

**ERIE COUNTY LEGISLATURE  
MEETING NO. 16  
JUNE 16, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Marinelli

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

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – Minutes of previous meetings were tabled.

Item 5 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MR. DeBENEDETTI presented a resolution Recognizing John Jack "Irish Jackie" Donnelly For His Numerous Lifetime Contributions To The Sport of Boxing In WNY.

Item 7 – The MAJORITY CAUCUS presented a resolution Recognizing June As National AIDS Month.

Item 8 - HOLT & SMITH presented a resolution In Memory of Annie L. Ryan.

Item 9 - The MAJORITY CAUCUS presented a resolution In Memory of Dan Masiello, Father of Anthony Masiello, Mayor of the City of Buffalo.

Item 10 - SMITH & HOLT presented a resolution Recognizing Sankofa Days 2005 At The Langston Hughes Institute From 6/11 - 6/17.

Item 11 - SMITH & HOLT presented a resolution Recognizing Rev. Cox Upon Being Installed As Pastor Of Jordan Grove Baptist Church.

Item 12 - HOLT & SMITH presented a resolution In Memory of Carmen Denise Kelly.

Item 13 - HOLT & SMITH presented a resolution In Memory of Journey Cooper III.

Item 14 - HOLT & SMITH presented a resolution In Memory of John Boyce Stenhouse.

Item 15 – MS. CUSACK presented a resolution Congratulating John Podgorski Upon His Retirement.

Item 16 - MS. CUSACK presented a resolution Congratulating Sister Mary Ellen Tucker Upon Her Being Elected To The Position of Regional Minister.

Item 17 – MS. MARINELLI moved to include a Miscellaneous Resolution not on the agenda from MR. DUSZA. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for consideration of the above twelve items. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above twelve items by including ET AL Sponsorship. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above twelve items as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 18 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the COMMUNITY SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2005 remain on the table and the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 25 – MS. KENNEDY presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

June 6, 2005

COMMUNITY SERVICES COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATORS CUSACK & WEINSTEIN.

1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 23M-8 (2004)  
**ECCRAB:** ECCRAB's 2005 Cultural Funding Report  
 (3-0)
  - b. INTRO 8-10 (2005)  
**CUSACK:** Creation of a City-County Parks Progress Group To Study And Issue Recommendations & Improvements To The Inter-Municipal Cooperation Agreement For The Management & Operation Of The City Of Buffalo Parks System  
 (3-0)
  - c. COMM. 12D-12 (2005)  
**ECC:** 2005-2006 ECC Budget  
 (3-0)

2. COMM. 11E-22 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 10/1/04 to 9/30/05 in the amount of \$10,377, and

WHEREAS, each beach will be tested by the Erie County Department of Health once a week throughout the bathing season, and

WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for fecal coliform and *E.coli* bacteria using proposed EPA methodologies, and

WHEREAS, sampling, collection, delivery and reporting will be conducted by a part time fee-for-service Engineering Intern, and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards, and

WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official, and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

**BEACH WATER QUALITY MONITORING PROGRAM  
10/1/04 – 9/30/05**

**NEW**

<b>ACCT</b>	<b>REVENUE</b>	<b>BUDGET</b>
409000	STATE AID	\$ 10,377
	<b>TOTAL</b>	<u>\$ 10,377</u>
<b>EXPENSES</b>		
516020	DUES AND FEES	\$ 3,437
912730	ID HEALTH LAB	<u>6,940</u>

SERVICES	
<b>TOTAL</b>	<u>\$ 10,377</u>
PUBLIC HEALTH LAB	
Increase Account 505800 Medical Supplies	\$6,940
Increase Account 912730 ID Health Lab Services	\$6,940

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.

(3-0)

3. COMM. 12E-21 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood lead levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and medical and environmental case management and follow up, and

WHEREAS, the New York State Health Department awarded the Erie County Department of Health a revised grant in the amount of \$552,084 which authorizes budgetary adjustments in order to balance the accounts in the grant and maximize award use, and

WHEREAS, the Hill & Knowlton foundation has approved the carry forward of \$5,000 of unspent other revenue to the Childhood Lead Poisoning Prevention Program 1/1/05 – 12/31/05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

<b>Childhood Lead Poisoning Prevention Program</b>				
<b>1/1/04 – 12/31/04</b>				
<b>SFG Project #193</b>				
<b>SAP Cost Ctr: 1271463, SAP Title: 127CHILDLEAD2004</b>				
<b>SAP</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>REVISED BUDGET</b>
	Other Rev - Grant			
466100	Program	\$5,000.00	\$-5,000.00	\$ 0
409000	State Aid	<u>552,084.00</u>	<u>0</u>	<u>552,084.00</u>

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<b>TOTAL</b>		<u>\$557,084.00</u>	<u>\$5,000.00</u>	<u>\$552,084.00</u>
<b>EXPENSES</b>				
500000	Personal Services	\$393,228.00	\$ 3,192.23	\$ 396,420.23
501000	Overtime	2,700.00	616.53	3,316.53
502000	Fringe Benefits	126,798.00	-13,624.55	113,173.45
505000	Office Supplies	500.00	-255.90	244.10
505800	Medical Supplies	1,794.00	0	1,794.00
506200	Repairs & Maint.	3,851.00	-85.00	3,766.00
510000	Travel & Mileage	14,089.00	-3,661.03	10,427.97
510100	Out Of Area Travel	1,875.00	-46.02	1,828.98
510200	Training & Education	270.00	0	270.00
516020	Dues & Fees	720.00	-270.00	450.00
530000	Other Expenses	11,259.00	-3,062.39	8,196.61
912700	ID- Indirects	0	12,196.13	12,196.13
<b>TOTAL</b>		<u>\$ 557,084.00</u>	<u>\$-5,000.00</u>	<u>\$552,084.00</u>

and be it further

RESOLVED, that the following adjustments are made to the 2005 Health Department Budget, General Fund (#110)Budget:

Decrease Account 912700 Interfund Health Grants	\$12,196
Increase Account 516020 Professional Services Contract & Fees	\$12,196

and be it further

RESOLVED, that the Erie County Legislature authorizes the carry forward of \$5,000 of unspent other unclassified revenue to SAP Title: 127CHILDLEAD 2005 Childhood Lead Poisoning Prevention Program 1/1/05 – 12/31/05, 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.

(3-0)

4. COMM. 12E-22 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health provides primary and specialty care at various locations throughout Erie County, and

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WHEREAS, the Erie County Department of Health wishes to enter into an agreement with the New York State Department of Health, Refugee Health Program for the purpose of providing refugee health assessments at clinics operated by the Erie County Department of Health for reimbursement for services provided for the term March 31, 2005 through March 30, 2006 with yearly renewals in calendar years 2007, 2008, 2009 and 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the term of this agreement shall be from March 31, 2005 through March 30, 2006 with yearly renewals in calendar years 2007, 2008, 2009 and 2010, and be it further

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

(3-0)

5. COMM. 12E-36 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$952,267 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

WHEREAS, in order to meet the requirements of the grant it is necessary to extend the existing contract with Satellite Communication Corp. (SKYTEL PAGERS) for the period August 31, 2004 through August 30, 2005 for 20 two-way digital pagers in an amount not to exceed \$6,000, and

WHEREAS, in order to meet the requirements of the grant it is necessary to extend the existing contract with SKYCASTERS, for wireless satellite internet connection in an amount not to exceed \$1,500 per year, for the period August 31, 2004 through August 30, 2006, and

WHEREAS, funding is available through the Public Health Preparedness Response to Bioterrorism grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract extension with Satellite Communications Corp. (SKYTEL PAGERS) for the period August 31, 2004 through August 30, 2005 for 20 two-way digital pagers in an amount not to exceed \$6,000, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to

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enter into a contract extension with SKYCASTERS, for wireless satellite internet connection in an amount not to exceed \$1,500 per year, for the two-year period August 31, 2004 through August 30, 2006, and be it further

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

(3-0)

6. COMM. 14E-14 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts, and

WHEREAS, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

WHEREAS, no additional County funds are required since the 2005 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 530000, Other Expenses or Charges, sufficient to cover the Employee Education and Training Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education and Training Program contracts as specified below:



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<b>EDUCATIONAL INSTITUTION</b>	<b>PERIOD</b>	<b>GROSS CONTRACT</b>	<b>INSTITUTION'S CONTRIBUTION</b>	<b>PAID BY ECDSS</b>
Buffalo State College (CDHS) (Master's/Bachelor's Degrees)	9/1/05 – 8/31/06	\$646,558	\$232,761	\$413,797
Buffalo State College (CDHS) (In-service Training and Organizational Development)	9/1/05 – 8/31/06	\$964,565	\$347,224	\$617,321
Empire State College (Bachelor's/ Associate's Degrees in Business/ Community and Human Services)	9/1/05 – 8/31/06	\$385,454	\$138,764	\$246,691
Empire State College (In-Training)	9/1/05 – 8/31/06	\$475,979	\$152,313	\$323,666
SUNY- Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/29/05 – 8/28/06	\$87,686	\$30,690	\$56,996
SUNYAB – School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/05 – 8/31/06	\$318,966	\$111,638	\$207,328
SUNYAB Institute of Addictions Studies and Training (In- Service Training)	10/1/05 – 9/30/06	\$252,977	\$88,542	\$164,435
Erie Community College (In-Services Training)	10/1/05 – 9/30/06	\$185,081	\$66,629	\$118,452

and be it further

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RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 2005 Adopted Budget of the Department of Social Services in Account 530000, Other Expenses or Charges, and be it further

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

(3-0)

7. COMM. 14E-17 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department has received a donation of three Zoll AED Plus training units from the W.E.R.E.M.S. Council, and

WHEREAS, the Zoll AED Plus training units were purchased at a total cost of \$909.60.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the three donated Zoll AED Plus training units from the Wyoming-Erie Regional E.M.S. Council, and be it further

RESOLVED, that said equipment will be used by the Division of Emergency Medical Services for E.M.S. training, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Department of Health, the W.E.R.E.M.S. Council and the Department of Law.

(3-0)

8. COMM. 14E-18 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has been awarded a Healthy Heart Worksite Wellness grant totaling \$113,000 for the purpose of promoting heart health in area worksites, and

WHEREAS, the Erie County Department of Health has joined with the Western New York Public Health Alliance, Inc., the Wellness Institute of Buffalo and Erie County, Cornell Cooperative Extension of Allegany and Cattaraugus Counties, Niagara County Health Department, Medina Memorial Hospital Community Partners, Wyoming County Health Department, Lake Plains Community Care Network, and Wellco of Chautauqua County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award funded by the New York State Health Department which is budgeted as follows:

**Healthy Heart Worksite Wellness Grant**  
**4/1/05 – 3/31/06**

<b>SAP REVENUE</b>	<b>BUDGET</b>
STATE AID	<u>\$113,000</u>
409000 <b>TOTAL</b>	<u>\$113,000</u>

<b>EXPENSES</b>	
505400 Food & Kitchen	\$600
510100 Out of Area Travel	1,400
516020 Pro Serv Contracts & Fees	96,875
912700 ID – Health Services	13,525
980000 DISS	<u>600</u>
<b>TOTAL</b>	<u>\$ 113,000</u>

and be it further

RESOLVED, that the following adjustments are made in the Health Department budget:

Increase SAP Account 912700 ID-Health Services	\$13,525
Increase SAP Account 516020 Pro Serv Contracts & Fees	\$13,525

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Western New York Public Health Alliance, Inc., the Wellness Institute of Buffalo and Erie County, Cornell Cooperative Extension of Allegany and Cattaraugus Counties, Niagara County Health Department, Medina Memorial Hospital Community Partners, Wyoming County Health Department, Lake Plains Community Care Network, and Wellco of Chautauqua County to fulfill the workplan of the project, 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.  
 (3-0)

9. COMM. 14E-19 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health received a grant award in the amount of up to \$10,000 for the purpose of funding a Drug Enforcement Administration (DEA) Toxic Death pilot project, and

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WHEREAS, the project will be conducted by the Erie County Department of Health Forensic Toxicology Laboratory utilizing existing staff on an overtime basis.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the grant award from the Drug Enforcement Administration to be budgeted as follows:

DEA Toxic Death Study  
July 1, 2005 – June 30, 2006

SAP	REVENUE	AMOUNT
414000	Federal Aid	<u>\$10,000</u>
	TOTAL	<u>\$10,000</u>
	EXPENSES	AMOUNT
501000	Overtime	\$8,000
502000	Fringe Benefits	<u>2,000</u>
	TOTAL	<u>\$10,000</u>

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 Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

(3-0)

10. **COMM. 14E-20 (2005)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has been awarded a continuation grant award in the amount of \$320,227 from the New York State Department of Health to enroll persons without insurance into the Child and Family Health Plus insurance programs, and

WHEREAS, the Erie County Department of Health wishes to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$33,496 for the purpose of performing at least 250 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/05 – 12/31/05, and

WHEREAS, this continuation grant award authorizes budgetary and personnel staffing adjustments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary and personnel adjustments:

**FACILITATED ENROLLMENT PROGRAM**  
**ENTITLEMENT PERIOD: 1/1/05 – 12/31/05**  
**SAP #: 127FACEENROLL2005**

REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409000 STATE REVENUE	<u>\$341,523</u>	<u>\$-21,296</u>	<u>\$320,227</u>
<b>TOTAL REVENUE</b>	<u><b>\$341,523</b></u>	<u><b>\$-21,296</b></u>	<u><b>\$320,227</b></u>
 <b>APPROPRIATION</b>			
500000 PERSONAL SERVICES	\$ 185,363	\$-3,435	\$ 181,928
502000 FRINGE BENEFITS	93,170	- 36,863	56,307
505000 OFFICE SUPPLIES	3,000	- 1,500	1,500
510000 LOCAL MILEAGE	7,500	+290	7,790
510100 TRAVEL-OUT OF AREA	1,750	- 40	1,710
516010 CNT PMTS-NP PUR SVS	44,325	- 10,829	33,496
516020 PRO SER CNT & FEES	0	+5,000	5,000
530000 OTHER EXPENSES	0	+27,496	27,496
561420 OFFICE EQUIPMENT	0	+1,000	1,000
980000 ID DISS SERVICES	<u>6,415</u>	<u>- 2,415</u>	<u>4,000</u>
<b>TOTAL</b>	<u><b>\$341,523</b></u>	<u><b>\$-21,296</b></u>	<u><b>\$320,227</b></u>
 <b>APPROPRIATIONS</b>			

and be it further

RESOLVED, that one vacant full-time position of Child Health Enrollment Specialist, JG 6, and one vacant full-time position of Child Health Enrollment Specialist – Spanish Speaking, JG 6, are hereby deleted in SAP# 127FACENROLL2005, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$33,496 for the purpose of performing at least 250 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/05 – 12/31/05, and be it further

RESOLVED, that the subcontract with Healthy Community Alliance 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 Administrative 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 Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(3-0)

11. COMM. 14E-21 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$952,267 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

WHEREAS, in order to meet the requirements of the grant it is necessary to enter into a contract with MJW Corporation, Inc. for the purpose of providing radiological response planning, training, and exercise assistance, and

WHEREAS, funding is available through the Public Health Preparedness Response to Bioterrorism grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with MJW Corporation, Inc. for the purpose of providing radiological response planning, training, and exercise assistance, in an amount not to exceed \$9,608 for training, exercise support, and follow up support which includes operational plans and guides, and be it further

RESOLVED, that the term of this contract shall be from May 1, 2005 through August 31, 2006 and it is anticipated that \$4,608 will be expended in the current grant year which ends August 31, 2005 and the remaining \$5,000 will be allocated in the subsequent grant year, and be it further

RESOLVED, that the contract with MJW Corporation, Inc. is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 and the Erie County Administrative 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 Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(3-0)

12. COMM. 14E-22 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services is seeking authorization to receive and contract for an extension of a current special State grant award in the amount of \$48,418 from the Division of Criminal Justice Services, and

WHEREAS, this award is to fund the extension of a current grant and an increase to an existing contract with the Boys and Girls Clubs of Buffalo, and

WHEREAS, the Boys and Girls Clubs of Buffalo is designated for the contract extension and increase by the State as the provider of the West Side Delinquency Prevention program, and

WHEREAS, this program is fully funded with a combination of State funds and in-kind services contributed by the Boys and Girls Club of Buffalo, and

WHEREAS, there is no local share, and there is no fiscal impact to the 2005 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to execute or amend agreements with the New York State Division of Criminal Justice Services and the Boys and Girls Clubs of Buffalo, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2005 Adopted Budget:

Department of Social Services, Grant 120WSIDEDELINQ0304

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Boys and Girls Clubs of Buffalo	<u>\$48,418</u>
	Total Expenditures	<u>\$48,418</u>
409000	State Aid	<u>\$48,418</u>
	Total Revenues	<u>\$48,418</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(3-0)

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

MR. RANZENHOFER moved to separate item #6. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to return item #6 to the COMMUNITY SERVICES COMMITTEE for further consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

JUNE 8, 2005

ECONOMIC DEVELOPMENT COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK.

1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 12E-49 (2005)  
**COUNTY EXECUTIVE DPW - Temporarily Reinstating Two Positions in DPW From 6/1/05 - 12/05**  
 (4-0)

2. COMM. 10E-53 (2005) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature on February 24, 2003 in Resolution 4E-19 authorized the execution of a contract for consulting services with Hellmuth, Obata, and Kassabaum, Inc. to undertake preparation of a Framework for Regional Growth with said contract not to exceed \$450,000; and



WHEREAS, HOK has provided additional services beyond those specified in the original contract pertaining to data gathering, economic development analyses, and related tasks.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendment to the original contract with HOK to compensate for said additional services for an additional amount of \$38,400, thereby establishing an amended contract amount not to exceed \$488,400; and be it further

RESOLVED, that inter Fund Subsidy revenue in the amount of \$38,400 is hereby appropriated in Capital Project A.00058. (Erie County Regional Master Plan). The source of the funds being CDBG Fund 290, Project J.00500.2.1 for \$10,438 and Project J.00503.2.28 for \$27,962

RESOLVED, that Project A.00058 be increased by \$38,400, for a total of \$489,400 and appropriations be increased by the same amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; and the Commissioner of the Department of Environment and Planning.  
 (4-0)

3. **COMM. 13E-18 (2005)**  
**COUNTY EXECUTIVE**

WHEREAS, the Dunn Tire Park Lease Agreement between the Buffalo Bisons and Erie County designates the County as being responsible for capital improvement projects in the amount of \$5 million, and

WHEREAS, your Honorable Body approved a resolution on July 15, 2004 for the County Executive to enter into a General Architect/Engineer Agreement with Macon Chaintreuil Jensen & Stark, and

WHEREAS, the Buffalo Bisons have requested that the County continue with the Capital Improvements, and

WHEREAS, in order to comply, the County needs to issue a change order to Macon Chaintreuil Jensen & Stark to do the design work to prepare construction documents for bidding.

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Macon Chaintreuil Jensen & Stark to prepare construction documents and provide Design and Construction Management Services for this year's Capital Improvement Work for a fee not to exceed \$100,000.00, and be it further,

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RESOLVED, that the Comptroller's Office is authorized to make payments for the above from SAP Project No. A.09019 (formerly 2003 Dunn Tire Park Tobacco Project, Project 381, Fund 441), and be it further,

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

4. COMM. 14E-6

**COUNTY EXECUTIVE**

WHEREAS, seventy percent of the professional staff that administers the Building Construction Capital Projects has been terminated, and

WHEREAS, this action essentially eliminates the personnel necessary to inspect, oversee, administer and approve the process payments for Capital Building Construction Projects, and

WHEREAS, the following are critical infrastructure projects defined by State mandates and grants that cannot be curtailed:

Public Safety Campus  
 Botanical Gardens Renovations

WHEREAS, \$1,000,000 in loss of grant funds for the Botanical Gardens and loss of Homeland Security Grants for the Public Safety are imminent due to the staff layoff and will far exceed the salary costs, and

WHEREAS, the Department of Public Works, Commissioner's Office, is requesting that two (2) of the seven (7) positions of the professional staff be reinstated with salary charges from June 1, 2005 to December 30, 2005, be charged to various grants and funding in each project. (No County funds are required.)

NOW, THEREFORE, BE IT

RESOLVED, that your Honorable Body authorize that two (2) of the seven (7) positions be reinstated in the Department of Public Works, Commissioner's Office, that administer the Building Construction Capital Projects, and be it further,

RESOLVED, that the total funding required from June 1, 2005 to December 30, 2005, will not exceed \$119,500.00, and be it further,

RESOLVED, that the two (2) positions reinstated, with fringe benefits, are:

Architect (Kenneth Machelski, R.A.)	\$ 66,400.00
Senior Mechanical Engineer (Kevin Madoo, P.E.)	<u>\$ 53,100.00</u>
<b>Total</b>	<b>\$119,500.00</b>

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RESOLVED, that the Comptroller's Office be authorized to make payments from the following:

Central Police Services, E-9-11 Reserve Account (Account 409000, Dept. 165)	\$ 50,000.00
Botanical Gardens, Project A.00234 (Empire State Development Grant)	<u>\$ 69,500.00</u>
<b>TOTAL</b>	<b>\$119,500.00</b>

and be it further

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

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

MR. RANZENHOFER moved for the separation of item #2. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved for the approval of item #2. MR. RANZENHOFER seconded.  
 MR. RANZENHOFER voted in the negative.

CARRIED.

Item 27 – MR. MARINELLI presented the following report and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

JUNE 8, 2005

ENERGY & ENVIRONMENT COMMITTEE  
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATORS DUSZA AND CHASE. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 10M-5 (2005)

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- NYPA:** Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA  
 (4-0)
- b. COMM. 13E-8 (2005)  
**COUNTY EXECUTIVE:** Fees Paid to Fluent Energy For 2004  
 (4-0)
- c. COMM. 13E-11 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 6 - Emergency Repair - Inner Drive/Kennedy Road Sanitary Sewer  
 (4-0)
- d. COMM. 13E-19 (2005)  
**COUNTY EXECUTIVE:** ECSSTA - Energy Performance Contract - Change Order No. 2  
 (4-0)
- e. COMM. 13E-20 (2005)  
**COUNTY EXECUTIVE:** ECSSTA - Energy Performance Contract - Change Order No. 1  
 (4-0)
- f. COMM. 13D-1 (2005)  
**DEP:** SEQR - Negative Declaration - Utica & Quebec Streets, West Taft Avenue, & Point Breeze Drive, Town of Evans  
 (4-0)
- g. COMM. 14D-4 (2005)  
**DEP:** SEQR - Solicitation For Lead Agency Status - Extension of ECSD's To Be Known As ECSD No. 8  
 (4-0)
2. COMM. 12E-39 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, in an earlier resolution, dated the fourth day of February 1999 A.D., being Communication No. 2D-11, the Erie County Legislature authorized the County Executive to enter into a contract with LepCorp (now called Fluent Energy) to provide electric procurement and management services, and

WHEREAS, in an earlier resolution, dated the twenty-first day of October 1999 A.D., the fifth day of July 2001 A.D., the Erie County Legislature authorized entering into change orders with LepCorp (now called Fluent Energy) to provide natural gas procurement management services, Hourly Price Management related to electricity and management services and heating fuel oil procurement and management services, and

WHEREAS, in a resolution dated the seventh day of March 2002, being Communication No. 3E-27(A), the Erie County Legislature authorized entering into a contract with LepCorp (now called Fluent Energy) to provide electric and natural gas procurement management services, Hourly Price

Management related to electricity procurement and management services and heating fuel oil procurement and management services, and

WHEREAS, through a Request for Qualifications process implemented by the Department of Public Works, qualifications were received from prospective firms to provide Erie County Utility Technical Services, and

WHEREAS, after thorough review of the qualification statements submitted, the Commissioner of Public Works has deemed Fluent Energy as the best firm to supply Erie County with the utility services it requires.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with Fluent Energy to provide Utility Technical Services, and be it further,

RESOLVED, that the new contract will include all those services presently being executed by Fluent Energy through the existing agreement and its change orders, and be it further,

RESOLVED, that the new rates charged will be reduced by approximately 13% in comparison to the rates charged in the current contract for the initial two-year contract and for the reduced 5% over the next two-year period for that, and be it further,

RESOLVED, that the new contract will include the service of electronically retrieving and processing utility invoices, and be it further,

RESOLVED, that the rate to be charged for this service will be \$3.75 per bill which will be offset 100% by errors found in those bills, and be it further,

RESOLVED, that the funds for this work will be taken from the Utility Fund and charged back to each entity, included the participating towns, villages and other municipal entities, thus keeping the Utility Fund neutral, 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, Division of Budget, Management & Finance, and the Office of the Comptroller.  
 (4-0)

3. COMM. 13E-9 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the 166th Erie County Fair (Fair) is being held from August 10 – 21, 2005; and

WHEREAS, the Fair is an important rite of late summer passage in the Niagara Region; and

WHEREAS, Erie County and the Department of Environment and Planning (DEP) have traditionally played a part and wish to continue to have a presence at the Fair; and

WHEREAS, the protection of agricultural lands is an important factor in controlling sprawl in Erie County; and

WHEREAS, DEP has created a display illustrating in an informative and entertaining visual manner, the measures Erie County and its municipalities have taken to preserve agricultural land in the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the Erie County Agricultural Society to obtain exhibit space in the Grange Building for the DEP agricultural land preservation exhibit to be displayed for the length of the Fair; and be it further

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

(4-0)

4. COMM. 13E-10

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, a reduction in federal funding levels are anticipated in 2005-06 requiring implementation of cost saving measures that would lessen the grant's administrative budget; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$28,000 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$24,000; and be it further

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RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Cost Center 1621120, GL Account 516020; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel, and the Director of the Division of Budget, Management, and Finance.

(4-0)

5. COMM. 13E-12

**COUNTY EXECUTIVE**

WHEREAS, the Division of Sewerage Management has requested a resolution to authorize the deletion of the position of Jr. Administrative Assistant-RPT, JG 8, and the addition of one Sewerage Facilities Mechanic, JG 7, in the Erie County Sewer District No. 2 2005 Budget; and

WHEREAS, the District requires additional maintenance staff to assist in the increased workload involved with the day to day maintenance of equipment at the Treatment Plant; and

WHEREAS, these position adjustments are reflected on B-100 Position Authorization Form 881 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, the deletion of the position of Jr. Administrative Assistant-RPT, JG 8 and the addition of one Sewerage Facilities Mechanic, JG 7 is hereby authorized and approved in the Erie County Sewer District No. 2's 2005 Budget effective September 1, 2005; and be it further

RESOLVED, that any adjustments required for the funding of the position be taken out of the 2005 Budget, Erie County Sewer District No. 2, Unexpended Salaries; and be it further

RESOLVED, that certified copies of the approved Resolution shall be sent to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(4-0)

6. COMM. 13E-21

**COUNTY EXECUTIVE**

WHEREAS, the Legislature awarded a contract to TVGA Engineering, Surveying, P.C. for various engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer Districts on November 2, 1995, COMM. 20E-13; and

WHEREAS, the Erie County Division of Sewerage Management had advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with TVGA Engineering, Surveying, P.C. dated November 2, 1995 in the amount of \$138,184.63.

WHEREAS, the Erie County Division of Sewerage Management has since discovered the correct close-out amount should be \$141,128.25; and

WHEREAS, the Erie County Division of Sewerage Management is now recommending the formal close-out of the engineering agreement with URS Corporation dated November 2, 1995 in the amount of \$141,128.25.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 2, 1995 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and TVGA Engineering, Surveying, P.C. be formally closed-out in the final amount of \$141,128.25; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances relating to the Engineering Agreement dated November 2, 1995, between Erie County and TVGA Engineering, Surveying, P.C.; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.  
 (4-0)

7. **COMM. 14E-24 (2005)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature created an extension to Erie County Sewer District No. 3 to include the Village of Hamburg service area; and

WHEREAS, the residents of the Village of Hamburg will receive all sanitary sewer services directly from the County of Erie through Erie County Sewer District No. 3, effective June 1, 2005; and

WHEREAS, the sanitary sewer assets of the Village of Hamburg will be transferred to the County effective January 1, 2006; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency currently includes the Village of Hamburg in addition to the Town of Hamburg, Wanakah Sewer District, Mt. Vernon Sewer District, and Erie County Sewer District NO. 3; and



WHEREAS, the need for the Village of Hamburg to remain a member of the Erie County/Southtowns Sewage Treatment Agency no longer exists as a consequence of the extension of Erie County Sewer District No. 3 to include the Village of Hamburg; and

WHEREAS, the Village of Hamburg and Erie County Sewer District No. 3 agreed by contract agreement to work to remove the Village of Hamburg from the Erie County/Southtowns Sewage Treatment Agency upon formation of the Erie County Sewer District No. 3 extension; and

WHEREAS, members of the Erie County/Southtowns Sewage Treatment Agency may be removed by modifying the Agreement that was created to form the Erie County/Southtowns Sewage Treatment Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amended Erie County/Southtowns Sewage Treatment Agency Agreement to effectively remove the Village of Hamburg as a member; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Curt S. Herrmann, Mayor, Village of Hamburg.

(4-0)

8. COMM. 14E-27 (2005)

**COUNTY EXECUTIVE**

**AS AMENDED**

WHEREAS, the Legislature awarded a contract to URS Corporation to provide engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer District No. 2 on October 8, 1998, (COMM. 18E-9); and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with URS Corporation dated October 8, 1998 in the amount of \$238,179.30, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 8, 1998 between Erie County Sewer District No.2 and URS Corporation be formally closed-out in the final amount of \$238,179.30; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances from Bond Accounts C. 00028 (430-533) and

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C. 00002 (430-147) relating to the Engineering Agreement dated October 8, 1998, between Erie County and URS Corporation; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.  
 (4-0)

**LYNN M. MARINELLI**  
**VICE-CHAIRPERSON**

CHAIRING THE COMMITTEE MEETING IN THE ABSENCE OF

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

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

CARRIED UNANIMOUSLY.

Item 28 – MR. SMITH presented the following report and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

JUNE 8, 2005

FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATORS DUSZA AND SWANICK. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed
  - a. INTRO 6-19 (2004)  
**DEBENEDETTI:** Erie County's Receipt of \$85 Million from ECMCC  
 (4-0)
  - b. COMM. 11E-9 (2004)  
**DEBENEDETTI:** Copy of Letter to Comptroller Re: Status of Audit of EC Holding Center  
 (4-0)
  - c. COMM. 16E-2 (2004)  
**COMPTROLLER:** Report on Overtime Expenses at the Holding Center

- (4-0)
- d. COMM. 19D-44 (2004)  
**BUDGET, MANAGEMENT, & FINANCE:** Copy of Letter to Comptroller Re: ECMCC  
(4-0)
- e. COMM. 19D-45 (2004)  
**BUDGET, MANAGEMENT, & FINANCE:** Letter to Legislator DeBenedetti Re:  
Requests for ECMC Accounts Receivable & Payable Information  
(4-0)
- f. COMM. 22E-12 (2004)  
**COMPTROLLER:** Refunding Bond Resolution  
(4-0)
- g. COMM. 25E-7 (2004)  
**COMPTROLLER:** Copy of Letter to ECMCC Interim CEO Clarifying Various Aspects of  
the Hospital Sale (Response to COMM. 23D-7)  
(4-0)
- h. COMM. 25M-14 (2004)  
**COLLUCCI & GALLAHER:** Copy of Letter to Comptroller Re: 2004 Funds Owed to  
ECMCC  
(4-0)
- i. COMM. 26M-5 (2004)  
**NYS COMPTROLLER:** Report of Examination for Sale of ECMC  
(4-0)
- j. COMM. 4D-7 (2005)  
**COUNTY ATTORNEY:** ECMC Public Benefit Corporation - Transition Period  
(4-0)
- k. INTRO 8-7 (2005)  
**DEBENEDETTI & SMITH:** Questions Surrounding The Proposed Sale of Erie County's  
Revenue Anticipation Notes  
(4-0)
- l. COMM. 8E-27 (2005)  
**COMPTROLLER:** Letter to Legislator Smith Re: Detailed List of Costs For Last Year's  
Borrowing & Tobacco Asset Securitization Proceeds  
(4-0)
- m. COMM. 8E-31 (2005)  
**COMPTROLLER:** Copy of Letter To Budget Director Re: Availability of Fund Balance  
(4-0)

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- n. COMM. 8M-4 (2005)  
**BUFFALO BOARD OF EDUCATION:** Letter to Chairman Holt Re: School Health Services  
(4-0)
- o. COMM. 8M-22 (2005)  
**CRYSTAL PEOPLES - NYS ASSEMBLY - 141ST DISTRICT:** Letter to Smith Re: E-911 Systems  
(4-0)
- p. COMM. 8M-23 (2005)  
**NYS BLACK, PUERTO RICAN, HISPANIC & ASIAN LEGISLATIVE CAUCUS:** Preliminary Analysis of the Governor's Executive Budget 2005-2006  
(4-0)
- q. COMM. 9E-3 (2005)  
**COMPTROLLER:** Letter to ECL Re: Amount of 2005 Budget Deficit  
(4-0)
- r. COMM. 10D-2 (2005)  
**ECMCC:** Copy of Letter to Comptroller Re: Capital Fund Payments for ECMCC  
(4-0)
- s. COMM. 10M-16 (2005)  
**TRANSIT WORKERS DISCUSSION GROUP:** Our Challenge to County Government: Freeze the Debt! Hold a Referendum so the People can Decide!"  
(4-0)
- t. COMM. 11E-6 (2005)  
**COMPTROLLER:** Letter to ECL Re: Request to issue RAN In Late June  
(4-0)
- u. COMM. 11E-7 (2005)  
**COMPTROLLER:** Expenditures Of The County's Tobacco Securitization Proceeds  
(4-0)
- v. COMM. 11E-25 (2005)  
**COUNTY EXECUTIVE:** 2005 Budget Adjustments – DISS  
(4-0)
- w. INTRO 12-9 (2005)  
**SMITH:** Opposition To The New Federal Bankruptcy Laws  
(4-0)
- x. COMM. 12E-3 (2005)  
**COMPTROLLER:** Letter to Legislature Re: Availability of Fund Balance - Park Resolution

- (4-0)
- y. COMM. 12E-16 (2005)  
**COMPTROLLER:** Interim Financial Statements for 3-Month Period Ending 3/31/05  
(4-0)
- z. COMM. 12E-19 (2005)  
**COMPTROLLER:** Country's Potential Borrowing Needs For The Remainder Of The Year  
(4-0)
- aa. COMM. 12E-20 (2005)  
**CHASE:** Letter to Comptroller Re: Comptroller's Lawsuit Against EC  
(4-0)
- bb. COMM. 12E-51 (2005)  
**SMITH:** Copy of Letter to Governor Re: State Hospital Closing Commission  
(4-0)
- cc. COMM. 12D-5 (2005)  
**BUDGET, MANAGEMENT, & FINANCE:** Copy of Memo to Deputy Comptroller Re:  
Lawrence W. Smith & Associates, Inc.  
(4-0)
- dd. COMM. 12M-7 (2005)  
**BUFFALO PUBLIC SCHOOLS:** All High Stadium Reconstruction  
(4-0)
- ee. COMM. 12M-12 (2005)  
**HARTER, SECREST, & EMERY:** Letter to Members of ECL Staff Re: Naples v Erie  
County, et al - Index No.: I2005 – 1504  
(4-0)
- ff. INTRO 13-2 (2005)  
**WEINSTEIN:** Expanding The Use Of The Buffalo Fiscal Control Board To Benefit Erie  
County  
(4-0)

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

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

NOW, THEREFORE, BE IT,



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**FISCAL YEAR 2004**                      Petition No.                      **205,230.00**

                                 ASSESSOR                      **Refund**                      \$1,104.78

**S-B-L** 36.09-1-4.1

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,104.78	Town/SpecialDist/School
<b><u>Charge To :</u></b>			<b>\$1,104.78</b>
	<b>Relevy School</b>	\$1,104.78	144601 GRND ISLN CENTRAL

Enhanced STAR omitted.

**FISCAL YEAR 2004**                      Petition No.                      **205,231.00**

                                 ASSESSOR                      **Refund**                      \$334.21

**S-B-L** 53.84-3-39

**146489 TONAWANDA**

	Acct. No. 112	\$163.79	County
	Acct. No. 132	\$170.42	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>146489 TONAWANDA</b>		<b>\$170.42</b>

Clerical error RPTL 520 billed in error.

**FISCAL YEAR 2005**                      Petition No.                      **205,232.00**

                                 ASSESSOR                      **Refund**                      \$2,199.29

**S-B-L** 53.84-3-39

**146489 TONAWANDA**

	Acct. No. 112	\$357.12	County
	Acct. No. 132	\$1,842.17	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>146489 TONAWANDA</b>		<b>\$1,842.17</b>
	<b>Relevy School</b>	\$1,410.88	146401 KEN-TON UNION FREE

Clerical error. RPTL 520 billed in error.

**FISCAL YEAR 2005**                      Petition No.                      **205,233.00**

                                 OWNER                      **Refund**                      \$63.24

**S-B-L 66.79-2-5**

**146401 KENMORE**

	Acct. No. 112	\$39.24	County
	Acct. No. 132	\$24.00	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>146401 KENMORE</b>		<b>\$24.00</b>

Veteran not granted combat status.

**FISCAL YEAR 2004**                      Petition No.                      **205,234.00**

ASSESSOR                      **Refund**                      \$615.87

**S-B-L 335.16-3-9**

**143801 SPRINGVILLE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$615.87	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>143801 SPRINGVILLE</b>		<b>\$615.87</b>
	<b>Relevy School</b>	\$615.87	143801 SPRING-GRIFFITH

Basic STAR exemption omitted  
(4-0)

3.     **INTRO 14-3 (2005)**  
       **HOLT**

WHEREAS, there are significant conflicts between the Office of the Comptroller and the Division of Budget, Management and Finance, particularly difficulties reconciling contradictory financial data and information submitted to the Legislature by the Comptroller and Budget Director, and

WHEREAS, there are clear problems and an inability on the part of the existing County financial staff in each department to accurately monitor County finances and timely report to the Legislature, and

WHEREAS, given the County’s ongoing fiscal distress and significant deficit – a deficit number that the Budget Director and Comptroller fundamentally disagree upon, with one stating it as \$60 million and the other \$113.5 million – an irreconcilable difference, and

WHEREAS, the Budget Director, as well as the Comptroller, and her top two deputies are leaving or have already departed County government in 2005, and

WHEREAS, some Legislators have indicated their interest in securing independent financial analysis and guidance to assist and counsel the Legislature.

**NOW, THEREFORE, BE IT**



RESOLVED, that the Erie County Legislature does hereby express its interest in the possibility of retaining an independent financial adviser to assist and counsel Erie County Government, as well as the Legislature, in financial matters including budget analysis and bond and note sales and underwriting, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, Budget Director and County Attorney.  
(4-0)

**DEMONE A. SMITH  
CHAIRMAN**

MR. SMITH moved for approval of the report. MR. SWANICK seconded. MR. RANZENHOFER and WEINSTEIN voted in the negative.

CARRIED.

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

RE: ECC Salary Increases (INTRO 16-1)

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

WHEREAS, on April 27, 2005, the Erie Community College (ECC) Board of Trustees approved and transmitted to the Erie County Legislature and Erie County Executive their adopted budget for 2005-2006, and

WHEREAS, on May 31, 2005, the Erie County Executive transmitted the ECC Budget to the Legislature for action and adoption, with no changes to the Budget and his imprimatur, and

WHEREAS, the ECC Budget for 2005-2006 includes nearly \$1 million in new raises for ECC employees, including those in the bargaining units, and

WHEREAS, while the County's proposed contribution to the college remains the same as 2004-2005, there are no tuition increases, Legislators and others have raised concerns over the new raises for ECC employees, including those for exempt employees in the senior executive staff (SES), particularly in these difficult fiscal times facing Erie County, and

WHEREAS, due to the passage in March 2003 of a local law providing institutional autonomy for ECC – a local law designed to reduce or eliminate Erie County government's

interference in the operations at the college, and a measure required in order for the college to be reaccredited by the Middle States Commission on Higher Education – there are no options for the Erie County Legislature to stop or prevent these raises for ECC employees.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its concerns to the ECC Board of Trustees concerning their approval of a 2005-2006 Budget with raises totaling \$70,188 for 19 SES employees, and be it further

RESOLVED, that given the financial strain facing the County, and in the wake of the County Executive's unwillingness to oppose the raises or take any other action, this Honorable Body urges the ECC Board of Trustees to rescind these raises for SES employees and to utilize such funds for student services and other academic programs or workforce development initiatives that will benefit students and the community, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, ECC Board of Trustees, and ECC President William Mariani.

TIMOTHY M. KENNEDY

**Fiscal Impact:** None for the County.

MR. McCARVILLE moved to amend the resolution by replacing the word “concerns” in the first RESOLVED clause with “objections” and including ET AL Sponsorship. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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

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

(AYES: CHASE, CUSACK, MARSHALL, MCCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: none.)

CARRIED.

Item 30 – CHAIRMAN HOLT directed the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 16-2 from LEGISLATOR WEINSTEIN Re: Home Rule Request for Control Board

**MEETING NO. 16  
JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

Item 31 – MS. MARINELLI presented the following resolution and moved for it to be received and filed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

INTRO 16-3 from LEGISLATOR HOLT Re: 2005 Erie County Budget

Item 32 – CHAIRMAN HOLT directed the following resolution be left on the table in order to allow for consideration later in the session.

GRANTED.

INTRO 16-4 from LEGISLATOR HOLT Re: Memorializing Resolution to NYS Legislature - Deficit Financing

Item 33 – MS. MARINELLI presented the following resolution and moved for it to be received and filed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

INTRO 16-5 from LEGISLATOR HOLT Re: Memorializing Resolution For Erie County's Imposition of Additional Sales Tax

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: Home Rule Request Resolution: Additional Sales Tax (INTRO 16-6)

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

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

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

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

CARRIED.

AMENDMENTS TO INTRO. 16-6  
TO BE SUBMITTED BY LEGISLATOR HOLT

**RE: HOME RULE REQUEST RESOLUTIONS: ADDITIONAL .25% SALES TAX****ASSEMBLY**

WHEREAS, Assembly Bill No. A 8824, and Senate Bill No. S 5705, now pending before the New York State Legislature, would authorize the imposition by Erie County of an additional .25% (one-quarter of one percent) sales and compensating use tax during the period beginning July 1, 2005 and ending November 30, 2007;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A 8824 entitled "AN ACT to amend the tax law, in relation to providing an additional one-quarter of one percent rate of sales and compensating use tax within Erie county; and to repeal Chapter 6 of the Laws of 2005, amending the tax law relating to providing an additional rate of sales and compensating use tax within Erie county"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the additional .25% (one-quarter of one percent) Erie County sales and compensating use tax for the period beginning July 1, 2005 and ending November 30, 2007 will continue a 2005 Erie County budget shortfall and result in the cessation of County services essential to the people of Erie County.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

**SENATE**

WHEREAS, Senate Bill No. S 5705 and Assembly Bill No. A 8824, now pending before the New York State Legislature, would authorize the imposition by Erie County of an additional .25% (one-quarter of one percent) sales and compensating use tax during the period beginning July 1, 2005 and ending November 30, 2007;

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**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S 5705 entitled "AN ACT to amend the tax law, in relation to providing an additional one-quarter of one percent rate of sales and compensating use tax within Erie county; and to repeal Chapter 6 of the Laws of 2005, amending the tax law relating to providing an additional rate of sales and compensating use tax within Erie county"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the additional .25% (one-quarter of one percent) Erie County sales and compensating use tax for the period beginning July 1, 2005 and ending November 30, 2007 will continue a 2005 Erie County budget shortfall and result in the cessation of County services essential to the people of Erie County.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

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

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

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

CARRIED.

Item 35 – MS. MARINELLI presented the following resolution and moved for it to be received and filed. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

INTRO 16-7 from LEGISLATOR HOLT Re: Imposition of Additional Sales Tax

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 36 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 10E-39. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

RE: CPS - Urban Area Security Initiative  
(UASI) Grant Acceptance and Authorization  
FFY05

WHEREAS, on May 27, 2004 the County Legislature in communication 10E-13 authorized the County Executive to accept funds and contract with the State of New York under the Urban Areas Security Initiative (UASI) for Federal fiscal year 2003; and

WHEREAS, on July 15, 2004 the County Legislature in communication 17E-22 authorized the County Executive to accept funds and contract with the State of New York under the Urban Areas Security Initiative (UASI) for Federal fiscal year 2004; and

WHEREAS, the third year's funding is in the process of being released to Erie County by the New York State Weapons of Mass Destruction (WMD) Task Force in the amount of \$2,731,189; and

WHEREAS, the City of Buffalo and the County of Erie were identified as core city and core counties as part of the UASI; and

WHEREAS, the grant will continue the work authorized in the first and second year of the grant, namely fund the cost of building a sustainable capacity to prevent, respond to, and to recover from, threats or acts of terrorism in this region; and

WHEREAS, the Departments of Central Police Services; Emergency Services; Health; Mental Health; Public Works; Erie County Sheriff's Office and the Department of Information and Support Services have developed a plan for the use of these funds; and

WHEREAS, complete expenditure of these funds are required by March, 2007, otherwise any expenditure after that date will become ineligible for funding under this program; and

WHEREAS, in order to increase efficiencies in UASI Grants administration, including the streamlining of procedures necessary to meet state/federal contractual requirements and deadlines, UASI FFY05 grant funds will be centralized in the Department of Central Police Services Grant Fund accounts as well as county UASI administrative personnel; and

WHEREAS, the seven Erie County UASI Departments will funnel programmatic and fiscal paperwork to the Commissioner of Central Police Services as the new Director of the County's UASI Program for processing through his department;

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York to accept \$2,731,189 in UASI funds from the Federal Government; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities, vendors, contractors and/or consultants as required by the UASI Grant for provision of services, supplies or equipment as necessary for program implementation; and be it further

RESOLVED, that the following UASI FFY 05 Grant is authorized in the following amounts:

Central Police Services Department  
 Grant: HS UASIF050407

SAP Account	Material Group Description	UASI 05 BUDGET AMT
516020	Planning - Salaries	257,480.00
516020	Planning – Fringes	115,409.00
516020	Grant Coordinator	63,611.00
916500	Interdepartmental-CPS	63,611.00
516020	Professional Services Contract and Fees	855,000.00
561410	Lab & Tech Equipment	1,166,153.00
505000	Office Supplies	4,925.00
510100 962w	Travel	10,000.00
510200 965	Training & Education – Employee URT Training	10,000.00
561410 205	Computer – Hardware - Airtime – Blackberry Units	180,000.00
516030 940c	Decontamination Equipment Service Contract	5,000.00
414000	TOTAL FEDERAL REVENUE	(2,731,189.00)
	TOTAL EXPENSE	2,731,189.00

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust any and all interfund or interdepartmental budgets to facilitate the implementation of this grant; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the Erie County Homeland Security UASI Contracts Administrator; the Commissioners of Central Police Services, Emergency Services, Health, Mental Health; Public Works; the Department of Information and Support Services; the Erie County Sheriff; the Erie County Comptroller; the Erie County Director of Budget, Management and Finance and the Erie County Attorney.

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

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 10E-39  
 TO BE SUBMITTED BY LEGISLATOR MARINELLI

- **ADD** the following as the new fourth (4th) RESOLVE Clause:

RESOLVED, that any current or future positions to be funded by the UASI funds must receive prior legislative approval before any UASI funds may be used to pay for such persons' salaries and fringe benefits, with the transmittal of appropriate formal written communications from the County Executive to the Legislature and a formal vote and approval by the Legislature before such persons may be employed or continue to be employed by the County, and be it further

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

CARRIED UNANIMOUSLY.

Item 37 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 12E-41. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158 RE: Emergency Services - Hazardous Materials  
Transportation Uniform Safety Act -  
(HMTUSA Grant Phase VIII)

WHEREAS, funds have been received from the New York State Emergency Management Office to update Erie County's emergency planning activities, and

WHEREAS, these funds will be used to update local emergency planning activities.

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to enter into contract with the New York State Emergency Management Office, and to accept \$2,000 awarded by them to update local emergency planning activities, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish an eighth grant which will assist in updating local emergency planning for the Department of Emergency Services:

Department of Emergency Services  
HMTUSA Grant Phase VIII

Revenue

SFG684 - Federal Aid – Other	\$ <u>2000</u>
TOTAL	\$2000

Appropriations



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SAP Account #516020 – Professional Services Contracts & fees	\$ 700
SAP Account #510100 – Long Distance Travel	1000
SAP Account #530000 – Other Expenditures	<u>300</u>
TOTAL	\$2000

And be it further

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

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

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 13E-24. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Child Passenger Safety Grant - Revision for  
2004-2005

**PROPOSED RESOLUTION**

**Re: Child Passenger Safety Grant – Revision for 2004-2005**

**WHEREAS**, Erie County has been awarded a block grant from the New York State's Governor's Traffic Safety Committee for a child passenger safety program, and

**WHEREAS**, Erie County has been awarded additional funds for the "Child Passenger Safety" program, and

**WHEREAS**, the County budget must be amended to agree with the final approved State grant budget, which includes the additional state funding.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following transactions are hereby authorized in order that the amended budget will agree with the final State authorization.

**CENTRAL POLICE SERVICES**

**COST CENTER #1650060**

**GRANT #165CHLDCARSEAT0405**

**10/1/04 - 9/30/05**

<b><u>APPROPRIATIONS</u></b>	<b><u>FROM</u></b>	<b><u>CHANGE</u></b>	<b><u>TO</u></b>
Acct. 505000 Office Supplies	551	-	551
Acct. 505400 Food & Kitchen Supplies	150	-	150
Acct. 505800 Medical & Health Supplies	10,600	2,650	13,250
Acct. 506200 Maintenance & Repair	150	(150)	0
Acct. 516020 Professional Service Contracts & Fees	2,950	2,800	5,750
Acct. 53000 Other Expense	1,699	600	2,299
<b>TOTAL APPROPRIATIONS</b>	<b>16,100</b>	<b>5,900</b>	<b>22,000</b>
<b><u>REVENUES</u></b>			
Acct. 479100 Other Contributions	16,100	5,900	22,000
<b>TOTAL REVENUES</b>	<b>16,100</b>	<b>5,900</b>	<b>22,000</b>

and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, Erie County STOP-DWI, the Office of the Sheriff, the Office of the Comptroller and the Office of Traffic Safety.

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

**CARRIED UNANIMOUSLY.**

Item 39 – **MS. MARINELLI** moved to discharge the **ECONOMIC DEVELOPMENT COMMITTEE** from further consideration of **COMM. 12E-37**. **MR. KUWIK** seconded.

**CARRIED UNANIMOUSLY.**

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**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 160

RE: DPW - Ralph Wilson Stadium - 2005 -  
 Stadium Structural Repairs & Miscellaneous  
 Work, Phase I

WHEREAS, the Department of Public Works received bids on May 19, 2005 for the Ralph Wilson Stadium – 2005 – Structural Repairs & Miscellaneous Work – Phase I, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders for the Ralph Wilson Stadium – 2005 – Structural Repairs & Miscellaneous Work – Phase I, and

WHEREAS, the County of Erie is required to provide annual Capital Lease Improvements to the stadium facilities pursuant to the new Lease Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2005 – Structural Repairs & Miscellaneous Work – Phase I as follows:

GENERAL CONSTRUCTION WORK

Patterson & Stevens, Inc.

Base Bid	\$149,900.00
Alternate Bid G-1	\$ 50,100.00
Alternate Bid G-2	<u>\$ 38,500.00</u>
Total for General Construction Work	\$238,500.00

ELECTRICAL WORK

CIR Electrical Construction Corp.

Base Bid	\$169,500.00
Total for Electrical Work	<u>\$169,500.00</u>

Total for all contracts:	\$408,000.00
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and be it further,

RESOLVED, that the sum of \$85,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further

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RESOLVED, that the Comptroller's Office be authorized to make payment for all of the about from the 2004 Rehabilitation of Ralph Wilson Stadium Bond Account, Project A.00232, (old SFG Project 122), and be it further

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

MS. MARINELLI moved for the approval of the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 40 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Intro 16-8 from Legislator Marinelli Re: Reductions To Further Stabilize The 2005 Erie County Adopted Amended Budget.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 16E-16 from Legislator Marinelli Re: Charter Revision Commission Appointment.

Received, filed, and printed.

June 16, 2005

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

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Michael Risman of 44 Depew Avenue, Buffalo, NY 14214 as my representative to the Charter Revision Commission of Erie County.

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**ERIE COUNTY LEGISLATURE**

Thank you for your assistance.

Sincerely,

Lynn M. Marinelli  
Legislator – 11th District

Item 42 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

Comm. 16E-17 from Legislator Kuwik Re: Charter Revision Commission Appointment.

Received, Filed, and Printed.

June 16, 2005

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

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Mr. Dana Britton of 49 Weber Road, Lackawanna, NY 14218 as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

Edward Kuwik  
Legislator – 1st District

Item 43 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. Mr. Wroblewski seconded.

CARRIED UNANIMOUSLY.

Comm. 16E-18 from Legislator Wroblewski Re: Charter Revision Commission Appointment

Received, Filed, and Printed.

June 16, 2005

**MEETING NO. 16**  
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**ERIE COUNTY LEGISLATURE**

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

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Joan Lillis of 25 Leocrest Court, West Seneca, NY 14224 as my representative to the Charter Revision Commission of Erie County.

Thank you for your assistance.

Sincerely,

Timothy Wroblewski  
Legislator – 9th District

Item 44 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda and for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

RE: Personnel - 2005-06 NYS Safety Training  
Grant Awarded (Comm. 16E-19)

WHEREAS, the New York State Department of Labor Hazard Abatement Board (NYSDOL HAB) has awarded Erie County a grant in the amount of \$80,500.00 for the safety training of County employees, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the \$80,500.00 grant from NYSDOL HAB, and be it further

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

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

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

MS. MARINELLI moved for the approval of the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 45 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda and for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

RE: Eliminate County Parks Position (Comm. 16E-20)

WHEREAS, the County Parks Department has opened the Parks, and

WHEREAS, the County and AFSCME negotiated a Memorandum of Understanding to accommodate the openings, and

WHEREAS, the department is running with a scaled down staff, and

WHEREAS, the County Legislature eliminated vital and negotiated positions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature will restore the positions of Auto Mechanic and Parks Maintenance Worker I positions to accommodate contractual obligations to bring employee back from sick leave, and be it further

RESOLVED, that the Erie County Legislature will restore the position of Seasonal Cashier to accommodate the operation of the Elma Golf Course, and be it further

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

MS. MARINELLI moved for approval of the item. MR. SWANICK seconded. MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED.

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda and for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

RE: Parks Dept. - City Pool Staffing (Comm. 16E-21)

WHEREAS, the Erie County Parks department has an inter-municipal agreement to operate and maintain the City of Buffalo pools, and

WHEREAS, to operate these pools the department needs an additional 62 lifeguards, 10 supervising lifeguards and 10 pool filtration operators, and

WHEREAS, there are two indoor pools that operate year round requiring part time positions instead of seasonal positions to allow the trained employees to work 52 weeks a year, and

WHEREAS, funds are available within the existing Buffalo City Parks adopted budget account 500030, seasonal employees' wages, to fund these positions.

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create 7 seasonal and 3 part time positions of Pool Filtration Operators, job group 60 at an hourly rate of \$8.15 per hour, and be it further

RESOLVED, that the authorization is hereby granted to create eight part time and two seasonal supervising lifeguards job group 58, \$6.50 per hour, and be it further,

RESOLVED, that the authorization is hereby granted to create 15 part time and 47 seasonal lifeguard positions, job group 57, \$6.25 per hour, and be it further

RESOLVED, that the amount of \$72,000 be transferred from the City Parks Division Cost Center 16440, appropriation account 500030, seasonal employee Wages to appropriation account 500010 part time wages and be it further,

RESOLVED, that copies of this resolution be forwarded to the Commissioner of Parks, Commissioner of Personnel, County Comptroller, Director of Budget and County Executive.

MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded. MR. RANZENHOFER, MS. CUSACK, and MS. MARSHALL voted in the negative.

CARRIED.



**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

Item 47 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda and for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Youth Detention Facility Security Guards  
 (Comm. 16E-22)

WHEREAS, on June 14, 2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, on May 18, 2005 the Erie County Personnel Department established the Civil Service list for the position of Detention Facility Security Guard, and

WHEREAS, Civil Service law requires that any Provisional employee that is not reachable following the establishment of a Civil Service list must be removed from said position within 60 days of the establishment of the list, and

WHEREAS, there are currently 4 full time and 4 part time Detention Facility Security Guards that, pursuant to Civil Service law, must be removed from their current positions, and

WHEREAS, failure to fill these positions will result in the inability to operate the Erie County Youth Detention Facility.

NOW, THEREFORE BE IT

RESOLVED, that the positions of Detention Facility Security Guard is hereby exempt from the provisions of Intro 15-9 of 2005, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, Budget Director and Director of Probation.

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

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda and for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

RE: Citizen's Budget Review Commission  
 (Intro 16-9)

**A RESOLUTION SUBMITTED BY  
 LEGISLATOR KENNEDY**

**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Citizen's Budget Review Commission of Erie County has been created through the passage of a local law and signature into law by the County Executive, and

WHEREAS, in accordance with the local law establishing the commission, the following statutory appointments or recommendations for appointment were ratified by this Honorable Body on May 5, 2005:

County Executive	Carl Falletta
Chair of Legislature	Kenneth Peterson
Majority Leader of Legislature	Sheila Kee
Minority Leader of Legislature	James Gately
Business Community	Robert Gioia
Labor Community	Michael Drennan
CPA Community	Joseph Falbo

and

WHEREAS, it is necessary that the Legislature complete the establishment of the Commission through the appointment of members representing the Banking and Attorney Communities and the two General Legislative appointments in order that the Commission may initiate its review and operations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby ratify and confirm the appointments of the following two individuals to the Citizen's Budget Review Commission of Erie County:

Banking Community:	David Rutecki
Attorney Community:	Stephen Halpern

and be it further

RESOLVED, that the Erie County Legislature does hereby ratify and confirm the appointments of the following two individuals to the Citizen's Budget Review Commission of Erie County:

Legislative:	Francisco Vasquez
Legislative:	Kenneth Kruly

and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Comptroller, Budget Director, County Attorney, and the above representatives appointed to the Commission.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR SWANICK**

Item 49 – (Comm. 16E-1) Letter To Marinelli Re: Charter Revision Commission Appointment

Received, Filed, and Printed.

June 2, 2005

Honorable Lynn Marinelli  
Erie County Legislature  
92 Franklin St.  
Buffalo, NY 14202

Dear Honorable Marinelli:

I am writing to request that Gerald E. Kelly be my appointment to the Charter Review Commission. If you have any questions or need a copy of his resume, please do not hesitate to contact my office.

Sincerely,

Charles M. Swanick  
Erie County Legislator  
10<sup>th</sup> District

c.c. Gerald Kelly

**FROM LEGISLATOR CUSACK**

Item 50 – (Comm. 16E-2) Charter Revision Commission Appointment

Received, Filed, and Printed.

June 1, 2005

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

Dear Mr. Kelley:

**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

I would like C. Michael Zabel to be my appointment to the Charter Review Commission. His address is:

27 Snyderwood Court  
Amherst, New York 14223  
(716) 842-2311

He is head of communications at M&T Bank. If you have any questions, please let me know. Thank you.

Very truly yours,

ELISE M. CUSACK  
Erie County Legislator  
14<sup>th</sup> District

EMC:slm

FROM LEGISLATOR MARINELLI

Item 51 – (Comm. 16E-3) Copy of Letter to State Comptroller Re: Requesting Comprehensive Economy & Efficiency Performance Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 52 – (Comm. 16E-4) Charter Revision Commission Appointment

Received, Filed, and Printed.

June 7, 2005

Mr. Kevin Kelley  
Clerk, Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Dear Mr. Kelley:

Please be advised that I am appointing the following to represent the Erie County Sheriff on the Erie County Charter Revision Commission:

Mr. David Comerford  
114 Whitehall  
Buffalo, New York 14220

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

PATRICK M. GALLIVAN  
 SHERIFF, ERIE COUNTY

PMG/sue

FROM THE COMPTROLLER

Item 53 – (Comm. 16E-5) DISS - Fleet Services - Review of Payment & Dispensing of County Vehicle Fuel - 9/1/03 - 9/31/04

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 54 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

Re: CPS - Extension of Contract with L. Robert Kimball - Communication Consultant (Comm. 16E-6)

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

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center which includes a new Communication Center, and

WHEREAS, in 2003, as a result of a competitive RFP issued through Central Police Services, Erie County retained the services of L. Robert Kimball and Associates to assist in development and buildout of the new Public Safety Communications Center and

WHEREAS, Central Police Services is now faced with the need to insure that we have adequate back-up facilities for this consolidated communication center, and

WHEREAS, Kimball has provided a proposal to assist Erie County in design and development of this critical facility using the existing back-up center in Delaware Park, and

WHEREAS, the cost of these services will not exceed \$238,000, and

WHEREAS, funding is available through Urban Area Security Initiative funds to insure critical communications exists for first responders, and

WHEREAS, the Communications Center is slated to being operations in early 2006 and this back-up facility will be needed at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to extend the existing contract with L. Robert Kimball for an amount not to exceed \$238,000 to provide communications services for Erie County Central Police Services, source of funds is UAS103 grant #HS16SUASIF030305, account #516020 Professional Services Contracts and Fees, and be it further

RESOLVED, that this work will also include insuring that existing commercial cellular devices are functional in all areas of the new Public Safety Building, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 55 – (Comm. 16E-7) Second Extension of the Transition Period With ECMCC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (Comm. 16E-8) ECSD No. 2 - Contract No. 34EV - Bluffs Subtrunk Phase II - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

Re: Emergency Services - Acceptance of Award to Establish Grant from the NYS Legislature through the EC Fire Chief's Association for \$50,000 (Comm. 16E-9)

WHEREAS, funds have been received from the New York State Legislature to the Erie County Fire Chief's Association for the Department of Emergency Services to establish a grant to conduct Individual Fire Company Training for the remainder of 2005, and

WHEREAS, this grant will be used to re-hire the laid off County Fire Instructors to conduct this Individual Fire Company Training, and

WHEREAS, this grant will only be used for the re-hiring of laid off County Fire Instructors to conduct Individual Fire Company Training for the remainder of 2005.

NOW, THEREFORE, BE IT.

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to receive the \$50,000.00 from the New York State Legislature through the Erie County Fire Chief's, and establish a grant to re-hire laid off County Fire Instructors to conduct Individual Fire Company Training for the remainder of 2005, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish a grant which will assist the Department of Emergency Services:

DEPARTMENT OF EMERGENCY SERVICES  
Erie County Fire Instructors Training Grant

Revenue	
SAP 409000 – State Aid - Other	\$ 50,000
TOTAL	\$ 50,000
Appropriations	
SAP 500010 – Part Time Wages (Fire Instructors)	\$ 50,000
TOTAL	\$ 50,000

and be it further

RESOLVED, that all laid off County Fire Instructors will be re-hired, and be it further

RESOLVED, that these County Fire Instructors will be utilized to conduct individual Fire Company training for the remainder of 2005, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 58 – (Comm. 16E-10) Surplus Revenue - Road Repair Reserve Fund - Public Hearing Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (Comm. 16E-11) CPS – Professional Services - Computer Consulting Services of WNY, Inc

**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

Item 60 – (Comm. 16E-12) CPS - Professional Services - ECC Technologies, Inc

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

Item 61 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: Appointments/Reappointments to EC  
 Council on the Disabled (Comm. 16E-13)

RESOLVED, the Erie County Legislature does hereby approve the appointments/reappointments 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>
J. Lynn Brennan 44 Harvard Place Orchard Park, New York 14127	June 30, 2007
Robert Haenggi 55 Covington Road Buffalo, New York 14216	June 30, 2007
Vicki Rubin 297 Forestview Drive Williamsville, New York 14221	June 30, 2007

#### **REAPPOINTMENTS**

<u>Name and Address</u>	<u>Term Expiration</u>
Miriam R. Callahan P.O. Box 186 Buffalo, New York 14201	June 30, 2007
Ronald A. Clark 77 Karen Drive Tonawanda, New York 14150	June 30, 2007



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**ERIE COUNTY LEGISLATURE**

Ivy Diggs-Washington June 30, 2007  
 312 Highgate Avenue  
 Buffalo, New York 14215

Kathy S. Hoffman June 30, 2007  
 6130 Long Street  
 Clarence Center, New York 14032

Sherlyn A. Kolke June 30, 2007  
 40 Shire Drive  
 East Amherst, New York 14051

Robert McPartland June 30, 2007  
 47 Groveland  
 Buffalo, New York 14214

Charles H. Root June 30, 2007  
 12013 Hillview Terrace  
 Holland, New York 14080

Ilona Tylwald June 30, 2007  
 56 Cobblestone Lane  
 Williamsville, New York 14221

Bradford R. Watts June 30, 2007  
 352 Phyllis Avenue  
 Buffalo, New York 14215

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

CARRIED UNANIMOUSLY.

Item 62 - MS. MARINELLI presented the following item and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

RE: 2005 Budget Adjustments – DISS (Comm. 16E-14)

WHEREAS, the Division of Information and Support Services maintains the budget for fuel and manages all fuel purchases on behalf of all county departments; and

WHEREAS, the 2005 Erie County Budget, as enacted assumed that the countywide use of fuel would decrease by 50% and the fuel budget was reduced to \$563,685; and

WHEREAS, the price of fuel has increases by 25% since January 2005 and may go higher;  
 and

WHEREAS, the balance of the fuel budget will be exhausted at the end of June 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Information and Support Services is authorized to transfer \$800,000 from Social Services fund center 120, account #525000 – MMIS – Medicaid Local Share to DISS fund center #107, account # 505600 – Auto Supplies, and be it further

RESOLVED, that the Division of Information and Support Services monitor the fuel payments and revert to the Erie County Legislature if more funding is required, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Division of Information and Support Services.

MS. MARINELLI moved to amend the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 16E-14  
 TO BE SUBMITTED BY LEGISLATOR HOLT

- **DELETE** the first (1st) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that to pay for the costs of fuel and to enable the continued operation of county vehicles, especially in the Sheriff Department, the Division of Information and Support Services is authorized to transfer \$250,000 from DPW (Highways) Fund 210, Fund Center 123, Account 506400 – Highway Supplies to DISS Fund Center 107, Account 505600 – Auto Supplies, and be it further

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

CARRIED UNANIMOUSLY.

Item 63 – (Comm. 16E-15) Creating of Planning Positions For New Public Safety Campus

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

Item 64 – (Comm. 16D-1) Notice of Public Hearing For Comm. 13E-27 - Reso No. 133-2005 - \$80 Million RAN

Received, Filed, and Printed.

**MEETING NO. 16  
JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

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June 2, 2005

**VIA HAND DELIVERY**

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

**Re: Notice of Public Hearing for  
Communications 13E-27/Reso. No. 133-2005  
\$80,000,000 Revenue Anticipation Notes**

Dear Kevin:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned communication, which was approved by the Erie County Legislature on May 19, 2005.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: BRIAN D. WHITE  
Assistant County Attorney

BDW/crj  
Enc.

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Wednesday, June 15, 2005 at 9:30 a.m., concerning the issuance of up to \$80,000,000 of revenue anticipation notes.

The hearing will be held in the County Executive's Conference Room, 95 Franklin Street, 16<sup>th</sup> Floor, in the City of Buffalo, New York.

On May 19, 2005, the Erie County Legislature passed Communication 13E-27/Reso. No. 133-2005. Copies of the resolution are available for public inspection in the office of the Clerk of the Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.

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JOEL A. GIAMBRA  
 Erie County Executive

MS. MARINELLI moved to recess (6/16/05 @ 3:05 PM). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to reconvene (6/17/05 @ 1:42 PM). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

All members present except Legislator Cusack.

Item 65 – MS. MARINELLI moved to consider item Intro 16-4. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

Re: Memorializing Resolution to NYS  
 Legislature - Deficit Financing

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

MS. MARINELLI moved to amend the item by attaching the following resolution MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

AMENDMENTS TO INTRO. 16-4  
 TO BE SUBMITTED BY LEGISLATOR HOLT

**RE: MEMORIALIZING RESOLUTION TO NYS LEGISLATURE – DEFICIT  
 FINANCING**

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

**MEETING NO. 16  
JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

**RE: HOME RULE REQUEST RESOLUTIONS: DEFICIT FINANCING AUTHORITY**

**ASSEMBLY**

WHEREAS, Assembly Bill No. A8893, and Senate Bill No. S5745A, now pending before the New York State Legislature, would authorize Erie County to issue serial bonds for the purpose of liquidating a deficit in the county general fund;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A8893 entitled "AN ACT authorizing the county of Erie to issue serial bonds for the purpose of liquidating a deficit in the county general fund and to amend the tax law, in relation to such sales and compensating use taxes."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the issuance of serial bonds will worsen the 2005 Erie County budget shortfall and result in the cessation of County services essential to the people of Erie County.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

**SENATE**

WHEREAS, Senate Bill No. S5745A and Assembly Bill No. A8893, now pending before the New York State Legislature, would authorize Erie County to issue serial bonds for the purpose of liquidating a deficit in the county general fund;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

**MEETING NO. 16  
JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S5745A entitled “AN ACT authorizing the county of Erie to issue serial bonds for the purpose of liquidating a deficit in the county general fund and to amend the tax law, in relation to such sales and compensating use taxes.”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the issuance of serial bonds will worsen the 2005 Erie County budget shortfall and result in the cessation of County services essential to the people of Erie County.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

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

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

AYES: CHASE, MARSHALL, McCARVILLE, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SMITH and WROBLEWSKI. NOES: RANZENHOFER, SWANICK and KENNEDY.

CARRIED.

Item 66 –MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda from the Comptroller and for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Naples v. Erie County, et al –  
Proposed Settlement (Comm. 16E-23)

RESOLVED, the Erie County Legislature does hereby exempt the following positions created in the Office of the Comptroller on May 19, 2005 from the provisions of Intro. 15-9 (Resolution No. 150-2005), passed on June 14, 2005:

Title	Grade	Position Number	2005 Salary	7 Month Add Back

**MEETING NO. 16  
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**ERIE COUNTY LEGISLATURE**

Accounting Analyst	11	115	58,972	34,400
Chief Account Clerk	7	1152	38,522	22,471
Junior Accountant	7	5269	36,878	21,512
Principal Clerk	6	7352	38,287	22,334
Data Proc Ctl Clerk	5	2264	35,048	20,445
Data Proc Ctl Clerk	5	2265	34,424	20,081
Account Clerk Typist	4	50	30,322	17,688
Account Clerk Typist	4	53	31,878	18,596
Senior Clerk Typist	4	8482	30,322	17,688
<b>Total</b>			<b>334,653</b>	<b>195,215</b>

MS. MARINELLI moved for the approval of the item. MR. RANZENHOFER seconded. MR. WROBLEWSKI voted in the negative.

CARRIED.

FROM THE COUNTY ATTORNEY

Item 67 – (Comm. 16D-2) LL No. 5-2005 - Prohibiting Sale, Purchase and Use of AWOL Machines

Received, Filed and Printed.

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**TO:** FREDERICK A. WORK, Erie County Attorney  
SUSANNAH M. BOCHENEK, 2<sup>nd</sup> County Attorney  
BRIAN D. WHITE, Assistant County Attorney  
NANCY A. NAPLES, Erie County Comptroller  
KEVIN M. KELLEY, Clerk, Erie County Legislature  
WARREN K. GALLOWAY, Sr. Exec. Asst. to Co. Executive

**FROM:** GREGORY J. DUDEK, Assistant County Attorney

**DATE:** JUNE 1, 2005

**RE:** LOCAL LAW NO. 5-2005 – Prohibiting Sale, Purchase and Use of Alcohol without Liquid Machines

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**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

Attached for your information is a copy of the filing receipt from the Department of State, showing that the above referenced local law was filed on May 19, 2005.

GDJ/crj  
Attachment

May 25, 2005

Gregory J Dudek  
Assistant County Attorney  
69 Delaware Avenue, Suite 300  
Buffalo, NY 14202

**RE: County of Erie, Local Law 5, 2005, filed on May 19, 2005**

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records & Law Bureau  
(518) 474-2755

LL:cb

Item 68 – (Comm. 16D-3) Notice of Public Hearing - LL Intro No. 9-2005

Received, Filed, and Printed.

June 3, 2005

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

**Re: Notice of Public Hearing**  
**Local Law Intro. No. 9-2005**

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. which was approved by the Erie County Legislature on June 2, 2005.



**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

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Please post the enclosed for the information of anyone who may be interested in attending the hearings.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: BRIAN D. WHITE  
Assistant County Attorney

BDW/crj  
Enc.

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Wednesday, June 15, 2005 at 10:00 a.m., concerning:

A LOCAL LAW, amending Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.04 Sub. F with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16<sup>th</sup> Floor, in the City of Buffalo, New York.

One June 2, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 9 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.

**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

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JOEL A. GIAMBRA  
Erie County Executive

Item 69 – (Comm. 16D-4) Notice of Public Hearing - LL Intro No. 10-2005

June 3, 2005

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

**Re: Notice of Public Hearing**  
**Local Law Intro. No. 10-2005**

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. which was approved by the Erie County Legislature on June 2, 2005.

Please post the enclosed for the information of anyone who may be interested in attending the hearings.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: BRIAN D. WHITE  
Assistant County Attorney

BDW/crj  
Enc.

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Wednesday, June 15, 2005 at 10:30 a.m., concerning:

**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16<sup>th</sup> Floor, in the City of Buffalo, New York.

On June 2, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 10 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.

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JOEL A. GIAMBRA  
 Erie County Executive

Item 70 – (Comm. 16D-5) Power to Fill Vacancy in the Office of Sheriff

Item 71 – (Comm. 16D-6) Transmittal of New Claims Against EC

The above two items were received and riled.

**FROM THE DIVISION OF PURCHASE**

Item 72 – (Comm. 16D-7) Legislative Submission

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 73 – (Comm. 16M-1) NFTA Board Minutes

**FROM THE ECIDA**

Item 74 – (Comm. 16M-2) Notice of Board of Directors Meeting Held 6/13

**FROM THE ARMY**

Item 75 – (Comm. 17M-3) Notice of Legislator Swanick Being On Active Military Duty  
 6/8/05 - 6/9/05

**FROM THE CITY OF BUFFALO COMMON COUNCIL**

**MEETING NO. 16**  
**JUNE 16, 2005**

**ERIE COUNTY LEGISLATURE**

Item 76 – (Comm. 17M-4) Copy of Certified Resolution Re: Requesting State Legislature to Require Sharing of any EC Sales Tax Increase With Buffalo & Other Municipalities

The above four items were received and filed.

**FROM THE BUFFALO NIAGARA PARTNERSHIP & THE BUFFALO LABOR COUNCIL**

Item 77 – (Comm. 17M-5) Letter To All EC Elected Officials Re: 2005 EC Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE TOWN OF LANCASTER**

Item 78 – (Comm. 17M-6) Copy of Certified Resolution Re: NYS Retirement System

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 79 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Kathy Jordan Kane.

Item 80 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of Terrence Crow.

**ADJOURNMENT**

Item 81 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until 2 p.m. Tuesday, July 7, 2005. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Tuesday, July 7, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY**  
**CLERK**