it further

RESOLVED, that authorization is hereby provided to reallocate funds within the District Attorney's Crimes against Revenue Program Grant to match state authorized funding levels, to be adjusted as follows:

CRIMES AGAINST REVENUE PROGRAM (CARP)
Fund: 281, Cost Center: 1140050, Grant: 114CARP0607
July 1, 2006 to June 30, 2007

<u>Revenue</u>	<u>Original</u>	<u>Change</u>	<u>Final</u>
409000 State Revenue	\$ 170,000	\$ - 0 -	\$ 170,000
Total Revenue	<u>\$ 170,000</u>	<u>\$ - 0 -</u>	<u>\$ 170,000</u>
 <u>Appropriation</u>			
500000 Full Time Salaries	\$103,641	\$4,359	\$ 105,000
502000 Fringe Benefits	42,649	5,901	45,525
510000 Local Mileage	435	(435)	- 0 -
510100 Out of Area Travel	3,750	(3,250)	500
510200 Training & Education	500	(300)	200
561410 Equipment	1,000	(250)	750
911400 ID District Attorney Services	18,025	- 0 -	18,025
Total Appropriations	<u>\$ 170,000</u>	<u>\$ - 0 -</u>	<u>\$ 170,000</u>

CRIMES AGAINST REVENUE PROGRAM (CARP)
Fund: 281, Cost Center: 1140050, Grant: 114CARP0708
July 1, 2007 to June 30, 2008

<u>Revenue</u>	<u>Original</u>	<u>Change</u>	<u>Final</u>
409000 State Revenue	\$ 155,621	\$ 24,379	\$ 180,000
Total Revenue	<u>\$ 155,621</u>	<u>\$ 24,379</u>	<u>\$ 180,000</u>
 <u>Appropriation</u>			
500000 Full Time Salaries	\$110,252	\$ 17,748	\$ 128,000
502000 Fringe Benefits	45,369	6,631	52,000
Total Appropriations	<u>\$ 155,621</u>	<u>\$ 24,379</u>	<u>\$ 180,000</u>

and be it further

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

(3-0)

KATHY KONST
CHAIRPERSON

LEGISLATOR RESOLUTIONS

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

RE: Intergovernmental Relations Board
(INTRO 13-1)

**A RESOLUTION SUBMITTED BY
LEGISLATOR KONST**

WHEREAS, any city, town, village, school district, board of cooperative educational service, or fire district or any combination of these outside of New York City can create an intergovernmental relations council; and

WHEREAS, Intergovernmental Relations Councils are used to strengthen local governments and to promote efficiencies; and

WHEREAS, the New York State Assembly Bill No. 06844 and Senate Bill No. 4253 would amend Section 239-n of the General Municipal Law and allow for Public Benefit Corporations to be members of intergovernmental relations councils; and

WHEREAS, with the passage of these bills, the intergovernmental relations councils would have a broader scope of authority and responsibility; and

WHEREAS, by granting the intergovernmental relations council a broader scope, greater economic efficiencies would be achieved; and

WHEREAS, this would be accomplished by extending the powers of intergovernmental relations councils to recommend services which ensure quality goods, equipment and services at the best possible price; and

WHEREAS, A.06844/S.4253 would amend State General Municipal Law to give intergovernmental relations council the power not only to devise practical ways to obtain greater economical efficiency, but also recommend or implement them.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls upon the State Assembly and Governor Spitzer to approve this legislation which has already been passed by the Senate; and be it further

RESOLVED, that this body forward certified copies of this legislation to all members of the Western New York State Legislative Delegation and Governor Spitzer.

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MS. WHYTE moved to amend the item by including Et Al Sponsorship and attaching the State Legislation. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

STATE OF NEW YORK

6844

2007-2008 Regular Sessions

IN ASSEMBLY

March 20, 2007

Introduced by M. of A. SCHROEDER, LAFAYETTE, GABRYSZAK, SCHIMMINGER, McKEVITT, WALKER, ALFANO -- Multi-Sponsored by -- M. of A. BACALLES, MARKEY, PEOPLES, TOWNS -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to members and powers of intergovernmental relations councils

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 239-n of the general municipal law, as amended by
2 chapter 728 of the laws of 1961, the section heading, the opening para-
3 graph and paragraph a of subdivision 1 and subdivisions 2 and 3 as
4 amended and paragraph h of subdivision 1 as added by chapter 203 of the
5 laws of 1983, paragraphs f and g of subdivision 1 as amended and para-
6 graph e of subdivision 1 as added by chapter 96 of the laws of 1962 and
7 paragraphs i, j and k of subdivision 1 as added by chapter 605 of the
8 laws of 1993, is amended to read as follows:
9 S 239-n. Intergovernmental relations councils. 1. Any county outside
10 the city of New York, city, town, village, school district, board of
11 cooperative educational services, {or} fire district OR PUBLIC BENEFIT
12 CORPORATION or any combination thereof, may create by agreement an
13 intergovernmental relations council to strengthen local governments and
14 to promote efficient and economical provision of {local governmental}
15 PUBLIC services within or by such participating {municipalities}
16 MEMBERS, and to that end such council shall have power to:
17 a. Make surveys and studies and conduct research programs to aid in
18 the solution of local governmental problems and in efforts to improve
19 administration and services.

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- 20 b. Provide for the distribution of information resulting from such
 21 surveys, studies and programs.
 22 c. Consult and cooperate with appropriate state, municipal and public
 23 or private agencies in matters affecting municipal government.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
 { } is old law to be omitted.

LBD07968-02-7

A. 6844

2

- 1 d. Devise, RECOMMEND AND IMPLEMENT practical ways and means for
 2 obtaining greater economy and efficiency in the planning and provision
 3 of {municipal} PUBLIC services {and make recommendations in accordance
 4 therewith}.
- 5 e. Promote the general commercial, industrial and cultural welfare of
 6 the participating {municipalities} MEMBERS.
- 7 f. Otherwise promote strong and effective local government, public
 8 health, safety, morals and general welfare by means of local and inter-
 9 community planning or performance of {municipal} PUBLIC services AND
 10 GOVERNMENTAL FUNCTIONS.
- 11 g. Employ such persons and adopt such rules and regulations as shall
 12 be necessary and proper to effectuate the purposes of this section.
- 13 h. Provide a forum for local governments to explore and develop areas
 14 for {municipal} cooperative activities pursuant to {article five-G of}
 15 this chapter.
- 16 i. Operate as a purchasing consortium, where authorized by participat-
 17 ing {municipalities} MEMBERS, for the purpose of obtaining economies
 18 through joint bidding and purchasing.
- 19 j. Purchase and make available to participating {municipalities}
 20 MEMBERS, where authorized by participating {municipalities} MEMBERS,
 21 goods {and}, equipment AND SERVICES, including but not limited to
 22 computer hardware and software.
- 23 k. Gather and make available information on surplus goods and equip-
 24 ment for sale or lease.
- 25 2. The PARTICIPATING members of an intergovernmental relations council
 26 shall adopt by-laws to govern its activities and shall elect from their
 27 own number a {chairman} CHAIRPERSON and secretary and other necessary
 28 officers to serve for such period as the PARTICIPATING members shall
 29 decide.
- 30 3. The board of supervisors of a county, the appropriate officials of
 31 a city, the governing body of a school district, board of cooperative
 32 educational services or fire district, the board of trustees of a
 33 village, {or} the town board of a town OR THE MEMBERS OR BOARD OF A
 34 PUBLIC BENEFIT CORPORATION, is hereby authorized to include annually in
 35 the budget and raise by taxation in such county, city, school district,
 36 village or town a sum to meet all or an appropriate share of the actual

- 37 and necessary expenses of establishing, maintaining and continuing such
 38 intergovernmental relations council.
 39 S 2. This act shall take effect immediately.

Item 26 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: Interpretation, Enforcement and Collection
 of the Erie County Hotel Occupancy Tax
 Law (INTRO 13-2)

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

WHEREAS, this Honorable Body adopted Local Law 12-1974 to impose the Hotel Occupancy Tax (the “Bed Tax”) to be collected by hotel, motel and lodging operators in Erie County; and

WHEREAS, under the Bed Tax all hotel, motel and lodging establishments must register with the County, collect the tax and remit the taxes collected with a completed tax return on a quarterly basis; and

WHEREAS, a failure to submit a timely return and payment remittance to the County subjects the hotel operator to penalty and interest assessments; and

WHEREAS, the Erie County Comptroller has conducted and filed an audit of the Collection and Enforcement of the Bed Tax over a one year period ending February 26, 2007 (the “Audit”); and

WHEREAS, among other findings and recommendations the Audit has revealed that one unnamed hotel operator referred to in the Audit under the pseudonym of “BETA”, has demonstrated a pattern and frequency of delinquency and nonpayment of the Bed Tax to the County; and

WHEREAS, the Audit reports “...that as of May 9, 2007, Beta is more than twenty (20) months in arrears against [a negotiated payment agreement], totaling more than \$100,000”; and

WHEREAS, the Audit further reports that “The total sum of the Hotel Occupancy Tax due to the County under [the payment agreement with BETA] is more than \$500,000”; and

WHEREAS, the Audit also reports that “Prior to our audit the County Executive’s Division of Budget, Management and Finance and/or Department of Law had taken no steps to address this apparent default”; and

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WHEREAS, a provision of the Bed Tax prohibits the disclosure of the amount of the hotel occupancy tax paid by a specific business, along with sales or other revenue related data of a specific business (the "Confidentiality Clause"); and

WHEREAS, as reported in a Buffalo News article published on June 21, 2007, both the Comptroller and the Administration have denied Freedom of Information requests and an appeal submitted by the Buffalo News to obtain the name of BETA and copies of the various payment agreements between the County and BETA, based on their interpretation of the Confidentiality Clause; and

WHEREAS, this Honorable Body is committed to transparency and accountability in the conduct of the business of government; and

WHEREAS, this Honorable Body does hereby desire to immediately clarify the legislative intent of the Confidentiality Clause so that the Administration and the Comptroller can expeditiously comply with FOIL requests related to the collection and enforcement of the Bed Tax without fear that their actions will trigger the sanctions set forth in the Bed Tax for violation of the Confidentiality Clause; and

WHEREAS, on June 26, 2007 the Comptroller has communicated to this Honorable Body, his recommendation for an amendment to the Bed Tax law, by adding language as is set forth in attachment A, hereto; and

WHEREAS, this Honorable Body has read the Audit in full and is deeply concerned about the Administration's commitment to consistent, full and fair enforcement of the Bed Tax, especially in light of the Administration's persistent and aggressive attempts to have this Honorable Body dedicate the entire Bed Tax to the Convention and Visitors Bureau.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body does hereby declare that the legislative intent of the Confidentiality Clause as set forth in the Bed Tax is intended to protect the confidentiality of each reporting entity's proprietary information which relates to its competitive advantage in the market place, where a reporting entity is in compliance with the Bed Tax; and be it further

RESOLVED, that this Honorable Body does hereby declare that it was not the intent of the Legislature to allow the Confidentiality Clause to be used as a shield to protect delinquent entities from disclosure of their delinquency in opposition to properly filed, and otherwise valid FOIL requests of the public; and be it further

RESOLVED, that this Honorable Body recommends that the Administration and/or the Comptroller reverse the denial of the FOIL appeal filed by the Buffalo News and immediately provide copies of all payment agreements between the County and BETA, with redactions allowed only to the extent necessary to protect BETA's clearly proprietary information; and be it further

RESOLVED, that the Audit be referred to the Legislature's Finance and Management Committee for monitoring and follow up to ensure the Administration's compliance with the Audit

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Recommendations; and further to examine on its own the penalty waiver practices and concessions granted to hotel operators who enter into “payment agreements” after falling delinquent; and be it further

RESOLVED, that the Director of Real Property Tax Services be directed to appear before the Legislature’s Finance & Management Committee at a time and date to be set by the Chair thereof, to report on the deficiencies charged to the Director’s responsibility in the Audit; and corrective actions to be implemented by the Director to comply with the Audit Recommendations; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, County Comptroller, County Attorney, Director of Real Property Tax Services; the Erie County Fiscal Stability Authority and the Executive Director of the Convention and Visitors Bureau.

MS. WHYTE moved for Et Al Sponsorship. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE.

Item 27 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 2D-3. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: OPEN ITEM: Correction of Errors on
Petitions

MS. WHYTE moved to amend the item by attaching the following resolution. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

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RESOLVED, that petitions numbered **207262** through **207297** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2006 Petition No. **207,262.00**

ASSESSOR **Refund** \$588.97

S-B-L 41.07-4-2.1\71B **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$588.97	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$588.97	
	Relevy School	\$588.97	142203 WILLIAMSVILLE CENT

RPTL 550(2) C - failed to act on Basic STAR exemption

FISCAL YEAR 2005 Petition No. **207,263.00**

ASSESSOR **Refund** \$620.57

S-B-L 41.07-4-2.1/71B **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$620.57	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$620.57	
	Relevy School	\$620.57	142203 WILLIAMSVILLE CENT

RPTL 550(2) C Failed to act on Basic STAR exemption

FISCAL YEAR 2004 Petition No. **207,264.00**

ASSESSOR **Refund** \$598.20

S-B-L 42.10-6-4 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.20	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$598.20	

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Charge To : 146800 WEST SENECA \$401.69

RPTL 550(2) B ERROR IN COMPUTATION OF EXEMPTION

FISCAL YEAR 2006 Petition No. 207,277.00

ASSESSOR **Refund** \$752.79

S-B-L 143.15-4-20 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$752.79 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$752.79
Relevy School \$752.79 146801 WEST SENECA CENT

RPTL 550(2) B ERROR IN COMPUTATION OF SENIOR EXPEMPTION

FISCAL YEAR 2007 Petition No. 207,278.00

ASSESSOR **Refund** \$96.88

S-B-L 135.14-1-15 146800 WEST SENECA

Acct. No. 112 \$35.14 County
Acct. No. 132 \$61.74 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$61.74

RPTL 550(2) B ERROR IN COMPUTATION OF EXEMPTION

FISCAL YEAR 2007 Petition No. 207,279.00

ASSESSOR **Refund** \$154.28

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S-B-L 135.14-1-51

146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$154.28	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$154.28	
	Relevy School	\$154.28	146801 WEST SENECA CENT

RPTL 550(2) B ERROR CALCULATING SENIOR EXEMPTION

FISCAL YEAR 2006

Petition No.

207,280.00

ASSESSOR **Refund** \$580.22

S-B-L 250.12-8-47.1

144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$580.22	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$580.22	
	Relevy School	\$580.22	144401 LAKE SHORE CENTRAL

RPTL 550(2) C - FAILED TO ACT ON BASIC STAR EXEMPTION

FISCAL YEAR 2005

Petition No.

207,281.00

ASSESSOR **Refund** \$582.35

S-B-L 250.12-8-47.1

144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$582.35	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$582.35	
	Relevy School	\$582.35	144401 LAKE SHORE CENTRAL

RPTL 550(2) C FAILED TO ACT ON STAR EXEMPTION

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FISCAL YEAR 2007	Petition No.	207,282.00	
ASSESSOR	Cancel	\$126.75	
S-B-L 235.16-1-2.11	144401 ANGOLA		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$126.75	Town/SpecialDist/School
<u>Charge To :</u>	144401 ANGOLA	\$126.75	
	Relevy Village	\$126.75	Village of ANGOLA
RPTL 550(2) c FAILED TO ACT ON EXEMPTIONS			

FISCAL YEAR 2007	Petition No.	207,283.00	
ASSESSOR	Cancel	\$137.47	
S-B-L 251.07-3-17	144401 ANGOLA		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$137.47	Town/SpecialDist/School
<u>Charge To :</u>	144401 ANGOLA	\$137.47	
	Relevy Village	\$137.47	Village of ANGOLA
RPTL 550(2) C FAILURE TO ACT ON EXEMPTION			

FISCAL YEAR 2007	Petition No.	207,284.00	
ASSESSOR	Cancel	\$405.60	
S-B-L 235.16-1-13	144401 ANGOLA		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$405.60	Town/SpecialDist/School
<u>Charge To :</u>	144401 ANGOLA	\$405.60	
	Relevy Village	\$405.60	Village of ANGOLA
RPTL 550(2) C FAILED TO ACT ON EXEMPTION			

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FISCAL YEAR 2007 Petition No. **207,285.00**

 ASSESSOR **Cancel** \$267.20

S-B-L 235.12-1-1-13 **144401 ANGOLA**

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$267.20 Town/SpecialDist/School

Charge To : **144401 ANGOLA** **\$267.20**

Relevy Village \$267.20 Village of ANGOLA

RPTL 550(2) C FAILED TO ACT ON EXEMPTION

FISCAL YEAR 2007 Petition No. **207,286.00**

 ASSESSOR **Cancel** \$66.43

S-B-L 235.11-1-42.1 **144401 ANGOLA**

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$66.43 Town/SpecialDist/School

Charge To : **144401 ANGOLA** **\$66.43**

Relevy Village \$66.43 Village of ANGOLA

RPTL 550(2) C FAILED TO ACT ON EXEMPTION

FISCAL YEAR 2006 Petition No. **207,288.00**

 OWNER **Refund** \$182.40

S-B-L 238.00-4-25.1 **144000 EDEN**

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$182.40 Town/SpecialDist/School

40052 EC2 FOOTAGE O&M \$182.40

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Charge To : 144000 EDEN \$0.00

RPTL 550(2) - ERROR CALCULATING SPECIAL DISTRICT UNITS

FISCAL YEAR 2005 Petition No. 207,289.00

OWNER Refund \$136.80

S-B-L 238.00-4-25.1 144000 EDEN

Acct. No. 112 \$0.00 County

Acct. No. 132 \$136.80 Town/SpecialDist/School

40052 EC2 FOOTAGE O&M \$136.80

Charge To : 144000 EDEN \$0.00

RPTL 550(2) - ERROR CALCULATING SPECIAL DISTRICT UNITS

FISCAL YEAR 2007 Petition No. 207,290.00

OWNER Refund \$304.00

S-B-L 238.00-4-25.1 144000 EDEN

Acct. No. 112 \$0.00 County

Acct. No. 132 \$304.00 Town/SpecialDist/School

40052 EC2 FOOTAGE O&M \$304.00

Charge To : 144000 EDEN \$0.00

RPTL 550(2) - ERROR CALCULATING SPECIAL DISTRICT UNITS

FISCAL YEAR 2007 Petition No. 207,291.00

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	OWNER	Refund	\$186.00	
S-B-L	238.00-4-24.121	144000 EDEN		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$186.00	Town/SpecialDist/School
	40052 EC2 FOOTAGE O&M		\$186.00	
<u>Charge To :</u>	144000 EDEN			\$0.00

RPTL 550(2) ERROR CALCULATING SPECIAL DISTRICT UNITS

FISCAL YEAR 2006 Petition No. **207,292.00**

	OWNER	Refund	\$111.60	
S-B-L	238.00-4-24.121	144000 EDEN		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$111.60	Town/SpecialDist/School
	40052 EC2 FOOTAGE O&M		\$111.60	
<u>Charge To :</u>	144000 EDEN			\$0.00

RPTL 550(2) - ERROR CALCULATING SPECIAL DISTRICT UNITS

FISCAL YEAR 2005 Petition No. **207,293.00**

	OWNER	Refund	\$83.70	
S-B-L	238.00-4-24.121	144000 EDEN		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$83.70	Town/SpecialDist/School
	40052 EC2 FOOTAGE O&M		\$83.70	
<u>Charge To :</u>	144000 EDEN			\$0.00

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Charge To : 143089 CHEEKTOWAGA \$418.00

RPTL 550(2) - ERROR CALCULATING SPECIAL DISTRICT CHARGES

FISCAL YEAR 2007 Petition No. 207,297.00

ASSESSOR Refund \$225.71

S-B-L 43.09-5-1.15B 142289 AMHERST

Acct. No. 112 \$34.25 County

Acct. No. 132 \$191.46 Town/SpecialDist/School

22030 EAST AMHERST FD \$4.42

Charge To : 142289 AMHERST \$187.04

Relevy School \$146.14

RPTL 550(2) e - ASSESSED VALUE NOT ACCURATE ON TAX BILL

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

CARRIED UNANIMOUSLY.

Item 28 – MS. WHYTE moved to discharge the PERSONNEL COMMITTEE from further consideration of COMM. 11E-14 (2007). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

RE: Budget Re Budget Revision – DEP

WHEREAS, the Erie County Department of Environment and Planning has been without in-house accounting services since the 2005 budget cuts; and

WHEREAS, said services have been performed by administrative support staff, and senior professional staff with periodic technical support from grant funded accounting personnel; and

WHEREAS, a cost effective method for obtaining said accounting services is part time utilization of an existing Supervising Accountant within the Community Development Block Grant (CDBG) fund; and

WHEREAS, said utilization would require reimbursement of the CDBG grant fund the value of non-grant related services to be performed by the Supervising Accountant; and

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WHEREAS, the ongoing budget and accounting tasks necessary to successfully manage a line department requires accounting personnel specifically dedicated to department duties.

NOW, THEREFORE, BE IT

RESOLVED, that the operating fund budget for the Department of Environment and Planning be revised to reflect the joint funding of the Supervising Accountant position as follows:

FUND 110

Account 500000	Full-Time Salaries	(\$29,717)
Account 916280	ID – CDBG	\$29,717

and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 29 - MS. WHYTE presented moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-48 from LEGISLATOR MARINELLI Re: Law Library Board of Trustees

Received, Filed and Printed.

July 12, 2007

Hon. Sharon S. Townsend
 Administrative Judge
 8th Judicial District
 92 Franklin Street
 Buffalo, NY 14202-3979

RE: LAW LIBRARY BOARD OF TRUSTEES

Dear Justice Townsend:

Thank you for your letter of July 2, 2007 concerning the opportunity to recommend the appointment of a member of the Law Library Board of Trustees.

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Accordingly, I recommend the appointment of 9th District Erie County Legislator Cynthia E. Locklear to serve on the Law Library Board of Trustees for a term of two years commencing October 2, 2007.

Thank you again.

Sincerely,

Lynn M. Marinelli, Chair
 And 11th District Legislator

Cc: Legislator Cynthia E. Locklear

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 30 – (COMM. 13E-1) Potential Change to LL No. 12-1974 - Hotel Occupancy Tax

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 31 – (COMM. 13E-2) Certificate of Determination Relative to Authorization, Issuance, Form and Content, Sale and Award of a \$75 Million RAN

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 32 – (COMM. 13E-3) Rath Building Auto Bureau

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 33 – (COMM. 13E-4) Revised 2007 Schedule of Legislative Sessions

Received, Filed and Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chairperson

Subject: 2007 SCHEDULE OF LEGISLATIVE SESSIONS

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JANUARY

8
18

JULY

12
26

FEBRUARY

1
15

AUGUST

Recess

MARCH

1
15

SEPTEMBER

20
27

APRIL

5
19

OCTOBER

11
25

MAY

3
17

NOVEMBER

15
29

JUNE

7
21

DECEMBER

4 *Budget*
6
11 *Budget Override*
13

Item 34 – (COMM. 13E-5) Changing Dates of Legislature Sessions

Received, Filed and Printed.

MEMORANDUM

DATE: July 3, 2007

FROM: Lynn M. Marinelli, Chair
Erie County Legislature

TO: Robert M. Graber, Clerk
Erie County Legislature

RE: CHANGING DATES OF LEGISLATURE SESSIONS

Please be advised that I would like to change the dates of the sessions of the Erie County Legislature scheduled for July 19, 2007 at 2:00 PM to July 26, 2007 at 2:00 PM, and the session scheduled for September 13, 2007 at 2:00 PM to September 20, 2007 at 2:00 PM.

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Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular sessions of the Legislature.

Please notify all members of these changes.

Thank you for your prompt attention to this matter.

Cc: Hon. Maria R. Whyte
 Majority Leader, Erie County Legislature

Hon. John J. Mills
 Minority Leader, Erie County Legislature

FROM THE COMPTROLLER

Item 35 – (COMM. 13E-6) Apportionment and Distribution of Net Collections From the Local 4.75% Sales and Compensating Use for Erie County for 4/07 - 6/07

Item 36 – (COMM. 13E-7) Frank Lloyd Wright Boathouse Project Bond Resolution

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

FROM LEGISLATOR WHYTE

Item 37 – (COMM. 13E-8) Citizen's Guide to Parks within the City of Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 38 – (COMM. 13E-9) Request for Surplus Computers

Received, Filed and Printed.

July 10, 2007
 Clerk
 Erie County Legislature
 92 Franklin St.
 Buffalo, NY 14202

Dear Mr. Graber:

I am writing to request that the County donate 50 obsolete computers for distribution to clients in Erie County as part of The Family Voices Network. You will find their letter of request attached to this correspondence.

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The Family Voices Network is a unit within Erie County Department of Mental Health that was created (Family Voices Network of Erie County) in October 2004 to address the needs of children and youth (age 5-17) experiencing complex serious mental health challenges. Erie County implemented the "Wraparound Initiative" under Family Voices Network, you can reach David Serwinowski at 858-1578.

Should you have any questions regarding this request, please contact me in my district office. I look forward to receiving confirmation in the near future that you have been able to accommodate this application.

Very Truly Yours,

Lynn M. Marinelli
 Erie County Legislature Chairperson
 11th Legislative District Legislator

Attachment

cc: The Family Voices Network, David Serwinowski
 Erie County DISS, Director Kenneth Beam
 Erie County Purchasing, Director Vallie M. Ferraraccio

June 21, 2007

The Erie County Legislature
 92 Franklin Street – 4th Floor
 Buffalo, New York 14202

Re: Surplus Computers

The Erie County Department of Mental Health is requesting 50 obsolete computers for distribution to clients in Erie County as part of The Family Voices Network. This request is based on Erie County Legislative resolution #37 of 2/5/2004 that obsolete surplus computers be used for distribution to families and agencies serving Erie County families. Written receipts will be provided and returned when these computers are distributed to the families and/or agencies.

Please contact David Serwinowski for further details at 858-1578.

Very truly yours,

Marie Morilus-Black
 Family Voices Network of Erie County Director
 Erie County Department of Mental Health

FROM THE COUNTY EXECUTIVE

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Item 39 – (COMM. 13E-10) CPS - Authorization for County Executive to Enter Into Contract With The International Chiefs of Police

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 40 – (COMM. 13E-11) Health - Facilitated Enrollment Program - 1/1/07 - 12/31/07

Received and referred to the HEALTH COMMITTEE.

Item 41 – (COMM. 13E-12) Forensic Laboratory: 2007 Laboratory Supply Budget Increase

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

RE: Social Services - Strengthening Families
 Program (COMM. 13E-13)

WHEREAS, the Department of Social Services has conducted a request for proposals to allocate funding provided through a special Two-year State award to provide services to non-custodial parents, and

WHEREAS, a panel of Social Services staff reviewed the five responses to the RFP and has recommended funding a program at Educational Opportunity Center, and

WHEREAS, this program will promote strong, healthy relationships between non-custodial parents and their children by identifying and addressing issues that impede this relationship, and

WHEREAS, services to be provided include employment, case management, legal, financial and parenting, and

WHEREAS, recently adopted resolutions authorized the Department to accept the State funds and this subsequent resolution authorizes the second year of a contract with Educational Opportunity Center, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 281

INCREASE/

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<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>(DECREASE)</u>
516010	Educational Opportunity Center	\$150,000
516010	Contractual Services	<u>(150,000)</u>
	Total Expenditure	<u>\$0</u>

and be it further

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

Item 43 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Social Services - Catholic Charities -
 Closing the Gap Contract Increase
 (COMM. 13E-14)

WHEREAS, the Department of Social Services will receive a \$7,000 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at supplementing the successful Closing the Gap initiative, and

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

WHEREAS, the donated funds will be used to supplement an existing contract with Catholic Charities as an important agency for this program, and

WHEREAS, the Closing the Gap initiative places casework staff in school buildings to provide an outreach specialist function to assist students as needed in assessment, counseling, referral and intervention, and this contract increase will enable an expanded summer youth program, and

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

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 110

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<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Catholic Charities	<u>\$20,000</u>
	Total Expenditure	<u>\$20,000</u>
418430	Donated Funds	\$7,000
407680	State Aid Services for Recipients	<u>13,000</u>
	Total Revenue	<u>\$20,000</u>

and be it further

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

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

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

Item 44 – (COMM. 13E-15) CPS - Fire Safety Division - Transfer of Funds to Purchase Needed Personal Protective Equipment and Supplies

Item 45 – (COMM. 13E-16) Health - Purchase of Automated External Defibrillators for the Office of the Sheriff

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Advance Authorization to Enter Into All Necessary Agreements for Construction of a Sanitary Sewer for the Frank Lloyd Wright Rowing Boathouse (COMM. 13E-17)

WHEREAS, pursuant to a certain Inter-Municipal Exchange Agreement dated as of May 28, 2004 (the “Agreement”), the State of New York conveyed title to the County to a certain parcel of land along the Niagara River for public /recreational purposes; and

WHEREAS, said Agreement required the County to lease such parcel of land to the Frank Lloyd Wright Rowing Boathouse Corporation (the “Boathouse Corp.”) for the construction of a rowing boathouse designed by Frank Lloyd Wright; and

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WHEREAS, the County and Boathouse Corp. entered into such Lease Agreement dated July 2005 (the "Lease") and the construction of such rowing boathouse is nearing completion; and

WHEREAS, the Boathouse Corp. had been contemplating utilizing a septic system which has been determined to be unacceptable under the County's Sanitary Code; and

WHEREAS, because the County is, in fact, the fee owner of the property, it is incumbent on the County to provide a sanitary sewer system; and

WHEREAS, funding for the project would be advanced from Erie County Sewer District No. 3 capital reserves; and

WHEREAS, all costs and expenses of furnishing, operation, maintenance and treatment are to be paid by the Boathouse Corp. pursuant to provisions in a proposed amendment to the existing Lease, requiring such payment to County Sewer District No. 3; and

WHEREAS, time is of the essence to construct and install a sanitary sewer in order to permit the imminent opening and immediate utilization of the Frank Lloyd Wright Rowing Boathouse.

NOW, THEREFORE, BE IT

RESOLVED. that the Department of Environment and Planning, Division of Sewerage Management be and is hereby authorized to publicly bid the construction of a sanitary sewer system, pursuant to the provisions of the General Municipal Law, to service the Frank Lloyd Wright Rowing Boathouse and connect it to the existing system of the Buffalo Sewer Authority and to award a contract to the lowest responsible bidder in an amount not to exceed one hundred thousand dollars; and be it further

RESOLVED, that the County Executive be and is hereby authorized to execute all documents and agreements ancillary and incident to providing such sanitary sewer service to the Boathouse Corp. including, but not limited to:

(i) a contract for construction of a sanitary sewer to the lowest responsible bidder in an amount not to exceed one hundred thousand dollars, provided sufficient funds therefor are provided from the capital reserves of Erie County Sewer District No. 3;

(ii) all necessary easements required from adjoining property owners and agreement(s) with the Buffalo Sewer Authority permitting connection of the sanitary sewer to the existing system of the Buffalo Sewer Authority; and

(iii) an amendment to the existing Lease between the County and the Boathouse Corp. which shall provide that the Boathouse Corp. shall repay to County Sewer District No. 3 all costs and expenses incurred by the County for the construction of said sanitary sewer, including payment to County Sewer District No. 3 for all annual operation, maintenance and treatment costs related thereto; said sums of money to be paid or repaid in annual installments over a period of years to be agreed upon by the parties; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance, the Board of Managers of Erie County Sewer District No. 3, the County Comptroller, Andrew M. Eszak, AICP, Commissioner of the Department of Environment and Planning, Thomas Whetham, Deputy Commissioner of the Department of Environment and Planning, Division of Sewerage Management, and the County Attorney.

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

CARRIED UNANIMOUSLY.

DELETE THE 6TH AND 7TH WHEREAS CLAUSES AND REPLACE WITH THE FOLLOWING:

WHEREAS, funding for the project would be advanced from the Erie County Department of Environment and Planning (ECDEP); and

WHEREAS, all costs and expenses of furnishing, operation, maintenance and treatment are to be paid by the Boathouse Corp. pursuant to provisions in a proposed amendment to the existing Lease and or other agreements requiring such re-payment to ECDEP; and

DELETE (i) AND (iii) of the 2nd RESOLVED CLAUSE REPLACE WITH THE FOLLOWING:

- (i) a contract for construction of a sanitary sewer to the lowest responsible bidder in an amount not to exceed one hundred thousand dollars, with funds being provided by ECDEP from Cost Center 1331010, which contains \$75,000 and from Cost Center 1331010, which contains \$77,406. These Cost Centers contain de-obligated Workforce Development funds.
- (ii) an amendment to the existing Lease between the County and the Boathouse Corp. and or other agreement(s) which shall provide that the Boathouse Corp. shall repay to ECDEP all costs and expenses incurred by the County for the construction of said sanitary sewer, including payment to ECDEP for all annual operation, maintenance and treatment costs related thereto; said sums of money to be paid or repaid in annual installments over a period of years to be agreed upon by the parties which amendment or other agreements shall be filed with the Erie County Legislature; and be it further

DELETE *the Board of Managers of Erie County Sewer District No. 3* from the FINAL RESOLVED CLAUSE.

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

CARRIED UNANIMOUSLY.

Item 47 – (COMM. 13E-18) Levy of the 2007-2008 School Tax Budgets

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (COMM. 13E-19) Mental Health - Authorization to Enter Into Agreement with Saving Grace Ministries, Inc.

Received and referred to the HEALTH COMMITTEE.

Item 49 – (COMM. 13E-20) Health - WNY Coalition for Diabetes Prevention

Item 50 – (COMM. 13E-21) Health - Division of Surveillance and Epidemiology - Immunization Action Plan Grant - Personnel Adjustment

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

Item 51 – (COMM. 13E-22) DEP - Buffalo River Walk Trail Project, Grant Authorization

Item 52 – (COMM. 13E-23) ECSD No. 5 - Erie County Sewer Agency Report - Town of Clarence Sewer Districts Nos. 2, 6, 7 & 9 - Extension and the Consolidation of ECSD No. 5 and its Extension

Item 53 – (COMM. 13E-24) ECSD No. 3 - Erie County Sewer Agency Report - Woodlawn Sewer District Extension

Item 54 – (COMM. 13E-25) ECSD No. 3 - Erie County Sewer Agency Report - Town of Hamburg Sewer Districts Extension

Item 55 – (COMM. 13E-26) ECSD No. 3 - Erie County Sewer Agency Report - Wanakah Sewer District Extension

Item 56 – (COMM. 13E-27) People Community Housing Development Corporation - Angola Project

Item 57 – (COMM. 13E-28) Budget Revision for the State Indoor Radon Grant (SIRG) 11 Program

Item 58 – (COMM. 13E-29) State Indoor Radon Grant (SIRG) 12 Program

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

Item 59 – (COMM. 13E-30) Wehrle Drive Reconstruction Project: Authorization to Pursue Administrative Settlements and Eminent Domain Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 – MS. WHYTE presented the following item and moved for immediate

consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: Intermunicipal Agreement with Town of Amherst for Tree Removal (COMM. 13E-31)

WHEREAS, on October 12, 2006 a major storm hit Western New York that caused significant damage to trees throughout the area, and

WHEREAS, a disaster was declared, an Emergency Operations Center was established that still is in existence today and the New York State Emergency Management Office (SEMO)/Federal Emergency Management Agency (FEMA) mobilized staff to assist in the cleanup, and

WHEREAS, as part of the cleanup effort, the Erie County Emergency Operations Center removed trees in many communities that sought assistance, and

WHEREAS, the Town of Amherst has now asked the Erie County Emergency Operations Center for tree removal assistance, and

WHEREAS, using the arborist's contract data supplied by Erie County, the Town of Amherst will supply Erie County a list of trees they desire to be removed and handle all resident complaints and concerns about tree removal, and

WHEREAS, SEMO/FEMA wrote a Project Worksheet for this work for the Town of Amherst, and

WHEREAS, if Erie County is to assist the Town of Amherst, SEMO/FEMA has suggested that the County will perform the work, bill the Town of Amherst, and have Amherst bill SEMO/FEMA through their written Project Worksheet, and

WHEREAS, the Town of Amherst will reimburse Erie County for the work, who will in turn pay the contractor for the work, and

WHEREAS, the Town of Amherst has agreed that this is acceptable,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into an inter-municipal agreement with the Town of Amherst to remove the trees specified by the Town of Amherst, and be it further

RESOLVED, that the Erie County Emergency Operations Center will bill the Town of Amherst for this work performed on the Town's behalf at the rates applicable to the work based on prior bids taken for this disaster's work, and be it further

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RESOLVED, that the Erie County Emergency Operations Center will accept payment from the Town of Amherst for this work to be used to reimburse the contractor for the work, and be it further

RESOLVED, that two certified copies 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 & Finance, the Department of Public Works, Division of Highways, and the Office of the Comptroller.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded. MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (13-2)

DELETE the 2nd and 3rd RESOLVED Clauses and REPLACE with the following:

RESOLVED, that the Erie County Emergency Operations Center will bill the Town of Amherst for this work performed on the Town's behalf at the rates applicable to the work based on prior bids taken for this disaster's work plus any and all applicable Administrative Fee that FEMA will reimburse the Town of Amherst; and be it further

RESOLVED, that the Erie County Emergency Operations Center will accept payment from the Town of Amherst for this work to be used to reimburse the contractor for the work plus any and all applicable Administrative Fee that FEMA will reimburse the Town of Amherst; and be it further

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

CARRIED UNANIMOUSLY.

Item 61 – (COMM. 13E-32) Family Court Noise Alleviation Project

Item 62 – (COMM. 13E-33) School #84 Window & Door Replacement

Item 63 – (COMM. 13E-34) Supplemental Agreement with NYSDOT for Lake Shore Rd. Bridge 111 over Delaware Creek BIN 3-32749-0, Town of Evans, PIN 5755.66

Item 64 – (COMM. 13E-35) Erie County Home - Architectural/Engineering Contracts for Various Projects

Item 65 – (COMM. 13E-36) Supplemental Agreement with NYSDOT for Cemetery Road Bridge 341-RR1 Over Erie Road & Conrail BIN 3-36250-0, Town of Lancaster, PIN 5755.27

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

Item 66 – (COMM. 13E-37) Health - Women, Infants and Children's Supplemental Nutrition (WIC) Program 10/1/06 - 9/30/07

Received and referred to the HEALTH COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Health - USEPA Beach Sanitary Survey –
Project Grant 5/25/07 - 12/31/07 (COMM. 13E-
38)

WHEREAS, the Erie County Department of Health has regulatory oversight of the operation of the seven public beaches on Lake Erie in Erie County with responsibility to protect the health of bathers by assuring that public beaches are open only when conditions meet the standards of the New York State Public Health Code, and

WHEREAS, the Erie County Department of Health established a pre-emptive closing policy in 1998 that closes the beaches after rain events of ½ inch or more of rain at the beach or in the watershed of the stream(s) that impacts the beach and re-open only when daily sampling indicates that the beach water meets New York State Department of Health Standards, and

WHEREAS, the pre-emptive closing has been successful in protecting the public health, but results in the beaches being closed for as much as thirty percent of the swimming season depending the summer, and

WHEREAS, the closings are necessary but have an adverse impact on the enjoyment of the beaches by the public and on businesses associated with the beaches, and

WHEREAS, the bacterial contamination is associated with the flush-out from outfalls along the shoreline and creeks in close proximity to the public beaches after rain events, and

WHEREAS, based on a Request-for-Proposals solicited by U.S. Department of Environmental Protection Agency (USEPA) the Erie County Health Department in cooperation with Buffalo State College Great Lakes Center (BSC-GLC) submitted a proposal to conduct beach sanitary surveys and stream sanitary surveys for two beaches and two associated streams, that would be a systematic approach to identifying point sources of bacterial contamination, with enforcement to abate the point sources, to reduce the bacterial contamination impacting the water quality at the beaches; and

WHEREAS, the two beaches and the associated two streams included in the proposal are Lake Erie Beach with adjacent Muddy Creek and Evans Town Beach with adjacent Fern Brook, both in the Town of Evans; and

WHEREAS, the U.S. Department of Environmental Protection Agency (USEPA) has issued a Notice of Award including a Grant Agreement based on the joint proposal submitted by ECHD and BSC-GLC, in the amount of \$42,389; and

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WHEREAS, the Health Department requests that the funds paid under the USEPA agreement will be available to the Department in accordance with the grant budget to support the work on the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute the affirmation of the award and the grant agreement with USEPA; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to implement a grant budget for the period May 25, 2007 to December 31, 2007 as follows:

USEPA - Beach Sanitary Survey Grant Budget
(5/25/07 - 12/31/07)

REVENUES

414000	Federal Aid - USEPA	\$ 42,389
TOTAL REVENUES		<u>\$ 42,389</u>

EXPENSES

501000	Personnel - ECPHL Overtime	\$ 1,080
502000	Fringe Benefits	454
505000	Office Supplies	1,688
516020	Contractual	25,739
510100	Out-of-Area Travel	800
561410	Lab and Technical Equipment	1,000
912730	ID Health Lab Services	<u>11,628</u>
TOTAL EXPENSES		<u>\$ 42,389</u>

Public Health Lab Division

Increase Account 505800 – Medical & Health Supplies	\$11,628
Increase Account 912730 – ID Health Lab Services	(\$11,628)

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract with the Research Foundation of SUNY – Buffalo State College for the \$24,739 in work by BSC-GLC associated with the project grant award, and be it further

RESOLVED, that the subcontract with the Research Foundation of SUNY – Buffalo State College for the \$24,739 is a special service which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived, and be it further,

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

Item 68 – (COMM. 13E-39) Probation - NYS DPCA - DNA Sample Collection Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – (COMM. 13E-40) NYS Quality Communities Grant: Framework for Regional Growth - Policy Refinement and GIS Development - Contract Approval

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 70 – (COMM. 13E-41) CPS - Authorization for County Executive to Enter into Lease with 211 WNY & United Way of Buffalo & Erie County

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 71 – (COMM. 13E-42) Agreement with M&T Mortgage Corporation Re: Preferred Lender Status for Erie County First Time Home Buyer Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 72 – (COMM. 13E-43) CPS - Project Safe Neighborhood Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 73 – (COMM. 13E-44) District Attorney's Office - Community Prosecution Grant

Received and referred to the PERSONNEL COMMITTEE.

Item 74 – (COMM. 13E-45) Agreement with NYS for Appropriation of Erie County Real Property for Compensation in the Amount of \$34,900

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (COMM. 13E-46) CPS - Transfer of Funds - UASI '05 Grants

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 76 – (COMM. 13E-47) ECSD Nos. 1, 2, 3, 4 & 6 - Amended License Agreements between Norfolk Southern Railway Company and the County of Erie

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET, MANAGEMENT & FINANCE

Item 77 – (COMM. 13D-1) Copy of Letter to ECFSA Chair Re: RFP for the Tax Lien Sale
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 78 – (COMM. 13D-2) Codification Services Proposal - Legislation of Erie County
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM REAL PROPERTY TAX SERVICES

Item 79– (COMM. 13D-3) Erie County Hotel Occupancy Tax
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 80 – (COMM. 13D-4) Property Damage Claims
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE HEALTH DEPARTMENT

Item 81 – (COMM. 13D-5) Special Needs Division of the Health Dept.
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CENTRAL POLICE SERVICES

Item 82 – (COMM. 13D-6) Response to Comptroller's Audit
Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ERIE COUNTY COMMUNITY COORDINATING
COUNCIL ON CHILDREN & FAMILIES

Item 83 – (COMM. 13D-7) Factors that Affect Children and Families in Erie County:
Poverty, Violence, Child Abuse and Neglect

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

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Item 84 – (COMM. 13D-8) Changing Dates of Legislature Sessions

Received, Filed and Printed.

DATE: July 3, 2007
 TO: All Members of the Erie County Legislature
 FROM: Robert M. Graber, Clerk
 RE: **CHANGING DATES OF LEGISLATURE SESSIONS**

Please be advised that Legislature Chair Lynn M. Marinelli has changed the dates of the sessions of the Erie County Legislature scheduled for July 19, 2007 at 2:00 PM to July 26, 2007 at 2:00 PM.

Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular sessions of the Legislature.

Thank you.

FROM THE COUNTY ATTORNEY

Item 85 – (COMM. 13D-9) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF ALDEN

Item 86 – (COMM. 13M-1) Storm Debris

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF LANCASTER

Item 87 – (COMM. 13M-2) Brush Reimbursement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF NEWSTEAD

Item 88 – (COMM. 13M-3) Storm Debris

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF DARIEN

Item 89 – (COMM. 13M-4) SEQR - Notice of Establishment of Lead Agency

Received and filed.

FROM THE TOWN OF SARDINIA

Item 90 – (COMM. 13M-5) Roads in the Town of Sardinia

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF CLARENCE

Item 91 – (COMM. 13M-6) Storm Debris

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LAW OFFICES OF DIFILIPPO & FLAHERTY, PC

Item 92 – (COMM. 13M-7) Erie County Roads - Town of Sardinia

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR RATH

Item 93 – (COMM. 13M-8) Receipt of Certified Resolution

Received and filed.

FROM THE ECFSA

Item 94 – (COMM. 13M-9) Resolution 07-58 - Commenting On and Approving the Issuance of RAN's by Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 95 – (COMM. 13M-10) Audited Financial Statements for FY Ended 3/31/07

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM EL MUSEO

Item 96 – (COMM. 13M-11) Dedicated Funding for Art and Cultural Organizations

Received and filed.

FROM THE ECIDA

Item 97 – (COMM. 13M-12) Notice of Board of Directors Meeting for 7/9/07

Received and filed.

FROM THE NYS FISH AND WILDLIFE MANAGEMENT BOARD

Item 98 – (COMM. 13M-13) Region 9 FWMA Board Minutes

Received and filed.

FROM THE NFTA

Item 99 – (COMM. 13M-14) Annual 17A Report

Item 100 – (COMM. 13M-15) Annual Public Authority Date Request Questionnaire 2007

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

Item 101 – (COMM. 13M-16) Board Minutes for Meeting Held 5/24/07

Received and filed.

FROM THE NYSDEC

Item 102 – (COMM. 13M-17) Brownfield Cleanup Program - Amended Application - Parcel Addition

Received and filed.

MEMORIAL RESOLUTIONS

Item 103 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Natalie & Timothy Fitzgibbons.

Item 104 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Eveline (Koralewski) Pietras.

Item 105 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Lady Bird Johnson.

Item 106 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Katherine A. "Taffy" (Andersen) Tarbell.

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Item 107 – Legislator Locklear requested that when the Legislature adjourns, it do so in memory of Edna Marshall, Pastor Delbo’s Mother-In-Law

Item 108 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Amherst Police Detective David Elmers

Item 109 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Roy Ward.

Item 110 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Ann M. Anderson Corcoran.

Item 111 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Natalie & Timothy Fitzgibbons.

ADJOURNMENT

Item 112 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, July 26, 2007 at 2 p.m. Eastern Standard Time. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, July 26, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE