

**ERIE COUNTY LEGISLATURE  
MEETING NO. 17  
SEPTEMBER 28, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Konst.

Item 1- CHAIRMAN MARINELLI directed that the Nomination & Election of the Clerk be tabled.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. WHYTE moved for the approval of the minutes of meetings 14 and 15 of 2006. MR. REYNOLDS seconded. MR. RANZENHOFER voted in the negative.

CARRIED (14-1)

Item 5 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MR. REYNOLDS presented a resolution Recognizing October 1-7, 2006 as National 4-H Week.

Item 7 – MR. REYNOLDS presented a resolution In Memory of Johanna Jacoby.

Item 8 – MR. REYNOLDS presented a resolution Commending Hilbert College.

Item 9 – MR. LOUGHRAN presented a resolution Congratulating Jason P. Mazurowski upon the Achievement of the Rank of Eagle Scout.

Item 10 – MR. LOUGHRAN presented a resolution Congratulating David Hahn-Baker of the 2006 Paul MacClennan Environmental Citizen of the Year Award.

Item 11 – MR. KENNEDY presented a resolution Honoring the Buffalo Fenians Gaelic Football Club.

Item 12 – MS. WHYTE presented a resolution Recognizing the Opening of Eco-Friendly Custom Cleaners.

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Item 13 – MR. HOLT presented a resolution Honoring St. Adalbert Basilica Parish Upon Their 120th Anniversary.

Item 14 – MR. KENNEDY presented a resolution Declaring October 6, 2006 "Paul Fitzpatrick Day in Erie County".

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above nine items with Et Al Sponsorship and to include an item not on the agenda from Legislator Iannello. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 15 – MS. IANNELLO presented a resolution Declaring September 29, 2006 “Shawn Mangold Day.”

MS. WHYTE moved for approval of the above ten items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

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

GRANTED.

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

GRANTED.

Item 18 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table.

GRANTED.

Item 19 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table.

GRANTED.

Item 20 - CHAIRMAN MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table.

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GRANTED.

Item 21 - CHAIRMAN MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table.

GRANTED.

Item 22 – MS. IANNELLO presented the following Local Law and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAW INTRO NUMBER \_\_\_\_\_ - 2006  
LOCAL LAW NUMBER \_\_\_\_\_ - 2006  
COUNTY OF ERIE, NEW YORK

A LOCAL LAW PROVIDING FOR THE LEASE OF A PORTION OF THE SOUTH CAMPUS  
OF ERIE COMMUNITY COLLEGE FOR THE DEVELOPMENT OF STUDENT HOUSING

BE IT ENACTED by the Erie County Legislature as follows:

SECTION 1. Notwithstanding the provisions of Section 215 of the County Law or any special act or local law to the contrary, the County may lease such portion of the South Campus of Erie Community College, as may be determined by the Erie County Legislature to not be required for public use, to the Erie Community College Foundation or an affiliated 501(c)(3) entity for the development of student housing on the South Campus of Erie Community College, without competitive bidding or public advertisement, on such terms and conditions as may be approved by the Erie County Legislature. Such lease may provide for an original term of up to thirty-five years and for a total term, including renewals and extensions, of up to forty-nine years.

SECTION 2. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. This local law shall take effect immediately in accordance with Section 27 of the New York State Municipal Home Rule Law.

MICHELE M. IANNELLO

LYNN M. MARINELLI

MARIA R. WHYTE

TIMOTHY M. KENNEDY

THOMAS A. LOUGHRAN

GEORGE A. HOLT

DANIEL M. KOZUB

THOMAS J. MAZUR

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CYNTHIA A. LOCKLEAR

DEMONE A. SMITH

ROBERT B. REYNOLDS, JR

**COMMITTEE REPORTS**

Item 23 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 271

SEPTEMBER 19, 2006

HUMAN SERVICES COMMITTEE  
 REPORT NO. 10

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-13 (2006)  
**MARINELLI:** Human Services Matrix Tracking  
 (4-0)
  - b. COMM. 15D-8 (2006)  
**SOCIAL SERVICES:** Effect NYS Parole Office Move to 460 Main St. will have on 478 Main St. Social Services Office  
 (4-0)
2. COMM. 15E-31 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE), Community Services Initiative (CSI), Health Insurance Information Counseling and Assistance Program (HIICAP) and Long Term Care Ombudsman Program (LTCOP) grants for the period April 1, 2006 to March 31, 2007; and for the Title V Senior Employment Program grant for the period July 1, 2006 to June 30, 2007, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that the Department has been awarded additional funds for HIICAP, LTCOP and the Senior Employment programs, and

WHEREAS, the Department also received the insurance proceeds for a van, originally purchased with CSI grant funds, which was destroyed in a fire, and

WHEREAS, the Department is obligated to use these insurance proceeds to replace the van originally purchased with CSI funds, or to remit 75% of the proceeds to the grantor, and

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WHEREAS, the Department desires to use these insurance proceeds, along with designated funds in cost center 1632020, to replace the van to ensure that the existing fleet operated by the many community agencies and municipalities remains in good-working order, and

WHEREAS, the Department currently contracts with the American Red Cross - Greater Buffalo Chapter to provide ombudsman services under the LTCOP grant, and Supportive Services, Inc. to provide Title V employment services under the Senior Employment grant, and

WHEREAS, the Department currently contracts with the American Red Cross - Greater Buffalo Chapter, Hispanics United of Buffalo, Lt. Col. Matt Urban Human Services Center, Northwest Buffalo Community Center, Inc., Old First Ward Community Association, Inc., Schiller Park Community Services, Inc. and West Side Community Services to provide transportation services to the elderly through December 31, 2006, and

WHEREAS, the Department desires to extend the terms of the transportation contracts with these community-based agencies through March 31, 2007, the end of the CSE grant period, and

WHEREAS, the State Pharmaceutical Assistance Program (SPAP) grant will end September 30, 2006 and the Department has identified the continuing need to counsel seniors and upcoming seniors on pharmaceutical and long term care insurance options available to them, and

WHEREAS, Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc. has been providing legal assistance to seniors denied or unable to obtain creditable coverage for prescription drugs from March through September, 2006 under SPAP, and

WHEREAS, the new Medicare enrollment period starting November 15, 2006 is expected to be problematic for low income seniors needing prescription coverage, and

WHEREAS, the Department desires to contract with Legal Services for the Elderly to provide legal assistance to seniors denied or unable to obtain creditable coverage for prescription drugs, effective October 1, 2006 through March 31, 2007, under the HIICAP grant, and

WHEREAS, the Department has reviewed its service objectives and vacant positions as a result of recent retirements and desires to transfer one position from a grant that is ending to a grant that can support such activity; to delete two positions (one County-funded and the other grant funded) and create one grant funded position that absorbs key functions of the department, thereby maximizing grant reimbursements and creating overall departmental cost and operational efficiencies; and to replace a position with one that is more encompassing in project management, and

WHEREAS, the Department desires to transfer the Coordinator of Insurance Outreach and Education position (no. 51001877) from the SPAP grant to the CSE grant; to delete the SPAP-funded Coordinator of Community Partnership Development position (no. 51003077), the County-funded Secretary to the Commissioner position (no. 51001121), the CSE-funded Account Clerk Typist position (no. 00000087) and the Senior Contract Monitor position (no. 00008708), effective October 1, 2006; and to create a CSE-funded Administrative Clerk position and a III-B-funded Project Administrator-Senior Services position, all effective October 1, 2006, and

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WHEREAS, these position changes are reflected in the SAP system on B-100 position authorization forms, Control numbers 2308, 2332, 2334, 2335 and 2362, and

WHEREAS, the CSE, CSI, HIICAP, LTCOP and Senior Employment grant budgets need to be revised, and

WHEREAS, sufficient funds are available in the III-B grant, and

WHEREAS, local match is either not required or is sufficient to cover the revised grant allocations and revisions, and

WHEREAS, the County will generate a \$16,100 savings in the operating fund for 2006 as a result of the above position changes.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the LTCOP contract with the American Red Cross - Greater Buffalo Chapter and the Senior Employment contract with Supportive Services, Inc. by the amounts detailed herein, and be it further

RESOLVED, that the County Executive be and is hereby authorized to extend the CSE contracts through March 31, 2007 with the following community-based agencies who are providing transportation services to the elderly:

American Red Cross Greater Buffalo Chapter  
Hispanics United of Buffalo  
Lt. Col. Matt Urban Human Services Center  
Northwest Buffalo Community Center, Inc.  
Old First Ward Community Association, Inc.  
Schiller Park Community Services, Inc.  
West Side Community Services

and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Legal Services to provide legal assistance to seniors denied or unable to obtain creditable coverage for prescription drugs services in the HIICAP grant, through March 31, 2007, in the amount detailed herein, and be it further

RESOLVED, that the Coordinator of Insurance Outreach and Education position be transferred from the SPAP grant to the CSE grant, effective October 1, 2006; that the Coordinator of Community Partnership Development position, the Secretary to the Commissioner position, the Account Clerk Typist position and the Senior Contract Monitor position be deleted as of October 1, 2006; and that an Administrative Clerk position and a Project Administrator-Senior Services position be created in the III-B grant, effective October 1, 2006, and be it further

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RESOLVED, that the budget for the CSE grant, 163CSE0607, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
500000	Full Time Salaries	\$159,681	\$51,600	\$211,281
502000	Fringe Benefits	61,909	21,138	83,047
516010	Contractual - CEM	107,022	<u>-72,738</u>	34,284
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the CSI grant, 163CSI0607, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
Account	Description			
466100	Other Revenues	\$0	<u>\$9,594</u>	\$9,594
	TOTAL CHANGE		<u>\$9,594</u>	
<b>APPROPRIATIONS</b>				
561440	Motor Vehicles	\$0	<u>\$9,594</u>	\$9,594
	TOTAL CHANGE		<u>\$9,594</u>	

and be it further

RESOLVED, that the budget for the HIICAP grant, 163HIICAP0607, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
Account	Description			
414000	Federal Aid	\$27,413	\$14,387	\$41,800
	TOTAL REVENUE	<u>\$27,413</u>	<u>\$14,387</u>	<u>\$41,800</u>
<b>APPROPRIATIONS</b>				
505000	Office Supplies	\$439	-\$313	\$126
	Contractual- Legal			
516010	Services	0	14,900	14,900
980000	ID DISS Services	1,200	-200	1,000
	TOTAL			
	APPROPRIATIONS	<u>\$1,639</u>	<u>\$14,387</u>	<u>\$16,026</u>

and be it further

RESOLVED, that the budget for the LTCOP grant, 163LTCOP0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid Revenue	\$44,886	\$4,665	\$49,551
	TOTAL CHANGE		<u>\$4,665</u>	
<b>APPROPRIATIONS</b>				
516010	American Red Cross	\$44,886	\$4,665	\$49,551
	TOTAL CHANGE		<u>\$4,665</u>	

and be it further

RESOLVED, that the budget for the Senior Employment grant, 163SREMP0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
414000	Federal Aid Revenue	\$244,939	\$13,277	\$258,216
466000	Miscellaneous Revenue	9,216	3,077	12,293
	TOTAL CHANGE		<u>\$14,752</u>	
<b>APPROPRIATIONS</b>				
516010	Supportive Services Corp.	\$272,155	\$16,354	\$288,509
	TOTAL CHANGE		<u>\$14,752</u>	

and be it further

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

(4-0)

3. **COMM. 15E-39 (2006)**  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has been notified of a special award by New York State to conduct a program entitled Strengthening Families Through Stronger Fathers program, and



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WHEREAS, the Erie Community College funding is allocated to continue a successful direct State contract for the DADS program that has expired, and

WHEREAS, the College is to continue to operate a program as a lead agency in conjunction with the Eighth Judicial District, Family Court and the Buffalo City Drug Court, and

WHEREAS, services are provided to non-custodial parents to facilitate family involvement and participation in activities with custodial parents and children while the balance of the grant funds, to be awarded through an RFP process, will target employment and training services to non-custodial parents, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, a Strengthening Families Program grant is hereby established for the period April 1, 2006 through March 31, 2007 and that the following budget is hereby established for the grant:

Department of Social Services, Department 120, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Contractual Services	\$150,000
516010	Erie County Community College	<u>100,000</u>
	Total Expenditure	<u>\$250,000</u>
409000	State Aid	<u>\$250,000</u>
	Total Revenue	<u>\$250,000</u>

and be it further

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

RESOLVED, due to the immediate need to continue funding for the existing DADS program due to the expiration of a direct State contract, the requirement for Request for Proposals is hereby waived in the case of the Erie Community College contract, and be it further

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

(4-0)

4. COMM. 15E-50 (2006)  
**COUNTY EXECUTIVE**

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WHEREAS, the Department of Social Services has been awarded a grant by New York State to provide for enhanced staffing for mandated Child Protection Services operations, and

WHEREAS, Child Protection Services are provided to protect children from abuse and maltreatment while preserving families whenever possible, and

WHEREAS, each month comprehensive investigations of up to 900 cases are initiated within 24 hours of receipt of a report of abuse or neglect from the New York State Central Register, and

WHEREAS, activities include an immediate assessment of risk, direct provision of rehabilitative services and referral to contracted providers, and

WHEREAS, critical tasks also include initiation of neglect and abuse court petitions and the physical removal of 350 children per year to out of home care where the safety of children can not be assured, and

WHEREAS, increasing trends in the number of reports of abuse and neglect that must be assigned to each worker is a problem Statewide, and this special grant award partially addresses the need for more resources while the State is also engaged in a study of caseload size that may have additional staffing implications in the future, and

WHEREAS, there is no fiscal impact to the 2006 Adopted budget due to this resolution, and

WHEREAS, the balance of the 2007 cost of these positions will be included in the 2007 budget.

NOW, THEREFORE, BE IT

RESOLVED, that a Child Protection Services Caseload Reduction grant is hereby established for the period October 1, 2006 through March 31, 2007 and the following budget is established for the grant:

Department of Social Services, Department 120, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Full Time Salaries	\$107,054
501000	Overtime	65,565
502000	Fringe Benefits	43,892
561410	Lab and Technical Equipment	<u>55,000</u>
	Total Expenditure	<u>\$271,511</u>
409000	State Aid	<u>\$271,511</u>
	Total Revenue	<u>\$271,511</u>

and be it further

RESOLVED, that the following seven staff positions are created in the new grant for the period October 1, 2006 through March 31, 2007:

Number	Title	Job Group	Data Control #
(7)	Child Protection Services Workers	JG 8	2369

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance. (3-1) Legislator Iannello voted in the negative.

5. COMM. 15E-62 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services for Adults (PSA) and Community Services Coordinator (CSC) programs for the period January 1, 2006 to December 31, 2006, and

WHEREAS, the Department of Senior Services (Department) has reviewed the budgets and actual costs of carrying out the programs through year-end, and

WHEREAS, the Department of Mental Health has informed the Department that an additional \$420 in State Aid will be available for the 2006 CSC program, and

WHEREAS, the Department has sufficient matching funds available in the Administration and Support, cost center 1631010, to match the additional State Aid, and

WHEREAS, the County budgets for these programs are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the PSA program, cost center 1632030, be revised as follows:

APPROPRIATIONS		CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description			
500000	Full Time Salaries	\$985,163	-\$11,900	\$973,263
505000	Office Supplies	4,100	2,800	6,900
	Local Mileage			
510000	Reimbursement	21,500	900	22,400

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	Professional Services &			
516020	Fees	1,000	2,300	3,300
530000	Other Expenses	2,000	1,000	3,000
561410	Lab & Technical Equipment	5,000	-3,500	1,500
	Office Equipment &			
561420	Furniture	0	7,000	7,000
980000	ID DISS Services	13,000	1,400	14,400
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the CSC program, cost center 1632070, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$82,286	\$60	\$82,346
502000	Fringe Benefits	32,313	1,720	34,033
505000	Office Supplies	700	-550	150
	Local Mileage			
510000	Reimbursement	2,800	910	3,710
916300	ID Senior Services Service	-120,000	-840	-120,840
980000	ID DISS Services	1,300	-1,300	0
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the Administration & Support program, cost center 1631010, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
559000	County Share - Grants	\$1,664,851	-\$420	\$1,664,431
912400	ID Mental Health Services	60,000	420	60,420
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the Mental Health Administration, Cost Center 12410, be revised as follows:

INCREASE TO

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REVENUES		BUDGET
Account	Description	
406830	State Aid – Mental Health	<u>\$420</u>
	TOTAL REVENUE	<u>\$420</u>
APPROPRIATIONS		
912400	ID Mental Health Services	<u>-\$420</u>
916300	ID Senior Services Services	<u>\$840</u>

and be it further

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

(4-0)

6. COMM. 15E-67 (2006)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Commission on the Status of Women to replace Latricia Chisholm who has resigned and serve the remainder of her term.

NAME & ADDRESS

TERM EXPIRATION

Nanischah Koessler  
 62 Middlesex Road  
 Buffalo, New York 14216

June 20, 2008

(4-0)

**THOMAS J. MAZUR**  
**CHAIRMAN**

Item 24 – MS. LOCKLEAR presented the following resolution and moved for immediate consideration and approval. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

SEPTEMBER 19, 2006

HEALTH COMMITTEE  
 REPORT NO. 11

ALL MEMBERS PRESENT.

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

a. COMM. 4E-12 (2006)  
**MARINELLI:** Health Matrix Tracking  
 (4-0)

2. COMM. 15E-49 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has received a grant award from the New York State Department of Health in the amount of \$69,062 for the period 10/1/06 – 9/30/07, and

WHEREAS, the purpose of this program is to operate an information-sharing and referral program for youth ages birth through twenty one with special health care needs, and supports one full-time position of Sr. Caseworker, JG 9, Step B.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Department of Health to accept the grant which is budgeted as follows:

**Department of Health**  
**Children with Special Health Care Needs Grant**  
**SAP Title: 127CWSHCN0607**

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$69,062</u>
	TOTAL	<u>\$69,062</u>

<b>EXPENSES</b>		
500000	Personal Services	\$48,589
502000	Fringe Benefits	19,994
510000	Travel	200
505000	Supplies	<u>279</u>
	TOTAL	<u>\$69,062</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, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (4-0) Mr. Mazur not present.

3. COMM. 15E-52 (2006)  
**COUNTY EXECUTIVE**

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

WHEREAS, the Erie County Department of Mental Health has been awarded \$1,473,410 over three years by the United States Department of Housing and Urban Development (HUD) to provide rental assistance and supportive services for forty (40) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency under the Supportive Housing Grant Program, and

WHEREAS, the Erie County Legislature has already authorized the acceptance of this three-year HUD award agreement, and

WHEREAS, additional matching funds of \$92,950 in NYS Office of Mental Health State Aid dollars are available over three years to meet the Federal match requirements of this award, and

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

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

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Transitional Services, Inc. for the operation of twenty (20) of these housing units.

NOW, THEREFORE, BE IT

RESOLVED, that the 2006 appropriation for Transitional Services, Inc., (GL 516010), be increased by \$56,456 in the Operating Fund accounts of the Erie County Department of Mental Health to provide rental assistance and supportive services for twenty (20) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency for the period July 1, 2006 through December 31, 2006, which represents the first 6 months of the three year period. The source of these funds being United States Department of Housing and Urban Development funds (GL 410040) in the amount of \$56,456 and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2006 contract for the period January 1, 2006 through December 31, 2006 with Transitional Service, Inc., by an amount not to exceed \$56,456, and be it further

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

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

(3-0) Mr. Mazur not present.

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4. COMM. 15E-63 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in the Division of Public Laboratories, Epidemiology and Environmental Health, Account 505800 – Medical & Health Supplies, expenditures will exceed appropriations by \$104,000 due to the purchase of larvacide and rabies vaccine to help the Department's efforts to control West Nile Virus fever and rabies, and

WHEREAS, the Division of Public Health Safety & Wellness has ample funding in Account 516020 – Professional Services Contracts to accommodate a transfer of funds to cover these vital public health expenditures.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

<u>Public Health Laboratories, Epidemiology and Environmental Health Division</u>	
Increase Account 505800 – Medical & Health Supplies	\$104,000
<u>Public Health Safety &amp; Wellness Division</u>	
Decrease Account 516020 - Professional Services Contracts & Fees	<u>\$104,000</u>
Net Increase	<u>\$ -0-</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 Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
(3-0) Mr. Mazur not present.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

SEPTEMBER 21, 2006

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 11

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

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



- a. COMM. 4E-7 (2006)  
**MARINELLI:** Community Enrichment Matrix Tracking  
(5-0)
- b. COMM. 12E-16 (2006)  
**COUNTY EXECUTIVE:** Institutional Energy Services Performance Contracting Program -  
Authorization to Enter into Financing Agreement  
(3-0) Legislators Marinelli and Ranzenhofer not present.
- c. COMM. 12D-4 (2006)  
**BECPL:** Report on Cost-Saving Initiatives  
(5-0)
- d. INTRO 14-6 (2006)  
**IANNELLO:** Status of ECC Housing & Time Line  
(5-0)
- e. COMM. 15E-1 (2006)  
**IANNELLO:** Copy of Letter to ECC President Re: Student Housing Project at South  
Campus  
(5-0)
- f. COMM. 15D-16 (2006)  
**MARINELLI:** Community Enrichment Matrix Initiatives  
(5-0)

2. COMM. 11E-18 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, in a resolution being Communication No. 9E-34 dated May 9, 2002, the Erie County Legislature authorized entering into a contract with Siemens Building Technologies related to instituting a construction Performance Contract with Erie Community College campus building; and

WHEREAS, a preliminary energy audit of their facilities has been completed at these facilities and a program has been developed that meets with the Commissioner of Public Works' directives; and

WHEREAS, the program's capital construction will be approximately \$8,450,000 with energy and other savings estimated at an average of approximately \$740,000 per year over the ten-year program; and

WHEREAS, DASNY will reimburse Erie County half of the construction value, or almost \$4,230,000 and NYSERDA is expected to reimburse another almost \$250,000 for the program if implemented; and

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WHEREAS, as the annual cost of the tax-exempt municipal lease and the required Technical Services Program is guaranteed to be less than the savings generated, by ECC Board resolution, ECC will reimburse Erie County the annual costs of the tax-exempt municipal lease and the required Technical Services Program so there is zero net cost to Erie County; and

WHEREAS, Erie County must take the lead on this project, however, as the County owns the facility and to qualify of DASNY matching funds; and

WHEREAS, the Commissioner of the Department of Public Works recommends acceptance of the program and that construction be implemented.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to execute a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, in an amount not to exceed \$8,450,000 to perform the Energy Conservation Measures Program derived from their preliminary energy audit work, and approximately \$150,000 annually over the ten-year program for the Technical Services Program and to assist the County in procuring competitively bid financing through a Tax-Exempt Municipal Lease subject to DASNY/SUNY Construction fund approval, Bond Counsel approval and receipt of the final ECC Board resolution; and be it further

RESOLVED, that the Erie County Legislature authorizes acceptance of all outside funding sources, including DASNY/SUNY Construction Fund funding expected at almost \$4,230,000 and NYSERDA funding expected at almost \$250,000, in addition to the payment of the annual cost of both the tax-exempt municipal lease and Technical Services Program from ECC; and be it further

RESOLVED, that two certified copies of this resolution be forwarded to the Commissioner of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.  
 (3-0) Legislators Marinelli and Ranzenhofer not present.

**MICHELE M. IANNELLO**  
**CHAIRMAN**

Item 27 – MR. HOLT presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED (12-3)

RESOLUTION NO. 274

SEPTEMBER 21, 2006

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 13

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**ERIE COUNTY LEGISLATURE**

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-11 (2006)  
**MARINELLI:** Government Affairs Matrix Tracking  
 (4-0)
  - b. INTRO 12-5 (2006)  
**MARINELLI, WHYTE, HOLT, KENNEDY, REYNOLDS & KOZUB:** Elected Officials in Erie County & Term Limits  
 (4-0)
  - c. COMM. 12M-14 (2006)  
**ERIE COUNTY CHARTER REVISION COMMISSION:** Final Recommendations  
 (4-0)
  - d. INTRO 13-2 (2006)  
**KOZUB & MAZUR:** Support for A.10236/S.6963: Restoring Erie County Veterans Services as a Stand Alone Agency  
 (4-0)
  - e. COMM. 15E-6 (2006)  
**COUNTY EXECUTIVE:** Copy of Letter to ECFSA Chair Re: Request for ECFSA's Advice & Counsel Regarding Contract Negotiations w/AFSCME  
 (4-0)
  - f. COMM. 15E-10 (2006)  
**COMPTROLLER:** Copy of Letter to ECFSA Chair Re: Review of 24-Hour Take-Home Vehicles in Erie County Government  
 (4-0)
  - g. COMM. 15D-14 (2006)  
**BOARD OF ELECTIONS:** Polling Site Changes  
 (4-0)

2. COMM. 15E-33 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services is responsible for insuring that clients are engaged in work related activities as one condition of receipt of Temporary Assistance cash benefits, and

WHEREAS, recent Federal law places increased emphasis on work activities with the requirement that 50 percent of clients on average beginning in October 2006 maintain at least thirty hours in a work assignment or countable activity each week, and

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WHEREAS, the County is under imminent risk of fiscal sanction if the required participation rate is not met and our current participation rate is below the standard and added resources are required if it is to be achieved, and

WHEREAS, meeting the participation rate is confounded by the need to engage clients who are otherwise already sanctioned for non compliance with requirements for receipt of family assistance as well as those who have short term exemption from work participation due to medical exemption, and

WHEREAS, there is no fiscal impact to this resolution as the positions can be fully funded in the 2006 Budget through additional reimbursement available and designated for this purpose within the Flexible Fund for Family Services.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Full Time Salaries	\$48,212
502000	Fringe Benefits	<u>19,767</u>
	Total Expenditure	<u>\$67,979</u>
411490	Flexible Fund for Family Services	<u>\$67,979</u>
	Total Revenue	<u>\$67,979</u>

and be it further

RESOLVED, that the following five staff positions can be created in the Department of Social Services effective October 1, 2006:

Number	Title	Job Group	Data Control #
(1)	Sr Employment Counselor	JG 10	2376
(2)	Sr Caseworkers	JG 9	2377
(2)	Work for Relief Supervisors	JG 4	2378

and be it further

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

(4-0)

3. COMM. 15E-34 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services processes applications and determines eligibility for clients seeking food stamps benefits, and

WHEREAS, in addition to low income families served, as public assistance cases close, clients must have a separate determination done for food stamps eligibility and benefits frequently continue for low income working individuals and families, and

WHEREAS, failure to provide timely determination results in benefit delays to eligible families and individuals and also puts the Department at risk of State and/or Federal penalties and lawsuits for failure to comply with mandates, and

WHEREAS, burgeoning caseloads have made it impossible for the Department to make timely mandated determinations, and

WHEREAS, there is no fiscal impact to this resolution as the positions are to be fully funded through available additional State and Federal reimbursement in the 2006 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget effective October 1, 2006:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Full Time Salaries	\$176,665
502000	Fringe Benefits	<u>72,433</u>
	Total Expenditure	<u>\$249,098</u>
407490	State Aid – Local Admin Fund	\$124,549
411570	Federal Aid – Food Stamp Program	<u>124,549</u>
	Total Revenue	<u>\$249,098</u>

and be it further

RESOLVED, that the following twenty-three staff positions are created in the 2006 Adopted Budget:

Number	Title	Job Group	Data Control #
(2)	Head Social Welfare Examiners	JG 10	2370
(16)	Social Welfare Examiners	JG 6	2373

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(1)	Principal Clerk	JG 6	2381
(1)	Data Entry Operator	JG 4	2375
(3)	Senior Clerk Typist	JG 4	2374

and be it further

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

4. COMM. 15E-38 (2006) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has requested, in the session evaluation of Capital requests for 2006, that the Division of Information and Support Services identify positions currently funded out of the Capital account 410 that are utilized for ongoing maintenance of the County ERP system and transfer the same positions to the Operating Budget, and

WHEREAS, at the same meeting, the Erie County Legislature questioned the expense of the IBM Competency Center agreement and requested that alternatives to that contract be evaluated and potentially proposed, and

WHEREAS, the Division of Information and Support Services has evaluated both requests for potential action and has formulated a plan for continued maintenance at reduced expense for the year 2007 as well as identifying the positions listed below for transfer to the operating fund and offsetting the expense of the salaries by forgoing utilization of budget accounts described below, and

WHEREAS, the Erie County Division of Information and Support Services is requesting authorization to transfer \$86,764 from the Professional Service Contract and Fees account 516020 to the Full time Salaries account 500000 to support the proposed transfer, and

WHEREAS, the Erie County Division of Information and Support Services is requesting authorization to transfer \$39,911 from the Professional Service Contract and Fees account 516020 to the Fringe Benefits account 500200 to support the proposed transfer, and

WHEREAS, the Erie County Division of Information and Support Services is requesting authorization to transfer one (1) ERP Administrator position #3396, one (1) Information System Specialist position #4789, one (1) ERP Information Security Specialist position #3392, one (1) ERP Administrative Assistant position # 3390, one (1) ERP Analyst (RPT) position #3391, one (1) ERP Support Analyst position #3395, one (1) ERP Training/Quality Assurance Analyst position #3397, and one (1) ERP Training Coordinator position #3398, from Capital Project fund 410 into the 2006 Operating Budget, and

WHEREAS, the IBM Competency Center Agreement funded from Capital Project Fund 410 costs the County of Erie \$1.7 million per year to supply subcontracted local support, project management and remote technical help, and

WHEREAS, the primary subcontractor, Globalquest Inc., a woman owned MBE/WBE vendor certified by the County of Erie, currently provides the resources, project management and conducts recruitment for IBM for the provision of service to Erie County, and

WHEREAS, Globalquest is a registered vendor of New York State Office of General Services with accessible New York State OGS agreements, and

WHEREAS, a direct contract with Globalquest and a cancellation of the IBM agreement will save Erie County approximately \$700,000 in year 1, \$800,000 in year 2, and \$1.5 million in year 3 for ongoing support as the County of Erie executes a plan to train staff and eliminate the need for support consulting contracts.

NOW, THEREFORE, BE IT

RESOLVED the Erie County Division of Information and Support Services is authorized to transfer one (1) ERP Administrator position #3396, one (1) Information System Specialist position #4789, one (1) ERP Information Security Specialist position #3392, one (1) ERP Administrative Assistant position #3390, one (1) ERP Analyst (RPT) position #3391, one (1) ERP Support Analyst position #3305, one (1) ERP Training/Quality Assurance Analyst position #3397, and one (1) ERP Training Coordinator position #3398, from the ERP Capital Project fund 410 into the 2006 DISS Operating Budget, and be it further

RESOLVED that the Erie County Division of Information and Support Services is authorized to transfer an available balance of \$126,675 from the Professional Service Contract and Fees account 516020 into the Full time Salaries account 500000, in the amount of \$86,764, and \$39,911 to the Fringe Benefits account 500200, and be it further

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

(4-0)

5. **COMM. 15E-45 (2006)**

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has the ongoing responsibility for determination of client eligibility for the Medicaid medical assistance program, and

WHEREAS, the process of eligibility determination is increasingly complex in the time consuming assessment of client asset and income information, and

WHEREAS, in order to comply with mandate timeliness determination requirements, the Department must add staff for the purpose of face to face interview, information gathering and assessment according to State mandated eligibility determination timeframe requirements, and

WHEREAS, staff who determine client eligibility now have caseloads nearly three times the level considered manageable and are not meeting mandated timeframes for certification and

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recertification of benefits and the County is subject to State and Federal penalties and lawsuits for failure to comply with mandated timeliness standards, and

WHEREAS, there is no fiscal impact to this resolution as the total combined local share Medicaid program and administration cost is fixed in law by New York State, and

WHEREAS, the cost for these positions in 2007 will be appropriated in the 2007 Adopted Budget.

NOW, THEREFORE, BE IT

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

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

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE</u></b>
500000	Full Time Salaries	\$167,940
502000	Fringe Benefits	68,855
520020	Regular Part Time Wages	<u>20,625</u>
	Total Expenditure	<u>\$257,420</u>
407540	State Aid – Soc Serv Admin	\$128,710
411540	Federal Aid – Soc Serv Admin	<u>128,710</u>
	Total Revenue	<u>\$257,420</u>

and be it further

RESOLVED, that the following staff positions are created in the 2006 Adopted Budget effective October 1, 2006:

<b>Number</b>	<b>Title</b>	<b>Job Group</b>	<b>Data Control #</b>
(2)	Head Social Welfare Examiner	JG 10	2379
(12)	Sr. Social Welfare Examiner	JG 7	2380
(1)	Medicaid Reform Specialist	JG 6	2391
(1)	Data Entry Operator	JG 4	2392
(1)	CHAP Health Aide	JG 3	2393
(1)	Clerk Typist	JG1	2394
(2)	Head Social Welfare Examiner – Part Time	JG 10	2386
(1)	Systems Support Specialist – Part Time	JG 11	2387

and be it further



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

6. COMM. 15E-47 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, it was necessary to recruit in Job Group 13, Step 5, for the position of Epidemiologist, in order to secure and retain a qualified and experienced candidate to replace the retired incumbent, and

WHEREAS, this position is responsible for monitoring endemic prevalence and epidemic incidences of diseases and potential disease hazards for use in evaluation and planning of public health care services, enhance disease control/epidemiology activities to included institutional, facility and community surveillance activities and determine causal factors associated with reported disease occurrences, and

WHEREAS, this office monitors over 5000 cases of reportable diseases and conducts disease investigations, and

WHEREAS, the Department has recruited a highly qualified candidate who brings valuable expertise as an Epidemic Intelligence Services Officer with the Centers for Disease Control (CDC), and this candidate brings doctoral training to the position, and

WHEREAS, the candidate replaces an incumbent with over 35 years experience and therefore results in a salary saving of over \$7,000 per year even with this variable minimum, and

WHEREAS, funds are available in the personal services appropriations of the Health Department's Adopted 2006 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the establishment of a variable minimum in Job Group 13, Step 5, position number 3387, for the position of Epidemiologist, at an annual rate of \$64,882, effective retroactive to July 10, 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.  
 (4-0)

7. COMM. 15E-70 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Four-Year Financial Plan approved by the Erie County Legislature and the Fiscal Stability Authority called for the creation of a professional risk management function within Erie County government to control costs associated with manageable risk, and

WHEREAS, as part of the 2006 Budget process, funds were approved within the Erie County Personnel Department's budget for the creation of a professional risk management function.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Personnel Department is hereby authorized to create one position of Risk Manager, Job Group 14, (B-100 #2262) and one position of Jr. Personnel Specialist, Job Group 10, (B-100 # 2271), and be it further

RESOLVED, that authorization is hereby provided to transfer \$29,923 from Personnel Department Account 516020 Professional Services Contracts and Fees to Personnel Department Account 500000 Full Time Salaries, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Personnel Department, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (4-0)

**GEORGE A. HOLT, JR.**  
**CHAIRMAN**

Item 28 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

SEPTEMBER 21, 2006

ECONOMIC DEVELOPMENT COMMITTEE  
 REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 7-11 (2006)  
**LOCKLEAR, IANNELLO & KONST: Rationalizing Worker Training**  
 (4-0)
  - b. INTRO 7-15 (2006)  
**KENNEDY & WHYTE: Increased Corporate Accountability in Erie County**  
 (4-0)
  - c. INTRO 9-3 (2006)  
**KONST, LOCKLEAR, RANZENHOFER & MILLS: Erie County Road Construction**  
 (4-0)

- d. COMM. 15E-36 (2006)  
**COUNTY EXECUTIVE:** Increase in Various Highway Fees  
(4-0)
- 2. RESOLVED, the following items are hereby referred to the Health Committee:
  - a. COMM. 15M-32 (2006)  
**CSEA:** Indoor Air Quality Review and Mold Inspection for the Erie County Probation Dept.  
(4-0)
  - b. COMM. 15M-33 (2006)  
**PROBATION/YOUTH SERVICES EMPLOYEES:** Petition - Mold in the Family Court Building  
(4-0)

2. COMM. 15E-43 (2006)  
**COUNTY EXECUTIVE**  
WHEREAS, the County of Erie has previously entered into a contract with the Erie County Soil and Water Conservation District who has the necessary expertise and personnel to perform the necessary inspections, evaluations and carryout administrative responsibilities related to the delivery of various technical services, including stream bank maintenance, bridge and culvert scour maintenance, and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood related risks to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting natural flow of streams, repair bridge and culvert scour or prevention of same, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services, and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on May 10, 2001 at Meeting No. 11, Communication No. 9E-34, for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$100,000.00 to be allocated from the 2003 Bridge Design and Construction Program (SAP B.00058) for technical services to reduce erosion, scour, and localized flooding related risk to roads, culverts, and rights-of-way at various locations, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways, Department of Public Works, and one certified copy each to the Commissioner of Public Works, the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.

(4-0)

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

Item 29 – MR. SMITH presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

SEPTEMBER 21, 2006

FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 13

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-10 (2006)  
**MARINELLI:** Finance & Management Matrix Tracking  
 (5-0)
  - b. COMM. 13E-2 (2006)  
**COUNTY EXECUTIVE:** Alternatives to Incarceration Contract with SUNY at Buffalo Institute for Local Governance & Regional Growth  
 (5-0)
  - c. COMM. 14E-6 (2006)  
**MARINELLI:** Copy of Letter to Budget Director & DPW Commissioner Re: Capital Projects  
 (5-0)
  - d. COMM. 15E-3 (2006)  
**COUNTY EXECUTIVE:** Copy of Statement Regarding Erie County's Four Year Financial Plan  
 (5-0)
  - e. COMM. 15E-8 (2006)  
**COMPTROLLER:** Financial Report of Erie County for the Six (6) Month Period 6/30/06  
 (4-0) Legislator Marinelli not present.

- f. COMM. 15E-15 (2006)  
**COUNTY EXECUTIVE:** Revision to Four-Year Financial Plan for Fiscal Years 2006-2009  
 (5-0)
- g. COMM. 15E-24 (2006)  
**MARINELLI:** Copy of Letter to ECFSA Chair Re: Four-Year Plan Revisions  
 (5-0)
- h. COMM. 15E-25 (2006)  
**COMPTROLLER:** Erie County 2005 Comprehensive Annual Financial Report  
 (4-0) Legislator Marinelli not present.
- i. COMM. 15D-7 (2006)  
**COUNTY ATTORNEY:** Copy of Letter to ECFSA Chair Re: Public Authority Law Section  
 3957 (2) (f)  
 (5-0)
- j. COMM. 15D-9 (2006)  
**BUDGET, MANAGEMENT & FINANCE:** BMR for Period Ending 6/30/06  
 (5-0)

2. INTRO 15-8 (2006) **AS AMENDED**  
**KONST**  
 WHEREAS, the County Comptroller's Office has issued an audit of wireless device usage  
 and controls; and

WHEREAS, the Comptroller's report stated that there is a lack of internal control over the  
 Counties wireless devices; and

WHEREAS, the Comptroller's office found that Erie County maintains 691 wireless devices  
 assigned to individual Departments; and

WHEREAS, 84 of the wireless devices do not provide any detail and 24 of these devices are  
 Blackberries; and

WHEREAS, the Comptroller's report also found errors in DISS internal tracking systems of  
 wireless devices; DISS reports do not support employee assignments of these wireless devices is  
 non-existent; and

WHEREAS, the audit reported that the county used a variety of different wireless plans  
 ranging in cost from \$44.99 per monthly to \$104.99 per month. The Comptroller's findings  
 concluded that many employees who had large plans used much fewer minutes that their plan  
 allowed for; and

WHEREAS, currently County policy requires department heads to review wireless phone  
 usage within their departments, the audit report concludes that this departmental review is not taking

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place. It was also found that DISS is not reviewing the usage of wireless devices either monthly and/or annually which is also a violation of County policy; and

WHEREAS, the Comptroller has reported that an exit conference was not held to discuss the contents of this report due to the fact that a draft confidential copy of the report was disclosed; and

WHEREAS, the administration has submitted responses to the Comptroller's findings and recommendations in communications dated May 9, 2006 and May 16, 2006; and

WHEREAS, the May 16, 2006 communication from the Administration outlined specific steps to address the concerns identified in the Comptroller's audit of wireless devices.

NOW, THEREFORE, BE IT

RESOLVED, that no later than October 11, 2006 the County Executive shall submit to the Legislature and the Office of the Comptroller a complete accounting of all the actions taken to implement the recommendations contained in the Wireless Devices audit; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller, the County Attorney and the Commissioner of the Department of Information and Support Services.

**DEMONE A. SMITH**  
**CHAIRMAN**

Item 30 – MR. KOZUB presented the following report, moved to separate Item #3 and move the balance of the report. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

SEPTEMBER 21, 2006

PUBLIC SAFETY COMMITTEE  
 REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR REYNOLDS.

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

- a. INTRO 2-1 (2006)  
**HOLT:** Regulation of the Use of All-Terrain Vehicles by Juveniles in Erie County and New York State  
 (3-0)
- b. COMM. 4E-14 (2006)  
**MARINELLI:** Public Safety Matrix Committee  
 (3-0)

2. COMM. 13E-19 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the United States Department of Justice - Violence Against Women has awarded \$1,027,314 to the Erie County Probation Department as part of the Grants to Encourage Arrest Policies and Enforce Orders of Protection, and

WHEREAS, these funds, pursuant to the 2006 adopted budget, already support contracts with Haven House, Child and Family Services, Cattaraugus County Probation Department and support a Probation Officer and a Sheriff Detective, and

WHEREAS, these funds will be used to create one (1) Probation Assistant position J.G. 7 (B-100 #2154) and one (1) Part-Time Clerk Typist J.G. 1 (B-100 #2155) to attend to the duties and responsibilities as outlined in the grant proposal and to enter into contract with the Theater of Change, and

WHEREAS, the budget reallocation and extension until December 31, 2007 will allow for the use of all allocated funds, and

WHEREAS, these funds will allow the Probation Department and the Sheriff's Office to plan, administer and implement a coordinated response of probation/police services in the rural area of Erie County and standardize police domestic violence training, and

WHEREAS, the 2006 budget has already approved contracts with Haven House, Child and Family Services and the Cattaraugus County Probation Department, and

WHEREAS, interdepartmental funds will be established for the Erie County Sheriff's Office to reimburse for a Sheriff Detective and the Department of Central Police Services to reimburse for a Trainer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Theater of Change in an amount not to exceed \$11,000, and be it further

RESOLVED, that the Probation Department is authorized to create one (1) Probation Assistant position J.G. 7 and one (1) Part-Time Clerk Typist J.G. 1 for nineteen (19) hours a week, and be it further

RESOLVED, that authorization is hereby provided to increase the Domestic Violence Grant appropriations by \$337,055 to reflect a total appropriation of \$1,027,314 with the source of funding being an increase in the amount of \$337,055 in Account 414000 Federal Aid, and be it further

RESOLVED, that the contract year of the Domestic Violence Grant be extended until December 31, 2007, and be it further

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

Erie County Probation and Youth Detention Services  
 Dept Code 650-Violence Against Women

August 1, 2004 to December 31, 2007

<u>Acct.</u>		<u>BUDGET</u> <u>LINE</u>	<u>CHANGE</u>	
	Appropriations			
500000	Personnel	\$116,403	+\$89,146	\$205,549
501000	Overtime	0	+13,899	13,899
502000	Fringe Benefits	46,561	+37,661	84,222
516010	Contracts	486,073	-19,000	467,073
505000	Supplies	8,000	+8,000	16,000
510000	Local Mileage	500	+6,900	7,400
510100	Out of Area Travel	22,802	-4,277	18,525
980000	ID DISS Services	0	+4,620	4,620
	Equipment (Lab and Tech)	9,920	+3,080	13,000
561420	Equipment (Office)	0	+300	300
911500	Interdept.	0	+149,290	149,290
510200	Training and Education	0	+5,000	5,000
916500	Interdept.	0	+42,436	42,436
	Total Appropriation	<u>\$690,259</u>	<u>\$337,055</u>	<u>\$1,027,314</u>
<u>Acct.</u>				
<u>Revenues</u>				
414000	Federal Aid	<u>\$690,259</u>	<u>+337,055</u>	<u>\$1,027,314</u>
	Total Revenues:	<u>\$690,259</u>	<u>337,055</u>	<u>\$1,027,314</u>

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust the budget as required to comply with federally approved funding levels, and be it further

RESOLVED, that certified copies be forwarded to the County Executive; the Division of Budget, Management and Finance; the Department of Probation and Youth Detention Services; the



Department of Personnel; the Department of Central Police Services; the Office of the Comptroller and the Office of the Sheriff for implementation.

(3-0)

3. INTRO 15-9 (2006)

**KENNEDY & SMITH**

WHEREAS, Public Safety in Erie County is a top priority of public officials at all levels of government; and

WHEREAS, it is the duty of government to ensure the safety and well being of its citizens by providing the most efficient county-wide public safety network; and

WHEREAS, this public safety network's response to a citizen's request for assistance is initiated by the citizen's telephone call to the emergency hotline 911; and

WHEREAS, from the information received by the 911 operator, a dispatch is sent out to the public safety entities whether it be police, fire or other emergency services who ultimately respond to the incident reported; and

WHEREAS, often times these telephone calls are of an urgent, life threatening nature which requires immediate, rapid response and where the time elapsed between the initial call and the emergency response could mean the difference between the life and death of the individual or individuals in need of assistance; and

WHEREAS, Erie County Central Police Services has provided 911 services in Erie County since the mid-1970's; and

WHEREAS, over the past few months, concerns have arisen regarding call volumes, call taking procedures and protocol, as well as quality control issues.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the Erie County Central Police Services to provide a review of current operations as well as an overview of future plans for the county E-911 Center; and be it further

RESOLVED, that the Erie County Central Police Services shall include in this review near and long term plans to enhance the current 911 call operation to address quality control issues; and be it further

RESOVLED, that Erie County Central Police Services shall include in this review plans for the 2007 budget submittal that will address the future staffing needs of the Erie County E-911 Central to ensure this critical component of the public safety network had adequate means to meet the community's needs and expectaions of professionalism and efficiency when they call E-911 in Erie County; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Erie County Executive, Erie County Central Police Services Commissioner and the Erie County Sheriff.  
(3-0)

4. COMM. 15E-27 (2006)  
**DISTRICT ATTORNEY**

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

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

WHEREAS, it is necessary to contract with Sarah O’Brien to provide the District Attorney’s office with the required modifications necessary to enhance their PCMS software to meet the needs of the office and the County, and

WHEREAS, Erie County Central Police Services requires the funds necessary to develop and implement the necessary technology to enhance County services and allow for greater efficiencies.

NOW, THEREFORE, BE IT

RESOLVED, that \$60,000 in available balances in the Erie County District Attorney’s Assets Forfeiture Trust Fund are hereby transferred to the District Attorney’s Assets Forfeiture Program, Funded Program “SAFDA”, and be it further

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

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

<u>Revenue</u>	<u>Increase</u>
421550 Forfeiture Crime Proceeds	<u>\$60,000</u>
Total Revenue	<u>\$60,000</u>
<u>Appropriation</u>	
516020 Professional Services & Fees	\$10,000
916500 ID CPS Services	<u>50,000</u>
Total Appropriations	<u>\$60,000</u>

and be it further

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

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

(3-0)

5. COMM. 15E-28 (2006)  
**DISTRICT ATTORNEY**

WHEREAS, the District Attorney through the BESAFE Grant provides needed services to the residents of Erie County, and

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

WHEREAS, the contract received from the United States Department of Justice authorizes funding levels different from the adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the BESAFE Grant to match final federal authorized funding levels, to be adjusted as follows:

**BESAFE GRANT**  
**114BESAFE0607**  
**October 1, 2006 – September 30, 2007**

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
414000 Federal Revenue	\$ 383,000	\$ 17,808	\$ 400,808
Total Revenue	<u>\$ 383,000</u>	<u>\$ 17,808</u>	<u>\$ 400,808</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Full Time Salaries	\$ 175,421	\$ - 0 -	\$ 175,421
502000 Fringe Benefits	70,168	- 0 -	70,168
505000 Office Supplies	- 0 -	100	100
510000 Local Mileage	500	(500)	- 0 -
510100 Out of Area Travel	4,500	3,000	7,500
516010 Contractual			
Haven House	49,000	3,700	52,700
Hispanics United	27,000	12,104	39,104
International Institute	40,000	490	40,490
516020 Professional Services	16,411	(1,286)	15,125
561410 Lab & Technical Equip	- 0 -	200	200
Total Appropriations	<u>\$ 383 000</u>	<u>\$ 17,808</u>	<u>\$ 400,808</u>

and be it further

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

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

(3-0)

6. COMM. 15E-29 (2006)

**DISTRICT ATTORNEY**

WHEREAS, in order to establish and enhance a revenue recovery program, New York State has established the Crimes against Revenue Program (CARP) Grant, and

WHEREAS, the District Attorney through the CARP Grant provides needed services to the residents of Erie County, and

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

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes funding levels different from the adopted budget.

NOW, THEREFORE, BE IT

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

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

<u>Revenue</u>	<u>Original</u>	<u>Change</u>	<u>Final</u>
409000 State Revenue	\$ 154,000	\$16,000	\$ 170,000
Total Revenue	\$ 154,000	\$16,000	\$ 170,000
 <u>Appropriation</u>			
500000 Full Time Salaries	\$117,002	(\$13,361)	\$ 103,641
502000 Fringe Benefits	33,288	9,361	42,649
505000 Office Supplies	2,210	(1,210)	1,000
510000 Local Mileage	- 0 -	435	435
510100 Out of Area Travel	- 0 -	3,750	3,750
510200 Training & Education	1,500	(1,000)	500
911400 ID District Attorney Services	- 0 -	18,025	18,025
Total Appropriations	\$ 154,000	\$ 16,000	\$ 170,000

and be it further

RESOLVED, that authorization is hereby provided to reallocate funds within the 2006 District Attorney's General Fund as follows:

## GENERAL FUND

## Fund: 110

<u>Revenue</u>	<u>Increase</u>
911400 ID District Attorney Services	<u>\$18,025</u>
Total Revenue	<u>\$18,025</u>

And be it further

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

(3-0)

7. COMM. 15E-37 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County has been awarded funding by the New York State Division of Criminal Justice Services under the 2005/2006 National Forensic Sciences Improvement Act program, and

WHEREAS, reallocation of the said funds will enable the Forensic Laboratory to purchase laboratory supplies and equipment throughout the 2006 fiscal year.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided to transfer available balances in the Overtime, Fringe Benefits, Travel and Other Expenses accounts to the Medical Supplies account and Equipment account as follows:

**Grant Fund-SAP# 165NFSIA0506**  
**Central Police Services**  
**Forensic Laboratory**  
**10/01/2005-09/30/2006**

<u>Appropriation</u>	<u>Decrease</u>
Acct. 501000 Overtime	\$2,500
Acct. 502000 Fringe Benefits	\$6,824
Acct. 510100 Out of Area Travel	\$1,384
Acct. 516020 Prof. Services Contracts	<u>\$2,500</u>
	\$13,208 Total Decrease

<u>Appropriation</u>	<u>Increase</u>
Acct. 505800 Medical Supplies	\$11,708
Acct. 561410 Lab Equipment	<u>\$1,500</u>
	\$13,208 Total Increase

Net Appropriations: \$0

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 State approved funding levels,

And be it further,

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

(3-0)

8. COMM. 15E-66 (2006)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby approve the appointment of the following individual to the Erie County Fire Advisory Board to replace Daniel Carrier:

<u>Name</u>	<u>Term Expires</u>
Mr. Brett Rider 20 Burton Court, Lower Kenmore, New York 14217 (3-0)	December 31, 2007

**DANIEL KOZUB**  
**CHAIRMAN**

MR. KENNEDY moved for the approval of Item #3. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 278

SEPTEMBER 21, 2006

ENERGY & ENVIRONMENT COMMITTEE  
 REPORT NO. 14

ALL MEMBERS PRESENT.

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

a. INTRO 12-4 (2006)

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

- MARINELLI, WHYTE & KENNEDY:** Establishing a Citizens' Guide to the Parks  
 (4-0)
- b. COMM. 14E-17 (2006)  
**COUNTY EXECUTIVE:** ECSD Nos. 1-6 & STSTA - Construction Inspection Service Agreements - Dated 1/1/05 - Change Order No. 1  
 (4-0)
- c. COMM. 14E-19 (2006)  
**COUNTY EXECUTIVE:** STSTA - Engineering Service Agreements - Work Order: URS-6  
 (4-0)
- d. COMM. 15E-54 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 6 - Engineer Term Agreement - Work Order: DA-6  
 (4-0)
- e. COMM. 15E-56 (2006)  
**COUNTY EXECUTIVE:** ECSDs 1-6 & 8 - Section 270/271 Resolutions  
 (4-0)
- f. COMM. 15E-57 (2006)  
**COUNTY EXECUTIVE:** ECSD - Semi Annual Attendance Records - Boards of Managers  
 - ECSDs  
 (4-0)
- g. COMM. 15E-59 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 2 - Disinfection Improvements - Contract No. STP-A  
 - Change Order No. 1  
 (4-0)
- h. COMM. 15E-64 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 5 - Emergency Repair - Clarence Research Park  
 Power Feeder  
 (4-0)
- i. COMM. 15E-69 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-9  
 (4-0)
- 2a. COMM. 28E-15 (2005)  
**COUNTY EXECUTIVE**  
**RESOLUTION NO.**

RESOLUTION DATED   279  , 2006

**RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER  
DISTRICT NO. 3 AND MAKING OTHER DETERMINATIONS IN  
CONNECTION THEREWITH**

(Introduced) \_\_\_\_\_, 2006.

(Adopted) \_\_\_\_\_, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated May 3, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 14, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

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

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

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

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$276.00; and



**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

WHEREAS, said County Legislature duly adopted Resolution No. 198 on the 13<sup>th</sup> day of July, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 3<sup>rd</sup> day of August, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on August 3, 2006, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

Hamburg Sewer District 7

ALL THAT TRACT or parcel of land situate in the Town of Hamburg, County of Erie and State of New York and part of Farm Lot 56, Township 9, Range 7 of the Holland Land Company's survey, more particularly described as being sub-lots 182-199 inclusive and 541-544 inclusive as shown on map entitled "Highland Acres No. 2" and filed in the Erie County Clerk's Office under Map Cover 893, together with that portion of Fairview Parkway (that lies within Farm Lot 56) on which said sub-lots front; also that other parcel of land lying within Farm Lot 41, Township 10, Range 7 and more particularly described as being sub-lots 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35 in Block 4, sub-lots 7-36 inclusive in Block 8, sub-lots 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, and 29 in Block 11, sub-lots 1, 3, 5 and 7-36 inclusive in Block 12, sub-lots 12, 14, 16, 18, 20, 22, 24 and 26-30 inclusive in Block 15, sub-lots 1-38 inclusive in Block 16, and sub-lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, and 32-35 inclusive in Block 20, as shown on map entitled "Sagamore Heights" and filed in the Erie County Clerk's Office under Map Cover 1471, together with those portions of Fairview Parkway (that lie within Farm Lot 41), White Avenue, Fuller Avenue, James Avenue, Harrison Avenue, and Telfer Street, on which said sub-lots front.

It being the intention to include an area lying adjacent to and south of the present Osborne-Sagamore Sewer District, more particularly described by metes and bounds as follows:

Beginning at a point in the south line of Farm Lot 41, Township 10, Range 7, one hundred fifty-six (156.00) feet east from its southwest corner, said point being easterly corner of the existing Osborne-Sagamore Sewer District; thence, starting northerly, along said sewer district boundary by various metes and bounds two thousand thirty-two and seventy-nine one-hundredths (2032.79) feet to a point in the centerline of Fuller Avenue at a southeasterly corner of said existing sewer district; thence continuing easterly thirty (30.00) feet to the east line of said Fuller Avenue; thence southerly along the easterly line of Fuller Avenue eighty (80.00) feet to the northwest corner of sub-lot 12, Block 15; thence easterly along the northerly line of said sub-lot 12, one hundred twenty (120.00) feet to its northeast corner; thence southerly along its rear line and extension thereof three hundred twenty (320.00) feet to the northwest corner of sub-lot 27, Block 15, thence easterly along the northerly line of said sub-lot 27 and extension thereof one hundred eighty (180.00) feet to the easterly line of White Avenue; thence southerly along said easterly line of White Avenue eighty (80.00) feet to the northerly line of Telfer Street; thence easterly along said northerly line of Telfer Street one hundred seventeen and eighty one-hundredths (117.80) feet; thence southerly along the rear lines of sub-lots (and extension across Telfer Street) eight hundred forty-eight and sixty-two one hundredths (848.62) feet to the south line of Farm Lot 41, Township 10, Range 7; thence easterly along said southerly lot line three and forty-nine one hundredths (3.49) feet to the northerly extension of the easterly line of sub-lot 541, Map Cover 893; thence southerly (in Farm Lot 56, Township 9, Range 7) along the easterly line of sub-lot 541 (and said line extended) two hundred nine and seventeen one-hundredths (209.17) feet to its southeast corner; thence westerly along the southerly line of said sub-lot 541 and extension there of one thousand one-hundred ninety-one and forty-eight one hundredths (1191.48) feet to the southwest corner of sub-lot 199; thence northerly along the westerly line of said sub-lot 199 and extension there of two hundred nine and nineteen one hundredths (209.19) feet to the north line of Farm Lot 56, Township 9, Range 7; thence westerly along said lot line seven (7.00) feet to the point of beginning.

Hamburg Sewer District 8

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

Being that parcel of land of the east side of Grafton Parkway as extended southerly) extending from the south line of the present sewer district to the north line of Fairview Parkway (also known as Modoc Street) a total frontage of 565.55 ft. and a depth of 110 ft.

Also, that parcel of land on the west side of Grafton Parkway (as extended southerly) extending from the south line of the present sewer district to the north line of Fairview Parkway (also known as Modoc Street) a total frontage of 564.3 ft. and a depth of 110 ft.

Also, that parcel of land lying on the south side of Fairview Parkway (as extended westerly) extending from the west line of the present sewer district a distance of 280.4 ft. said parcel having a depth of 124.17 ft.

Also, including the full width of all street areas on which above parcels front.

Hamburg Sewer District 11

Commencing in the center of Taylor Road at the intersection of the south line of the Village of Hamburg; thence east along said south line of the Village of Hamburg about 930 feet to the southwesterly bank of Eighteen Mile Creek; thence southeasterly along said creek bank about 3180 feet to a point 265.65 feet easterly from the west line of Lot 42-T9-R7; thence south, parallel with said west line of Lot 42 and 265.65 feet east there from about 1880 feet to a point on the east line of Vail's Subdivision (filed under Cover 1753), which point is the south line of Sub Lot No. 36; thence west along the south line of Sub Lot 36 about 317 feet to the west line of Woodland Drive; thence north along west line of woodland Drive about 36 feet to the south line of Sub Lot No.13; thence west about 200 feet to the northeast corner of Sub Lot 37. Vail Subdivision No. 2; thence south 100 feet to the south line of said Sub Lot37; thence west along south line of Sub Lot 37 about 200 feet to the east line of Vail Drive; thence north about 64 feet along east line of Vail Drive; thence west 200 feet along south line of Sub Lot 10 in Cover Map 1753 to the west line of Vail's Subdivision; thence north along the west line of Vail's Subdivision about 850 feet to the southwest corner of Lot No. 1 in said Subdivision; thence northwesterly, parallel with the center line of Taylor Road and 250 feet south there from approximately 3300 feet to the west line of Albert Bole property; thence north about 210 feet to the south line of the Village of Hamburg; thence east along the south line of the Village of Hamburg to the place of beginning

Executed in duplicate under my hand and the seal of the Comptroller of the State of New York, at the City of Albany, this 9<sup>th</sup> day of May, 1955.

Hamburg Sewer District 15

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of lot number four hundred thirty-eight (438), Township ten (10), Range seven (7) of the Buffalo Creek Reservation and further distinguished as Subdivision Lot Numbers one (1) to fifty-five (55) inclusive as shown on a map of the Taylor Subdivision Number 2 files in Erie County Clerk's Office under Cover Number 1983, including a piece marked "future street" being sixty (60) feet front and rear by one hundred thirty-five and eighty-five hundredths (135.85) feet in depth, situate between Subdivision Lot Numbers forty-eight (48) and forty-nine (49) according to said map.

Hamburg Sewer District 16

BEING ALL THAT TRACT OR PARCEL OF LAND located east of east boundary line of the Village of Blasdell and north of Stiefler Subdivision part one as filed on the map cover 1849 and being part of Lot 40, Township 10, Range 7 of the Buffalo Creek Indian Reservation and located in the Town of Hamburg, Erie County, New York and further bounded and described as follows:

BEGINNING at a point on the east line of the Village of Blasdell and being one hundred fifty (150) feet east of the east right-of-way line of South Park Avenue and said point of beginning being the northwest corner of Sub Lot 8 of Stiefler Subdivision map cover 1849 and measured approximately one hundred fifteen (115) feet north of the north right-of-way line of Allen Street; thence measuring north and along the east line of the Village of Blasdell and parallel with the east right-of-way line of South Park Avenue a distance of two hundred seventy-five and fifty-two hundredths (275.52) feet; thence measuring east and at right angles to the last described line a distance of fifty-eight (58) feet and thence measuring northerly and parallel with the east line of the Village of Blasdell a distance of one hundred thirty-eight (138) feet and thence measuring easterly and at right angles to the last described line a distance of six hundred seventy (670) feet more or less to a point on the west line of the New York State Thruway Connection map No. 753 and parcel No. 573 and thence measuring southwesterly and along the west line of the New York State Thruway connection a distance of five hundred twenty-six and one hundredth (526.1) feet more or less to the intersection of the west line of the New York State Thruway Connection and the north line of Allen Street; said Allen Street at this point having a fill right-of-way width of sixty (60) feet and thence measuring westerly and along the north right-of-way line of Allen Street a distance of one hundred forth (140) feet more or less to the southeast corner of Sub Lot 12 as filed under map cover 1849 and thence measuring northerly and along the easterly line of Sub Lot 12 a distance of one hundred twenty-five (125) feet and thence measuring westerly and along the north lines of Sub Lots 10, 11, and 12 of map cover 1849 a distance of two hundred forty-nine (249) feet to a point on the easterly right-of-way line of Raymond Drive; thence measured southerly and along the east line of Raymond Drive which is the west line of Sub Lot 10 and at right angles to the last described line a distance of twenty (20) feet and thence measuring westerly and at right angles to the last described line and along the north line of Sub Lots 8 and 9 and the north line of Sub Lots 8 and 9 produced easterly a distance of two hundred sixty-three (263) feet to the point of beginning and containing six and seventy-one hundredths acres more or less; including five (5) foot right-of-way from the east line of the Village of Blasdell to the west right-of-way line of South Park Avenue and being three hundred twenty-five and eight hundredths (325.8) feet north of the north right-of-way line of Allen Street as measured along the east right-of-way line of South Park Avenue.

Hamburg Sewer District 17

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot number 439, Township 10, and Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the northerly line of Linwood Avenue, distant 180 feet easterly from the point of intersection of the northerly line of Linwood Avenue with the easterly line of South Park Avenue, said point of beginning the southwest corner of Subdivision Lot Number 6, Cover 439, Erie County Clerk's Office; running thence northerly along the westerly line of said Subdivision Lot Number 6 one hundred twenty (120) feet to the northwest corner of said Subdivision Lot Number 6; running thence easterly and parallel with Linwood Avenue fourteen hundred and two (1,402) feet to the northeast corner of Subdivision Lot Number 445, Cover 439, Erie County Clerk's Office;

running thence southerly and along the easterly line of Glenwood Avenue seven hundred twenty-seven and fifty hundredths (727.50) feet to the southerly line of Oakwood Avenue extended easterly; thence westerly and along the southerly line of Oakwood Avenue extended easterly and along the southerly line of Oakwood Avenue eight hundred twenty-seven (827) feet to the point of intersection of the southerly line of Oakwood Avenue with the westerly line of Powers Avenue; running thence northerly along the westerly line of Powers Avenue two hundred seventy-five and thirty-four hundredths (275.34) feet to the point of intersection of the westerly line of Powers Avenue with the southerly line of Elmwood Street; running thence westerly along the southerly line of Elmwood Avenue ninety-five (95) feet to a point in the westerly line of Subdivision Lot Number 122. Cover 439, Erie County Clerk's Office extended southerly; running thence northerly along the westerly line of said Subdivision Lot Number 122 extended southerly and along the westerly line of said Subdivision lot Number 122, one hundred seventy (170) feet to the northwest corner of said Subdivision Lot Number 122; running thence westerly parallel with the southerly line of Linwood Avenue and one hundred twenty (120) feet southerly there from three hundred (300) feet to the southwest corner of Subdivision Lot Number 89. Cover 439, Erie County Clerk's Office; running thence northerly and along the westerly line of said Subdivision Lot Number 89 one hundred twenty (120) feet to the southerly line of Linwood Avenue; running thence westerly along the southerly line of Linwood Avenue one hundred eighty (180) feet to a point in the southerly line of Linwood Avenue distant one hundred eight (180) feet easterly from the point of intersection on the southerly line of Linwood Avenue with the easterly line of South Park Avenue; running thence northerly at right angles fifty (50) feet to the point of beginning.

Hamburg Sewer District 20

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot number 439, Township 10, and Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the northerly line of Linwood Avenue, distant 180 feet easterly from the point of intersection of the northerly line of Linwood Avenue with the easterly line of South Park Avenue, said point of beginning being the southwest corner of Subdivision Lot Number 6, Cover 439, Erie County Clerk's Office; running thence northerly along the westerly line of said Subdivision Lot Number 6 one hundred twenty (120.00) feet to the northwest corner of said Subdivision Lot Number 6; running thence easterly and parallel with Linwood Avenue fourteen hundred and two (1402.00) feet to the northwest corner of Subdivision Lot Number 445, Cover 439, Erie County Clerk's Office; running thence southerly and along the easterly line of Glenwood Avenue seven hundred twenty-seven and fifty hundredths (727.50) feet to the southerly line of Oakwood Avenue extended easterly; thence westerly and along the southerly line of Oakwood Avenue extended easterly and along the southerly line of Oakwood Avenue eight hundred twenty-seven (827.00) feet to the point of intersection of the southerly line of Oakwood Avenue with the westerly line of Powers Avenue; running thence northerly along the westerly line of Powers Avenue two hundred seventy-five and thirty-four hundredths (275.34) feet to the point of intersection of the westerly line of Powers Avenue with the southerly line of Elmwood Street; running thence westerly along the southerly line of Elmwood Avenue ninety-five (95.00) feet to a point in the westerly line of Subdivision Lot Number 122, Cover 439, Erie County Clerk's Office extended southerly; running thence northerly along the westerly line of said Subdivision Lot Number 122 extended southerly and along the westerly line of said Subdivision Lot Number 122, one hundred seventy (170.00) feet to the northwest corner of said Subdivision Lot Number 122; running thence westerly parallel with the southerly line of Linwood Avenue and one hundred twenty (120.00) feet southerly there from three

hundred (300.00) feet to the southwest corner of Subdivision Lot Number 89, Cover 439, Erie County Clerk's Office; running thence northerly and along the westerly line of Subdivision Lot Number 89 one hundred twenty (120.00) feet to the southerly line of Linwood Avenue; running thence westerly along the southerly line of Linwood Avenue one hundred eighty (180.00) feet to a point in the southerly line of Linwood Avenue distant one hundred eighty (108.00) feet easterly from the point of intersection on the southerly line of Linwood Avenue with the easterly line of South Park Avenue; running thence northerly at right angles fifty (50.00) feet to the point of beginning.

Hamburg Sewer District 23

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF HAMBURG, COUNTY OF ERIE, STATE OF NEW YORK, being part of Lot 439, Township 10, Range 7 of the Buffalo Creek Indian Reservation being more particularly bounded and described as follows:

Beginning at the south east corner of subdivision Lot Number 5 as shown on a subdivision map filed in the Erie County Clerk's Office in Map Cover 439; thence northerly along the easterly line of said subdivision Lot Number 5, a distance of one hundred twenty (120.0) feet to the northeast corner of said subdivision Lot Number 5; thence westerly along the northerly line of said subdivision Lot Number 5, a distance of thirty (30.0) feet to its northwest corner; thence southerly along the west of said subdivision Lot Number 5 and an extension southerly of the westerly line of said subdivision Lot Number 5 and the westerly line of subdivision lots numbered 96 and 105 as shown in Map Cover 439, a distance of four hundred sixty (460.0) feet to the northwest corner of subdivision Lot Number 196, Map Cover 439, said point being in the southerly line of Elmwood Avenue; thence easterly along the southerly line of Elmwood Avenue a distance of one hundred twenty (120.0) feet to the northeast corner of subdivision Lot Number 193, Map Cover 439; thence southerly along the easterly line of subdivision Lot Number 193, a distance of one hundred twenty (120.0) feet to the northwest corner of subdivision Lot Number 208, Map Cover 439; thence easterly along the northerly line of said subdivision Lot Number 208, a distance of thirty (30.0) feet to the northeast corner of said subdivision Lot Number 208; thence southerly along the easterly line of said subdivision Lot Number 208 and its extension southerly, a distance of one hundred fifty-nine and ninety one hundredths (159.90) feet to a point in the southerly line of Oakwood Avenue; thence easterly along the southerly line of Oakwood Avenue, a distance of about three hundred seventy-two (372.0) feet to the northwest corner of subdivision Lot Number 28 as shown on a map filed in the Erie County Clerk's Office in Map Cover 475; thence southerly along the westerly line of said subdivision Lot Number 28, a distance of one hundred fifty-two (152.0) feet to the southwestern corner of said subdivision Lot Number 28; thence easterly parallel to Oakwood Avenue, a distance of about eight hundred seventy (870.0) feet to a point in the west bounds of Glenwood Avenue, said point being the southeast corner of subdivision Lot Number 56, Map Cover 475; thence northerly along the westerly line of Glenwood Avenue, about one hundred fifty-two (152.0) feet to the south line of Oakwood Avenue; thence westerly along the south line of Oakwood Avenue, a distance of about seven hundred eighty-six (786.0) feet to the intersection of a southerly extension of the westerly line of Powers Avenue with the southerly line of Oakwood Avenue; thence northerly along said extension and the westerly line of Powers Avenue, a distance of two hundred seventy-five and thirty-four one hundredths (275.43) feet to the southerly line of Elmwood Avenue; thence westerly along the southerly line of Elmwood Avenue, a distance of about ninety-five (95.0) feet to the northwest corner of subdivision Lot Number 179 as shown on a subdivision map filed in the Erie County Clerk's Office in Map Cover 439; thence northerly along a northerly extension of the westerly line said subdivision Lot Number 179 and the easterly line of subdivision Lot Number 121

as filed in Map Cover 439, a distance of one hundred seventy (170.0) feet to the north easterly corner of said subdivision Lot Number 121; thence westerly and parallel to Elmwood Avenue, a distance of three hundred (300.0) feet to the southwest corner of Subdivision Lot Number 89 as shown of map cover 439; thence northerly along the westerly line of said subdivision Lot Number 89, a distance of one hundred twenty (120.0) feet to the southerly line of Linwood Avenue; thence westerly along the southerly line of Linwood Avenue, a distance of one hundred eighty (180.0) feet to the northeast corner of subdivision Lot Number 96, Map Cover 439; thence northerly along an extension northerly of the east line of said subdivision Lot Number 96, a distance of fifty (50.0) feet to the point or place of beginning.

Hamburg Sewer District 24

BEGINNING at a point on the south line of Lot 41 in Fairview Parkway as shown on map of Sagamore Heights Subdivision as filed in the Erie County Clerk's Office in Map Cover #1471, said point being the intersection of said south line of Lot # 41 with the southerly extension of the east line of subdivision lot #35, Block 20, Map Cover #1471; thence north, parallel with and 140.0' west as measured at right angles from the east line of said subdivision, said east line being the east line of Wulf Street, a 30' street as shown on said subdivision map, a distance of 806.20' to the center line of Telfer Street, as shown on said Map Cover #1471; thence east along the center line of Telfer Street a distance of 140.0' to the east line of Map Cover #1471; thence north along said east line a distance of 1057.02'; thence east at right angles a distance of 340.78' to a point in the west right-of-way line of the New York State Thruway; thence south along the various courses of said right-of-way line a distance of 1884.60' to the south line of Lot #38; thence west along said south line and the south line of Lot #41 a distance of 595' more or less to the point or place of beginning containing 19.25 acres more or less.

Hamburg Sewer District 27

All that tract or parcel of land situated in the Village of Blasedell, Town of Hamburg, County of Erie, State of New York, being part of Lots 4 and 5, Township 10, Range 8 and part of Lot 8, Township 9, Range 8 and being more particularly described as follows:

Beginning at a point on the east line of lands conveyed to Ravenwood Park, Inc. by Liber 9162, Page 46, 1600.00 feet north of the centerline of Big Tree Road, said point to be on the northern boundary of the present Hamburg Master Sewer District; thence N 00°09'45" E a distance of 1644.00 feet to a point on the northwest corner of lands conveyed to Nellie C. Crawford by Liber 5706, Page 249; thence easterly along a bearing of S 88°59'16" E a distance of 1160.00 feet more or less to a point being in the center of the Rush Creek Channel; thence northerly along the channel centerline 1078.00 feet more or less to a point on the north line of Lot 8 and the south line of Lot 4; thence continuing northwesterly along the channel centerline a distance of 1123.00 feet more or less to a point on the north line of lands conveyed to Joe Ball by Liber 7553, Page 119; thence westerly along said described north line along a bearing of N 89°22'42" W a distance of 530.00 feet more or less to a point on the east line of Pieczonka Drive (being a 60.00 foot wide right of way); thence northerly on a bearing of N 00°54'22" E a distance of 1864.43 feet to a point on the south line of Milestrip Road (being a 66.00) foot right of way); thence westerly on a bearing of N 89°22'42" W a distance of 6.35 feet to a point; thence northerly on a bearing of N 01°51'10" E a distance of 8.25 feet to a point; thence westerly on a bearing of N 89°22'42" W a distance of 0.83' to a point; thence continuing westerly along a bearing of N 83°04'22" W a distance of 28.06 feet to a point on the easterly right of way line of the Norfolk Southern Railroad; thence southwestwardly along said east line

of railroad right of way along a bearing of S 24°54'32" W a distance of 2533.53 feet to a point of curve; thence continuing southwesterly along said curve having a radius of 6700.00 feet, a delta angle of 11°53'47", and arc distance of 1391.13 feet to a point on the west line of lands conveyed to Northern Operating Corporation by Liber 1358, Pages 598 and 606; thence southerly on a bearing of S 00°09'21" W a distance of 1470.00 feet to a point; thence easterly along a line which is 1600.00 feet north of and parallel to the centerline of Big Tree Road and being the north line of the existing Hamburg Master Sewer District on a bearing of S 89°06'37" E a distance of 1770.00 feet more or less to the point or place of beginning.

Hamburg Sewer District 28

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 55, Township 9, Range 7 and Lot 56, Township 9, Range 7 and Lot 8, Township 9, Range 7, and being more particularly bounded and described as follows:

Beginning at a point (1), said point being at the intersection of the southeast corner of subdivision Lot Number 6, Block 1 as shown on Erie County Tax Map 160.18 and the westerly line of the New York State Thruway (Erie Section) right-of-way; thence, northerly along the westerly line of said subdivision Lot Number 6, a distance of approximately 1,003 feet to a point (2), said point being at the intersection of the westerly line of subdivision Lot Number 6 and the southeast corner of subdivision Lot Number 5 thence, westerly along the southerly line of subdivision Lot Number 5, a distance of approximately 44 feet to a point (3), said point being at the intersection of the centerline of Rush Creek and the southerly line of subdivision Lot Number 5; thence northerly and westerly along the centerline of Rush Creek and the southerly line of subdivision Lot Number 5, a distance of approximately 675 feet to a point (4), said point being at the intersection of the centerline of Big Tree Road and the centerline of Rush Creek approximately 550 feet east of the centerline of South Park Avenue; thence, northerly along the centerline of Rush Creek and the westerly line of subdivision Lot Numbers 6 and 28, Block 1 as shown on Erie County Tax Map 160.14, for approximately 1,250 feet to a point (5), said point being at the intersection of the centerline of Rush Creek, the southern most corner of subdivision Lot Number 3 and the western most corner of subdivision Lot Number 28; thence, westerly along the centerline of Rush Creek through the South Park Avenue right-of-way, for approximately 275 feet to a point (6), said point being at the intersection of the centerline of Rush Creek and the westerly line of the South Park Avenue right-of-way; thence, northerly along the westerly line of South Park Avenue right-of-way and the easterly line of subdivision Lot Number 2, Block 2 as shown on Erie County Tax Map 160.13, for approximately 175 feet to a point (7) being at the intersection of the northeast corner of subdivision Lot Number 2 and the southeast corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Number 3, for approximately 200 feet to a point (8), said point being at the southwest corner of subdivision Lot Number 3; thence, northerly along the westerly line of subdivision Lot Number 3, for approximately 100 feet to a point (9), said point being the northwest corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Number 8, Block 5 as shown on Erie County Tax Map 160.09, for approximately 300 feet to a point (10), said point being the corner of subdivision Lot Number 8 located approximately 50 feet west of the centerline of Rush Creek; thence, southerly along the easterly line of subdivision Lot Number 8, for approximately 65 feet to a point (11), said point being at the southeast corner of subdivision Lot Number 8 at Rush Creek; thence, westerly along the southerly line of subdivision Lot Number 8, for approximately 315 feet to a point (12), said point being at the intersection of the southwest corner of subdivision Lot Number 8 and the easterly line of the Erie-Lackawanna Railroad right-of-way; thence, northerly along the easterly line of the Erie-Lackawanna



Railroad right-of-way, for approximately 690 feet to a point (13), said point being at the intersection of the western most corner of subdivision Lot Number 8 and the easterly line of the Erie-Lackawanna Railroad right-of-way; thence, northerly along the westerly line of subdivision Lot Number 8, for approximately 750 feet to a point (14), said point being at the intersection of the northwest corner of subdivision Lot Number 8 and the southerly line of subdivision Lot Number 6; thence, easterly along the southerly line of subdivision Lot Number 6, for approximately 130 feet to a point (15) said point being the intersection of the southeast corner of subdivision Lot Number 6 and the southwest corner of subdivision Lot Number 4, Block 4; thence, northerly along the westerly line of subdivision Lot Number 4, for approximately 47 feet to a point (16), said point being at the southeast corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Numbers 2 and 3, for approximately 120 feet to a point (17), said point being at the southwest corner of subdivision Lot Number 2; thence, northerly along the westerly line of subdivision Lot Numbers 1 and 2 and the westerly line of the Highland Parkway right-of-way, for approximately 430 feet to a point (18), said point being at the intersection of the northerly line of the Highland Parkway right-of-way and subdivision Lot Number 7, Block 5; thence, easterly along the southerly line of subdivision Lot Number 2, Block 5, for approximately 59 feet to a point (19), said point being at the southwest corner of subdivision Lot Number 1, Block 3; thence, northerly along the westerly line of subdivision Lot Number 1, for approximately 191 feet to a point (20), said point being at the northwest corner of subdivision Lot Number 1; thence, westerly along the southerly line of subdivision Lot Numbers 2 and 28.1, Block 2, for approximately 422 feet to a point (21), said point being at the southwest corner of subdivision Lot Number 28.1; thence, northerly along the westerly line of subdivision Lot Number 28.1, for approximately 297 feet to a point (22), said point being at the southwest corner of subdivision Lot Number 3; thence, easterly along the northerly line of subdivision Lot Numbers 2 and 28.1, for approximately 575 feet to point (23), said point being at the intersection of the northerly line of subdivision Lot Number 28.1 and the westerly line of the Bain Parkway right-of-way; thence, southerly along the westerly line of the Bain Parkway right-of-way and subdivision Lot Number 4 for approximately 135 feet to a point (24), said point being at the southwest corner of subdivision Lot Number 4; thence, easterly along the southerly line of subdivision Lot Numbers 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, for approximately 781 feet to a point (25), said point being at the northeast corner of subdivision Lot Number 20; thence, southerly along the easterly line of subdivision Lot Number 20 and the westerly line of the Osborne-Sagamore Sewer District, for approximately 135 feet to a point (26), said point being located at the intersection of the southwest corner of the Osborne-Sagamore Sewer District and the centerline of Bristol Parkway; thence, easterly along the southerly line of the Osborne-Sagamore Sewer District, for approximately 330 feet to a point (27), said point being at the northeast corner of subdivision Lot Number 66, Block 2, as shown on Erie County Tax Map 160.10; thence, northerly along the easterly line of the Osborne-Sagamore Sewer District, for approximately 345 feet to a point (28), said point being at the northeast corner of subdivision Lot Number 63, Block 1; thence, easterly along the southerly line of the Osborne-Sagamore Sewer District, for approximately 1192 feet to a point (29), said point being at the northeast corner of subdivision Lot Number 39; thence, northerly along the easterly line of the Osborne-Sagamore Sewer District, for approximately 212 feet to a point (30), said point being at the intersection of the easterly line of the Osborne-Sagamore Sewer District and the centerline of Fairview Parkway; thence, easterly along the southerly line of the Beacon Hill Sewer District, for approximately 600 feet to a point (31), said point being at the intersection of the southerly line of the Beacon Hill Sewer District and the westerly line of the New York State Thruway (Erie Section) right-of-way; thence, southerly along the easterly line of the New York State

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

Thruway (Erie Section) right-of-way, for approximately 4,880 feet to a point (1), said point being and place of beginning.

Hamburg Sewer District 22

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot number forty (40), Township ten (10), Range seven (7) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the south line of Allen Street (fifty (50) feet wide) at its intersection with the west line of Subdivision Lot number seven (7) as shown on a map filed in Erie County Clerks Office under Map Cover number 1849, said point also being on the east boundary line of the Village of Blasdell; thence south along the west line of said Sub Lot number seven (7) a distance of 262.55 feet  $\pm$  to a point at the southwest corner of said Sub Lot, said point also being the southwest corner of said Map Cover 1849; thence east along the south line of said Map Cover 1849 and its extension a distance of 630.53 feet  $\pm$  to a point on the west line of lands appropriated by the State of New York for Thruway purposes by instruments recorded in Erie County Clerk's Office in Liber 6032 of deeds at page 487 and in Liber 6041 of deeds at page 242; thence northerly along said west line of New York State Thruway lands the following three (3) distances, 188.71 feet, 81.12 feet and 60 feet  $\pm$  to a point on the north line of Allen Street (sixty (60) feet wide); thence west along the north line of said Allen Street a distance of 140.01 feet  $\pm$  to a point, said point being the southeast corner of Sub Lot 12 of said Map Cover 1849; thence north along the east line of said Sub Lot 12 a distance of 125 feet to a point at the northeast corner of said Sub Lot; thence west along the north line of Sub Lot 12, 11 & 10 of said Map Cover a distance of 249 feet to a point on the east line of Raymond Drive (sixty (60) feet wide); thence south along the east line of said Raymond Drive a distance of 10 feet  $\pm$  to a point, said point being an extension easterly of the north line of Sub Lot 8 and Sub Lot 9 of said Map Cover 1849; thence west along said extension and along the north line of Sub Lot 9 and Sub Lot 8 a distance of 263 feet  $\pm$  to a point on the east boundary line of the Village of Blasdell, said point also being the northwest corner of said Sub Lot 8; thence south along the west line of said Sub Lot 8 and the Village line a distance of 165 feet  $\pm$  to the point of beginning.

Hamburg Sewer District 6

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lots 1, 4, 8, 38, 39, 40, 41, 56, Township 9, Range 7 and 8, and Township 10 Range 7 and 8 of the Holland Land Company's survey and more particularly described as follows:

BEGINNING at a point on the east boundary line of the Village of Blasdell where it intersects the southwest corner of Sub Lot No. 7 of Map Cover 1849 (Stiefler Subdivision Part 1); thence south along the east boundary line of said Village of Blasdell a distance of 505 feet  $\pm$  to the southeast corner of said Village of Blasdell; thence west along the south boundary line of the Village of Blasdell a distance of 1950 feet  $\pm$  to the east line of lands formerly owned by Erie Lackawanna Rail Road; thence southerly along said east line of said Rail Road a distance of 733 feet  $\pm$  to a point, said point being an extension west of the south line of Sub Lot No. 9 of Map Cover 1216; thence

east along said extension and along said south line of Sub Lot No. 9 a distance of 445 feet ± to a point at the southeast corner of said Sub Lot No. 9, said point also being 110 feet west of the west Right of Way of Grafton Avenue (60' wide); thence south along a line parallel to and 110 feet west of said west Right of Way of Grafton Avenue a distance of 1430 feet ± to a point at the southwest corner of Sub Lot No. 16 of map cover 2128; thence east along said south line of Sub Lot No. 16 and along the south line of Sub Lot No. 5 a distance of 280 feet ± to a point at the southeast corner of said Sub Lot No. 5; thence south along the east line of Sub Lot's 6, 7, 8, 9, 10, and 11 of Map Cover No. 2128 and their extension a distance of 405.06 feet ± to a point in the center line of Fairview Parkway (55' wide); thence southeast a distance of 301 feet ± to a point at the northwest corner of lands conveyed in Liber 10605 page 785, said point being 943.6 feet ± west of the center line of South Park Avenue (66' wide) as measured along the center line of Bain Parkway; thence southerly along the west line of Liber 10605 Page 785 a distance of 135 feet to the southwest corner of said parcel; thence easterly along the south line of said parcel and its extension a distance of 240 feet ± to the northwest corner of Sub Lot No. 236 of Map Cover 893 as recorded in Erie County Clerk's Office; thence continuing easterly on a line parallel and 135 feet south of the center line of Bain Parkway (50' wide) a distance of 540.61 feet ± to a point, said point being the northeast corner of Sub Lot No. 243 of said Map Cover 893; thence south along the east line of said Sub Lot No. 243 a distance of 73 feet ± to a point at the southwest corner of Sub Lot No. 226 of said Map Cover; thence east along the south line of said Sub Lot 226 and its extension a distance of 196 feet ± to a point on the east Right of Way of South Park Avenue (66' wide); thence south along said east Right of Way a distance of 50 feet ± to a point at the southwest corner of Sub Lot No. 117 of said Map Cover 893; thence east along the south line of said Sub Lot a distance of 130 feet ± to the southeast corner of said Sub Lot; thence north on a line parallel to and 130 feet east of the east Right of Way of South Park Avenue (66' wide) a distance of 556.9 feet ± to a point on the Center line of Fairview Parkway (55' wide); thence west along said center line a distance of 7 feet to a point; thence north on a line parallel to and 123 feet east of the east Right of Way of South Park Avenue (66' wide) a distance of 619.92 feet ± to a point at the northwest corner of Sub Lot No. 7, Block 4, of Map Cover No. 1471; thence east along the north line of Sub Lot 7, Sub Lot No. 8 and 7 of Block 8, and Sub Lot No. 8 of Block 12 of said Map Cover 1471 a distance of 600 feet ± to a point at the northeast corner of said Sub Lot No. 8, Block 12 of said Map Cover; thence north parallel to and 150 feet west of the center line of Fuller Avenue (60' wide) a distance of 660 feet ± to a point, said point being the northwest corner of Sub Lot No. 7, Block 11 of said Map Cover 1471; thence east along the north line of said Sub Lot No. 7 and its extension a distance of 150 feet ± to the center line of Fuller Avenue (60' wide); thence north along said center line of Fuller Avenue a distance of 150 feet ± to the point of intersection with the center line of Mundy Street (60' wide); thence east along said center line of Mundy Street a distance of 150 feet to a point; thence north parallel to and 150 feet east of the center line of said Fuller Avenue a distance of 430 feet ± to a point at the northwest corner of Sub Lot No. 11, Block 14 of Map Cover 1471; thence east along the north line said Sub Lot 11 and its extension a distance of 150 feet ± to the center line of White Avenue (60' wide); thence north along the center line of said White Avenue and its extension a distance of 387 feet to a point; thence west at right angles a distance of 150 feet to a point; thence north at right angles a distance of 189 feet ± to a point, said point being 315 feet south of the north Right of Way of Milestrip Road (66' wide); thence east parallel to and 315 feet south of said north Right of Way a distance of 1198 feet ± to a point on the east boundary line of the New York State Thruway; thence north along said thruway boundary a distance of 318 feet ± to a point on the north Right of Way of said Milestrip Road; thence west along said north Right of Way of Milestrip Road a distance of 436 feet ± to a point on the west boundary of said New York State Thruway; thence north along said

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thruway boundary a distance of 298 feet  $\pm$  to a point, said point being on the extension east of the north line of land conveyed to Donald C. Davis by deed recorded in Erie County Clerks Office in Liber 3871 of deeds at Page 520; thence west along said north line extended a distance of 1596 feet  $\pm$  to the point of beginning.

Hamburg Sewer District 9

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 39 and Lot 40, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the northeast corner of land conveyed to Donald C. Davis by deed recorded in Erie County Clerks Office in Liber 3871 of deeds at Page 520; thence west along the north line of said Davis property a distance of 337.6 feet  $\pm$  to a point on the east line of lands appropriated by the State of New York for Thruway purposes by instruments recorded in Erie County Clerks Office in Liber 6032 of deeds at Page 487; thence north along said New York State Thruway which is also the west line of lands deeded to Balsen Corporation in Liber 8126, Page 267 a distance of 646 feet to a point; thence northeast along said Thruway and said Balsen land and its extension a distance of 438.8 feet  $\pm$  to a point, said point being the most northerly corner of said Balsen property; thence southeast along said thruway lands and said Balsen property a distance of 284.65 feet to a point; thence south continuing along said property lines a distance of 745 feet  $\pm$  to a point, said point being the extension east of the north line of said Davis property where it intersects the New York State Thruway; thence west along said extension line a distance of 294 feet  $\pm$  to the point of beginning.

Highland Acres Sewer District

All that tract or parcel of land situated in the Town of Hamburg, County of Erie and State of New York, being part of Lots 55 and 56, Township 9, Range 7, and Lots 7 and 8, Township 9, Range 8, and being more particularly bounded and described as follows:

Beginning at a point (1), said point being at the intersection of the northeast corner of subdivision Lot Number 2 as shown on the Erie County Tax Map 160.13 and the southeast corner of subdivision Lot Number 3; thence, westerly along the southerly line of subdivision Lot Number 3, a distance of approximately 200' to a point (2), said point being at the southwest corner of subdivision Lot Number 3; thence, northerly along the westerly line of subdivision of Lot Number 3, a distance of approximately 100' to a point (3), said point being at the northwest corner of subdivision Lot Number 3; thence, westerly along the northerly line of subdivision Lot Number 2, a distance of approximately 300' to a point (4), said point being the northwesternmost corner of subdivision Lot Number 2; thence, southerly along the westerly line of subdivision Lot Number 2, a distance of approximately 63' to a point (5), said point being at the northeastern most corner of subdivision Lot Number 1; thence, westerly along the northerly line of subdivision Lot Number 1, a distance of approximately 319' to a point (6), said point being the intersection of the westernmost corner of subdivision Lot Number 1 and the easterly line of the Buffalo Southern Railroad (formerly Erie Lackawanna Railroad) right-of-way; thence, southeasterly along the easterly line of the Buffalo Southern Railroad right-of-way, a distance of approximately 1418' to a point (7), said point being the intersection of the easterly line of the Buffalo Southern Railroad right-of-way, the southwest corner of subdivision Lot Number 1, and the northerly line of the Big Tree Road right-of-way; thence, easterly along the northerly line of the Big Tree Road right-of-way, a distance of

approximately 33' to a point (8), said point being the intersection of the northerly line of the Big Tree Road right-of-way and the southwest corner of subdivision Lot Number 10.21; thence, northerly along the westerly line of subdivision Lot Number 10.21, a distance of approximately 143' to a point (9), said point being the intersection of the northwest corner of subdivision Lot Number 10.21 and the southwest corner of subdivision Lot Number 8; thence, easterly along the northerly line of subdivision Lot Number 10.21, a distance of approximately 174' to a point (10), said point being the intersection of the northeast corner of subdivision Lot Number 10.21, the southwest corner of subdivision Lot Number 9, and the northwest corner of subdivision Lot Number 10.1; thence, southerly along the westerly line of subdivision Lot Number 10.1, a distance of approximately 50' to a point (11), said point being the intersection of the southwest corner of subdivision Lot Number 10.1 and the northwest corner of subdivision Lot Number 10.21; thence, easterly along the southerly line of subdivision Lot Number 10.1 a distance of approximately 198' to a point (12), said point being the intersection of the southeast corner of subdivision Lot Number 10.1, the northeast corner of Lot Number 10.21, and the westerly line of the South Park Avenue right-of-way; thence, southerly along the easterly line of subdivision Lot Number 10.21, a distance of approximately 119' to a point (13), said point being the intersection of the westerly line of the South Park Avenue right-of-way on Erie County Tax Map 160.18 and the centerline of Big Tree Road; thence, westerly along the centerline of Big Tree Road, a distance of approximately 300' to a point (14), said point being the intersection of the centerline of Big Tree Road and the easterly line of the Buffalo Southern Railroad right-of-way; thence, southeasterly along the easterly line of the Buffalo Southern Railroad right-of-way, a distance of approximately 2538' to a point (15), said being the intersection of the northerly line of the U.S. Route 20 (Southwestern Boulevard) right-of-way, the easterly line of the Buffalo Southern Railroad right-of-way, and the southernmost point of Subdivision Lot Number 4.1; thence northeasterly along the northerly line of the U.S. Route 20 (Southwestern Boulevard) right-of-way, a distance of approximately 595' to a point (16), said point being the southeastern most corner of subdivision Lot Number 4.1; thence, northerly along the westerly line of the New York State Thruway (Erie Section) right-of-way, a distance of approximately 465' to a point (17), said point being the intersection of the westerly line of the New York State Thruway right-of-way and the southernmost corner of subdivision Lot Number 6; thence, northwesterly along the westerly line of subdivision Lot Number 6, a distance of approximately 1144' to a point (18), said point being the intersection of the southerly line of subdivision Lot Number 5 and the westerly line of subdivision Lot Number 6; thence, westerly along the southerly line of subdivision Lot Number 5, a distance of approximately 44' to a point (19), said point being at the intersection of the centerline of Rush Creek and the southerly line of subdivision Lot Number 5; thence northerly and westerly along the centerline of Rush Creek and the southerly line of subdivision Lot Number 5, a distance of approximately 675' to a point (20), said point being at the intersection of the centerline of Rush Creek as shown on Erie County Tax Map 160.14 and the centerline of Big Tree Road approximately 550' east of the centerline of South Park Avenue; thence, northwesterly along the centerline of Rush Creek and the easterly line of subdivision Lot Numbers 4 and 5, a distance of approximately 1,250' to a point (21), said point being at the intersection of the centerline of Rush Creek and the southernmost corner of subdivision Lot Number 3; thence northwesterly along the centerline of Rush Creek through the South Park Avenue right-of-way, for approximately 275' to a point (22), said point being at the intersection of the centerline of Rush Creek and the westerly line of the South Park Avenue right-of-way, thence northerly along the westerly line of the South Park Avenue right-of-way and the easterly line of subdivision Lot Number 2 as shown on Erie County Tax Map 160.13, for approximately 175' to a point (1), said point being the point and place of beginning.

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

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

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2b. COMM. 28E-15 (2005)  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. 300

RESOLUTION DATED \_\_\_\_\_, 2006

RESOLUTION APPROVING (I) THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 4 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 4, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) \_\_\_\_\_, 2006  
 (Adopted) \_\_\_\_\_, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and created on February 21, 1961 (the "Original District") to provide sewer services to the Town of Lancaster, and

WHEREAS, in 1983, the Original District was extended to include the Village of Depew; and

WHEREAS, in 2002 an extension to the Original District known as the Walden Corridor Extension was formed to provide sewer service to the Lancaster Sewer District Nos. 6, 7, and 8 along with the area bounded by the centerline of Peppermint Road, the north border of the adjacent CSX railroad property, the previous eastern boundary of the Original District and the centerline of Townline Road; and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated May 8, 2006 and a resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006, an extension to the District has been proposed; and

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

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

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$302.32; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated May 8, 2006, a resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, said County Legislature duly adopted Resolution No. 199 on the 13<sup>th</sup> day of July, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on (i) the aforesaid extension of Erie County Sewer District No. 4 in accordance with the aforesaid map and plan dated May 8, 2006, and (ii) the consolidation of Erie County Sewer District No. 4 in accordance with the aforesaid map and plan dated May 8, 2006, and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have given due consideration to the impact that the extension and consolidation of Erie County Sewer District No. 4 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

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WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 3<sup>rd</sup> day of August, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. WITH RESPECT TO THE EXTENSION OF THE DISTRICT, and upon the evidence given at the public hearing held on August 3, 2006, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 4.

Section 2. The extension of Erie County Sewer District No. 4 is hereby approved and shall comprise an area described as follows:

TOWN DISTRICT NO. 1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 5, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, more particularly described as follows:

Beginning at a point in the southerly line of Broadway at the point of intersection of the southerly line of Broadway with the west line of great Lot No. 5; running thence southerly and along said west line of Lot No. 5 a distance of 1978.9 feet more or less; running thence easterly and at an angle of 82 degrees 46 minutes to the right a distance of 150 feet; running thence southerly at an angle of 82 degrees 46 minutes to the right a distance of 317.1 feet; running thence easterly at an angle to the right of 89 degrees 14 minutes a distance of 513.22 feet; running thence northerly on a line parallel with the west line of Lot No. 5 and 661.98 feet easterly therefrom measured on a line drawn at right angles thereto a distance of 2120.7 feet; running thence westerly along the southerly



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line of Broadway a distance of 678.58 feet more or less to the point of beginning; being the same premises designed at the Parkdale Estates under Cover No. 1325 as filed in the Erie County Clerk's Office

TOWN DISTRICT NO. 2

Beginning at a point in the centerline of Walden Avenue, (formerly known as Ellicott Road), at its intersection with the west line of Sublot 1 as extended, Map Cover No. 470, thence east along the center line of Walden Avenue, a distance of 2,831.84 feet more or less, to a point, said point being 128.54 feet easterly from the east line of Seneca Place, (measured along the centerline of Walden Avenue), thence north along the centerline of Sublot 165, Cover Map No. 900, thence continued north along the east property lines of Sublots 169 and 243, thence west 1110 feet more or less, along the north line of Farm Lot 11, Section 8 and Farm Lot 1, Section 11 to a point, said point being the dividing lines between John Vrieson on the west and Leonard Dubiel on the east, thence north along the boundary line between said John Vrieson on the west and Leonard Dubiel on the east, to the south property line of lands owned by the Board of Education, Central District No. 1, Lancaster, Cheektowaga and Elma, thence east along the south line of said school lands to the east line of Farm Lot No. 2, thence north along the east line of Farm Lot No. 2, a distance of 900 feet, to a point, thence west across the said school lands to the center line of Central Avenue, thence south along the said center line to a point, said point being 522.80 feet north of centerline of Columbia Road, thence west 1,000 feet more or less, parallel to the centerline of Columbia Road and 522.80 feet distance therefrom to a point, being the northwest corner of lands owned by Henry S. Paul, thence south 522.80 feet to the center line of Columbia Road thence west along said center line 80 feet more or less to a point, said point being the westerly line extended to Sublot 27, Map Cover 1333, thence south along the west property lines of Sublots 27, 18 and 7, Map Cover No. 1333, and continued south along the west property lines of Sublots 31 and 32, Map Cover No. 556, and continued south along the west property lines of Sublots 151, 17, 16 to 5 inclusive and Sublot 1, Map Cover No. 470 approximately 2,458.11 feet to the point or place of beginning.

Section 3. Such extension includes the acquisition from the Town of Lancaster of the all sewer facilities, including pipes, manholes, pumping stations and force mains of the following Town of Lancaster Sewer Districts: #1, and #2, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) and no additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. WITH RESPECT TO THE CONSOLIDATION, it is hereby determined that it is in the public interest to assess all expenses of Erie County Sewer District No. 4, including all extensions heretofore and hereafter established, as a charge against the entire area of Erie County Sewer District No. 4 as extended.

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Section 5. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

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3. **INTRO 13-3 (2006)**

**LOUGHRAN, MARINELLI, IANNELLO, WHYTE, KOZUB, KENNEDY,  
LOCKLEAR, KONST & MILLS**

WHEREAS, On June 22, 2006, David Crane, President and Chief Executive Officer of NRG Energy, Inc. announced plans for a \$1.5 billion upgrade of the power plant located on the east shore of the Niagara River, off River Road, in the Town of Tonawanda, which aims to double generating output, secure and create good-paying jobs, and result in a much more clean and environmentally responsible operation; and

WHEREAS, The CR Huntley Station has a long history on its 120-acre site in Tonawanda, with some of its structures dating back to 1916 when "River Station" first began commercial service, and at one time was the largest coal-fired plant in the world during World War II; and

WHEREAS, The investment in CR Huntley will not only lead to a more cleaner-running and environmentally-friendly power plant, it also means a brighter and more secure future for the 131 people currently employed there, the creation of about 100 new positions, and also the creation of more than 1,000 construction jobs; and

WHEREAS, The upgrade includes the installation of modern emission control equipment on two CR Huntley units that have been problematic in controlling harmful pollutants, and will result in dramatic reductions in sulfur dioxide, nitrogen oxide, and mercury emissions, according to NRG officials; and

WHEREAS, A new power plant will also be constructed on the CR Huntley site, utilizing "Integrated Gasification Combined Cycle" (IGCC), a technology used to convert coal into combustible gas, with the resulting byproducts cleaned and resold for other industrial and construction uses; and

WHEREAS, When the new IGCC plant comes on line in 2012, combined with the existing two upgraded coal-fueled units, generating capacity will nearly double, from 552 megawatts today to 1,010 megawatts; and

WHEREAS, Moreover, adding to the positive local job outlook and environmental benefits, the new vision for the CR Huntley Station will mean more stable electricity prices, and perhaps a reduction, for Western New York residents, according to NRG Executive Vice President Curt Morgan, who said that with more "baseload generation" in New York State, the added megawatts will help to reduce the volatility in electric bills that have affected local consumers in recent years.

**NOW, THEREFORE, BE IT**

RESOLVED, That the Erie County Legislature does hereby go on record in saluting NRG Energy Inc. upon the good news of a proposed \$1.5 billion upgrade to the CR Huntley Generating Station located in the Town of Tonawanda; and be it further

RESOLVED, That this Legislature notes that the modernization of CR Huntley has long been a goal of environmentalists who are understandably concerned about emissions generated by the plant, the harmful effects of these greenhouse gasses, and their link to global warming; and be it further

RESOLVED, That this Legislature respectfully requests that NRG consider linking this proposed upgrade with the Erie County Workforce Investment Board for possible job training/retraining initiatives, Erie Community College for educational and/or job training collaborations, and the Erie County Industrial Development Agency for incentives to move this noteworthy project forward; and be it further

RESOLVED, That this Legislature respectfully requests that NRG seeks to optimize local economic development by maximizing the construction employment opportunities through an exemplary local construction trades workforce as well as economic development opportunities through local marketing of IGCC by-products; and be it further

RESOLVED, That this Legislature is strongly encouraged by the leadership of State and Federal officials, as well as members of Local #97 International Brotherhood of Electrical Workers Union, in coming together to advance this initiative; and be it further

RESOLVED, That this Legislature urges support for proposed federal tax credits from the Department of Energy, Empire Zone and other New York State incentives, as well as the selection of the upgraded plant by New York State as a designated clean coal power plant, further financially ensuring its viability; and be it further

RESOLVED, That certified copies of this resolution be forwarded to NRG Energy Inc., New York Governor George A. Pataki, the Western New York delegations to Congress and the New York State Legislature, the United States Department of Energy, and Erie County Executive Joel A. Giambra.

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4. **COMM. 13E-15 (2006)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 30 to Intercounty Paving Associates; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 30 in the corrected final contract amount of \$795,144.00 which includes Change Order No. 2(final), a corrected decrease of \$37,265.00, and release retention monies to the contractor. The funds for this contract were allocated from Sewer Capital, Erie

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County Sewer District No. 1, Fund No. C.00032 (430-694). The funds for Change Order No. 1 were allocated from Sewer Capital, Erie County Sewer District No. 5, Fund No. C.00056.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 30 between the County of Erie and Intercounty Paving Associates, LLC, 859 Willow Grove Street, Hackettstown, New Jersey 07840 be accepted in the corrected amount of \$795,144.00, which includes Change Order No. 2(final), a corrected decrease of \$37,265.00, and release of retention monies to Intercounty Paving Associates, LLC; and be it further

RESOLVED, that the Clerk of the Legislature be directed to two certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to County Executive Joel Giambra, County Executive; James M. Hartman, Comptroller; Ken Vetter, Director of Budget, Management and Finance; and one certified copy to Gregory Dudek, Assistant County Attorney.

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5. COMM. 13E-16 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 22PS-C to M.K.S. Plumbing Corp.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management and the Erie County Sewer District No. 1 Board of Managers has recommended the final acceptance of Contract No. 22PS-C in the amount of \$25,034.29 which includes Change Order No. 1 (final), a decrease of (\$645.71), and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 22PS-C between the County of Erie and M.K.S. Plumbing Corp., 19 Ransier Drive, West Seneca, New York 14224, be accepted in the amount of \$25,034.29, which includes Change Order No. 1(final), a decrease of (\$645.71); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 22PS-C between the County of Erie and M.K.S. Plumbing Corp. in the amount of \$25,034.29 and make final payment; and be it further

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

(4-0)

6. COMM. 13E-17 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 22PS-D to O'Connell Electric Co.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management and the Erie County Sewer District No. 1 Board of Managers has recommended the final acceptance of Contract No. 22PS-D in the amount of \$133,294.00 which includes Change Order No. 1 (final), a decrease of (\$5,000.00), and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 22PS-D between the County of Erie and O'Connell Electric Co., 830 Phillips Road, Victor, New York 14564, be accepted in the amount of \$133,294.00, which includes Change Order No. 1(final), a decrease of (\$5,000.00); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 22PS-D between the County of Erie and O'Connell Electric Co. in the amount of \$133,294.00 and make final payment; and be it further

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

(4-0)

7. COMM. 15E-32 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the United States Department of Agriculture (USDA) provides funding to local governments for a grant program entitled the "Solid Waste Management Grant Program" to reduce or eliminate pollution of water resources in rural areas and to improve planning and management of solid waste sites in rural areas; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided solid waste and recycling education, outreach, and services to the residents of Erie County; and

WHEREAS, rural communities in Erie County are subject to unique problems associated with water pollution prevention and solid waste disposal, such as septic system maintenance, illegal dumping, farm waste, and unused pesticide disposal; and

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WHEREAS, the ECDEP is capable of providing the necessary outreach, education, and services to address the unique waste management problems facing rural communities; and

WHEREAS, the USDA has selected the ECDEP proposal entitled “Proper Solid Waste Management in Rural Communities of Erie County” for funding of \$105,000 to provide these necessary programmatic services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a grant program contract to accept funds in the amount of \$105,000 from the USDA to implement the Proper Solid Waste Management in Rural Communities of Erie County Program; and be it further

RESOLVED, that a grant budget be established for the Proper Solid Waste Management in Rural Communities of Erie County Program as follows:

**REVENUES:**

414000	Federal Aid – United States Department of Agriculture	\$105,000
<b>TOTAL REVENUE:</b>		<b>\$105,000</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel/Salaries	\$ 44,338
502000	Fringe Benefits	21,162
505000	Supplies (Office)	950
505800	Supplies (Medical and Health)	950
510000	Travel (Local Mileage)	1,700
516020	Professional Services Dues/Fees	31,900
561410	Equipment (Lab & Tech)	4,000
<b>TOTAL APPROPRIATIONS:</b>		<b>\$105,000</b>

and be it further

RESOLVED, that a position of Project Coordinator – Rural Solid Waste (JG-11) be created in the grant fund of the Erie County Department of Environment and Planning (B-100 #2367) for the implementation of the Program; and be it further

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

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

(4-0)

8. COMM. 15E-35 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Environment and Planning has requested that a competitive, civil service position of Assistant Deputy Commissioner-Sewerage Management Administration Job Group 16, be created in the Division of Sewerage Management to direct the Division's efforts in budgeting, accounting, tax and personnel functions, grant administration, negotiations with communities for mergers of services, staff training and career development, public outreach and education, labor relations, and related support; and

WHEREAS, the newly created position will be funded by eliminating two vacant positions (1) Senior Wastewater Treatment Plant Operator, Job Group 9; and (1) Part-Time Wastewater Treatment Plant Operator II, Job Group 7, within the Division that the Division does not have intentions of filling; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control Number 2240 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of the position of Assistant Deputy Commissioner-Sewerage Management Administration, Job Group 16 in the Division of Sewerage Management be approved; and be it further

RESOLVED, that the elimination of (1) Senior Wastewater Treatment Plant Operator, Job Group 9; and (1) Part-Time Wastewater Treatment Plant Operator II, Job Group 7, be approved; and be it further

RESOLVED, that certified copies of the approved resolution be sent to the County Executive, the Erie County Budget Office, the Erie County Comptroller, the Director of Personnel and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.  
(4-0)

9. COMM. 15E-40 (2006)

**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 14% reduction in federal funding has occurred in these programs since 2005 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 \$17,500 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 \$21,000; and be it further

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)

10. COMM. 15E-53 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency has passed a resolution to dissolve; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency wishes to dissolve the Agency with Erie County Sewer District No. 3 taking on the duties, responsibilities, assets and contractual services and agreements of the Erie County/Southtowns Sewage Treatment Agency that may exist; and



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WHEREAS, the Erie County Sewer District No. 3 Board of Managers has passed a resolution to accept the duties, responsibilities, assets and liabilities of Erie County Southtowns Sewage Treatment Agency upon dissolution of the Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is authorized to make all budgetary changes required to effectuate the Agreement; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement to dissolve the Agency, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Deputy Commissioner, Department of Environment and Planning and Gregory Dudek, Assistant County Attorney.

(4-0)

11. COMM. 15E-55 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-D, Electrical, to Tunney Electric, Inc. for the disinfection improvements at the Lackawanna and Southtowns Sewage Treatment Plants; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 6ST-D, Electrical, in the final contract amount of \$279,595.76 which includes Change Order No. 2 (final), an increase of \$3,848.56 in the Southtowns Bond Account C.00038 and a decrease of \$3,413.05 in the Erie County Sewer District No. 6 Bond Account C.00037 for a net increase of \$435.51, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-D, Electrical, between the County of Erie and Tunney Electric, Inc., 8565 Roll Road, Clarence Center, NY 14022 is accepted in the amount of \$279,595.76, which includes Change Order No. 2 (final), an increase of \$3,848.56 in the Southtowns Bond Account C.00038 and a decrease of \$3,413.05 in the Erie County Sewer District No. 6 Bond Account C.00037 for a net increase of \$435.51, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6ST-D, Electrical, between the County of Erie and Tunney Electric, Inc. in the amount of \$279,595.76 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one

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certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and James Hartman, Director of Budget and Management.

(4-0)

12. COMM. 15E-58 (2006)

**COUNTY EXECUTIVE**

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 2, 2006 for the purpose of meeting to hear and consider any objections which may be made to the 2007 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 1, 2006; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, Mark Poloncarz, County Comptroller, and Gregory Dudek Assistant County Attorney.

(4-0)

13. COMM. 15E-60 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Blasland, Bouck & Lee, Inc. to provide an evaluation of the Erie County Sewer District No. 4 Sluice Gate at Nash Road; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated December 12, 2002 with Blasland, Bouck & Lee, Inc., in the amount of \$36,031.60.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated December 12, 2002 between Erie County Sewer District No.4 and Blasland, Bouck & Lee, Inc., be formally closed-out in the final amount of \$36,031.60; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the Erie County Sewer District No. 4's Capital Account No. C.00031, between Erie County Sewer District No. 4. and Blasland, Bouck & Lee, Inc.; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning; and one (1) certified copy each to the County Executive; the Director of Budget and Management; the Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.  
 (4-0)

14. **COMM. 15E-61 (2006)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 1ST-D, Electrical, to O'Connell Electric Company for the sand filter improvements at the Southtowns Sewage Treatment Plant; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 1ST-D, Electrical, in the final contract amount of \$154,702.64 which includes Change Order No. 2 (final), a decrease of \$7,664.22 in the Southtowns Bond Account C.00038, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 1ST-D, Electrical, between the County of Erie and O'Connell Electric Company, 830 Philips Road, Victor, New York 14564 is accepted in the amount of \$154,702.64, which includes Change Order No. 2 (final), a decrease of \$7,664.22 in the Southtowns Bond Account C.00038, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 1ST-D, Electrical, between the County of Erie and O'Connell Electric Company in the amount of \$154,702.64 and release all retention; and be it further

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

15. COMM. 15E-65 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-B, HVAC, to John W. Danforth Company for the disinfection improvements at the Big Sister Creek Sewage Treatment Plant; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 66STP-B, HVAC, in the final contract amount of \$47,448.00 which includes Change Order No. 1 (final), an increase of \$3,448.00 in the Erie County Sewer District No. 2 Bond Account C.00013, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-B, HVAC, between the County of Erie and John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, NY 14150 is accepted in the amount of \$47,448.00, which includes Change Order No. 1 (final), an increase of \$3,448.00 in the Erie County Sewer District No. 2 Bond Account C.00013, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 66STP-B, HVAC, between the County of Erie and John W. Danforth Company in the amount of \$47,448.00 and release all retention; and be it further

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

(4-0)

**THOMAS J. LOUGHRAN**  
**CHAIRMAN**

**LEGISLATOR RESOLUTIONS**

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

RE: Standing With Buffalo Bills Owner Ralph C. Wilson In His Drive To Ensure The Viability

Of Small Market Franchises In The National  
Football League

**A RESOLUTION TO BE SUBMITTED BY**  
**LEGISLATORS HOLT, MARINELLI, WHYTE, KOZUB, KENNEDY, KONST,**  
**SMITH, MAZUR, LOCKLEAR, IANNELLO, REYNOLDS AND LOUGHRAN**

MS. WHYTE moved to amend the item and amend it for Et Al Sponsorship. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

WHEREAS, Upon bringing the Buffalo Bills to Western New York, Ralph C. Wilson Jr. single-handedly strengthened the very fabric of life for area residents for generations, enhanced the spirit of the community, helped countless local businesses prosper, and has always stood tall in his steadfast determination to keep the Bills right here; and

WHEREAS, The Buffalo Bills - one of the original American Football League teams - helped to build the National Football League, and as such should have special consideration to make certain that our hometown team continues to be a source of pride and a spirit of hope for all residents; and

WHEREAS, Over the many years that the Buffalo Bills have been our hometown team, Western New York residents have supported and cherished the Bills regardless of the outcome of league games, statistics or standings; and

WHEREAS, This past spring, Mr. Wilson voiced serious concerns about the future viability of the Bills, and other smaller-market NFL franchises, due to a proposed collective bargaining agreement and its linkage to revenue-sharing among the league's thirty-two teams; and

WHEREAS, With the invaluable assistance of U.S. Senator Charles E. Schumer and NBC commentator and Buffalo native Tim Russert, former NFL Commissioner Paul Taglibue appointed Mr. Wilson to the NFL's Committee on Qualifiers, to work out revenue-sharing provisions which are fair, equitable and most importantly, would take into consideration the future of smaller-market teams; and

WHEREAS, With Mr. Wilson's appointment to the eight-member Committee on Qualifiers, comprised of a mix of large and smaller-market franchises, with the majority of seats secured for smaller-market teams, Commissioner Taglibue sent a strong message of support for smaller-market teams and understands that any future policy take into consideration the principle that revenue-sharing makes "every team a contender."

NOW, THEREFORE, BE IT

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RESOLVED, That the Erie County Legislature does hereby go on record in support of the continued strong relationship between the Buffalo Bills and the people of Western New York, with The Buffalo Bills remaining as our hometown team; and be it further

RESOLVED, That this Legislature notes that due to the commitment, perseverance, and integrity of pioneering team owners like Mr. Wilson, the National Football League was forged into the premier American institution that it is today; and be it further

RESOLVED, That this Legislature further notes that teams like the Buffalo Bills - one of the original AFL teams - helped to build the NFL, and as such should have special consideration to make certain that they continue to be a source of pride and a spirit of hope for all residents; and be it further

RESOLVED, That this body acknowledges and appreciates the help, guidance, and perseverance of Senator Schumer and Mr. Russert for their work on behalf of our hometown team in successfully advancing the issue of revenue-sharing and its impact on smaller-market teams including the Buffalo Bills; and be it further

RESOLVED, That this Body respectfully encourages new NFL Commissioner Roger Goodell, a Western New York native who was born in Jamestown, to adhere to the principles set forth by former Commissioner Tagliabue and to utilize the Committee on Qualifiers in the spirit Commissioner Tagliabue has stated, with the clear intent of ensuring the future of smaller-market teams; and be it further

RESOLVED, That certified copies of this resolution be forwarded to National Football League Commissioner Roger Goodell, Buffalo Bills owner Ralph C. Wilson Jr., New York Governor George A. Pataki, the Western New York delegations to Congress and the New York State Legislature, and Erie County Executive Joel A. Giambra.

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

CARRIED UNANIMOUSLY.

Item 33 - CHAIRMAN MARINELLI directed the following resolution be sent to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 17-2 from LEGISLATOR LOUGHRAN Re: Funding of the Buffalo Zoological Gardens Rain Forest Project.

Item 34 - CHAIRMAN MARINELLI directed the following resolution be sent to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 17-3 from KENNEDY & WHYTE Re: Safety of Probation Department Employees

Item 35 – MS. WHYTE moved to reconsider INTRO 17-2. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

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

MR. RANZENHOFER moved to send the item to the COMMUNITY ENRICHMENT COMMITTEE. MR. MILLS seconded. MR. KOZUB and MR. LOUGHRAN voted in the negative.

CARRIED (13-2)

Item 36 – CHAIRMAN MARINELLI directed the following resolution be sent to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 17-4 from MARINELLI & WHYTE Re: Niagara Frontier Transportation Authority

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 37 – MS. LOCKLEAR moved to discharge the HEALTH COMMITTEE from further consideration of COMM. 15E-48. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

RE: Health - Working with Wellness Program  
 Grant - 5/1/01 - 9/15/07

WHEREAS, morbidity and mortality rates for cardiovascular disease, coronary diseases and certain cancers in Erie County are significantly higher than the national average, and

WHEREAS, preventive employee health services in the workplace promote worksite safety, encourage positive health practices and reduce health risk behaviors, and

WHEREAS, wellness promotion in the worksite encourages persons to make healthy choices with regard to nutrition, not smoking and getting more exercise, and

WHEREAS, worksite wellness programs have been shown to measurably improve employee productivity, reduce health insurance utilization, and create safe and healthier work environments, and

WHEREAS, health risk assessment profiles utilized by worksite wellness initiatives are able to measure employee health while benchmarking progress toward wellness, and

WHEREAS, the Erie County Department of Health has received an extension of a grant award from the New York State Health Department in the amount of \$200,000 for the period May 1,

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2001 through September 30, 2007 to continue and enhance employee health and wellness deliverables in order to empower employees to make positive personal lifestyle choices, encourage prudent health practices, reduce health risk behaviors, promote worksite safety and thus reduce absenteeism due to illness and injury, lower worker compensation claims/costs and lower health care costs.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County government is committed to measurably improving and maintaining the health and wellness of its workforce, and be it further

RESOLVED, that Erie County government strongly supports the continuation of a safe and healthy work environment in which employees are empowered to make educated health decisions, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to accept the contract extension of the grant award to be budgeted as follows:

**WORKING WITH WELLNESS**  
**SAP Title: 127WRKWELL0107**  
**5/1/01 – 9/15/07**

SAP	Description	Budget
505000	Other Supplies	\$2,500
505200	Clothing Supplies	1,000
505800	Medical Supplies	5,800
510100	Out of Area Travel	3,000
510200	Training & Education	6,279
516020	Professional Services Contracts	12,000
530000	Other Expenses	14,750
545000	Rental Charges	1,000
561410	Lab & Technical Equipment	69,907
561420	Office Equipment	5,350
912700	ID Health	<u>6,446</u>
	TOTAL	<u>\$128,032</u>
409000	State Aid	<u>\$128,032</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 Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

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



CARRIED UNANIMOUSLY.

ADD the following after the last WHEREAS clause.

WHEREAS, the Erie County Department of Health has received an extension of a grant award from the New York State Department of Health in the amount of \$200,000 for the period May 1, 2001 through September 30,2007; and

WHEREAS, \$71,968 (\$53,777 on personnel costs and \$18,191 on lab and technical equipment) has been expended from the period May 1, 2001 through September 1, 2006, leaving \$128,032 to continue and enhance employees to make positive personal lifestyle choices, encourage prudent health practices, reduce health risk behaviors, promote worksite safety and thus reduce absenteeism due to illness and injury, lower worker compensation claims/costs and lower health care costs.

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

CARRIED UNANIMOUSLY.

Item 38 – MR. SMITH moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of INTRO 14-9. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

RE: Declaring September 2006 Act for  
Education Month in Erie County

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR SMITH

WHEREAS, one in three students across New York State does not graduate on time and in many communities the graduation rate is even lower; and

WHEREAS, New York State has the largest funding gap between high and low income school districts and one of the highest student achievement gaps; and

WHEREAS, as of 2004, 38% of 4<sup>th</sup> graders and 58% of 8<sup>th</sup> graders statewide failed the state English Language Arts test, and 21% of 4<sup>th</sup> graders and 42% of 8<sup>th</sup> graders failed the state Math test. In 2005, 36% of high school students did not graduate in 4 years, more than 1 in 10 dropped out: 13% of poor rural students; and

WHEREAS, high quality early learning experiences have been shown to have a wide range of positive effects on young children, including on school readiness, maturation and socialization, and later school performance. Despite this evidence, three-fourths of New York's 220,000 four-year olds do not have access to pre-kindergarten; and

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WHEREAS, smaller class sizes improve student performance, by permitting more individualized instruction yet, average kindergarten class size in the “Big 4” (Buffalo, Rochester, Syracuse and Yonkers) actually increased in the 1999-2000 to 2003-2004 period, even though a limited state program had been put into place to reduce early grade class size; and

WHEREAS, the New York State Court of Appeals has ruled, in the campaign for Fiscal Equity case, that the State of New York is failing in its constitutional obligation to provide all of New York’s public school students in New York City with access to a Meaningful high school education, also known as “sound basic education;” and

WHEREAS, the Court of Appeals specified significant increases in school funding are necessary to provide a meaningful high school education or sound basic education; and

WHEREAS, increased education funding, invested in proven educational strategies with clear accountability provision is a sound strategy to increase educational outcomes; and

WHEREAS, the proportion of total school funding in New York provided by the state government is at its lowest level in fifty years and there is a tremendous need to provide additional school funding through increased state aid rather than increased local taxes; and

WHEREAS, the Erie County Legislature wishes to show support for a statewide resolution of the Campaign for Fiscal Equity case that includes a fairer state aid provided to local schools based upon student need combined with accountability to ensure educational results.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature declares September 2006 Act for Education Month in Erie County, to encourage a statewide solution to the Fiscal Equity case.

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

CARRIED UNANIMOUSLY.

ADD the following as Co-Sponsors: HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, & WHYTE

MR. SMITH moved to approve the item as amended. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED (14-1)

Item 39 – MS. IANNELLO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 15E-51. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

RE: Buffalo Zoo Forest Agreement

**MEETING NO. 17**  
**SEPTEMBER 28, 2006**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the County of Erie desires to improve the exhibits at the Buffalo Zoo and public recreational facilities in the County; and

WHEREAS, the Buffalo Zoological Society has been awarded an \$8,000,000 New York State Empire State Development grant and a \$4,000,000 private donation to design and construct the Rain Forest Exhibit; and

WHEREAS, Erie County desires to assist in the implementation of said project and has allocated \$4,000,000 in the forthcoming 2006 County Capital Budget for this project; and

WHEREAS, The New York State Environmental Quality Review Act (SEQRA) review and requirements have been completed and a negative declaration has been issued; and

WHEREAS, the funds for the Rain Forest will be part of the total amount submitted for the Capital Budget for 2006,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract not to exceed \$4,000,000 in funds from the 2006 Erie County Capital Budget upon its approval with the Buffalo Zoological Society and other involved agencies, including the City of Buffalo and New York State Empire State Development; and be it further

RESOLVED, that the source of funds will be \$4,000,000 available in the total amount submitted for the forthcoming 2006 Erie County Capital Budget and to be utilized for the Zoo's Rain Forest Exhibit; 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 Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; and the County Attorney.

MS. IANNELLO moved to approve the item. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. IANNELLO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 15E-68. MR. HOLT seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE.  
NOES: LOUGHRAN. (AYES: 14; NOES: 1)

CARRIED.

RESOLUTION NO. 285

Re: Buffalo Zoological Gardens Bond  
Resolution

RESOLUTION NO. 285-2006

BOND RESOLUTION DATED SEPTEMBER 28, 2006

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING RECREATIONAL AREA IMPROVEMENTS TO THE BUFFALO ZOO, STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,000,000, APPROPRIATING \$4,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF AND THE APPLICATION OF \$6,750,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK AND \$5,250,000 EXPECTED TO BE RECEIVED FROM PRIVATE SOURCES TO BE EXPENDED TOWARDS THE COST THEREOF OR REDEMPTION OF THE BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Introduced) SEPTEMBER 12, 2006

(Adopted) SEPTEMBER 28, 2006

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

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to finance recreational area improvements to the Buffalo Zoo, including construction of a new South American Rainforest and Greenhouse exhibit as more fully described in the duly adopted 2006 Capital Budget for the County and pursuant to agreements with the City of Buffalo and the Zoological Society of Buffalo. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2006 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$16,000,000, and \$4,000,000 is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2006. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes and application of \$6,750,000 expected to be received from the State of New York and \$5,250,000 expected to be received from private sources to be expended towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal of and interest on said bonds or notes.

Section 2. Bonds of the County in the principal amount of \$4,000,000 are hereby authorized to be issued for the specific object or purpose described in Section 1, pursuant to the

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provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness for the specific object or purpose for which said \$4,000,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 19.(c) of the Law, is fifteen (15) years.

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

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

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE.  
 NOES: LOUGHRAN. (AYES: 14; NOES: 1)

CARRIED.

### **SUSPENSION OF THE RULES**

Item 41 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-25 from the COMPTROLLER Re: Copy of Letter to Budget Director Re: Audit Division

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 17E-26 from the DISTRICT ATTORNEY Re: Confidential Criminal Investigator-  
 12

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 43 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-27 from LEGISLATOR WEINSTEIN Re: Minority Appointment to the Commission on the Status of Women

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Received, Filed and Printed.

September 28, 2006

Chairperson Lynn M. Marinelli  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Ms. Marinelli:

I have enclosed a copy of a letter I wrote regarding the appointment of Ms. Eriasmia Bechakas on the Commission on the Status of Women. Would you please tell me the status of this. Thank you.

Sincerely yours,

Barry A. Weinstein, MD  
Erie County Legislator, 15<sup>th</sup> District

BAW/lmk

Enclosure

June 1, 2006

Chairwoman Lynn Marinelli  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Ms. Marinelli:

The Minority of the Erie County Legislature wishes to put forth the name of Ms. Eriasmia R. Bechakas to fill one of our two appointments on the Board of Directors for the Commission on the Status of Women. Ms. Bechakas information is as follows:

Sincerely yours,

Barry A. Weinstein, M.D.  
Minority Leader, Erie County Legislature

Item 44 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED

INTRO 7-5 from HOLT Re: Ratification of the Collective Bargaining Agreement between COE, ECC and the Faculty Federation of ECC for the period between 9/1/05 though 8/31/09

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Item 45 – MR. RANZENHOFER moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-28 from RANZENHOFER Re: Copy of Letter to ECFSA Chair Re: Buffalo Zoological Society Funding

Received, Filed and Printed.

Chairman Anthony J. Baynes  
Erie County Fiscal Stability Authority  
295 Main Street, Room 946  
Buffalo, New York 14203

September 25, 2006

Dear Chairman Baynes:

The Erie County Fiscal Stability Authority (ECFSA), as part of its mission, often publicly remarks on the status of the county's finances. One such remark, directed to the Erie County Legislature, was that the county needed to reduce its long term debt. In response to this statement the Erie County Legislature passed a resolution (Intro. 11-8) to reduce long term debt by placing a cap on borrowing. This resolution specifically resolved that the Legislature would not consider any bond resolution that would exceed 12 million dollars in borrowing in 2006. The Legislature has already approved bonds for capital expenditures up to that amount.

At our meeting on Thursday, September 28, 2006 the Legislature will be asked to consider voting for, or against, a bond resolution that would provide the Buffalo Zoological Society the necessary funding required for them to construct a new rainforest exhibit. The mentioned necessary funding would be in the form of a 4 million dollar bond.

I am writing to request that the Erie County Fiscal Stability Authority provide my colleagues and I with their thoughts on this matter. Specifically I would like to know if the ECFSA supports bonding an additional 4 million dollars to provide the funding for the rainforest exhibit at the Buffalo Zoo. I would appreciate an answer to my question by 5:00 pm. On Wednesday, September 27, 2006.

Sincerely,

Michael H. Ranzenhofer  
Erie County Legislator

Item 46 - MR. RANZENHOFER moved for a Suspension of the Rules to include an item not on the agenda.



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GRANTED.

COMM. 17E-29 from the ECFSA Re: Reply to Comm. 17E-28

Received, Filed and Printed

September 26, 2006

Honorable Lynn Marinelli, Chairperson  
 Erie County Legislature  
 92 Franklin St.  
 Buffalo, New York 14202

Dear Legislator Marinelli:

I understand that the Buffalo Zoological Gardens Rain Forest project is progressing. This is a worthwhile endeavor to add to the cultural tourism opportunities in Erie County for decades to come.

I am very supportive of the Buffalo Zoo in its efforts to enhance our community.

Sincerely,

Anthony J. Baynes  
 Chairman

cc: Hon. Erie County Legislators  
 ECFSA Board Members  
 Hon. Joel A. Giambra

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR SMITH**

Item 47 – (COMM. 17E-1) Copy of Letter to ECFSA Chair Re: Invitation to Finance & Management Committee

Received and filed.

**FROM THE COMPTROLLER**

Item 48 – (COMM. 17E-2) ECMCC Senior Bonuses

Received and referred to the HEALTH COMMITTEE.

Item 49 – (COMM. 17E-3) Supplement to the Comprehensive Annual Financial Report for the Year Ended 12/31/05

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 50 – (COMM. 17E-4) Appointment to the Finance & Management/Budget Committee

Received, Filed and Printed

September 25, 2006

Honorable David J. Swarts  
Interim Clerk, Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Mr. Swarts:

Consistent with the Erie County Legislature's 2006 Rules of Order, specifically sections 1.01 and 3.02, I hereby appoint Legislator Robert B. Reynolds to serve as a member of the Finance and Management/Budget Committee.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

cc: Legislator Demone A. Smith  
Chair, Finance & Management/Budget Committee

Legislator Robert B. Reynolds

Item 51 – (COMM. 17E-5) Copy of Letter to Senior Services Commissioner Re:  
Appointment to the Cluster Review Committee

Received, Filed and Printed

September 25, 2006

Pamela M. Krawczyk, Commissioner  
Erie County Department of Senior Services  
95 Franklin Street, 13<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Commissioner Krawczyk:

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It is my understanding that the Department of Senior Services has formed a Cluster Review Committee for 2006 to engage in an intensive review of manner in which services are provided to the seniors in our community. I applaud the efforts of you and your staff in this regard.

To insure that there is an ongoing line of communication between your department and the Legislature as this important review takes place, I am appointing Legislator Demone A. Smith to serve as the representative of the Erie County Legislature in this important effort.

Sincerely,

Lynn M. Marinelli, Chair  
 Erie County Legislature

cc: Legislator Demone A. Smith  
 Honorable Joel A. Giambra, County Executive

FROM LEGISLATOR SMITH

Item 52 – (COMM. 17E-6) 2007 Budget Hearing Schedule

Received, Filed and Printed

September 20, 2006

Honorable Lynn M. Marinelli  
 Chair, Erie County Legislature  
 92 Franklin Street, 4<sup>th</sup> Floor  
 Buffalo New York, 14202

Dear Chairperson Marinelli:

Below is the 2007 Budget Hearing Schedule for the Finance & Management/Budget Committee. During the next two weeks, I will be distributing a more precise schedule for the period of October 17-27, 2006.

October 13, 2006	Budget due from Administration
October 16, 2006	Budget presentation and overview from Budget Director (9-12)
October 17-27, 2006	Budget presentations from each Department and Independently Elected Officials and Representatives of cultural, service providers and other interested parties (9-2)
November 2, 2006	Public Hearing (5:00)
November 6-16, 2006	Finance & Management/Budget Working groups and staff preparation of budget amendments
November 17-30, 2006	Possible Finance & Management/Budget Committee and Special Budget session (with 48 hours notice)
December 5, 2006	Date by which 2007 Budget must be approved by Legislature as required by Erie County Charter

Sincerely,

Demone A. Smith, Chair  
Finance & Management/Budget Committee

cc: Honorable Joel A. Giambra, Erie County Executive  
Mr. James Hartman, Budget Director  
Mr. Ken Vetter, Erie County Fiscal Stability Authority

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286 RE: Ecology & Environment, Inc. Payment (COMM. 17E-7)

WHEREAS, in 2005, Ecology and Environment, Inc completed work started in 2004, on a capabilities assessment to determine areas of vulnerability for the Division of Emergency Services, and

WHEREAS, it is necessary to provide funding in the amount of \$20,403 for the agreement with Ecology & Environment, funds being, funds being available from unanticipated revenue in account 400010, Exemption Removal Revenue.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to reimburse Ecology and Environment, Inc. for services rendered in 2004 and 2005, and be it further

RESOLVED, that authorization is hereby provided to adjust the Erie County 2006 Budget as follows:

**Countywide Accounts- Budget – Fund Center 14010**

<u>Revenue</u>	<u>Account</u>	<u>Increase</u>
400010	Exemption Removal Revenue	\$20,403

**Division of Emergency Services – Fund Center 16700**

<u>Expense</u>	<u>Account</u>	<u>Increase</u>
516020	Professional Services and Contracts	\$20,403

and be it further

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RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Erie County Executive; the Commissioner of Central Police Services/Emergency Services; the Director of Budget, Management and Finance, the Erie County Comptroller and the County Attorney.

Item 54 – (COMM. 17E-8) DEP – Variable Minimum

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 55 – (COMM. 17E-9) Legal Aid Bureau Funding

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 – (COMM. 17E-10) Instituting Energy Services Performance Program – Authorization to Enter Into Tax-Exempt Municipal Lease to Finance Construction Work at ECC

Item 57 – (COMM. 17E-11) Siemens Energy Performance – Contract at ECC

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

Item 58 – (COMM. 17E-12) CPS/Emergency Services – Hazardous Materials Transportation Uniform Safety Act

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (COMM. 17E-13) Senior Services – Authorization to Amend the III-B, III-E and WRAP-SOFA Grant Budgets

Item 60 – (COMM. 17E-14) DSS – West Side Delinquency Prevention Program

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 17E-15) DPW – Supplemental Agreement with NYSDOT – North French Road (CR 299) Pavement Rehabilitation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 62 – (COMM. 17E-16) DEP – Analysis of Impediments to Fair Housing Choice Agreements

Item 63 – (COMM. 17E-17) ECSD No. 3 – Proposed Transfer of the Village of Orchard Park – Sanitary Sewer Assets

Item 64 – (COMM. 17E-18) STSTA – Engineer Term Agreement – DiDonato Associates – Work Order: DA-7

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Item 65 – (COMM. 17E-19) ECSD No. 6 – NYS Water Pollution Control – Revolving Loan Program

Item 66 – (COMM. 17E-20) ECSD Nos. 1, 2, 6 – ECSD No. 3/STSTA – Sewage Treatment Agency – 2006 Budget – Transfer of Funds

Item 67 – (COMM. 17E-21) ECSD No. 2 – Proposed Transfer of the Village of North Collins – Sanitary Sewer Assets

Item 68 – (COMM. 17E-22) DEP – Contract Extension and Budget Revision for the State Indoor Radon Grant (SIRG) 11 Program

Item 69 – (COMM. 17E-23) DEP – No-Cost Budget Revision for the Erie County Tribal Community Reducing Toxic Air Pollutants (RTAP) Project

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

**FROM LEGISLATOR KENNEDY**

Item 70 – (COMM. 17E-24) Request for Surplus Computers

Received, Filed and Printed

September 26, 2006

Clerk – Erie County Legislature  
 92 Franklin Street  
 Buffalo, New York 14202

Dear Mr. Clerk:

I am writing to request 25 surplus computers for Bishop Timon-St. Jude, an educational facility that provides computer instruction to young adults.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Timothy M. Kennedy  
 Erie County Legislator  
 2<sup>nd</sup> District

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM CENTRAL POLICE SERVICES**

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Item 71 – (COMM. 17D-1) Copy of Letter to Kennedy Re: NIMS Training

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 72 – (COMM. 17D-2) Notice of Board of Trustees Meeting Held 9/27

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 73 – (COMM. 17D-3) Seventh BMR for FY2006

Item 74 – (COMM. 17D-4) Copy of Letter to ECFSA Executive Director Re: Request for ECFSA Recommendations

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

FROM THE PERSONNEL DEPARTMENT

Item 75 – (COMM. 17D-5) Notice of Canceled Civil Service Exam

Received and filed.

FROM MENTAL HEALTH

Item 76 – (COMM. 17D-6) Erie County 2006-2008 Local Government Plan for Mental Retardation/Developmental Disabilities

Received and filed.

FROM LABOR RELATIONS

Item 77 – (COMM. 17D-7) Collective Bargaining Agreement between COE, ECC and the Faculty Federation of ECC

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 78 – (COMM. 17D-8) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE COMMUNITY COLLEGE

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Item 79 – (COMM. 17D-9) Agenda for Board of Trustees Meeting Held 9/27/07

Received and filed.

Item 80 – (COMM. 17D-10) Request for Special Session

Received, Filed and Printed.

September 22, 2006

Honorable Lynn Marinelli, Chairperson  
 Erie County Legislature  
 92 Franklin Street – 4<sup>th</sup> Floor  
 Buffalo, New York 14202

Dear Chairperson Marinelli:

Erie Community College has been diligently working with members of the Erie County Legislature, Erie County Public Works, Erie County Labor Relations and both the White Collar (CSEA) and Blue Collar (AFSCME) Labor Unions to address open issues involving the Energy Performance Construction Contract approved by the ECC Board of Trustees on July 20, 2006. At a meeting held earlier this date it appears all open issues have been resolved. The contract was approved by the Legislature's Community Enrichment Committee on September 21, 2006 and full legislative approval is now necessary in order to submit the project to SUNY.

It is my understanding that the SUNY Board of Trustees is scheduled to meet on September 26, 2006 and if an approved legislative resolution is in place this project will be considered and hopefully approved by the SUNY Board. If the September 2, 2006 SUNY Board meeting is missed, the next scheduled Board meeting is not until November which will cause the College financial hardships as some of the identified energy savings will be delayed.

As a result, I am requesting that the Erie County Legislature consider holding a special legislative session to address Item #11E-18. The Legislature's support and approval is critical for the savings identified to be realized.

Please contact me at your earliest convenience if I can provide any additional information. Thank you for your consideration of this matter.

Sincerely,

William J. Mariani  
 President

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE VILLAGE OF NORTH COLLINS**



Item 81 – (COMM. 17M-1) Certified Resolution Re: Merger W/ ECSD No. 2

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY**

Item 82 – (COMM. 17M-2) Certified Resolution Re: Requiring COE to Provide a Modified Four-Year Plan to ECFSA by 10/16/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

Item 83 – (COMM. 17M-3) Notice & Agenda of Meeting to be Held 9/19/06

Received and filed.

**FROM THE TOWN OF ALABAMA**

Item 84 – (COMM. 17M-4) Notice of Public Hearing

Received and filed.

**FROM THE NYS BOARD OF REAL PROPERTY SERVICES**

Item 85 – (COMM. 17M-5) List of Certified 2006 State Equalization Rates

Received and filed.

**FROM THE TOWN OF CHEEKTOWAGA**

Item 86 – (COMM. 17M-6) Certified Resolution Re: Memorialize Erie County to Provide Funds for Fire Training Academy Building

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 87 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Gabriel Lillian Trillone.

Item 88 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Margaret Sullivan.

Item 89 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Joseph F. Finnegan.

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Item 90 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Leopold J. Schmidt.

**ADJOURNMENT**

Item 91 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. SMITH moved that the Legislature adjourn until Thursday, October 12, 2006 at 2 p.m. Eastern Standard Time. MS. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 12, 2006 at 2 p.m. Eastern Standard Time.

**DAVID J. SWARTS**  
**INTERIM CLERK**