

**ERIE COUNTY LEGISLATURE
MEETING NO. 18
OCTOBER 14, 2010**

The Legislature was called to order by Chair Miller-Williams.

All members present, except Legislator Whyte.

An Invocation was held, led by Mr. Fudoli, who said a short prayer and requested a moment of silence.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meetings Number 16 and Number 17 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a memorial resolution In Remembrance of the Life of Karen Schueler.

Item 6 – MS. MARINELLI presented a resolution Recognizing & Congratulating Karen L. Fritsch, Retiring After 31 Years of Service to the Residents of EC.

Item 7 – MS. MARINELLI presented a resolution Recognizing & Congratulating Virginia A. Beyer, Retiring After 25 Years of Service to the Residents of EC.

Item 8 – MR. WALTER and MR. RATH presented a resolution Congratulating Sharon Lochocki on the Woman of Distinction Award from the Amherst Chamber of Commerce.

Item 9 – MR. WALTER and MR. RATH presented a resolution Congratulating Ryan Miller & the Steadfast Foundation on the Community Service Award from the Amherst Chamber of Commerce.

Item 10 – MR. WALTER and MR. RATH presented a resolution Congratulating the UB Center for Excellence for the Stewardship Award from the Amherst Chamber of Commerce.

Item 11 – MR. WALTER and MR. RATH presented a resolution Congratulating Upstate New York Transplant Services on the Health & Health Services Award from the Amherst Chamber of Commerce.

Item 12 – MR. WALTER and MR. RATH presented a resolution Congratulating Phillips Lytle LLP for the Commitment to Excellence Award from the Amherst Chamber of Commerce.

Item 13 – MR. WALTER and MR. RATH presented a resolution Congratulating Verizon on the Technology Award from the Amherst Chamber of Commerce.

Item 14 – MR. WALTER and MR. RATH presented a resolution Congratulating Wegmans on the Business of the Year Award from the Amherst Chamber of Commerce.

Item 15 – MR. WALTER and MR. RATH presented a resolution Congratulating Frank Ciminelli on the Lifetime Inspiration Award from the Amherst Chamber of Commerce.

Item 16 – MS. MARINELLI presented a resolution Recognizing October as National Domestic Violence Awareness Month.

Item 17 – MR. MILLS presented a resolution Congratulating the East Aurora First Baptist Church on Celebrating its 200 Year Anniversary.

Item 18 – MR. MILLS presented a resolution Congratulating Joyce Jezewski on Being Presented the 2010 NYS Clerk of the Year Award by the NYS Association of City & Village Clerks.

Item 19 – MS. DIXON presented a resolution Congratulating St. Mary's Roman Catholic Church in Eden, on Their 175th Anniversary.

MR. MAZUR moved for consideration of the above fifteen items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above fifteen items by including Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above fifteen items as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 20 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 26 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLER-WILLIAMS directed that Local Law No. 5 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 28 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

October 7, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-13 (2010)
COMPTROLLER: "Memorandum Concerning Day Care Funding"
(5-0)
 - b. COMM. 3E-3 (2010)
COMPTROLLER: "Letter Regarding Information Concerning Funding for Health Clinics Owned and Operated by EC"
(5-0)
 - c. COMM. 3M-18 (2010)
VOICE – BUFFALO: "Statement Regarding Day Care Subsidies"
(5-0)
 - d. COMM. 3M-19 (2010)
NYS OFFICE OF CHILDREN & FAMILY SERVICES: "Letter Confirming that the NYS Office of Children and Family Services will be Conducting a Review of the Child Care Subsidy Program in EC"
(5-0)
 - e. COMM. 3M-25 (2010)
ERIE COUNTY RESIDENTS: "Petition to Restore Day Care Subsidies in EC"
(5-0)
 - f. COMM. 4E-3 (2010)
COMPTROLLER: "Letter to Legislator Whyte in Relation to a 90 Day Extension of Child Care Subsidy"
(5-0)
 - g. COMM. 4D-2 (2010)
DEPARTMENT OF HEALTH: "Copy of Proposed Revisions to the EC Sanitary Code"
(5-0)
 - h. COMM. 4M-59 (2010)
KRISTIN SCHUH: "Letter to the EC Legislature Concerning Cuts to Child Care Subsidy Programs"
(5-0)
 - i. COMM. 6M-7 (2010)
AMERICA'S EDGE: "Article Entitled, "Strengthening New York Businesses Through Investments in Early Care and Education""

- (5-0)
- j. COMM. 6M-11 (2010)
COMMUNITY COLLABORATION FOR QUALITY CHILD CARE IN DOWNTOWN
BUFFALO, NY: “Article Entitled, "Buffalo Child Care Means Business””
(5-0)
- k. COMM. 7E-1 (2010)
COMPTROLLER: “Opening of Medicaid Health Clinic in Chemung County”
(5-0)
- l. COMM. 7E-10 (2010)
COMPTROLLER: “Medicaid Waiver for Traumatic Brain Injury Program”
(5-0)
- m. COMM. 8M-5 (2010)
BUFFALO & EC WORKFORCE INVESTMENT BOARD, INC.: “Letter to the NYS
Office of Children & Family Services Regarding EC's Share of the Child Care Block Grant”
(5-0)
- n. COMM. 11M-3 (2010)
WNY WOMEN'S FUND: “Article Entitled "Gina Is a Single Mother in Poverty””
(5-0)
- o. COMM. 13M-10 (2010)
DORETHA FANNING: “Letter to Legislature Concerning Budget Cuts to Hospitals”
(5-0)
- p. COMM. 14M-7 (2010)
ECMCC: “Minutes from Meeting Held 7/6/2010”
(5-0)
- q. COMM. 15M-12 (2010)
ECMCC: “Minutes of Meeting Held 8/3/2010”
(5-0)
- r. COMM. 15M-19 (2010)
ECMCC: “Minutes of Meeting Held 9/7/2010”
(5-0)
- s. COMM. 16D-3 (2010)
EC MEDICAL DIRECTOR: “Minutes of Meeting Held 7/15/2010”
(5-0)
2. COMM. 14E-15 (2010)
COUNTY EXECUTIVE

WHEREAS, Senior Service America has notified the Department of Senior Services (Department) that the Department has been awarded additional federal funds for the Senior Aides program for the period July 1, 2009 to June 30, 2010; and

WHEREAS, the Department currently contracts with Supportive Services Corp. to provide Title V employment services to seniors 55 years of age and older, and desires to amend the contract with Supportive Services Corp. to reflect the additional funds to expand the employment placements; and

WHEREAS, Senior Service America has amended the project period to July 1, 2009 through July 23, 2010; and

WHEREAS, the Senior Aides grant budget needs to be revised; and

WHEREAS, Supportive Services Corp. will provide the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Senior Aides funds from Senior Service America, Inc.; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with Supportive Services Corp. to extend the project period to July 23, 2010; and be it further

RESOLVED, that the budget for the Senior Aides grant, 163SRAIDES0910, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$1,204,349	\$87,500	\$1,291,849
466320	Subcontractor Match	73,868	0	73,868
	TOTAL REVENUE		<u>\$87,500</u>	
APPROPRIATIONS				
516010	Supportive Services Corp., Inc.	\$1,362,217	\$87,500	\$1,449,717
	TOTAL CHANGE		<u>\$87,500</u>	

and be it further

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

(5-0)

3. COMM. 14E-16 (2010)

COUNTY EXECUTIVE

WHEREAS, Senior Service America has notified the Department of Senior Services (Department) that the Department has been awarded a Federal allocation for the Senior Aides program for the period July 1, 2010 to June 30, 2011 under the Federal Consolidated Appropriations Act of 2010 (CAA); and

WHEREAS, these funds are expected to be utilized for the purpose of injecting workforce development resources into communities throughout the country, with the goal of expanding the current Title V Senior Aides placements; and

WHEREAS, the Department currently contracts with Supportive Services Corp. to provide Title V Senior Aides services to seniors 55 years of age and older, and desires to contract with Supportive Services Corp. to use the CAA funds to expand the Senior Aides placements; and

WHEREAS, the CAA Senior Aides grant budget needs to be established; and

WHEREAS, Supportive Services Corp. will provide the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the CAA Senior Aides funds; and be it further

RESOLVED, that the County Executive be and is hereby authorized to contract with Supportive Services Corp. to provide the related Senior Aides services for the period July 1, 2010 to June 30, 2011; and be it further

RESOLVED, that the budget for the CAA Senior Aides grant, 163CAASRAIDES1011, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$128,618
466320	Subcontractor Match	\$16,950
	TOTAL REVENUE	<u>\$145,568</u>
APPROPRIATIONS		
516010	Supportive Services Corp.	\$145,568
	TOTAL APPROPRIATIONS	<u>\$145,568</u>

and be it further

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

(5-0)

4. COMM. 15E-28 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County is mandated by 1975 Federal Legislation, Individuals with Disabilities Education Act (IDEA) and New York State Health Department, New York State Public Health Law, Part 69 of Subchapter H of Chapter 11 of Title 10, to provide Early Intervention Services for children with special needs in Erie County; and

WHEREAS, Erie County has entered into contract with New York State Department of Health and is responsible to administer the Early Intervention Program to children with special needs in Erie County; and

WHEREAS, the New York State Department of Health has advised of their intention to provide supplemental funding for local administration of the Early Intervention Program under American Recovery and Reinvestment Act of 2009 (ARRA) for the period October 1, 2009 – September 30, 2011 in the amount of \$369,991; and

WHEREAS, the Erie County Health Department has submitted a plan and was granted approval by the New York State Department of Health to use ARRA funds in the specific matter for which they were intended to be used to enhance the Early Intervention Program in providing services to children with special needs and their families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter in contract and amendments with the New York State Department of Health to accept AARA Funds for the administration of the Early Intervention for the period October 1, 2009 – September 30, 2011 in the amount of \$369,991 to be budgeted as follows:

Department of Health
Early Intervention Administration ARRA Grant
SAP Title: 127EIARRA0911

SAP	REVENUE	BUDGET
414000	Federal Aid	\$369,991
	TOTAL	\$369,991
	EXPENSES	
501000	Overtime	\$212,658
502000	Fringe Benefits	16,268
505000	Supplies	14,989
510200	Training & Education	48,140
516020	Pro Service Contracts & Fees	42,500
561410	Lab & Tech Equipment	29,751
561420	Office Furniture	3,685
980000	DISS Printing & Copying	2,000
	TOTAL	\$369,991

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.
(5-0)

5. COMM. 15E-30 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County is mandated by 1975 Federal Legislation, Individuals with Disabilities Education Act (IDEA) and New York State Health Department, New York State Public Health Law, Part 69 of Subchapter H of Chapter 11 of Title 10, to provide Early Intervention Services for children with special needs in Erie County; and

WHEREAS, Erie County is mandated by 1975 Federal Legislation IDEA and New York State Education Law Part 89, Section 4410 to provide Preschool Services to children with special needs in Erie County; and

WHEREAS, the County Executive is authorized to enter into contracts with New York State Departments of Health and Education for the operation of the Early Intervention, Preschool, and Children with Special Healthcare Needs Programs; and

WHEREAS, the Erie County Legislature has authorized funds to cover the costs of these contracts through appropriations in the 2010 county budget; and .

WHEREAS, the Erie County Health Department Contract Determination Committee has established that there is a demonstrated need to provide Preschool Counseling Services due to the takeover of the Vincennes Agency by Buffalo Guidance Group LLC in order to provide minimal disruption of services to children and their families; and

WHEREAS, Buffalo Guidance Group LLC has been authorized by the New York Department of Education to provide these services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract and make amendments to this contract with Buffalo Guidance Group LLC, for the remainder of the 2010-2011 school year from August 1, 2010 through June 30, 2011; and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impractical to follow the RFP in the case of this state approved agency and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative code; and be it further

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

to Dr. Anthony J. Billittier, IV, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.
(5-0)

THOMAS J. MAZUR
CHAIR

Item 29 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

October 7, 2010	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12D-8 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to Legislature Concerning 2009 Year-End Results Requested by the Finance & Management Committee”
(5-0) Legislator Bove not present for vote.
 - b. COMM. 12M-8 (2010)
ECFSA CHAIR: “Letter to Chair Miller-Williams Concerning Six-Year Summary of ECFSA Accomplishments”
(5-0) Legislator Bove not present for vote.
 - c. COMM. 13E-4 (2010)
COMPTROLLER: “Copy of the Apportionment & Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months 3/10, 4/10 & 5/10”
(5-0) Legislator Bove not present for vote.
 - d. COMM. 13D-1 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report (BMR) for the Period Ending 5/31/10”
(5-0) Legislator Bove not present for vote.
 - e. COMM. 13D-5 (2010)
COMPTROLLER'S OFFICE: “2010 EC Legislature Mid-Year Budget Hearings - Written Response”
(5-0) Legislator Bove not present for vote.

- f. COMM. 13M-11 (2010)
ECFSA EXECUTIVE DIRECTOR: "Letter to Chair of the Legislature Concerning the Revenue Anticipation Note"
(5-0) Legislator Bove not present for vote.
- g. COMM. 15E-2 (2010)
COMPTROLLER: "Letter to Legislature Concerning 1% Sales & Compensating Use Tax"
(6-0)
- h. COMM. 15E-4 (2010)
COMPTROLLER: "Additional 2010 Disproportionate Share Payment - ECMCC"
(6-0)
- i. COMM. 15E-5 (2010)
COMPTROLLER: "Financial Report of EC for Six Months Ended 6/30/2010"
(6-0)
- j. COMM. 15E-7 (2010)
COMPTROLLER: "Certificate of Determination by the County Comptroller Relative to \$45,000,000 Revenue Anticipation Note"
(6-0)
- k. COMM. 15D-3 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report (BMR) for Period Ending 6/30/2010"
(6-0)
- l. COMM. 15D-15 (2010)
CLERK OF FINANCE & MANAGEMENT COMMITTEE: "Mid-Year Budget Hearings Report"
(6-0)
- m. COMM. 15M-9 (2010)
CLERK OF THE BOARD OF SUPERVISORS OF FULTON COUNTY: "Copy of Resolution Demanding that State Legislators Reduce Unfunded Mandates that Cause Local Property Tax Increases Prior to Imposing a Cap on Local Property Taxes"
(6-0)
- n. COMM. 15M-15 (2010)
NYSAC: "Enacted 2010-2011 State Budget Impact on Counties Report"
(6-0)
- o. COMM. 15M-17 (2010)
CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION: "Assessment Pursuant to Local Laws - Downtown Pedestrian/Transit Mall"
- p. COMM. 15M-21 (2010)

NYS OFFICE OF CHILDREN & FAMILY SERVICES: “Letter to Social Services Commissioner Concerning EC Single Audit for 2009”
(6-0)

- q. COMM. 15M-22 (2010)
NYS DOT: “Letter to EC Comptroller Concerning Closeout of EC 2009 Budget”
(6-0)
- r. COMM. 15M-23 (2010)
NYS DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES: “Letter to EC Comptroller Concerning Closeout of EC 2009 Budget”
(6-0)
- s. COMM. 15M-24 (2010)
STANDARD & POOR'S: “Letter to EC Comptroller Concerning EC 2009 Audit Report”
(6-0)
- t. COMM. 15M-25 (2010)
NYS DEPARTMENT OF HEALTH: “Letter to EC Comptroller Concerning EC 2009 Audit Report”
(6-0)
- u. COMM. 15M-26 (2010)
NYS OFFICE OF ALCOHOLISM & SUBSTANCE ABUSE SERVICES: “Letter to EC Comptroller Concerning EC Single Audit for 2009”
(6-0)
- v. COMM. 16E-9 (2010)
COMPTROLLER: “Letter to Legislature Concerning EC 2009 Federal Single Audit Report”
(6-0)
- w. COMM. 16D-5 (2010)
COMPTROLLER'S OFFICE: “Sales Tax Sharing - 2010 Census & State Legislative Change”
(6-0)

2. COMM. 8D-3 (2010)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

Acct. No. 112 \$0.00 County
Acct. No. 132 \$896.26 Town/SpecialDist/School
Charge To : 142289 AMHERST \$896.26
Relevy School \$896.26 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: R CHRISTOPHER LUX

FISCAL YEAR 2010 Petition No. 210,288.00

ASSESSOR Cancel \$774.36

S-B-L 20.03-2-23 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$774.36 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$774.36
Relevy School \$774.36 145601 AKRON CENTRAL

RPTL 550(2): ERROR IN THE COMPUTATION OF A SENIOR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: MONICA MUGGLEBERG

FISCAL YEAR 2010 Petition No. 210,289.00

ASSESSOR Cancel \$460.38

S-B-L 33.00-4-5.1 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$460.38 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$460.38
Relevy School \$460.38 145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: PAUL E ZIKA

FISCAL YEAR 2010 Petition No. 210,290.00

ASSESSOR Cancel \$148.87

S-B-L 81.09-1-45 142201 WILLIAMSVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$148.87 Town/SpecialDist/School
Charge To : 142201 WILLIAMSVILLE \$148.87

Relevy Village \$148.87 Village of WILLIAMSVILLE

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL

REFUND TO BE ISSUED TO: GARY HERBOLD

FISCAL YEAR 2010 Petition No. 210,291.00

 ASSESSOR Cancel \$532.50

S-B-L 47.07-2-16.11/D1 145689 NEWSTEAD

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$532.50 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$532.50
 Relevy School \$532.50 145601 AKRON CENTRAL

RPTL50(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
NEW TAX BILL TO BE ISSUED TO: AKRON MOBILE HOME PARK

FISCAL YEAR 2010 Petition No. 210,292.00

 ASSESSOR Refund \$39.22

S-B-L 40.76-1-14./E 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$39.22 Town/SpecialDist/School
Charge To : 142289 AMHERST \$39.22
 Relevy School \$39.22 142207 SWEET HOME

ENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: CAROLYN KRUEGER

FISCAL YEAR 2010 Petition No. 210,293.00

 ASSESSOR Refund \$74.37

S-B-L 40.76-1-14./E 75 GROTON 142289 AMHERST

 Acct. No. 112 \$34.93 County
 Acct. No. 132 \$39.44 Town/SpecialDist/School
 22028 GETZVLE FIRE PROTECTION \$7.11
 52002 2009 COMM COLLEGE \$0.60
Charge To : 142289 AMHERST \$31.73

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: CAROLYN KRUEGER

FISCAL YEAR 2010 Petition No. 210,294.00

ASSESSOR Refund \$2,192.42

S-B-L 69.12-2-15.111 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,192.42	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$2,192.42
	Relevy School	\$2,192.42	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MERLE L WHITEHEAD

FISCAL YEAR 2010 Petition No. 210,295.00

ASSESSOR Cancel \$352.68

S-B-L 234.19-6-43 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$352.68	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$352.68
	Relevy School	\$352.68	144401 LAKE SHORE CENTRAL

RPTL 550(2): NEW BUILD WAS NOT FINISHED IN TIME FOR THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: MARY DESPIRT

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE

Item 30 – MR. MAZUR presented the following report, moved to separate item Number 5, and moved to approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

October 7, 2010	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 18-2 (2009)
MILLS, RATH & WALTER: “Calling Upon the NYS Legislature to Override Governor Paterson’s Veto of S.5603C/A.8405C “Establishes the NYS War of 1812, 200th Anniversary Commemoration Commission”
(6-0)
 - b. COMM. 5M-10 (2010)
PARTNERSHIP FOR THE PUBLIC GOOD: “2010 Community Agenda”
(6-0)
 - c. COMM. 13D-2 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: “Vacancy Report as of 6/24/10”
(6-0)
 - d. COMM. 14D-1 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to the EC Legislature Concerning the County Executive's Determination to Opt Out of the Early Retirement Incentive Program”
(6-0)
 - e. COMM. 14D-2 (2010)
COMPTROLLER'S OFFICE: “2010 Early Retirement Incentive”
(6-0)
 - f. COMM. 14M-5 (2010)
BUFFALO COMMON COUNCIL: “Copy of Resolution Entitled "Exploring New Ways to Deal with Buffalo's Problem Property Crisis”
(6-0)
 - g. INTRO 15-1 (2010)
MARINELLI, WHYTE, KOZUB, GRANT, MAZUR & LOUGHRAN: “Calling for Full Scale Review of EC Health Insurance System”
(6-0)
 - h. COMM. 15D-1 (2010)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
 - i. COMM. 15D-4 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: “Vacancy Report as of 7/29/2010”
(6-0)
 - j. COMM. 15D-5 (2010)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

- (6-0)
- k. COMM. 15D-6 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- l. COMM. 15D-7 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- m. COMM. 15D-8 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- n. COMM. 15D-9 (2010)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(6-0)
- o. COMM. 15D-10 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- p. COMM. 15D-11 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- q. COMM. 15D-12 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- r. COMM. 15D-13 (2010)
DIRECTOR OF BUDGET & MANAGEMENT: "Vacancy Report as of 8/31/2010"
(6-0)
- s. COMM. 15D-14 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- t. COMM. 15D-16 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- u. COMM. 15M-6 (2010)
NYS PUBLIC SERVICE COMMISSION: "Order Requiring Additional Mobile Stray
Voltage Testing"
(6-0)
- v. COMM. 15M-8 (2010)

INTERCOUNTY ASSOCIATION OF WNY: "Minutes of Meeting Held 6/18/2010"
(6-0)

- w. COMM. 15M-13 (2010)
ASSIGNED COUNSEL PROGRAM: "Financial Report, List of Attorneys who are Currently on the Panel & Minutes of Each Meeting Held Between 1/1/10 - 6/30/10"
(6-0)
- x. COMM. 15M-14 (2010)
ASSIGNED COUNSEL PROGRAM: "Quarterly Report for the Second Quarter of 2010"
(6-0)
- y. COMM. 16E-10 (2010)
WHYTE: "Letter to Clerk of Legislature Concerning Conference in Cleveland"
(6-0)
- z. COMM. 16D-2 (2010)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(6-0)

2. COMM. 14E-8 (2010)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, Erie County has undertaken an extensive review of the Erie County fleet and found it to be aging and fuel inefficient; and

WHEREAS, the County was awarded an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to fund replacement of some of the vehicles in the fleet; and

WHEREAS, the ECFSA in Resolution 10-21, dated June 29, 2010, approved additional funding in the amount of \$2,550,000, to fund years two, three, and four of the four-year program.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept additional Efficiency Grant funds in the amount of \$2,550,000, from the ECFSA to fund replacement vehicles during fiscal years 2011, 2012, and 2013; and be it further

RESOLVED, that updates will be submitted to the Legislature and ECFSA that summarize the progress of this initiative; and be it further

RESOLVED, that the budget for grant FS107VEHICLES1013, fund 281, fund center 107, for the purchase of replacement small vehicles, be amended for 2011 as follows:

		<u>INITIAL</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
REVENUES				
<u>Account</u>	<u>Description</u>			
409010	State Aid – Other	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>

TOTAL REVENUE		<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>
APPROPRIATIONS				
561440	Motor Vehicles	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>
	TOTAL APPROPRIATIONS	<u>\$ 850,000</u>	<u>\$ 850,000</u>	<u>\$ 1,700,000</u>

and be it further

RESOLVED, that the budget for grant FS107VEHICLES1013, fund 281, fund center 107, for the purchase of replacement small vehicles, be increased for fiscal years 2012, and 2013 in the amount of \$850,000 per year, in the same manner as the budget amendment for 2011, resulting in a final amended budget of \$3,400,000 following the increase for fiscal year 2013; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, and one copy each to the Office of the County Executive, the Erie County Fiscal Stability Authority, the Office of the County Comptroller, the Director of Budget and Management, and the Office of the County Attorney.

(6-0)

3. COMM. 14E-10 (2010)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, Erie County has undertaken an extensive review of the Erie County fleet and found it to be aging and fuel inefficient; and

WHEREAS, the County was awarded an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to the purchase and install Automatic Vehicle Locators in county-owned vehicles; and

WHEREAS, the ECFSA in Resolution 10-20, dated June 29, 2010, approved funding in the amount of \$150,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA to the purchase and install Automatic Vehicle Locators in county-owned vehicles in an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the budget for grant FS107GPS1011, for the purchase and installation of Automatic Vehicle Locators, be established as follows:

INITIAL
BUDGET

REVENUES

Account Description

409010	State Aid – Other	<u>\$ 150,000</u>
	TOTAL REVENUE	<u>\$ 150,000</u>
	APPROPRIATIONS	
561410	Lab & Technical Equipment	<u>\$ 150,000</u>
	TOTAL APPROPRIATIONS	<u>\$ 150,000</u>

and be it further

RESOLVED, that updates will be submitted to the Legislature and ECFSA that summarize the progress of this initiative; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, and one copy each to the Office of the County Executive, the Erie County Fiscal Stability Authority, the Office of the County Comptroller, the Director of Budget and Management, and the Office of the County Attorney.

(5-1) Legislator Marinelli voted in the negative.

4. INTRO 15-2 (2010)
MARINELLI, WHYTE, KOZUB,
GRANT, MAZUR & LOUGHRAN

WHEREAS, the Erie County Legislature first enacted a local law on the creation of an Erie County Ethics board in the 1970s, which has been amended several times to include the required filing of annual financial disclosure forms by elected officials, candidates and certain appointed officials; and

WHEREAS, an amended local law in 1989 required the Erie County Legislature to confirm the appointments of the County Executive; and

WHEREAS, the last confirmation was introduced and voted on in 2007, during the previous administration; and

WHEREAS, following ethics laws are good government, created to instill trust in our public systems and asked for by our citizens to ensure proper governing; and

WHEREAS, the law has not been followed in many cases, including some findings from a review conducted by the Erie County Comptroller's office; and

WHEREAS, among those findings were:

- County officials who were required to file Ethics Disclosure forms did not do so and were not sanctioned;
- Ethics Disclosure forms are not being returned timely;
- The Board did not review all forms for 2007, 2008 and 2009;

- County employees and officials are not disclosing their interests in County contracts, as required by code, to the Clerk of the Legislature;
- The Board did not exercise its authority to fine those who did not comply with the Code of Ethics or General Municipal Law;
- The Board has no written by-laws, policies, procedures, manuals or formal guidelines. The board has incomplete minutes for 2007 and 2009 and none for 2008; and

WHEREAS, the Comptroller's report recommends the County Legislature draft a new local law to update the Code and to clarify the powers and authority of the Board to examine potential conflicts of interest and related issues.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls to a meeting of the Government Affairs Committee the Commissioner of Personnel, the constituted Ethics Board members, and the County Attorney to review the report of the Comptroller and offer further discussion, review and findings for the purposes of answering to the report's findings and collectively working to produce a new local law, as necessary; and be it further

RESOLVED, that official certified copies be sent to the County Personnel Commissioner, the County Attorney, the County Comptroller and the members of the Board of Ethics of Erie County.

(6-0)

5. COMM. 15E-13 (2010)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members to the Erie County Board of Ethics:

<u>Name & Address</u>	<u>Term Expiration</u>
Mr. Chris G. Trapp 1700 Rand Building 14 Lafayette Square Buffalo, NY 14203	December 31, 2010
Mr. Dominic Telesco 13 Stonecroft Lane Amherst, NY 14226	December 31, 2012
Mr. David Mineo 5373 Village Station Circle Williamsville, NY 14221	December 31, 2014
Brian Liebenow 95 Franklin St. 16 th Floor	Erie County Employee Ex-Officio/Non-Voting Member

Buffalo, NY 14202

(6-0)

6. COMM. 15E-31 (2010)
COUNTY EXECUTIVE

WHEREAS, Buffalo ReuseIT, Inc. contacted the County of Erie requesting donation of surplus computer items; and

WHEREAS, Buffalo ReuseIT, Inc. is a not-for-profit organization that seeks to reuse, recycle and refurbish items associated with information technology; and

WHEREAS, the Division of Purchase would like to establish a relationship with Buffalo ReuseIT, Inc. and be provided legislative authorization to donate outdated or obsolete items on a regular basis to assist this community organization; and

WHEREAS, because these items have been deemed surplus by the County of Erie, legislative approval is required providing the authorization to transfer any such surplus item(s) to Buffalo ReuseIT, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Purchase is authorized to donate items on an as-needed basis to Buffalo Reuse IT, Inc.; and be it further

RESOLVED, that the Director of Purchase will provide quarterly reports of all donated items to the Erie County Legislature and Comptroller's Office; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive's Office, the Department of Purchase, Erie County Legislature, Office of the Comptroller and Buffalo ReuseIT, Inc. 255 Great Arrow Avenue, Second Floor, Suite 12, Buffalo, NY 14207.

(6-0)

7. COMM. 15E-32 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County Department of Public Works, Highway Division has established a good working relationship with towns and villages and whenever possible works towards the common goal of maintaining safe roadways for the taxpayers of Erie County; and

WHEREAS, DPW-Highway has identified a 1967 Galion Motor Grader that is beyond repair and useful life to the County and, as such, would like to be transfer the vehicle to the Erie County Division of Surplus; and

WHEREAS, the Town of North Collins has a same year make and model tractor that is still currently utilized for road repairs in North Collins and Eden; and

WHEREAS, it is becoming increasingly more expensive and difficult to obtain parts to keep the equipment running; and

WHEREAS, the Town of North Collins has made the request, upon the approval and authorization of the North Collins Town Board, to purchase the 1967 Galion Motor Grader for the sum of \$750; and

WHEREAS, legislative approval is required to authorize the sale of the 1967 Galion Motor Grader to the Town of North Collins.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Purchase be authorized to accept the sum of \$750 and therefore transfer ownership of the 1967 Galion Motor Grader Asset # 156983; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive's Office, the Department of Purchase, Department of Public Works - Hamburg Highway District, Office of the Comptroller and the Town of North Collins, Attn: Dave Winter.
(6-0)

8. COMM. 15E-33 (2010)
COUNTY EXECUTIVE

WHEREAS, the Town of Colden contacted the County of Erie requesting assistance in furnishing their government offices; and

WHEREAS, the Town of Colden has identified several items in the County's Surplus Warehouse, currently unused by Erie County, that would be of great value to the Town of Colden; and

WHEREAS, because these items have been deemed surplus for the County of Erie, legislative authorization is required to transfer the following items to the Town of Colden.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items:

- | | |
|-----------------------------|--|
| (2) File Cabinets- 2 drawer | Aims # 518148 & 225264 |
| (1) Wooden Desk | Aims #255147 |
| (1) Corner Desk | Aims #255090 |
| (1) Table | Aims # 79884 |
| (1) Magazine Rack | Aims # 225265 |
| (1) Book shelf | Aims # 230535 |
| (1) Piano | Aims # 287092/493009 (2 numbers on item) |

is hereby transferred from the County of Erie to the Town of Colden for the purpose of furnishing their government office; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the Office of the Comptroller, and Town of Colden Attn: Peggy O'Brien.
(6-0)

9. COMM. 16E-2 (2010)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded \$10,000 for the Performance Outcomes Measures Project (POMP) for the period August 1, 2010 to July 31, 2011; and

WHEREAS, the POMP grant funds will be used to maintain and support the case management system that will compile the POMP statistical results and to cover the cost of POMP-related meetings and conferences coordinated by the New York State Office for the Aging; and

WHEREAS, the POMP grant budget needs to be established; and

WHEREAS, the POMP grant requires no local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the POMP funds from the New York State Office for Aging; and be it further

RESOLVED, that the budget for the POMP grant, 163POMP1011, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$10,000
	TOTAL REVENUE	<u>\$10,000</u>
APPROPRIATIONS		
510100	Out of Area Travel	\$1,000
561410	Lab & Technical Equipment	9,000
	TOTAL APPROPRIATIONS	<u>\$10,000</u>

and be it further

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

(6-0)

10. COMM. 16E-4 (2010)
COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services received a request from the Town of Evans regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, this parcel will be used by the Town of Evans for future recreational purposes; and

WHEREAS, the Town of Evans understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of the sales.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Town of Evans, 8787 Erie Road, Angola, New York 14006 at no charge; and be it further

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Lot No. 69, Township 8, Range 9 of the Holland Land Company's Survey which according to map titled Sturgeon Point Colony filed in the Clerk's Office of Erie County under Map Cover No. 1232, known and distinguished as Subdivision Lot No. 13 to Subdivision Lot No. 17, inclusive; Subdivision Lot No. 18; excepting that part conveyed to Minnie Burkhardt by deed dated September 11, 1928 and recorded in the Clerk's Office of Erie County in Liber 1965 of Deeds page 536 on January 11, 1929; Subdivision Lot No. 19 to Subdivision Lot No. 22, inclusive; Subdivision Lot No. 31 to Subdivision Lot No. 39, inclusive; Subdivision Lot No. 88 to Subdivision Lot No. 94, inclusive; Subdivision Lot No 175 to Subdivision Lot No. 195, inclusive; Subdivision Lot No. 202 to Subdivision Lot No. 212, inclusive; Subdivision Lot No. 266; Subdivision Lot No. 267; Subdivision Lot No. 431 to Subdivision Lot No. 444, inclusive; excepting Subdivision Lot No. 434; Subdivision Lot No. 446; Subdivision Lot No. 447; Subdivision Lot No. 465 to Subdivision Lot No. 469, inclusive; Subdivision Lot No. 497 to Subdivision Lot No. 503, inclusive.

TOGETHER with all right, title and interest of, in and to any streets and roads abutting the above described premises.

EXCEPTING those portions of the above described Subdivisions conveyed to the Erie County Water Authority by deed dated July 27, 1971 and recorded in the Office of the Clerk of Erie County in Liber 7824 of Deeds page 527 on August 5, 1971.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Lot No. 69, Township 8, Range 9 of the Holland Land Company's Survey which according to map titled Sturgeon Point Colony filed in the Clerk's Office of Erie County under Map Cover No. 1232, known and distinguished as Subdivision Lot No. 515 and Subdivision Lot No. 519, inclusive; Subdivision Lot No. 522 to Subdivision Lot No. 527, inclusive; Subdivision Lot No. 528 to Subdivision Lot No. 605, inclusive and Subdivision Lot No. 613 to Subdivision Lot No. 637, inclusive.

TOGETHER with all right title and interest of, in and to any streets and road abutting the above described premises.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.

(6-0)

11. COMM. 16E-5 (2010)

COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services received a request from Orchard Grove, LLC regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for transfer by the Advisory Review Committee; and

WHEREAS, this parcel will be used by Orchard Grove LLC to meet the zoning codes of the Town of Orchard Park.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Orchard Grove LLC, 2240 Southwestern Blvd, West Seneca, New York 14224 for the sum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York being part of a sixty-six foot right of way formerly known as Big Tree Road, Township 9, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the north line of Lot No. 31 distant 50.01 feet easterly from the northwest corner of said lot, said north line being also the southerly line of a sixty-six foot right of way formerly known as Big Tree Road; thence northerly parallel with the west line of said lot 33.01 feet; thence easterly parallel with the north line of said lot 237.24 feet; thence southerly parallel with the west line of said lot 33.01 feet to the south line thereof; thence westerly along the south line of said lot 237.09 feet to the point of beginning, containing 0.180 acre of land more or less.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.
(6-0)

BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE

MR. MAZUR moved to approve item Number 5. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. LOUGHRAN presented the following report, moved to separate item Number 1-d, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

October 7, 2010	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20M-6 (2009)
MUSIC IS ART: “Copy of Letter to Legislator Grant Concerning Qualifications for County Funding”
(6-0)
 - b. COMM. 8D-5 (2010)
EC DEPARTMENT OF ENVIRONMENT & PLANNING: “Copy of Public Benefit Services Contracts”
(6-0)
 - c. COMM. 9E-41 (2010)
COUNTY EXECUTIVE: “ECC - Health Sciences Building”
(6-0)
 - d. COMM. 14E-6 (2010)
COUNTY EXECUTIVE: “Re-Appointment to the Buffalo & EC Public Library Board of Directors for a Term Expiring 12/31/2013”
(6-0)
 - e. COMM. 14M-9 (2010)

BUFFALO & EC PUBLIC LIBRARY: “Minutes of Meeting Held 7/15/2010”
(6-0)

- f. COMM. 15M-20 (2010)
BUFFALO & EC PUBLIC LIBRARY: “Minutes of Meetings Held 7/15/2010 &
8/18/2010”
(6-0)
- g. COMM. 16D-1 (2010)
COMPTROLLER'S OFFICE: “Performance Audit of the Buffalo Niagara Convention &
Visitors Bureau”
(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

MR. LOUGHRAN moved to return item Number 1-d to committee for further consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

None.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 32 – MR. MAZUR moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 14E-7 (2010). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Acceptance of Efficiency Grant for
Implementation of a Radio Frequency
Identification System for Library
Material Handling at the Buffalo & EC
Public Library
(COMM. 14E-7, 2010)

WHEREAS, the Buffalo and Erie County Public Library desires to continue implementing Radio Frequency Identification (RFID) technology to make library material handling activities more efficient; and

WHEREAS, on June 17, 2010 the Library submitted an Erie County Fiscal Stability Authority Incentive Grant Application to allow the B&ECPL to implement this technology at the 16 library locations not yet funded by another grant source, completing a system-wide conversion

to this new technology, yielding additional productivity and public service improvements that can only take place when conversion is complete at all locations; and

WHEREAS, the ECFSA Finance Committee met on June 23, 2010 to discuss this efficiency grant application and voted to recommend approval to the ECFSA Board; and

WHEREAS, the ECFSA approved the award of efficiency grant funds for this initiative in the amount of \$1,044,797 via ECFSA resolution 10-22 at its meeting of June 29, 2010; and

WHEREAS, this allocation of funds will allow the Library to complete converting its library materials inventory, handling and security systems to a state-of-the-art RFID system, allowing the Library to streamline workflows and enabling attrition based labor force restructuring while simultaneously generating vast improvements in inventory control and public service; and

WHEREAS, establishing a grant budget within the Library Fund would enable the Buffalo and Erie County Public Library to proceed with this project.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County, pursuant to the request of the Buffalo and Erie County Public Library, create the RFID Efficiency Grant in the Library Fund Grants Budget utilizing funds received from the ECFSA; and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funding of \$1,044,797 from ECFSA; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget and Management, Buffalo and Erie County Public Library Director, and the County Attorney.

MR. MAZUR moved to approve the item. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 14E-13 (2010). MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

RE: Cemetery Road Bridge Replacements
Over the Norfolk Southern Railroad &
Plum Bottom Creek - Town of
Lancaster
(COMM. 14E-13, 2010)

WHEREAS, a project for the replacement of two bridges on Cemetery Road, Bridges BR 341-RR-1 and BR 431-3, PIN 5755.27 (the "Project") was authorized by this honorable body via

Comm.13E-36 of July 26, 2007 and Comm. 21E-12 of November 12, 2008 via in the amount of \$1,761,000.00 from SAP Project Funds B.00007 1999 Federal Aid Projects and B.00199 Cemetery Road Bridges Project; and

WHEREAS, in order to facilitate the Design and Right of Way Phases for the replacement of two bridges on Cemetery Road, it will be necessary for the County to execute Supplemental Agreement No. 3 with New York State Department of Transportation in the amount of \$1,761,000.00; and

WHEREAS, a Change Order must be negotiated with Erdman Anthony and Associates, Inc. within the project authorization and task schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie via Comm.13E-36 of July 26, 2007 and Comm. 21E-12 of November 12, 2008 approved the above subject project in the amount of \$1,761,000.00 from SAP Project Funds B.00007 1999 Federal Aid Projects and B.00199 Cemetery Road Bridges Project; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the County Executive be authorized to execute negotiated Change Orders in an amount not to exceed the allowable project authorization between the County of Erie and project engineers Erdman Anthony and Associates, Inc.; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

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

MR. MAZUR moved to approve the item. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. MAZUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 15E-23 (2010). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: EC Soil & Water Conservation District Agreement - Technical Services & Stream Bank Maintenance, Bridge & Culvert Scour Maintenance Program (COMM. 15E-23, 2010)

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections, evaluations and carry out 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 risk 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 Number 11, Communication Number 9E-34, March 4, 2004 at Meeting Number 6, Communication Number 5E-18, and June 11, 2009 at Meeting Number 11 Communication Number 10E-10 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 \$250,000.00 to be allocated from Fund 210 G/L516020 – Professional Services, for technical services to reduce erosion, scour, and localized flooding related risk to roads, bridges, culverts, and rights-of-way at various locations; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

MR. MAZUR moved to approve the item. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 35 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-11 from CHAIR MILLER-WILLIAMS Re: Letter to Clerk Concerning Appointments to EC Legislature Finance & Management/Budget Committee

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

October 12, 2010

Mr. Robert Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

Please be advised that pursuant to and consistent with the provisions of the 2010 Rules of Order for the Erie County Legislature, Section 3.02, I appoint Legislators Timothy M. Kennedy and Raymond W. Walter to serve as members of the Finance & Management/Budget Committee.

Thank you.

Sincerely,

Barbara Miller-Williams
Chair, Erie County Legislature

Cc: Legislator Timothy M. Kennedy
Legislator Raymond W. Walter

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR GRANT

Item 36 – (COMM. 18E-1) Notice of Absence from Regular Session on 10/28/2010

Received, Filed and Printed.

September 29, 2010

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Dear Mr. Graber:

Please be advised that I will be out-of-town for the session of the Erie County Legislature scheduled for Thursday, October 28, 2010, and therefore, will not be able to attend the session scheduled for that date.

I have a long-standing commitment on that date which was planned before the schedule was adopted for 2010.

As usual, I will be reachable by cellular telephone should you need to contact me.

Thank you.

Sincerely,

Betty Jean Grant
Erie County Legislator, 7th District

FROM THE COMPTROLLER

Item 37 – (COMM. 18E-2) Apportionment & Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months June, July & August 2010

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 38 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: Supplemental Paving &
Sidewalk Transition
Adjustments - Parkview Drive
(COMM. 18E-3)

WHEREAS, Parkview Drive Bridge (BR 167-1) was due to be reopened at the completion of federal aid Project No. BR 167-1-08, NYSDOT PIN 5758.36, Reconstruction of Parkview Drive Bridge over Murder Creek; and

WHEREAS, the limit of the federal aid reconstruction project was the intersection of Parkview Drive (C.R. 167) and East Avenue (C.R. 248); and

WHEREAS, increased vehicular and pedestrian traffic on Parkview Drive was expected once the bridge was re-opened; and

WHEREAS, the pavement on Parkview Drive between East Avenue and Main Street (a distance of approximately 500 feet) was deteriorated and the sidewalk transitions between the street and the sidewalk at the pedestrian crossings at the intersection of Parkview Drive and East Avenue required upgrading to provide suitable crossings and to comply insofar as possible with the Americans with Disabilities Act.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Public Works issue a Purchase Order to Cold Spring Construction Co. in an amount not to exceed \$38,500.00 to perform the subject pavement milling, overlay and sidewalk transition adjustments; and be it further

RESOLVED, the Department of Public Works issue a Purchase Order to Clark Patterson Lee in an amount not to exceed \$2,500.00 to perform the construction inspection of the subject milling, overlay and sidewalk transition adjustments; and be it further

RESOLVED, that the amount of \$38,500.00 be allocated from business area 123, fund 420, SAP account B.21001 2010 Capital Overlay Program for the subject milling, overlay and sidewalk transition adjustments; and be it further

RESOLVED, that the amount of \$2,500 be allocated from business area 123, fund 420, SAP account B.21001 2010 Capital Overlay Program for the construction inspection of the subject milling, overlay and sidewalk transition adjustments; and be it further

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

Item 39 – (COMM. 18E-4) EC Division of Sewerage Management - Engineering Service Agreement

Item 40 – (COMM. 18E-5) ECSD Nos. 3 & 6 - Energy Performance Contract

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: Ralph Wilson Stadium - 2010 –

One Bills Drive Overhead Sign
(COMM. 18E-6)

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2010 – One Bills Drive Overhead Sign project on August 31, 2010; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for the Ralph Wilson Stadium – 2010 – One Bills Drive Overhead Sign project as follows:

SIGN CONSTRUCTION WORK

Trason Development Corporation	Base Bid	\$60,000.00
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and be it further

RESOLVED, that the sum of \$15,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from business area 122, fund 410, SAP Project accounts as follows:

A.21002	2010 – Rehabilitation of Ralph Wilson Stadium	\$75,000.00
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TOTAL PAYMENTS NOT TO EXCEED		\$75,000.00
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and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 42 – (COMM. 18E-7) Department of CPS - Criminal Record History Report Fees

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 43 – (COMM. 18E-8) Department of Health Provider Agreement - NYS Department of Health Refugee Health Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 44 – (COMM. 18E-9) Acceptance of Juvenile Accountability Block Grant Award (JAGB)

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 45 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: District Attorney's Office
Restructure
(COMM. 18E-10)

WHEREAS, in order for the Erie County District Attorney to retain the most experienced and high performing personnel to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, salaries for these positions were determined based on the County's respective Managerial Confidential and CSEA pay scales and have been prorated for the remaining two pay periods to reflect changes taking place as of November 22, 2010; and

WHEREAS, both the Erie County District Attorney's staff reorganization and salary authorization will have no additional personal services costs, and will be implemented while keeping within the District Attorney's adopted appropriations for 2010 resulting in an overall savings in County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the position of First Deputy District Attorney (JG21), position # 3467, be reduced to a (JG20) (B100 #5759); and be it further

RESOLVED, that the position of Executive Second Deputy District Attorney (JG19), position # 3420, be reduced to a (JG18) (B100 #5760); and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum step C for the position of Second Deputy District Attorney (position #3420), fund center 11400, for the year 2010, in accordance with the 2010 Adopted Erie County Budget and Erie County Personnel Policy, effective November 22, 2010; and it further

RESOLVED, that the position of Assistant District Attorney V (position # 51005674) be changed from a JG16 to that of a JG17 in fund center 11400 (B100 #5771); and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum step A for the position of Assistant District Attorney IV (position #51003871), fund center 11400, for the year 2010, in accordance with the 2010 Adopted Erie County Budget and Erie County Personnel Policy, effective November 22, 2010; and it further

RESOLVED, that the position of Assistant District Attorney V (position # 51003274) be changed from a JG15 to that of a JG16 in fund center 11400 (B100 #5772); and be it further

RESOLVED, that the position of Assistant District Attorney IV (position # 51003272) be changed from a JG15 to that of a JG16 in fund center 11400 (B100 #5773); and be it further

RESOLVED, that the position of Confidential Secretary-DA (position # 1866) be changed from a JG11 to that of a JG12 in fund center 11400 (B100 #5774); and be it further

RESOLVED, that the position of Deputy for Administration (position #2351) be changed from a JG17 to that of a JG18 in fund center 11400 (B100 #5775); and be it further

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective November 22, 2010; and be it further

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 46 – (COMM. 18D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 47 – (COMM. 18D-2) Letter to HUD Requesting an Extension for Submission of Single Audit Report - Year Ended 12/31/2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 48 – (COMM. 18D-3) Budget Monitoring Report (BMR) for Period Ending 7/31/2010

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 49 – (COMM. 18M-1) Frequently Asked Questions About New York's New Crossbow Law Effective in 2011

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE INTERCOUNTY ASSOCIATION OF WNY

Item 50 – (COMM. 18M-2) Minutes of Meeting Held 8/20/2010

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SUPREME COURT JUSTICE WOLFGANG

Item 51 – (COMM. 18M-3) Notice of Alternatives to Incarceration (ATI) Meeting to be Held on 10/15/2010

Received and Filed.

FROM THE NFTA

Item 52 – (COMM. 18M-4) Minutes of Meeting Held 8/23/2010

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 53 – CHAIR MILLER-WILLIAMS announced that departmental budget hearings will begin on Monday, October 18, 2010.

Item 54 – CHAIR MILLER-WILLIAMS announced that the required Public Hearing on Local Law Intro 5-1 (2010), a Local Law Entitled 'Erie County Silver Alert System,' will be conducted on Monday, October 18, 2010, at 3:00 P.M. All are invited to attend.

Item 55 – CHAIR MILLER-WILLIAMS announced that the Erie County Fiscal Stability Authority will conduct their next meeting on Wednesday, October 20, 2010, at 2:00 P.M., at the downtown Central Library.

Item 56 – MR. MAZUR announced that he had heard from Legislator Whyte, who was attending a conference in Cleveland, Ohio, concerning ways to solve the issue of problem

properties, and that Legislator Whyte indicated to Legislator Mazur that she has a tremendous amount of ideas to bring back to Buffalo.

Item 57 – MS. BOVE announced an update concerning the 2010-2011 United Way Donor Drive.

MEMORIAL RESOLUTIONS

Item 58 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Anthony Capasso.

Item 59 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Ronald Wattie.

Item 60 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Mary Ann Kelleher and Jerome Goodman.

Item 61 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Diane L. Gunn.

ADJOURNMENT

Item 62 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, October 28, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, October 28, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE