

ERIE COUNTY LEGISLATURE
MEETING NO. 19
July 7, 2005

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Swanick.

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

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. MARINELLI moved for the approval of the Minutes of Meetings No. 14, 15, 16 and 17. MR. DeBENEDETTI seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. DeBENEDETTI presented a resolution Honoring Ms. Catherine Urbanski Upon Her Retirement From ECMC's Dept. of Medicine.

Item 7 – HOLT & SMITH presented a resolution In Memory of Warren L. "Fat Cat" Lewis.

Item 8 – SMITH & HOLT presented a resolution Honoring Major A. Rasheed Mohammed - First Muslim Chaplain In The History of U.S. Armed Forces.

MS. MARINELLI moved for consideration of the above three items. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above three items by including Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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MR. MARINELLI moved for the approval of the above three items as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 10 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 11 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 12 – MR. SMITH presented the following Local Law and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
Local Law No. ____-2004
Local Law Intro. No.18-2004
Print No. 2

A LOCAL LAW to prevent the misuse of photo phones in public areas.

TO BE ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

SECTION 1. Short title.

This Local Law shall be known as the “Prohibiting the Possession and/or Use of “photo phones” in Private Areas.

SECTION 2. Legislative Findings.

The Legislature of Erie County hereby finds that recent events have focused residents of Erie County on how easy “photo phone” users can take pictures or images of others without the subjects’ knowledge. This is especially disconcerting in the context of places such as gyms and locker rooms, where

many people expect and deserve a certain degree of privacy. Because it is easy for "photo phone" users to take pictures while appearing to talk on the phone, there exists the potential that photos will be taken of persons in potentially compromising or embarrassing positions and in places that they would not normally expect such pictures to be taken. This law would ban the use of "photo phones" where the subject(s) does not know that they are the subject of the photo from all areas where there exists an expectation of privacy and punish those who violate the law.

SECTION 3. Definitions and Word Usage

A) The term "photo phone" shall mean any device or connected electronic or mechanical system that acts as both an imaging device and a transmission device, regardless of size or shape.

B) The term "private area" shall mean any area where persons would normally expect a certain modicum of privacy, even in the presence of other persons, or would normally expect to be in various stages of undress, including, but not limited to, lockers room, gyms, weight rooms, indoor saunas, indoor swimming pools, indoor hot tubs, and similar indoor places.

C) The term "Imaging device" shall mean any mechanical, digital or electronic viewing device, camera or any other instrument capable of recording, storing or transmitting visual images that can be utilized to observe a person.

D) The term "transmission device" shall mean any wired or wireless mechanical, digital or electronic device, camera or any other instrument capable of giving, providing, delivering, mailing, sending, forwarding, transferring or transmitting a visual image created by an imaging device, electronically or otherwise, to another person.

SECTION 4. Application.

A person is guilty of unlawful use of a photo phone when he or she uses a photo phone in a private area as either an imaging device or as a transmission device without the consent of the person or persons in the photo.

SECTION 5. Penalties for Offenses

a) A first offense for failure to comply with the provisions of Section 3 of this Chapter shall constitute a violation and shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. Each offense shall constitute a separate and distinct violation for each day the offense is continued.

b) A failure to comply with the provisions of Section 3 of this Chapter for a person

who has been previously convicted of violating this Chapter shall constitute a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a period not exceeding one (1) year or by both such fine and imprisonment. Each use of a photo phone, whether as an imaging device or as a transmission device, shall constitute a separate and distinct misdemeanor hereunder.

SECTION 6. Exceptions.

This Local Law shall not apply to a) law enforcement personnel engaged in their authorized duties; b) premises surveillance systems, provided that persons in the private area are notified by a sign at least two feet by three feet at all entrances to such private area that such surveillance system exists in the private area; and c) premises surveillance systems, provided that they are installed in such a manner that their presence is clearly and immediately obvious to persons in the private area.

SECTION 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. Effective Date.

This local law shall become effective immediately upon filing in the Office of the New York State Secretary of State pursuant to section 27 of the municipal home rule law.

DEMONE SMITH

TIMOTHY KENNEDY

MR. SMITH moved for approval of the local law. MR. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

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Item 14 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2005 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 16 – MR. DUSZA presented the following report and moved for immediate consideration. MR. DeBENEDTTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

JUNE 27, 2005

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 8

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

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 8M-3 (2004)
TOWN OF CHEEKTOWAGA COUNCILMAN JOHNSON: Letter to Legislator Dusza
 Re: Various County Issues
 (4-0)
 - b. COMM. 8M-16 (2004)
DEPEW/CHEEKTOWAGA TAXPAYERS ASSOCIATION: Copy of Letter to
 Commissioner of DPW Re: Weight Limit Posting on Como Park Boulevard
 (4-0)
 - c. COMM. 8M-17 (2004)
TOWN OF CHEEKTOWAGA COUNCILMAN JOHNSON: Copy of Letter to
 Commissioner of DPW Re: Weight Limit Posting on Como Park Boulevard
 (4-0)
 - d. INTRO 13-3
WEINSTEIN: Erie County Niagara Power Project Relicensing Settlement from the New
 York Power Authority
 (4-0)

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2. COMM. 23E-30 (2004) **AS AMENDED**
COUNTY EXECUTIVE
 RESOLUTION NO. 178

RESOLUTION DATED _____, 2005.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE
 OF CONSIDERING THE ESTABLISHMENT OF ERIE COUNTY SEWER
 DISTRICT NO. 8 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2005.

(Adopted) _____, 2005

WHEREAS, a petition has been presented and executed on behalf of the Village of East Aurora by the Mayor of said village requesting that all areas within such village be established as a County sewer district; and

WHEREAS, a petition has been presented and executed on behalf of the Town of Aurora by the Supervisor of said town requesting that certain areas within such town be established as a County sewer district; and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed establishment of Erie County Sewer District No. 8 (the "Proposed Sewer District") which map, plan, report and estimate of cost have been approved by the Erie County Department of Environment and Planning on June 15, 2005 and 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 or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the establishment of the Proposed Sewer District is \$10,000,000, to finance the costs of the acquisition of wastewater facilities and the improvements included with the establishment of the Proposed Sewer District, to be assessed against a benefited area which consists of the entire area of said Proposed Sewer District; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the establishment of the Proposed Sewer District if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$480.80 for typical property located within the Village of East Aurora and \$582.77 for typical property located within the Town of Aurora, is above the Average Estimated Cost of

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\$280.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 254 of the County Law; and

WHEREAS, it is now desired to call a public hearing to consider said establishment of the Proposed Sewer District in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 18th day of August, 2005, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to establish the Proposed Sewer District in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 18th day of August, 2005, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed establishment of Erie County Sewer District No. 8 (the "Proposed Sewer District") in said County.

The proposed establishment of the Proposed Sewer District comprises the area described as follows:

All that tract or parcel of land situate in the Town of Aurora and the Village of East Aurora, County of Erie, State of New York, and lying within Township 9, Range 6, Lots 14, 15, 16, 20, 21, 22, 24, 28, 29, 30, 31, 32, 38, 39 and 40 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point in the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way, said point being 521 feet northwesterly from the centerline of Bowen Road as measured along the centerline of said Buffalo Road, said point also being the northwest corner of SBL 164.00-1-31 as described in Liber 11065 page 58; thence easterly along the northerly line of said SBL 164.00-1-31 a distance of 250 feet to a point; thence southeasterly along the easterly line of said SBL 164.00-1-31 and continuing southeasterly on an extension thereof a distance of 241 feet to a point on the northerly line of SBL 164.00-1-33 as described in Liber 9286 page 635, said point being 250 feet east of the centerline of Buffalo Road as measured along said northerly line; thence easterly along said northerly line a distance of 157 feet to a point, said point being the most northerly corner of said SBL 164.00-1-33; thence southerly along the easterly line of said SBL 164.00-1-33 a distance of 280 feet to a point in the centerline of Bowen Road as a 66 foot wide County right-of-way, said point being the southeast corner of said SBL 164.00-1-33 and also being on the boundary line between the Town of Aurora and the Village of East Aurora, as annexed November 26, 1984; thence easterly along the said centerline of Bowen Road and said boundary line, the following (2) distances (1) 144.10 feet, (2) 259.07 feet to a point at the most northerly corner of SBL 164.65-1-1 as described in Liber 9417 page 651; thence continuing to follow said Town and Village boundary

line the following (4) courses, (1) southeasterly 495± feet, (2) easterly 1013± feet to a point at the southwest corner of SBL 164.15-2-41.1 as described in Liber 10644 page 2, (3) north 298.35± to a point at the southwest corner of SBL 164.15-4-9 as described in Liber 10961 page 5005, (4) easterly 257.66± feet to a point at the southwest corner of SBL 164.15-4-11.12 as described in Liber 11010 page 4215; thence northerly along the west line of said SBL 164.15-4-11.12 a distance of 130.0± feet to a point at the northwest corner of said SBL 164.15-4-11.12; thence easterly along the north line of said SBL 164.15-4-11.12 a distance of 266.36± feet to a point on the centerline of Hamlin Avenue as a 50 foot wide Town right-of-way; thence northerly along the said centerline of Hamlin Avenue a distance of 51± feet to the point of intersection with the centerline of Beechwood Ave as a 50 foot wide Town right-of-way; thence easterly along said centerline of Beechwood Ave a distance of 327± feet to a point on the east right-of-way of Willow Street as a 50 foot wide right-of-way, said point being 25 feet south of the north right-of-way of Beechwood Ave; thence northerly along said east right-of-way of said Willow Street a distance of 25 feet to a point at the northwest corner of SBL 164.15-3-22 as described in Liber 10904 page 2706, said point also being on the north right-of-way of said Beechwood Ave; thence easterly along the north line of said SBL 164.15-3-22 a distance of 185.3± feet to a point at the northeast corner of said SBL 164.15-3-22; thence southerly along the east line of said SBL 164.15-3-22 a distance of 195.01± feet to a point at the southeast corner of said SBL 164.15-3-22; thence easterly a distance of 1166± feet to a point at the northeast corner of SBL 164.15-3-11 as described in Liber 10911 page 1701, said point also being on the centerline of Maple Road as a 60 foot wide County right-of-way; thence northerly along the said centerline of Maple Road a distance of 24± feet to a point at the southwest corner of SBL 164.16-4-41.1 as described in Liber 6645 page 589; thence easterly along the south line of said SBL 164.16-4-41.1 the following distances, 248.5 feet and 422.5± feet to a point at the most northeasterly corner of SBL 164.16-4-40.12 as described in Liber 10637 page 46; thence following the boundary line of said SBL 164.16-4-40.12 southerly a distance 40.2 feet and easterly a distance of 40± feet to a point at the northwest corner of SBL 164.16-4-36.1 as described in Liber 10960 page 3319; thence easterly along the north line of said SBL 164.16-4-36.1 a distance of 346.19± feet to a point on the centerline of Ruskin Ave as a 60 foot wide Town right-of-way; thence northerly along the said centerline of Ruskin Ave a distance of 136± feet to a point on the south line of Map Cover 2013; thence easterly along the south line of said Map Cover 2013 a distance of 825± feet to a point at the southeast corner of said Map Cover, said point also being the westerly line of lands of Conrail, (formerly Penn Central Railroad); thence southerly along said westerly line of said lands of Conrail a distance of 570± feet to a point on the north line of the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north, said point also being the southeast corner of SBL 164.16-4-32.1 as described in Liber 10995 page 2135; thence along the boundary line between the Village of East Aurora and the Town of Aurora the following (15) courses: (1) easterly 127± feet, (2) northerly 122.6± feet, (3) northerly 446.57 feet, (4) easterly 20± feet, (5) northerly 1132.6± feet, (6) northerly 632.9± feet, (7) easterly 1643± feet to the west line of Farm Lot 16, (8) northerly 73.8± feet along the west line of said Farm Lot 16, (9) northeast 328.9± feet, (10) northeast 441.9± feet to the boundary line between the Town of Aurora and the Town of Elma, (11) easterly 229.5± feet along said boundary line, (12) southerly 974.9± feet, (13) westerly 102.59± feet, (14) southerly 813.8± feet, (15) westerly 706.8± feet to a point on the center line of Pine Street as a 66 foot wide County right-of-way; thence northerly along said center line a distance of 187± feet to a point at the northeast corner of SBL 165.13-3-1.2 as described in Liber 11073 page 6695; thence westerly along the north line of said SBL 165.13-3-1.2 also being the boundary line between the Village of East Aurora and the Town of Aurora a distance of 608.88 feet to a point; thence southerly continuing along said boundary line a distance of 1332.68 feet to a point; thence easterly

along said boundary line a distance of 639.98 feet to the centerline of Pine Street as a 66 foot wide County right-of-way; thence southerly along said centerline of Pine Street a distance of 62± feet to a point; thence easterly along the boundary line between the Village of East Aurora and the Town of Aurora a distance of 731± feet to the centerline of Dorchester Road as a 49.5 foot wide Town right-of-way; thence northerly along the said centerline of Dorchester Road a distance of 100± feet to a point at the northwest corner of SBL 165.13-4-32 as described in Liber 7612 page 291; thence easterly along the north line of said SBL 165.13-4-32 a distance of 307.5± feet to a point at the northeast corner of said SBL; thence southerly along the east line of said SBL a distance of 100± feet to a point on the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north; thence along said boundary line between the Village of East Aurora and the Town of Aurora the following (14) courses: (1) easterly 608± feet to the easterly line of SBL 165.17-3-1 as described in Liber 10458 page 59, (2) northeasterly 139± feet to the centerline of Martin Drive as a 50 foot wide Town right-of-way, (3) northwesterly along said centerline of Martin Drive 178± feet to its intersection with the centerline of Lawrence Avenue as a 49.5 foot wide Town right-of-way, (4) northeasterly along said centerline of Lawrence Avenue 95± feet to the southwest corner of SBL 165.14-4-7 as described in Liber 10374 page 484, (5) easterly 537.33± feet to the southeast corner of SBL 165.14-4-10 as described in Liber 10889 page 4001, (6) northerly 235.25 feet along said east line of said SBL 165.14-4-10, (7) easterly 1710.52± to the east line of Farm Lot 16 and also being the southeast corner of SBL 165.14-4-32 as described in Liber 10980 page 7866, (8) southerly 1776.0± feet along said east Farm Lot line to the southeast corner of sub lot 21 of Map Cover 2402 and also being the west line of the Aurora Expressway (Route 400), (9) southwesterly 271.49± feet along the west line of the Aurora Expressway to the southeast corner of Map Cover 2402, (10) westerly 675.59± feet to the northwest corner of SBL 165.18-4-2.11 as described in Liber 9007 page 453, (11) south 164.33 feet, (12) west 58.72 feet, (13) south 491.04± feet along the west line of said SBL 165.18-4-2.11 and an extension thereof to a point on the centerline of Main Street (Route 20A) as a 66 foot wide State right-of-way; (14) westerly 326± feet along said centerline of Main Street to a point, said point being the northwest corner of SBL 176.06-2-5 as described in Liber 10356 page 159; thence southerly leaving the said Town and Village boundary line along the west line of said SBL 176.06-2-5 a distance of 236± feet to a point at the southwest corner of said SBL; thence easterly a distance of 101.3± feet to a point at the southeast corner of said SBL 176.06-2-5, said point also being on the west line of SBL 176.06-2-6 as described in Liber 10929 page 8368; thence southerly along said west line a distance of 40± feet to the northwest corner of SBL 176.00-1-21.111 as described in Liber 11076 page 31; thence southerly following the west line of said SBL 176.00-1-21.11 the following (3) distances, (1) 235.50, (2) 719.65, (3) 1164.50 to a point at the northwest corner of SBL 176.10-3-50.11 as described in Liber 10964 page 1418 Schedule A; thence southerly along the west line of said SBL 176.10-3-50.11 a distance of 221.55 feet to a point on the north line of a parcel labeled "B" "exception to subdivision" on Map Cover 2588, said point described in Liber 10964 page 1401 and being part of said SBL 176.10-3-50.11; thence westerly following along said parcel "B", a distance of 226.62 feet to the easterly right-of-way of Victoria Heights as a 60 foot wide road; thence southerly along said easterly right-of-way of said road a distance of 1.17 feet and 50.48 feet to a point at the southwest corner of said parcel "B"; thence easterly along said south line of Parcel "B" as distance of 278.93 feet; thence northerly 36.46 feet to a point at the northwest corner of sub lot 23 as shown on said Map Cover 2588; thence easterly along said north line of said Map Cover a distance of 509.26 feet to a point, said point being the northeast corner of sub lot 22 of said Map Cover 2588, said point also being on the west line of the Aurora Expressway (Rt. 400); thence southerly along the east line of said Map Cover 2588 and the

west line of said Aurora Expressway a distance of 978.74 feet and 299.15 feet to a point on the north line of Farm Lot 14, said point also being the southeast corner of Map Cover 2588; thence westerly along the north line of said Farm Lot 14 a distance of 3428± feet to a point on the westerly line of lands of Conrail, (formerly Penn Central Railroad), said point also being on the east line of SBL 176.00-1-31.1 as described in Liber 10240 page 521; thence southeasterly along the westerly line of lands of Conrail a distance of 1460± feet to a point on the centerline of Lapham Road as a 66 foot wide County right-of-way; thence westerly along said centerline of Lapham Rd a distance of 668± feet to a point on the centerline of Olean Road (Route 16) as a 66 foot wide State right-of-way; thence southerly along the said centerline of Olean Road a distance of 44± feet to a point on the easterly extension of the southerly line of SBL 175.00-2-27.31 as described in Liber 11016 page 9368; thence westerly along said easterly extension and the southerly line of said SBL 175.00-2-27.31 the following (3) courses: (1) westerly 275± feet, (2) northerly 125.26 feet, (3) westerly 231.75 feet to a point at the most westerly corner of said SBL 175.00-2-27.31, said point also being on the easterly line of SBL 175.00-2-27.12 as described in Liber 10956 page 1708; thence following along the boundary line of said SBL 175.00-2-27.12 the following (5) courses: (1) northeasterly 55.44 feet to a point at the southwest corner of SBL 175.00-2-19.2 as described in Liber 11068 page 1385 as parcel "D", (2) northerly 521.92 feet along the westerly line of said SBL 175.00-2-19.2 to a point at the northwest corner of said SBL 175.00-2-19.2, (3) easterly a distance of 472.02 feet to a point on the east line of Farm Lot 22, said point also being the northeast corner of SBL 175.00-2-19.1 as described in Liber 11068 page 1385 as Parcel "C" (4) northerly 60 feet along said Farm Lot line to the southeast corner of SBL 176.13-1-13.1 as described in Liber 11018 page 6833, (5) westerly 269.15 feet to the southeast corner of SBL 175.00-2-20.12 as described in Liber 8985 page 253; thence northerly along the east line of said SBL 175.00-2-20.12 a distance of 408.76 feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL 175.00-2-20.12 and its extension westerly a distance of 791 feet to a point at the northwest corner of SBL 175.00-2-27.2 as described in Liber 10956 page 1719, said point also being the southwest corner of SBL 176.13-1-1 as described in Liber 11055 page 731; thence northerly along the west line of said SBL 176.13-1-1 a distance of 250.2 feet to a point on the north line of Farm Lot 22, said line is also the center line of South Street as a 49.5 foot wide right of way, said point is the northwest corner of said SBL 176.13-1-1; thence westerly along the north line of said Farm Lot 22 and the centerline of South Street a distance of 26 feet to a point, said point being the northeast corner of SBL 175.16-1-17.2 as described in Liber 10909 page 9530; thence southerly following the east line of said SBL 175.16-1-17.2 and its extension a distance of 695.17 feet to a point, said point being the southeast corner of sub lot No. 9 under Map Cover No. 2193; thence westerly along the south line of said sub lot No. 9 a distance of 160.08 feet to a point where the south line of sub lot No. 9 intersects the east line of sub lot No. 10 under said Map Cover No. 2193; thence southeasterly along said east line of sub lot No. 10 a distance of 238.16 feet to the southeast corner of said sub lot; thence westerly following the south line of Map Cover 2193 a distance of 786.22 feet to a point at the southwest corner of sub lot No. 16 of said Map Cover 2193, said point also being on the east line of sub lot No. 5 under Map Cover No. 2161; thence southerly along said east line of said sub lot No. 5 a distance of 128.31 feet to the southerly corner of said sub lot; thence westerly along the south line of said sub lot No. 5 a distance of 143.41 feet to a point, said point being on the west line of SBL 175.00-2-27.12; as described in Liber 10956 page 1708; thence southerly along the west line of said SBL 175.00-2-27.12 a distance of 355.04 feet to a point; thence easterly along said SBL a distance of 230.0 feet to a point in the centerline line of Cazenovia Creek, said point also being on the west line of said SBL 175.00-2-27.12, said point also being the northeast corner of SBL 175.00-2-18 as described in Liber 10957 page 6286; thence southerly along the east line of said SBL a distance of 939± feet to a point

at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.00-2-18 a distance of 1725.0± feet to a point at the northwest corner of SBL 175.04-1-19.13 as described in Liber 9496 page 225; thence southerly along the west line of said SBL 175.04-1-19.13 a distance of 471.74± feet to a point at the southwest corner of said SBL; thence easterly along the southerly line of said SBL 175.04-1-19.13 and its extension easterly a distance of 837.28 feet to a point at the northeast corner of SBL 175.04-1-19.2 as described in Liber 10420 page 98; thence southerly along the east line of said SBL 175.04-1-19.2 a distance of 445± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.04-1-19.2 a distance of 519± feet to a point at the northwest corner of SBL 175.04-1-12 as described in Liber 10988 page 5132; thence southerly along the west line of said SBL 175.04-1-12 a distance of 228.39 feet to a point on the centerline of Hubbard Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 21; thence westerly along the said centerline of said Hubbard Road a distance of 217.7± feet to a point at the northwest corner of SBL 187.02-1-42 as described in Liber 10984 page 3353; thence southerly along the west line of said SBL 187.02-1-42 a distance of 582.8 feet to a point at the southwest corner of said SBL 187.02-1-42, said point also being the southeast corner of SBL 187.00-1-41.1 as described in Liber 8369 page 347; thence easterly along the south line of said SBL 187.02-1-42 a distance of 250± feet to a point at the southeast corner of said SBL, said point also being on the west line of SBL 187.02-1-40 as described in Liber 10970 page 9829; thence following along the property line of said SBL 187.02-1-40 the following (10) courses: (1) north 332.8± feet, (2) east 631.4± feet, (3) north 26.0± feet, (4) east 200.0± feet, (5) south 26.0± feet, (6) east 228.40± feet, (7) north 217.0± feet to the south right-of-way of said Hubbard Road, (8) east along said south right-of-way 60± feet, (9) south 217.0± feet, (10) east 250± feet to a point at the northeast corner of said SBL 187.02-1-40; thence southerly along east line of said SBL 187.02-1-40 and its continuation southerly a distance of 2905± feet to a point at the southeast corner of SBL 175.00-3-21.1 as described in Liber 10883 page 1208; thence westerly along the south line of said SBL 175.00-3-21.1 a distance of 1211.43± to a point at the southeast corner to SBL 175.00-3-21.21 as described in Liber 10892 page 470 and Liber 10873 page 7845; thence northerly along the easterly line of said SBL 175.00-3-21.21 a distance of 150 feet to a point at the northeast corner of said SBL 175.00-3-21.21; thence westerly along the north line of said SBL 175.00-3-21.21 a distance of 803 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way and also being on the west line of Farm Lot 21; thence southerly along said centerline and said Farm Lot line a distance of 52 feet to a point at the northwest corner of SBL 175.00-3-20.1 as described in Liber 7717 page 423; thence easterly along the north line of said SBL a distance of 250 feet to the northeast corner of said SBL 175.00-3-20.1; thence southerly on a line parallel with the west line of Farm Lot 21 a distance of 723.03 feet to a point at the southwest corner of SBL 175.00-3-19.21 as described in Liber 11044 page 9957, said point also being in the centerline of Sweet Road as a 66 foot wide County right-of-way and also being the south line of Farm Lot 21; thence westerly along said line a distance of 62.97 feet to a point, said point being 187.03 feet east of the west line of Farm Lot 20, said line also being the centerline of Center Street; thence southerly parallel with the west line of Farm Lot 20 a distance of 273.03 feet to a point at the southwest corner of SBL 187.00-3-1.22 as described in Liber 11018 page 4011; thence easterly along the south line of said SBL a distance of 154 feet to a point at the southeast corner of said SBL 187.00-3-1.22; thence southerly parallel with the west line of Farm Lot 20 a distance of 551.32 feet to a point at the southwest corner of SBL 187.00-3-53.121 as described in Liber 10975 page 6862, said point also being on the northerly line of SBL 187.00-3-30 as described in Liber 7619 page 289; thence following along the boundary line of said SBL 187.00-3-30 the following (7) courses: (1) easterly 659± feet, (2) southerly 200 feet, (3) easterly 1100± feet, (4) southerly 795.78 feet, (5) westerly 232.86 feet, (6)

southerly 14.12 feet, (7) westerly 1594.14± feet along the south property line of said SBL 187.00-3-30 to a point at the southeast corner of SBL 187.00-3-28 as described in Liber 9555 page 498, said point being 273 feet east of the west line of Farm Lot 20; thence northerly on a line parallel to the west line of Farm Lot 20 a distance of 250 feet to a point at the northeast corner of SBL 187.00-3-29 as described in Liber 8634 page 77; thence westerly along the north line of said SBL 187.00-3-29 a distance of 273 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said point also being on the west line of Farm Lot 20, and also being the northwest corner of said SBL 187.00-3-29; thence southerly along said centerline of Center Street and west line of Farm Lot 20 a distance of 870± feet to a point at the southeast corner of SBL 187.00-2-4 as described in Liber 7522 page 495; thence along the boundary line of said SBL 187.00-2-4 the following (8) courses: (1) westerly 460± feet to a point, said point being the northwest corner of SBL 187.00-2-5 as described in Liber 6512 page 417, (2) southerly 125± feet to a point at the southwest corner of said SBL 187.00-2-5, (3) westerly 1507± feet to a point at the southwest corner of said SBL 187.00-2-4, (4) northerly 1295± feet, (5) easterly 353.1± feet, (6) northerly 915± feet to a point at the southwest corner of SBL 187.00-2-3 as described in Liber 11009 page 2377, (7) easterly 490.69± feet, (8) northerly 450± feet to a point on the center line of Sweet Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 28 and also being the northeast corner of said SBL 187.00-2-3; thence easterly along said center line of Sweet Road a distance of 226± feet a point at the southeast corner of SBL 187.02-1-17.11 as described in Liber 10924 page 7578; thence northerly along the easterly line of said SBL 187.02-1-17.11 a distance of 1959.85± feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 425± feet to a point at the southwest corner of SBL 187.02-1-9 as described in Liber 10926 page 6868; thence northerly along the west line of said SBL a distance of 182± feet to the northwest corner of said SBL 187.02-1-9; thence easterly along the north line of said SBL 187.02-1-9 a distance of 920 feet to a point at the southeast corner of SBL 87.02-1-3.2 as described in Liber 9162 page 140; thence northerly along the east line of said SBL 187.02-1-3.2 a distance of 622.80 feet to a point on the south line of SBL 187.02-1-3.4 as described in Liber 9162 page 140; thence easterly along the south line of said SBL 187.02-1-3.4 a distance of 400 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said line also being the east line of Farm Lot 29; thence northerly along said line a distance of 40 feet to the northeast corner of said SBL 187.02-1-3.4; thence westerly a distance of 1320 feet to a point at the northwest corner of SBL 187.02-1-3.3 as described in Liber 9162 page 138; thence northerly a distance of 990± feet to a point on the north line of Farm Lot 29, said point being 1330 feet west of the northeast corner of said Farm Lot 29; thence easterly along said Farm Lot 29 a distance of 34± feet to the southwest corner of SBL 175.00-2-12 as described in Liber 7945 page 315; thence northerly along the west line of said SBL 175.00-2-12 a distance of 366.3± feet to the northwest corner of said SBL; thence easterly along the north line of said SBL 175.00-2-12 a distance of 630.0± feet to a point at the southwest corner of SBL 175.00-2-10.122 as described in Liber 10985 page 7857; thence northerly along the west line of said SBL 175.00-2-10.122 a distance of 1244± feet to a point at the northwest corner of said SBL, said point also being on the south line of SBL 175.00-2-29.1 as described in Liber 9064 page 656; thence westerly along the south line of said SBL 175.00-2-29.1 a distance of 167.0± feet to a point at the southwest corner of said SBL; thence northerly along the west line of said SBL 175.00-2-29.1 a distance of 273.06 feet to a point at the southeast corner of SBL 175.00-2-10.2 as described in Liber 10904 page 5996; thence northerly along the east line of said SBL 175.00-2-10.2 a distance of 876.38± feet to the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 247± feet to a point at the southwest corner of SBL 175.00-2-8 as described in Liber 11033 page 8281; thence northerly along the west line of said SBL 175.00-2-8 a

distance of 791.9± feet to a point on the centerline of Mill Street as a 66 foot wide right-of-way, said line also being the north line of Farm Lot 30, said point being the northwest corner of SBL 175.00-2-8 and also being the boundary line between the Town of Aurora on the south and the Village of East Aurora on the north; thence westerly along the said north line of Farm Lot 30 a distance of 600± to a point where the Farm Lot intersects the centerline of the section of Mill road that runs north and south; thence southerly along said centerline of Mill Road a distance of 526± feet to a point at the southeast corner of SBL 175.11-3-1 as described in Liber 10893 page 2013, said point also being the boundary line between the Town of Aurora and the Village of East Aurora; thence along the said boundary line the following (6) courses: (1) westerly 840.0 feet, (2) northerly 260 feet, (3) northwesterly 160 feet, (4) westerly 355 feet, (5) northwesterly 118± feet to a point on the north line of Farm Lot 30, (6) westerly 211± feet along said Farm Lot line to a point on the top of bank on the north side of Cazenovia Creek, said point being the southeast corner of a portion of land annexed to the Village of East Aurora in Liber 9775 page 34; thence along the said annexed land the following (5) courses: (1) southwest 711± feet to a point on the west line of Farm Lot 30, said point being 486.42 feet southerly from the northwest corner of said Farm Lot 30, (2) west 73.26 feet, (3) northwest 1723.14 feet to the southwest corner of SBL 175.00-1-4 as described in Liber 10869 page 8168, (4) northeast 150± feet to southeast corner of said SBL 175.00-1-4, (5) northwest 375± feet to a point on the centerline of Quaker Road, as a State right-of-way with width varying, said point also being the northwest corner of said annexed land and also being the northeast corner of said SBL 175.00-1-4; thence northeasterly along the centerline of said Quaker Road a distance of 419± feet to a point at the southwest corner of SBL 164.00-2-31 as described in Liber 10903 page 9021; thence northwesterly along the west line of said SBL 164.00-2-31 a distance of 1490.50 feet to a point at the northwest corner of said SBL; thence easterly along the north line of said SBL 164.00-2-31 and its extension easterly a distance of 949± feet to a point on the boundary line between the Town of Aurora on the west and the Village of East Aurora on the east, said point being the northeast corner of SBL 175.06-1-4 as described in Liber 5159 page 115 and also being on the west line of Farm Lot 31; thence northerly along the said boundary line a distance of 2825± feet to a point at the northwest corner of the Village of East Aurora, said point also being the northwest corner of SBL 164.19-1-1; thence easterly along the said boundary line between the Town of Aurora on the north and the Village of East Aurora on the south a distance of 126± feet to a point on the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way; thence northwesterly following along said centerline of Buffalo Road a distance of 309± feet to the point or place of beginning.

The establishment of the Proposed Sewer District includes the acquisition of the Village of East Aurora and Town of Aurora wastewater systems and the construction of planned and ongoing capital construction of the sanitary sewer systems, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 15, 2005.

The maximum estimated cost of the aforesaid establishment of the Proposed Sewer District is \$10,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the Proposed District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of the Proposed Sewer District.

The expenditures for such establishment of the Proposed Sewer District will not cause additional costs for property owners in the Proposed Sewer District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$480.80 for those typical properties located in the Village of East Aurora and \$582.77 for those typical

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properties located in the Town of Aurora. Currently Erie County Sewer districts charge \$200 per home inspection for county-built sewers, \$400 per home inspection for subdivisions or privately built sewers, and a \$2 permit fee at the time of connection.

The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,
 _____, 2005.

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

By _____
 Clerk, County Legislature

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

Section 4. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be mailed by first class mail to each owner of the taxable real property in the District.

Section 5. This resolution shall take effect immediately.

(4-0)

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved for approval of the report. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. SMITH presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

JUNE 27, 2005

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

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

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- a. COMM. 6E-6 (2005)
COUNTY EXECUTIVE: Number of County Cell Phones
(5-0)
- b. COMM. 9E-7 (2005)
COMPTROLLER: Letter to ECL Re: Deficit Financing
(5-0)
- c. INTRO 11-5 (2005)
RANZENHOFER, MARSHALL, CUSACK, & WEINSTEIN: Report Of Monthly Expenditures And Balances
(5-0)
- d. INTRO 11-17 (2005)
HOLT: Erie County Underwriting & Issuance of Bonds and Notes
(5-0)
- e. COMM. 12E-4 (2005)
COMPTROLLER: Copy of Letter to Budget Director & Personnel Commissioner Re: Positions Deleted - Effect of Cash Flow
(5-0)
- f. COMM. 12E-9 (2005)
COMPTROLLER: Letter to Legislature Re: 2004 Fund Balance
(5-0)
- g. INTRO 13-4 (2005)
DUSZA: Support For Maintaining Current NYS Sales Tax Levy To Off-Set County Medicaid Costs
(5-0)
- h. COMM. 13D-2 (2005)
BUDGET, MANAGEMENT & FINANCE: BMR For Period Ending 3/31/05
(5-0)
- i. INTRO 15-2 (2005)
SWANICK: The Erie County Financial Improvement Timetable (EC FIT)
(5-0)
- j. INTRO 15-3 (2005)
HOLT: Imposition of Additional Sales Tax - Assembly and Senate
(5-0)
- k. INTRO 15-6 (2005)
HOLT: Home Rule Request Resolutions: Additional Sales Tax
(5-0)

l. INTRO 15-7 (2005)
HOLT: Memorializing Resolution To New York State Legislature - Deficit Financing
 (5-0)

m. INTRO 15-8 (2005)
HOLT: 2005 Erie County Budget Adjustments
 (5-0)

n. INTRO 15-11 (2005)
DEBENEDETTI: 2005 Budget Adjustments
 (5-0)

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

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

NOW THEREFORE BE IT,

RESOLVED, that petitions numbered **205235** through **205248** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2003	Petition No.	205,235
	ASSESSOR Refund	\$587.16

S-B-L 28.03-4-35 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$587.16	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$587.16	
Charge To :	142289 AMHERST	\$0.00

BASIC STAR EXEMPTION NOT GRANTED.
 142203 Williamsville Central

FISCAL YEAR 2004	Petition No.	205,236
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FISCAL YEAR 2005	Petition No.	205,245.00	
	ASSESSOR	Cancel	\$1,076.13
S-B-L 656.89-99-132.35		145601 AKRON	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,076.13	Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON		\$1,076.13
	Relevy Village	\$1,076.13	Village of AKRON

Parcel not located in the Village of Akron.
Unlawful entry.

FISCAL YEAR 2005	Petition No.	205,246.00	
	ASSESSOR	Cancel	\$629.07
S-B-L 656.89-99-132.35		145601 AKRON	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$629.07	Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON		\$629.07
	Relevy Village	\$629.07	Village of AKRON

PARCEL NOT LOCATED IN VILLAGE OF AKRON.
UNLAWFUL ENTRY.

FISCAL YEAR 2005	Petition No.	205,247.00	
	ASSESSOR	Cancel	\$103.04
S-B-L 66.72-1-6		146401 KENMORE	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$103.04	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE		\$103.04
	Relevy Village	\$103.04	Village of KENMORE

VETERANS EXEMPTION FOR COMBAT OMITTED.
VILLAGE OF KENMORE 2005/2006 TAX

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FISCAL YEAR 2005	Petition No.	205,248.00	
	ASSESSOR Refund	\$93.29	
S-B-L 66.72-2-36	146401 KENMORE		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$93.29	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE	\$93.29	
	Relevy Village	\$93.29	Village of KENMORE
DEL WATER POSTED IN ERROR			
2005/2006 KENMORE VILLAGE TAX			
(5-0)			

3. **COMM. 12E-29 AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Buffalo Urban Development Corporation (BUDC) has requested assistance from the County of Erie, the Erie County Industrial Development Agency (ECIDA), and the City of Buffalo in the remediation and redevelopment of brownfield sites in Buffalo including the Buffalo Lakeside Commerce Park; and

WHEREAS, the County of Erie, the City of Buffalo, the Buffalo Urban Development Corporation and the Erie County Industrial Development Agency have entered into a Memorandum of Understanding dated September, 2004 regarding this project; and.

WHEREAS, the Payment in Lieu of Taxes (PILOT) Application Agreement and the Regional Redevelopment Fund are necessary for the completion of the Buffalo Lakeside Commerce Park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the Buffalo Lakeside Commerce Park Development and Payment in Lieu of Taxes (PILOT) Redistribution Agreement and any other necessary agreements with the City of Buffalo, the Buffalo Urban Development Corporation and the Erie County Industrial Development Agency for the Buffalo Lakeside Commerce Park project; 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 Commissioner of the Department of Environment and Planning; and the County Comptroller.

(5-0)

DEMONE A. SMITH
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 18 – MR. KENNEDY presented the following report and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

June 28, 2005

COMMUNITY SERVICES COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 13E-16 (2005)
COUNTY EXECUTIVE: Mental Health - Transfer of Funds - 2005 EC Assessment For Membership in the NYS Conference of Local Mental Hygiene Directors
 (4-0)
 - b. COMM. 13D-3 (2005)
BECPL: Copy of Letter to Budget Director Re: Request For Assistance in Securing Bond Authorization
 (4-0)
2. COMM. 19E-18 (2005)
COUNTY EXECUTIVE
 WHEREAS, the Department has reviewed the case management Cluster agencies' contract budgets and actual costs of carrying out grant objectives, and

WHEREAS, the additional match is available from various Cluster agencies, and

WHEREAS, the Department desires to allocate the Community Services for the Elderly(CSE)and the Expanded In-Home Services for the Elderly(EISEP) funds by increasing the home care hours available to seniors throughout Erie County; and to improve the entire case management network by providing sufficient funds to the Cluster agencies to ensure that case managers and coordinators are compensated a minimum of \$12 and \$14 per hour, respectively; and by supporting the software used for case management, and

WHEREAS, the Department desires to transfer funding for the contract services received from the Town of Amherst from Elder Caregiver Support Program(III-E) to Expanded In-Home Services for the Elderly Program(EISEP) effective August 1, 2005, and

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WHEREAS, the Department desires to transfer the Social Case Supervisor position (#9672) from the Elder Caregiver Support Grant to Expanded In-Home Services for the Elderly Program(EISEP), effective September 1, 2005, and

WHEREAS, this position transfer is reflected in the SAP system on B-100 position authorization form, Control number 993, and

WHEREAS, the Community Services for the Elderly(CSE) and the Expanded In-Home Services for the Elderly Program(EISEP) grant budgets need to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to amend the existing contracts with the Community Services for the Elderly(CSE) and the Expanded In-Home Services for the Elderly Program (EISEP) Cluster agencies to reflect the additional funds (including local match) as shown herein, and with the Town of Amherst to reflect the change in funding source and the additional funds, and be it further

RESOLVED, that the Social Case Supervisor position be transferred from Elder Caregiver Support Program(III-E) to the Expanded In-Home Services Program(EISEP), effective September 1, 2005, and be it further

RESOLVED, that the EISEP grant budget, Project 163EISEP0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenues	\$1,438,195	\$537,120	\$1,975,315
466000	Miscellaneous Revenue	\$ 59,620	\$ 27,000	86,620
466100	Other Revenue-Grant Program	33,000	<u>10,000</u>	43,000
	TOTAL CHANGE		\$574,120	
APPROPRIATIONS				
500000	Full Time Salaries	\$375,130	\$33,660	\$408,790
502000	Fringe Benefits	116,103	10,420	126,523
516010	Bailey Delavan Community Center	0	10,000	10,000
516010	Concerned Ecumenical Ministry	91,873	5,000	96,873
516010	Community Concern of WNY	32,836	24,000	56,836
516010	North Buffalo Community Center	40,755	7,000	47,755
516010	South Buffalo Comm. Development Assoc	94,055	7,000	101,055
516010	Northwest Buffalo Comm. Center	31,550	8,000	39,550
516010	Lt. Col. Matt Urban Center	31,588	55,000	86,588
516010	Town of Amherst	0	48,290	48,290
516020	Home Care Services	1,115,910	318,750	1,434,660
516020	Personal Emergency Response Svc	0	15,000	15,000
516020	Case Management Software Support	0	28,000	28,000

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561410	Lab & Technical Equipment	0	<u>4,000</u>	4,000
	TOTAL CHANGE		\$574,120	

and be it further

RESOLVED, that the Community Services for the Elderly(CSE) grant budget, Project 163CSE0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$920,794	<u>\$2,795</u>	\$923,589
	TOTAL CHANGE		<u>\$2,795</u>	
APPROPRIATIONS				
510000	Local Mileage	\$1,500	-\$1,000	\$500
510100	Out of Area Travel	2750	-1,000	1750
516010	BFNC	100,728	1,000	101,728
516010	Town of Amherst	0	11,000	11,000
	Other Projected			
516010	Agencies	5,941	-5,941	0
980000	ID DISS Services	9,780	<u>-1,264</u>	8,516
	TOTAL CHANGE		<u>\$2,795</u>	

and be it further

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

(4-0)

3. COMM. 19E-19 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging (SOFA) has awarded the Erie County Department of Senior Services (Department) \$167,517 in State Pharmaceutical Assistance Program (SPAP) funds for the period April 1, 2005 to September 30, 2005, and

WHEREAS, SOFA and the New York State Department of Health are partnering with Area Agencies on Aging to educate and assist older New Yorkers enrolled in the Elderly Pharmaceutical Insurance Coverage (EPIC) program regarding the choices that seniors (i.e., those age 65 and older) must make to participate in the new Part D Medicare prescription drug coverage benefit under the Medicare Modernization Act of 2003 (M.A.), and

WHEREAS, the goal of the State Pharmaceutical Assistance Program(SPAP)grant is to maximize participation of Elderly Pharmaceutical Insurance Coverage(EPIC)enrollees in the new

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Medicare prescription drug coverage while maintaining or improving their current level of benefits, and

WHEREAS, the Department desires to use the State Pharmaceutical Assistance Program(SPAP) funds to encourage Elderly Pharmaceutical Insurance Coverage(EPIC)enrollees to consider joining the new Medicare prescription drug program; to assist low-income elderly Pharmaceutical Insurance Coverage (EPIC) enrollees in applying for the low income subsidy (LIS); and to educate and assist Elderly Pharmaceutical Insurance Coverage(EPIC) enrollees in selecting and enrolling in a Medicare prescription drug plan and in coordinating those benefits, and

WHEREAS, the Department desires to create a Coordinator –Insurance Outreach and Counseling – Senior Services position, job group XI, and a part time Coordinator of Volunteer Training -Senior Services, job group VIII, to seek out and organize information on all health insurance products; disseminate information to the elderly through presentations, written newsletters and correspondence; offer one-on-one advice on insurance to seniors and family members; coordinate events focusing on health insurance to educate the public about Medicare and prescription drug coverage; create and chair health insurance coalitions in the broader community; and train staff and volunteers in information and outreach, and

WHEREAS, these position adjustments are reflected in the State Pharmaceutical Assistance Program(SPAP) system on B-100 position authorization forms, Control numbers 977 and 978, and

WHEREAS, no County funds are required for the State Pharmaceutical Assistance Program(SPAP) grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the \$167,517 grant from New York State Office for the Aging(SOFA) to operate the State Pharmaceutical Assistance Program(SPAP), and be it further

RESOLVED, that the Coordinator –Insurance Outreach and Counseling – Senior Services and part time Coordinator of Volunteer Training -Senior Services positions be created in the State Pharmaceutical Assistance Program(SPAP) grant, and be it further

RESOLVED, that the budget for the State Pharmaceutical Assistance Program(SPAP) grant for the period April 1, 2005 through September 30, 2005 be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
409000	State Aid	\$167,517
	TOTAL REVENUE	<u>\$167,517</u>

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APPROPRIATIONS		
500000	Full Time Salaries	\$13,540
500010	Part Time Wages	\$3,760
502000	Fringe Benefits	5,300
505000	Office Supplies	9,620
510000	Local Mileage	2,000
510100	Out of Area Travel	1,500
510200	Training and Education	10,000
	Professional Services &	
516020	Fees	30,000
530000	Other Expenses	45,000
545000	Rental Expenses	3,000
561410	Lab & Tech Equipment	15,497
980000	ID DISS Services	<u>28,300</u>
	TOTAL	
	APPROPRIATIONS	<u>\$167,517</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 Personnel and the Department of Senior Services.

(4-0)

4. COMM. 19E-20 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has eliminated all vacant positions throughout Erie County via Intro 15-9, dated June 14, 2005, and

WHEREAS, the Department of Senior Services (Department) had 15 vacant positions that were included in the legislation, and these positions are all reimbursed at either 100%, 90%, 87.5% or 75% in federal or state dollars (see attached vacancy listing), and

WHEREAS, the County share attributable to the positions equates to the local match required to receive the federal or state funds in total, and

WHEREAS, the Department has continuously streamlined administrative costs, maximizing Federal and State funds and addressing the ever increasing need for services to seniors, the fastest growing segment of Erie County's population, and

WHEREAS, the Department has been successful in providing core supportive services to "at-risk" seniors in Erie County that result in maintaining their independence in the community rather than facing more costly institutional care under the Medicaid program, and

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WHEREAS, the failure to fill these positions jeopardizes the safety, health and well being of our most frail, "at-risk" population, as well as hinders our ability to draw down all available funds to provide essential services, and

WHEREAS, the New York State Office for Aging and federal government are expanding support for local services through new grant funding, and

WHEREAS, the Department desires to recreate the Dispatcher and Community Service Aide Part Time positions in the Area Agency on Aging grant (90% federally reimbursed), the part time Energy Crisis Worker I and II positions in the HEAP program (100% federally reimbursed), the three Senior Case Manager, two Case Manager, two Senior Account Clerk and the Senior Community Service Aide positions in Title XX Protective Services for Older Adults (87.5% average federal and state reimbursed), and the Case Manager position in the Elder Caregiver Support Program (75% reimbursed), and

WHEREAS, Protective Services are mandated by New York State and Erie County is responsible for providing this service and funds have been allocated in the 2005 budget, and a cost savings has not only been established, but surpassed, and staff currently carries an average of 35; whereas recommended case loads are 20-25, and

WHEREAS, these position adjustments are reflected in the SAP system on B-100 position authorization forms, Control numbers 979 to 992, and

WHEREAS, sufficient appropriations exist in the respective personal services lines, and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the positions be recreated in the respective programs in order to maintain the safety, health and well-being of our elder population, and be it further

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

(4-0)

DEPARTMENT OF SENIOR SERVICES
VACANCY LISTING
FOR 2005 COUNTY BUDGET

grd	TITLE	POSITION NO.	ANNUAL SALARY	COUNTY SHARE	AMOUNT REIMBURSED		
					FEDERAL	STATE	OTHER
PROTECTIVE SERVICES FOR ADULTS*							
9	SR CM	8173	49,270	6,159	36,952	6,159	
9	SR CM	8176	46,548	0	34,910	5,819	5,819
9	SR CM SS	51001509	44,426	5,553	33,320	5,553	
7	CM SS	51001510	34,418	4,302	25,814	4,302	
6	SRCSA	8701	30,430	3,804	22,822	3,804	
6	SAC	51001114	38,287	4,786	28,715	4,786	
6	SAC	51001115	38,287	4,786	28,715	4,786	
HEAP							
5	ECW2 PT	3368	11,644	0	11,644		
2	ECW1 PT	3317	10,176	0	10,176		
AREA AGENCY ON AGING GRANT							
4	DISPAT	3074	32,267	3,227	29,040		
1	CSA-PT	1806	10,413	1,041	9,372		
ELDER CAREGIVER SUPPORT GRANT							
7	CM	877	39,422	9,855	29,567		
			385,588	43,513	301,047	35,209	5,819

* DEPENDENT ON OVERALL SOCIAL SERVICES EXPENDITURES FOR TITLE XX.

(4-0)

5. COMM. 19E-22 **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services requests restoration authorization to fill (9) critical positions as detailed on the attached matrix, and

WHEREAS, information is presented on the attachment that indicates Position Title, Job Group, Position Number, Function and Local Share for the balance of the 2005 budget year, and

WHEREAS, in accordance with the Erie County Legislature intro 15-9, positions are to be eliminated from the Adopted Budget once they became vacant, and

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WHEREAS, once positions are vacant and deleted, Legislative approval is required in order to restore positions and authorize filling, and

WHEREAS, there is no fiscal impact to this resolution as the positions are fully funded in the 2005 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that authorization to create and fill the (9) positions detailed on the attached list is granted, 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.

DEPARTMENT OF SOCIAL SERVICES
POSITION RESTORATION/VACANCY FILL REQUEST
LOCAL SHARE IMPACT CALCULATION DETAIL
July 11, 2005

Note: Revised to Reflect New August 1, 2005 Effective Date (10.5 Pay Periods for Balance of Year)

Note: Local Share Impacts Are Within Existing CAAB Budget. They Represent A Reduction of Windfall Savings From Unanticipated New Vacancies

1. Head Welfare Examiner – (ECMC Medicaid Team)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Hd Soc Welf Examiner JG-10-C	52,493	-	
Current Position to be Vacated/Deleted	Sr Soc Welf Examiner JG7-C (Pref List)	(41,221)	-	
	NET DIFFERENCE		-	-

(Note ECMC pays full State & Local Shares)

2. HEAD SOCIAL WELFARE EXAMINER – (Temp Assistance TTW Team)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year

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Position to be Restored/Filled:	Hd Soc Welf Examiner JG-10-C	52,493	25,491	
Current Position to be Vacated/Deleted	Sr Soc Welf Examiner JG7-C (Pref List)	(41,221)	(20,017)	
	NET DIFFERENCE		5,474	2,211

3. CASEWORKER – (Children’s Services)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Caseworker JG7-3	35,216	14,854	
Current Position to be Vacated/Deleted	None – Lay Off Recall from Pref List	-	-	
	NET DIFFERENCE		14,854	5,999

4. CASEWORKER – (Children’s Services)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Caseworker JG7-3	35,216	14,854	
Current Position to be Vacated/Deleted	None – Lay Off Recall from Pref List	-	-	
	NET DIFFERENCE		14,854	5,999

5. SYSTEMS SUPPORT SPECIALIST – (Syst Support – Connections)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Systems Support Spec JG11-D	58,972	21,879	
Current Position to be Vacated/Deleted	Sr Prog Support Spec JG9-D	(49,789)	(27,195)	
	NET DIFFERENCE		(5,316)	(2,147)

(Note: positions to be Restored/Filled is 37.1% Local Share position to be Vacated/Deleted is 54.6% Local Share)

6. SOCIAL CASE SUPRVISOR – UNIT – (Children’s Services)

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	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Soc Case Suprv Unit JG 11-A	55,149	23,262	
Current Position to be Vacated/Deleted	Sr. Caseworker JG9-A	(46,548)	(19,634)	
	NET DIFFERENCE		3,628	1,465

7. PARALEGAL – (Office of Child Support Enforcement)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Paralegal JG5-5	32,242	5,481	
Current Position to be Vacated/Deleted	None – Lay Off Recall from Pref List	-	-	
	NET DIFFERENCE		5,481	2,231

8. COUNSEL-SOCIAL SERVICES – (Legal Division Appeals)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Counsel – Social Svcs JG 14-0	53,824	29,399	
Current Position to be Vacated/Deleted	None – Critical New Hire from Elig List			
	NET DIFFERENCE		29,399	11,873

9.SENIOR CASEWORKER – (Day Care Registration)

	Title	Annual Salary	Local Share	Local Share Impact Balance of Year
Position to be Restored/Filled:	Sr. Caseworker JG 9-5	45,468		
Current Position to be Vacated/Deleted	Caseworker JG9-5	(38,522)	(16,249)	
	NET DIFFERENCE		(16,249)	(6,562)

(Note: Day Care Registration = 100% Federal)

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position to be vacated/deleted is 42% Local Share)
 (4-0)

6. **COMM. 19E-23**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has determined that a transfer of funds is required in order to pay the balance of dues owed to the New York State Association of County Health Officials, and

WHEREAS, the Department requested a \$14,600 appropriation in Account 510200 Training & Education in the 2005 Budget, the request was reduced by Legislative action to \$7,300, and

WHEREAS, the Department had previously paid \$6,000 of the \$10,346 owed to the New York State Association of County Health Officials for annual membership and dues, it is now necessary to transfer funds in order to pay the \$4,246 balance, and

WHEREAS, funds are available in Account 530000 Other Expenses.

NOW, THEREFORE, BE IT

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

Increase – Account 510200, Training & Education	+\$4,246
Decrease – Account 530000, Other Expenses	-\$4,246

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.

(5-0)

7. **COMM. 19E-27**
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded funding in the amount of \$143,883 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence, and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operation, and

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WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's submission to the State of the Consolidated Services Plan (CSP), and

WHEREAS, the Department has determined the distribution of these funds through the negotiation of program enhancements with all vendors eligible to receive funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts for expanded non-residential services to victims of domestic violence with Child and Family Services, Crisis Services and Hispanics United, and be it further

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

Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Crisis Services	\$46,397
516010	Hispanics United of Buffalo	25,546
516010	Child and Family Services	<u>71,940</u>
	Total Expenditures	<u>\$143,883</u>
411610	Federal Aid – Service for Recipients	<u>\$143,883</u>
	Total Revenues	<u>\$143,883</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because the Department has negotiated program enhancements with all of the vendors eligible to provide services and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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)

8. COMM. 19E-29

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services has several *Taken Out of Service Vans*, and

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WHEREAS, various agencies and municipalities have expressed interest in using these vans to better serve their clients and citizens, and

WHEREAS, the Department has identified 5-*Taken Out of Service* vehicles that will not be used, and

WHEREAS, the Department wishes to transfer ownership of these *Taken Out of Service* vehicles to:

3 -Buffalo Community Center Collaborative
 VIN#1GAGG25R111116986,
 VIN#1GAGG25R111119421 and
 VIN#1GAGG25R011117725

1 -Town of Evans
 VIN#1GAGG25R341280007

1-City of Lackawanna
 VIN#1GAGG25R841279614

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to transfer ownership of the 5- *Taken Out of Service* vehicles, in as is condition, to:

3 -Buffalo Community Center Collaborative
 VIN#1GAGG25R111116986,
 VIN#1GAGG25R111119421 and
 VIN#1GAGG25R011117725

1 -Town of Evans
 VIN#1GAGG25R341280007

1-City of Lackawanna
 VIN#1GAGG25R841279614

and be it further

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

9. COMM. 19E-33
COUNTY EXECUTIVE

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WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintains forensic laboratory accreditation, and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay the costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B, and

WHEREAS, the Medical Examiner's Division has received a grant in the amount of \$28,423 from the Division of Criminal Justice Services National Forensic Sciences Improvement Act for the purchase of a gas chromatograph.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the Division of Criminal Justice Services to accept the grant budgeted as follows:

Department of Health
Criminal Justice Services National Forensic Improvement Act
10/1/04 – 9/30/06
SAP Title: 127NAFR0406

SAP	REVENUE	AMOUNT
409000	State Aid Revenues	<u>\$28,423</u>
	TOTAL	<u>\$28,423</u>
	EXPENSES	
561410	Lab & Technical Equipment	<u>\$28,423</u>
	TOTAL	<u>\$28,423</u>

and be it further

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

(4-0)

10. COMM. 19E-39

AS AMENDED

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Delivered Meals Program (III-C-2) for the period January 1, 2005 to December 31, 2005, and

WHEREAS, the Department of Senior Services allocated a portion of the III-C-2 funds to contract with a dietician consultant to provide nutrition assessment, education and counseling services to homebound nutrition participants, primarily in the Southtowns area, and

WHEREAS, the current contracted dietary consultant advised the Department that she will terminate the contract as of June 30, 2005, and

WHEREAS, the Department desires to contract with Jamie Lynn Bond, RD. to continue the services for the rest of 2005, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Jamie Lynn Bond, RD. for the remainder of 2005 at an amount not to exceed \$10,000, 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 and the Department of Senior Services.
 (4-0)

11. COMM. 19E-42

COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 2005 Adopted Budget, and

WHEREAS, the 2005 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on July 1, 2005:

Department	Grant Program	2005 Budget Book B Page No.
Central Police Services	Points of Entry Drug Interdiction	122
Probation	Challenge Grant	156

and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2005 and thereafter:

Department	Grant Program	2005 Budget Book B Page No.
Social Services	Energy Services Packaging Project 05-06	108
Social Services	Home Energy Assistance Project (HEAP)	108
Central Police Services	Juvenile Accountability Incentive Block Grant	122
Central Police Services	Traffic Safety Grant	123
Central Police Services	Child Car Seat Grant	123
District Attorney	S.T.O.P. Violence Against Women	135
District Attorney	BE-SAFE	135
District Attorney	Victim/Witness Assistance Program	136
Sheriff	High Impact Incarceration Program (HIIP)	153*
Probation	Juvenile Accountability Incentive Block Grant	156
Probation	Shared Population – Defendants/Offenders With Mental Illness	156
Probation	Crime Victims Board	157

* Begins 11/1/05

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

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

(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved for approval of the report. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. MARINELLI presented the following report and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

JUNE 28, 2005

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 25-2 (2005)
MINORITY CAUCUS: Consideration of Chapter 479 of the Laws of 2001 Establishing a Procedure for Alternative Implementation of State Regulatory Mandates
 (5-0)
 - b. INTRO 12-1 (2005)
WEINSTEIN: The Erie County Charter Revision Commission Examining The Current Structure of the Erie County Legislature
 (5-0)
 - c. COMM. 13M-8 (2005)
CHILD & FAMILY SERVICES HAVEN HOUSE: Letter to Legislator Marinelli Re: Results of Budget Cuts on Domestic Violence
 (5-0)
 - d. INTRO 16-2 (2005)
WEINSTEIN: Home Rule Request for Control Board
 (5-0)
 - e. COMM. 16D-7 (2005)
PURCHASE: Legislative Submission
 (5-0)
2. COMM. 13E-13 (2005)
COUNTY EXECUTIVE

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WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding, and

WHEREAS, it has been determined that the implementation of these procedures are within the scope of and furtherance of specific purchase and procurement laws and rules set forth by New York State statute, the Erie County Charter, and the Erie County Administrative Code, and

WHEREAS, the Erie County procurement policies have been previously reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b (Comm. 2E-26) and were adopted by this Legislature on June 5, 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Erie County Purchase Policies and Procedures under General Municipal Law 104-b as the policy of the County of Erie pursuant to General Municipal Law Section 104-b, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Information and Support Services and the Director of Purchase.
 (5-0)

LYNN M. MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

Item 20 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO.182

RE: Eden Agricultural Districts (No. 2,3,4) (8-Year Review) (INTRO 19-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
 HOLT, MARINELLI, RANZENHOFER, DeBENEDETTI, DUSZA, KENNEDY, KUWIK,
 SMITH, WROBLEWSKI, CHASE, CUSACK, MARSHALL, McCARVILLE, SWANICK &
 WEINSTEIN

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RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on July 28, 2005, at 7:30 p.m. at the Eden Town Hall concerning the 8-year review of the Eden Agricultural District, #2,3, and 4; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspaper having general circulation within the Eden Agricultural Districts, to so notify the affected municipalities and any property owners affected by any proposed modifications (additions/deletions) to the Eden Agricultural Districts.

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

CARRIED UNANIMOUSLY.

Item 21 – CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 19-2 from LEGISLATOR MARINELLI Re: District Office Adjustment

Item 22 – CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 19-3 from LEGISLATOR MARINELLI Re: Response To Illegal Personnel Action

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 23 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of COMM. 14E-14. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

RE: Social Services - Employee Education & Training

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

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

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

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

NOW, THEREFORE, BE IT

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

EDUCATIONAL INSTITUTION	PERIOD	GROSS CONTRACT	INSTITUTION'S CONTRIBUTION	PAID BY ECDSS
Buffalo State College (CDHS) (Master's/Bachelor's Degrees)	9/1/05 – 8/31/06	\$646,558	\$232,761	\$413,797
Buffalo State College (CDHS) (In-service Training and Organizational Development)	9/1/05 – 8/31/06	\$964,565	\$347,224	\$617,321
Empire State College (Bachelor's/ Associate's Degrees in Business/ Community and Human Services)	9/1/05 – 8/31/06	\$385,454	\$138,764	\$246,691
Empire State College (In-Training)	9/1/05 – 8/31/06	\$475,979	\$152,313	\$323,666
SUNY- Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/29/05 – 8/28/06	\$87,686	\$30,690	\$56,996
SUNYAB – School of Social Work (Master's of Social	9/1/05 – 8/31/06	\$318,966	\$111,638	\$207,328

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Work & Certificate in
 Trauma Studies)

SUNYAB Institute of Addictions Studies and Training (In-Service Training)	10/1/05 – 9/30/06	\$252,977	\$88,542	\$164,435
Erie Community College (In-Services Training)	10/1/05 – 9/30/06	\$185,081	\$66,629	\$118,452

and be it further

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

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 24 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

COMM. 19E-58 from SMITH Re: Letter to Erie County State Delegation Re: EC Fiscal Stability Authority

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 25 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

COMM. 19E-59 from SMITH Re: Letter To Interim Sheriff Re: Asset Forfeiture Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 26 – (Comm. 19E-1) Semi-Annual Report of Receipts and Disbursements of Mortgage Tax Monies Collected From 9/1/04 - 4/30/05

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (Comm. 19E-2) Appointment to ECC Board of Trustees

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 28– (Comm. 19E-3) Request For Certified Copies of the 2005 Erie County Budget

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 29 – (Comm. 19E-4) Completion of May 2005 Month-End Closing Completed on SAP

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 30 – (Comm. 19E-5) Bond Resolution to Raise \$3.5 Million for Risk Retention Fund

Received and filed.

FROM THE COMPTROLLER

Item 31 – (Comm. 19E-6) Letter to Legislature Re: Comptroller's Obligation To Process Payments To DPW Independent Contractors In Accordance With Legal Opinion of County Attorney

Received and filed.

FROM THE DISTRICT ATTORNEY

Item 32 – (Comm. 19E-7) DA's Office - Restoration of Vacant Positions

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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FROM THE COUNTY EXECUTIVE

Item 33 – (Comm. 19E-8) DPW - Ability To Fill Building Guards Positions In Accordance With Civil Service Law

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

RE: DEP - Community Development Block Grant (CDBG) - Restoration of Clerk Typist Position (Comm. 19E-9)

WHEREAS, The Erie County Department of Environment and Planning is desirous of restoring a Clerk Typist (Job Group 1) position within the Community Development Block Grant Budget; and

WHEREAS, The individual formerly filling the Clerk Typist position recently retired from County service; and

WHEREAS, Subsequent to the retirement the vacant position was deleted from the County Budget per Erie County Legislature action of June 14, 2005, Reference: Intro 15-9, as amended; and

WHEREAS, The Clerk Typist position will be funded through the federal Community Development Block Grant program and therefore no County monies are required to pay for this position; and

WHEREAS, The Department of Environment and Planning, Division of Planning and Economic Development is desirous of this position to insure timely compliance with federal regulations and prompt contract processing to the thirty-four municipalities comprising the Erie County CDBG Urban County Consortium,

NOW, THEREFORE, BE IT

RESOLVED, That the following personnel change is hereby approved in the Community Development Block Grant Program Budget within the Department of Environment and Planning.

Add: Clerk Typist (Community Development), J. G. 1; and be it further

RESOLVED, That the source of funds shall be money available within the Erie County Community Development Block Grant in Fund 290, Cost Center 1621120, GL Account 500000 (full-time Salaries), Fund 290; 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 Director of the Division of Budget, Management, and

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Finance; the County Comptroller; the Commissioner of the Department of Personnel; and the Commissioner of the Department of Environment and Planning.

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

CARRIED.

Item 35 – (Comm. 19E-10) DPW - Highways - Award of Consultant Construction Contracts - Entering into Agreements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 36 – (Comm. 19E-11) CPS - Professional Services - EM Systems, Inc.

CHAIRMAN HOLT directed that Comm. 19E-11 remain on the table for consideration later in the session.

Item 37 – (Comm. 19E-12) DPW - Restoration of Assistant Architect Position

CHAIRMAN HOLT directed that Comm. 19E-12 remain on the table for consideration later in the session.

Item 38 – (Comm. 19E-13) DA's Office - Crimes Against Revenue Program Grant

Item 39 – (Comm. 19E-14) DA's Office - Operation IMPACT Grant

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

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: Appointments/Reappointments - Erie
 County Environmental Management Council
 (Comm. 19E-15)

RESOLVED, the Erie County Legislature does hereby approve the appointments/reappointments of the following individuals to the Erie County Environmental Management Council for the term expiring May 31, 2007:

APPOINTMENTS

NAME AND ADDRESS

REPRESENTATION

Brian Smith

At-Large Member

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Citizens Campaign
3144 Main Street
Buffalo, New York 14214

James Caruso
URS Corporation
77 Goodell Street
Buffalo, New York 14203

At-Large Member

Robert Vallone
University at Buffalo Law School
The Statue University of New York
O'Brian Hall, North Campus
Buffalo, New York 14260

At-Large Member

Paul Furhmann
Ecology and Environment, Inc.
368 Pleasant View Drive
Lancaster, New York 14086

At-Large Member

Bruce Coleman, Chairman
City of Buffalo EMC
134 Buffum
Buffalo, New York 14210

At-Large Member

Paul Speich
6549 Fairlan Drive
Boston, New York 14025

Boston (Town)

Dennis Sutton
Office of Strategic Planning
920 City Hall
Buffalo, New York 14202

Buffalo (City)

Donna Hosmer
12 Old Farm Court
Cheektowaga, New York 14043

Cheektowaga (Town)

Albert Festiuti
9695 Keller Road
Clarence, New York 14032

Clarence (Town)

Sam Akinbami
2227 West River Road

Grand Island (Town)

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Grand Island, New York 14072

Susan Attridge
 58 Boxwood Circle
 Hamburg, New York 14075

Hamburg (Village)

REAPPOINTMENTS

NAME AND ADDRESS

REPRESENTATION

Jerold Bastedo
 S-5215 Orchard Avenue
 Hamburg, New York 14075

At-Large Member

Joan Bozer
 27 St. Catherine Court
 Buffalo, New York 14222

At-Large Member

Kevin Hogan, Esq.
 Phillips, Lytle, Hitchcock, Blaine & Huber LPP Attys
 3400 HSBC Center
 Buffalo, New York 14203

At-Large Member

Rosa Gonzalez
 8 Lakewood Drive
 Orchard Park, New York 14127

At-Large Member

Hal Kreher
 P.O. Box 410
 Clarence, New York 14031

At-Large Member

James Loesch
 National Fuel Gas Corp.
 10 Lafayette Square, 15th Floor
 Buffalo, New York 14203

At-Large Member

John Whitney
 USDA National Resource Conservation
 50 Commerce Way
 East Aurora, New York 14052

At-Large Member

Deborah Chesna
 Alden Environmental Commission
 3311 Wende Road

Alden (Town)

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Alden, New York 14004

Peter Warn
 225 Lehn Springs Drive
 Williamsville, New York 14221

Amherst (Town)

Jeffrey Harris
 Town of Aurora
 5 South Grove Street
 East Aurora, New York 14052

Aurora (Town)

Mary Lee
 10040 Darien Road
 Holland, New York 14080

Colden (Town)

Lamont Beers
 2880 Wood Spirit
 Eden, New York 14057

Eden (Town)

Leona Rockwood
 5043 Mt. Vernon Blvd.
 Hamburg, New York 14075

Hamburg (Town)

James Joyce
 S-9247 North Protection Road
 Holland, New York 14080

Holland (Town)

Kenneth Koehler
 5771 Barnum Road
 Akron, New York 14001

Newstead (Town)

Frank Newton
 6463 Bunting Road
 Orchard Park, New York 14127

Orchard Park (Town)

Peter Tarnawskyj
 5716 Vermont Hill Road
 South Wales, New York 14139

Wales (Town)

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

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 19E-16) Health - Grant Positions Restoration

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CHAIRMAN HOLT directed that Comm. 19E-16 remain on the table for consideration later in the session.

Item 42 – (Comm. 19E-17) Parks - County Parks Staffing

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – (Comm. 19E-18) Senior Services - Authorization To Amend The Expanded In-Home Services For The Elderly Program and the Community Services for the Elderly Grant Budgets

Item 44 – (Comm. 19E-19) Senior Services - Authorization to Establish State Pharmaceutical Assistance Program Grant

Item 45 – (Comm. 19E-20) Senior Services - Authorization to Recreate Positions Reimbursed by Federal & State Funded Programs

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

Item 46 – (Comm. 19E-21) Probation & Youth Detention Services - Adjustments in Staff

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – (Comm. 19E-22) Social Services - Request for Position Restorations & Fills

Item 48 – (Comm. 19E-23) Health - Transfer of Funds

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 49 – (Comm. 19E-24) DPW - Addition of Eight Laborer RPT's Fully Funded by the Office of Courts Administration

CHAIRMAN HOLT directed that Comm. 19E-24 remain on the table for consideration later in the session.

Item 50 – (Comm. 19E-25) Assistant Veterans Service Officer - Restoration of Position

CHAIRMAN HOLT directed that Comm. 19E-25 remain on the table for consideration later in the session.

Item 51 – (Comm. 19E-26) Probation & Youth Detention Services - Adjustment in YDDP & SDDP Youth Contracts

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – (Comm. 19E-27) Social Services - Non-Residential Domestic Violence Contracts

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Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 53 – (Comm. 19E-28) ECSD Nos. 2 & 4 - Engineer Term Agreement - Work Order: MPI-1, Legislative Comm. 21E-33

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 54 – (Comm. 19E-29) Senior Services - Authorization to Transfer Taken Out of Service Vans

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 55 – (Comm. 19E-30) CPS - Contract with Tiburon, Inc.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 – (Comm. 19E-31) DPW - Limiting Overhead and Profit for Consultant Contracts

Item 57 – (Comm. 19E-32) DPW - Town of Evans Portion of Shore Line Trail - Lake Shore Road CR 111 - Town of Evans

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

Item 58 – (Comm. 19E-33) Health - Medical Examiner Division: Division of Criminal Justice Services - National Forensic Sciences Improvement Act - 10/1/04 - 9/30/06

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 59 – (Comm. 19E-34) Southtowns Sewage Treatment Agency - Engineer Term Agreement

Item 60 – (Comm. 19E-35) ECSD No. 6 - Engineer Term Agreement - Work Order: DA-2

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

Item 61 – (Comm. 19E-36) Social Services - Reallocation of Prior Year Funds

Item 62 – (Comm. 19E-37) Social Services - Preventive Services Contract Reallocation

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

Item 63 – (Comm. 19E-38) DPW - Formal Abandonment of Portion of Big Tree Road - Town of Wales

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 64 – (Comm. 19E-39) Senior Services - Authorization to Contract with a New Dietician Consultant

Item 65 – (Comm. 19E-40) Senior Services - Authorization to Amend the Elder Abuse Prevention (Title VII) and the Long Term Care Ombudsman Program Grant Budgets

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

Item 66 – (Comm. 19E-41) Emergency Services - Proposal for the Adoption of the National Incident Management System (NIMS) to Meet the Homeland Security Presidential Directive

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 67 – (Comm. 19E-42) Grant Programs - Authorization to Contract

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 68 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO.186
-
(Comm.

RE: ECSD No. 1 - Release of Easement
French Road - Town of Cheektowaga
19E-43)

WHEREAS, the County of Erie secured easements for property in Erie county Sewer District No. 1 at 210 French Road in the Town of Cheektowaga; and

WHEREAS, the Legislature required payment of a \$100,000.00 fee to abandon the easements;

WHEREAS, the County of Erie has completed alternate sewer system improvements in the area and no longer requires the easement; and

WHEREAS, the \$100,000.00 fee is an undue hardship to the adjacent property owner whose business cannot physically expand to 210 French Road with the easements in place; and

WHEREAS, the Erie County Sewer District No. 1 Board of Managers recommends release of the easement for \$1.00.

NOW, THEREFORE, BE IT

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RESOLVED, that the Legislative Resolution Reference Comm. 12E-18, dated July 11, 1996, that required payment of \$100,000.00 fee to abandon the easement at 210 French Road, be rescinded and the easement be released for \$1.00; and be it further

RESOLVED, that the Erie County Department of Environment & Planning/Division of Sewerage Management, is here by authorized to prepare, execute and file paperwork for termination of the easements for 210 French Road, Cheektowaga New York; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one (1) certified copy each to Joel A. Giambra, County Executive; and Gregory Dudek, Assistant County Attorney.

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

CARRIED UNANIMOUSLY.

Item 69 – (Comm. 19E-44) ECSD No. 6 - SSTA - Disinfective Improvements - Contract No. 6ST-A - Change Order No. 1 - Summit Construction Group

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 70 – (Comm. 19E-45) RAN Expected To Close During Week of 7/11/05

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 71 – (Comm. 19E-46) Award of Contract - Comm. 12E-42 - ECSD No. 2 - Herr Rd., Buffalo Beach & Shorecliff - Pumping Station Modification Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 72 – (Comm. 19E-47) Appropriation of \$3.5 Million for Risk Retention Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 73 – (Comm. 19E-48) DPW - Proposed Acceptance & Use of NYSERDA's Financial Incentive Award

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

Item 74 – (Comm. 19E-49) DEP - No-Cost Budget Revision for the Rebuild WNY Initiative

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 75 – (Comm. 19E-50) Probation & Youth Detention Services - Adjustment in YDDP & SDDP Youth Contracts

Received and filed.

Item 76 – (Comm. 19E-51) Continuation of Two Law Clerk Positions in the Dept. of Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 77 – (Comm. 19E-52) Proposed ECSD No. 8 - EC Sewer Agency Report - Village of East Aurora/Town of Aurora

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 78 – (Comm. 19E-53) Apportionment & Distribution of 4% Sales Tax for April, May & June 2005

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 79 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

RE: Resolution Regarding Filling Vacancies In
The County Clerk's Office (Comm. 19E-54)

WHEREAS, on May 5, 2005, the Erie County Legislature adopted a resolution to raise the cover page fee collected by the County Clerk's Office from \$5 to \$15, resulting in \$1.1 million in new, unanticipated revenues, and

WHEREAS, in the same resolution, the Legislature approved the restoration of 15 positions in the Erie County Clerk's Office Registrar's Division and 14 positions in the Auto Bureau at an expense of \$1.1 million, resulting in no net revenue impact on the Erie County budget due to the fee increase, and

WHEREAS, since the time that the positions were restored, four vacancies have occurred: 2 Motor Vehicle Representative positions in the Auto Bureau, and 1 Senior Document Clerk and 1 Document Clerk in the Registrar's Office, and

WHEREAS, maintaining the staffing levels established by the May 5 resolution is essential to the operations of the County Clerk's Office and the continued flow of revenues to Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorized the immediate filling of the four aforementioned vacancies in the County Clerk's Office, and agrees to maintain at least the minimum staffing levels established by the cover page fee increase on May 5.

MS. MARINELLI moved for approval of the item. MS. CHASE seconded. LEGISLATORS RANZENHOFER, MARSHALL, CUSACK, and WROBLEWSKI voted in the negative.

CARRIED.

FROM THE COUNTY EXECUTIVE

Item 80 – (Comm. 19E-55) Probation & Youth Detention Facility - Establish Prime Time Program Using Available State Aid

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 81 – (Comm. 19E-56) ECC South Campus - 2005, Building 3 HVAC Upgrades

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE SHERIFF

Item 82 – (Comm. 19E-57) Personnel Adjustments

Received and referred to the PUBLIC SAFETY COMMITTEE.

SUSPENSION OF THE RULES

Item 83 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

COMM. 19E-60 from the COUNTY EXECUTIVE Re: Surplus Revenue - Road Reserve Fund - Public Hearing Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 84 – (COMM. 19D-1) Notification of Lawsuit - Mohr & Ward v. John Greenan, Et Al

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BECPL

Item 85 – (Comm. 19D-2) Agenda For Board of Trustees Meeting Held 6/16/05

Received and filed.

FROM PARKS, RECREATION & FORESTRY

Item 86 – (Comm. 19D-3) Monitoring Report for the Erie County Golf Courses - May 2005

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DISS

Item 87 – (Comm. 19D-4) DISS Fleet Services Audit for Period 9/1/03 - 8/31/04

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 88 – (Comm. 19D-5) Notice of Informational Meeting of the Community Services Committee and Public Hearing Regarding ECC 2005-06 Budget On 6/28/05

Received, Filed & Printed.

To: All Erie County Legislators

From: Kevin Kelley, Clerk of the Legislature

Subject: **INFORMATIONAL MEETING**
COMMUNITY SERVICES COMMITTEE

PUBLIC HEARING - ECC 2005-2006 BUDGET

PLEASE TAKE NOTICE that under the direction of Committee Chair Timothy Kennedy, the Community Services Committee will hold an INFORMATIONAL MEETING on TUESDAY, JUNE 28, 2005 at 9:00 am in the Legislature Chambers.

The purpose of the meeting will be to' discuss the proposed 2005-2006 Erie Community College Budget.

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

PLEASE ALSO TAKE NOTICE that a PUBLIC HEARING concerning the 2005-2006 Erie Community College Budget will be held at 12:00 pm on TUESDAY, JUNE 28, 2005 in the Legislature Chambers.

cc: Erie County Executive, Erie County Comptroller, Budget Director, County Attorney, ECC Board of Trustees, ECC President, Media, the Public, Other Interested Parties

FROM THE COUNTY ATTORNEY

Item 89 – (Comm. 19D-6) Mohr et al. v. Greenan et al.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMUNITY COLLEGE

Item 90 – (Comm. 19D-7) Notice of Board of Trustees Meeting To Be Held On 6/29/05

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 91 – (Comm. 19D-8) BMR For The Period Ending 4/30/05

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SOCIAL SERVICES

Item 92 – (Comm. 19D-9) Letter to Kennedy Re: Blueprint For Change Progress

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 93 – (Comm. 19D-10) Letter to Holt Re: Legislator Chase's Absence From 6/28 & 6/28 Committee Meetings & Special Session

Received, Filed & Printed.

June 28, 2005

George A. Holt, Jr., Chairman
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Mr. Holt:

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

I have been informed by Legislator Jeanne Z. Chase that she will be unable to attend either Monday's (6/27) or Tuesday's (6/28) committee meetings. She will also be unavailable for Special Session to be held June 28, 2005.

Legislator Chase is unavailable due to a medical emergency.

Very truly yours,

Kevin M. Kelley, Clerk
Erie County Legislator

FROM THE COUNTY ATTORNEY

Item 94 – (Comm. 19D-11) Certified Copy of LL No. 6 – 2005

Received, Filed & Printed.

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

RFP



RECEIVED
ERIE COUNTY LEGISLATURE

2005 JUN 30 A 9:13

County of Erie

FREDERICK A. WOLF
COUNTY ATTORNEY

DEPARTMENT OF LAW

JOEL A. GIAMBRA
COUNTY EXECUTIVE

GEORGE MICHAEL ZIMMERMANN
~~XXXXXXXXXXXX~~
SUSANNAH M. BOCHENEK
SECOND ASST. COUNTY ATTORNEY

June 29, 2005

VIA HAND DELIVERY

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

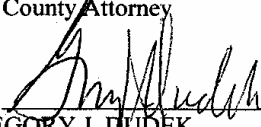
RE: LOCAL LAW No. 6-2005

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: 
GREGORY J. DUDEK
Assistant County Attorney

GJD/crj
Enc.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~
~~XXXX~~ of Erie
~~Town~~
~~Village~~
~~XXXXXX~~

Local Law No. 6 of the year 20.....

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

Be it enacted by the Legislature of the

County
~~XXXX~~
~~Town~~ of Erie as follows:
~~Village~~

Section 1. Short Title. This Local Law shall be known as the "Erie County Budget Disclosure Act" and shall amend, as hereinafter specified Section 1802 of the Erie County Charter and Section 18.04 Sub. f of the Erie County Administrative Code.

Section 2. Legislative Intent. The Erie County Legislature hereby determines that the people of Erie County have the right to know the contents of and fiscal implication of the County's adopted annual budget, the County Executive's tentative budget for the ensuing fiscal year, the County Executive's budget projections for the two subsequent years, and the extent of the capital program to ensure fiscal accountability.

Section 3. Purpose. Section 1802 of Article 18 of Local Law No. 1-1959 constituting the Erie County Charter, as amended, is repealed, and a new Section 1802 is established as a fully amending Section 1802 of the Erie County Charter.

Section 4. Provisions. The following provisions shall be inserted to amend the Erie County Charter and the Administrative Code to the extent of the provisions hereinafter set forth.

- (A) On or before the 15th day of October of each year the County Executive shall submit to the County Legislature a tentative budget for the ensuing fiscal year, a financial forecast for the two (2) subsequent years, a capital program for the next six (6) fiscal years, and an accompanying message.
- (B) Henceforth upon the enactment of this Local Law on or before the 15th day of October the County Executive shall submit the tentative budget (including both the operation and maintenance budget, and the capital budget) for the ensuing year, a two-year budget forecast for succeeding years and the capital program for the ensuing six (6) fiscal years, together with an accompanying message to the County Legislature.
- (C) The County Executive, or his appointed director of budget and management, shall prepare a monthly report which shall include a summary of revenues and expenditures for the preceding month. The report shall be detailed as to the appropriations and funds in such manner as to show the current financial condition and financial future of the county

(If additional space is needed, attach pages the same size as this sheet, and number each.)

by department and shall compare projected revenues and expenditures with actual and accrued revenues and expenditures. Monthly budget reports filed after the month of May shall include year-end forecasts. Monthly budget reports, containing comprehensive fiscal details set forth herein, shall be filed with the County Legislature monthly, on or before the last calendar day of the subsequent calendar month.

Section 5. Publication. The Clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing Local Law to be published in the County's official newspapers.

Section 6. Effective Date. This Local Law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2005 of the (County)(City)(Town)(Village) of Erie Erie County Legislature on June 2, 2005, and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive and was deemed duly adopted on June 23, 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin M. Kelley
Clerk of the County Legislative Body - City, Town or Village
* If Affirmative Designated by Local Law, delete City, Town or Village *

(Seal)

Date: 6-29-05

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Gregory J. Dudek
Signature

Gregory J. Dudek, Assistant County Attorney

Title

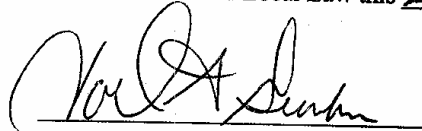
County
 City of Erie
 Town
 Village

Date: June 29, 2005

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 9-2005 on Wednesday, June 15, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 23 day of June, 2005.



Handwritten signature of Joel A. Giambra, County Executive of Erie County, written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 9-2005 on Wednesday, June 15, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this day of June, 2005.

MEETING NO. 19

July 7, 2005

ERIE COUNTY LEGISLATURE

Item 96 – (Comm. 19D-12) Certified Copy of LL No. 7 – 2005

Received, Filed & Printed.

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

RFP



RECEIVED
ERIE COUNTY LEGISLATURE

2005 JUN 30 A 9:13

County of Erie
DEPARTMENT OF LAW

FREDERICK A. WOLF
COUNTY ATTORNEY

JOEL A. GIAMBRA
COUNTY EXECUTIVE

GEORGE MICHAEL ZIMMERMANN
~~XXXXXXXXXXXX~~
FIRST ASST. COUNTY ATTORNEY
SUSANNAH M. BOCHENEK
SECOND ASST. COUNTY ATTORNEY

June 29, 2005

VIA HAND DELIVERY

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

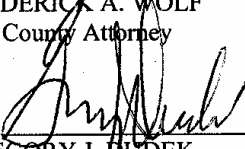
RE: LOCAL LAW No. 7-2005

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: 
GREGORY J. DUDEK
Assistant County Attorney

GJD/crj
Enc.

19D-12

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~XCity~~
~~XTown~~ of Erie
~~XVillage~~

Local Law No. 7 of the year 2005.

A local law amending Local Law No. 2-1992 establishing a Probation Administrative Fee and establishing an Electronic Monitoring Fee and a Drug Testing Fee in Erie County.

Be It enacted by the Legislature of the

County
~~XCity~~
~~XTown~~ of Erie as follows:
~~XVillage~~

Section 1. Section 1 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 1. Legislative Intent. The Erie County Legislature finds it to be in the best interests of the County of Erie, as matters both of public safety and fiscal responsibility, to require that, subject to their ability to pay, individuals under sentences of probation who are receiving administrative, electronic monitoring and drug testing services from the Erie County Department of Probation and Youth Detention pay reasonable fees so as to defray the costs of such services in order that adequate staffing levels can be maintained within said department.

Section 2. Section 2 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 2(A). Administrative Fee. It is hereby required that all individuals who are currently serving or who shall be sentenced to a period of probation upon conviction of any crime, whether under article thirty-one of the vehicle and traffic law or under any other law, shall pay to the Erie County Department of Probation and Youth Detention an administrative fee of thirty-five dollars per month during the period starting with the commencement of the sentence of probation and ending with the termination of same pursuant to law. The proceeds from this fee shall remain in the Department of Probation and Youth Detention to assist with the cost of probation supervision.

SECTION 2(B). Electronic Monitoring Fee. It is hereby required that all individuals who are currently serving or who shall be sentenced to a period of probation upon conviction of any crime, whether under Article 31 of the Vehicle and Traffic Law or under any other law, and who is required to submit to electronic monitoring pursuant to Section 65.10(4) of the Penal Law, shall pay to the Erie County Department of Probation and Youth Detention an electronic monitoring fee of three dollars per day during the period starting with the commencement of such electronic monitoring and ending with the termination of same pursuant to law. The proceeds from this fee shall remain in the Department of Probation and Youth Detention to assist with the cost of probation supervision.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 2(C). Drug Testing Fee. It is hereby required that all individuals who are currently serving or who shall be sentenced to a period of probation upon conviction of any crime, whether under article thirty-one of the vehicle and traffic law or under any other law, and who is required to submit to drug testing as a condition thereof, shall pay to the Erie County Department of Probation and Youth Detention a drug testing fee of fifty dollars for each such sentence of probation not being served concurrently. The proceeds from this fee shall remain in the Department of Probation and Youth Detention to assist with the cost of probation supervision.

Section 3. Section 3 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 3. Fee Waivers Determined Monthly. The Erie County Department of Probation and Youth Detention shall waive one or more of such fees, or portions thereof, where, because of the indigence of the person sentenced to probation, requiring full payment would work an unreasonable hardship on such person, his or her immediate family, or any other person who is dependent on such person for financial support. The said department shall make such fee waiver determinations on a monthly basis.

Section 4. Section 4 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 4. Fees Not a Condition of Sentence. Payment of the fees required hereunder shall not constitute nor be imposed as a condition of a sentence of probation.

Section 5. Section 5 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 5. Collection of Fees. The provisions of subdivision 6 of Section 420.10 of the Criminal-Procedure Law shall govern for purposes of collection of the fees required hereunder.

Section 6. Section 6 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 6. Enforcement as Debt. In the event of the non-payment of any of the fees required hereunder, where such fees have not been waived, the County may seek to enforce payment in any manner permitted by law for the enforcement of a debt.

Section 7. Section 7 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 7. Utilization of Collected Fees. Monies collected hereunder shall be utilized for probation services by the Erie County Department of Probation and Youth Detention and shall not be considered by the New York State Division of Probation and Correctional Alternatives when determining state aid reimbursement pursuant to Section 246 of the Executive Law nor shall such monies be used to replace federal funds otherwise utilized for probation services.

Section 8. County of Erie Local Law No. 2-1992, as amended, is hereby further amended by adding a new Section 8 to read as follows:

SECTION 8. Severability. If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, in whole or in part, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 9. County of Erie Local Law No. 2-1992, as amended, is hereby further amended by adding a new Section 9 to read as follows:

SECTION 9. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2005 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on June 2 2005 and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive and was deemed duly adopted on June 23 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

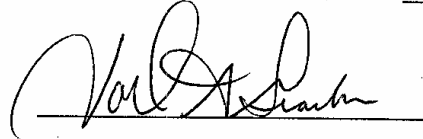
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 10-2005 on Wednesday, June 15, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 23 day of June, 2005.



Handwritten signature of Joel A. Giambra, County Executive of Erie County, written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 10-2005 on Wednesday, June 15, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of June, 2005.

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

FROM THE COMMUNITY COLLEGE

Item 97 – (Comm. 19D-13) Agenda of Monthly Meeting Held 6/29/05

Received and filed.

FROM PARKS, RECREATION & FORESTRY

Item 98 – (Comm. 19D-14) Monitoring Report for the Erie County Golf Courses - June 2005

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 99 – (Comm. 19D-15) Redeployment of Resources - Department of Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 100 – (Comm. 19M-1) Annual 17A Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 101 – (Comm. 19M-2) Notice & Agenda of Meeting Held 6/17/05

Received and filed.

FROM THE NYS SUPREME COURT

Item 102 – (Comm. 19M-3) Order to Show Cause - Mohr, et al vs. Greenan, et al

Received and filed.

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 103 – (Comm. 19M-4) Agenda for Meeting Held 6/24/05

Received and filed.

FROM THE NYS SUPREME COURT

Item 104 – (Comm. 19M-5) Subpoena Duces Tecum - Mohr, et al vs. Greenan, et al

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECWA

Item 105 – (Comm. 19M-6) Comprehensive Annual Financial Report For Year Ending 12/31/04

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JOHN J. CANAVAN

Item 106 – (Comm. 19M-7) Request For Consideration As Interim Comptroller

Received and filed.

FROM CONGRESSWOMAN SLAUGHTER

Item 107 – (Comm. 19M-8) Receipt of Certified Resolution

Received and filed.

FROM THE BUFFALO-NIAGARA CONVENTION CENTER

Item 108 – (Comm. 19M-9) Request For Written Commitment of 2006 Funding

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 109 – (Comm. 19M-10) Annual Data Request & Related Documents for FYE 2005

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECIDA

Item 110 – (Comm. 19M-11) Notice of Board of Directors Meeting To Be Held 7/11/05

Received and filed.

FROM THE ECWA

Item 111 – (Comm. 19M-12) 2004 Annual Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 112 – (Comm. 19M-13) Minutes From Board Meeting Held 5/23/05

Received and filed.

COMMUNICATIONS FROM ELECTED OFFICIALS

Chairman Holt directed that the Legislature return to the items left on the table.

FROM THE COUNTY EXECUTIVE

Item 113 – (Comm. 19E-11) CPS - Professional Services - EM Systems, Inc.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 114 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

RE: DPW - Restoration of Assistant
 Architect Position (Comm. 19E-12)

WHEREAS, in a resolution from your session starting on June 16, 2005 and continuing to June 17, 2005, being Communication No, 14E-6, your Honorable Body authorized adding two positions (Architect and Senior Mechanical Engineer) to the Department of Public Works to be paid from funds available from the Botanical Gardens and Pubic Safety Building, and

WHEREAS, as discussed in Committee, the current Assistant Architect would accept the Architect's position and then the former Assistant Architect would be rehired in accordance with Civil Service regulations, and

WHEREAS, in the June 14, 2005 session, your Honorable Body placed a hiring freeze on all vacant positions, including future vacancies, and

WHEREAS, the position of Assistant Architect cannot be filled without your approval,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the restoration and filling of the position of Assistant Architect within the Department of Public Works, and be it further,

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

MEETING NO. 19
July 7, 2005

ERIE COUNTY LEGISLATURE

MS. MARINELLI moved for approval of the item. MR. SWANICK seconded. Legislators Wroblewski and Ranzenhofer voted in the negative.

CARRIED.

Item 115 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded. Legislator Ranzenhofer voted in the negative.

CARRIED.

RESOLUTION NO. 189

RE: Health - Grant Positions Restoration
 (Comm. 19E-16)

WHEREAS, the Erie County Legislature at Meeting #15 held June 14, 2005 adopted resolution Int. 15-9 deleting all vacant positions throughout every department of county government, and

WHEREAS, in the Erie County Department of Health the number of vacant positions deleted totaled 73, of which 27 were 100% grant funded with no cost to the county, and

WHEREAS, funding may be jeopardized if these positions are not reinstated since the county will no longer meet the requirements of its contractual obligations with the grantors,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the re-instatement of following grant funded positions within the Erie County Department of Health:

SHORT DESCRIPTION	JOB GROUP	GRANT	B100#
ADMIN CLERK	GRP 07	LEAP0305	995
CHF ACT CLK	GRP 07	WIC0405	996
HIV TECH SUP	GRP 05	WSTREGTRAIN0405	997
INV PH SAN	GRP 08	CHILDL2005	998
JR ED SP EH	GRP 07	INHOMEASTH0304	999
LAB TCH PH	GRP 07	27BT0405	1000
LAB TCH PH	GRP 07	27BT0405	1000
PH NURSE	GRP 09	PHCTB0506	1001
PH NURSE	GRP 09	HIVPARTNOT0405	1001
REG NURSE	GRP 08	WOMENHLTH2005	1002
REG NURSE	GRP 08	PHCTB0506	1002
SR CL TYP	GRP 04	FACENROLL2005	1003
SR CL TYP	GRP 04	27BT0405	1003
SR INV PH SN	GRP 10	HEALTHYHOME0407	1004
SR INV PH SN	GRP 10	27BT0405	1004
SUPV PH SAN	GRP 11	HLTHYNEIGH0405	1005
WIC VEND SP	GRP 07	WICVENDOR0405	1006

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AC CL TY RPT	GRP 04	PARTPREV0506	1007
ENV ED SP RP	GRP 09	HEALTHYHOME0407	1008
MED OF AS RP	GRP 04	WOMENHLTH2005	1009
PH NURSE RPT	GRP 09	CHILDLEAD2005	1010
PH NURSE RPT	GRP 09	CHILDLEAD2005	1010
RES CA PR RP	GRP 06	INHOMEASTH0304	1011
ACC CL TY PT	GRP 04	27BT0304	1013
ASC PH SA PT	GRP 14	YOUTHTOB0405	1014
CH ACT CLK	GRP 07	WOMENHLTH2005	996
INTERN HT PT	GRP 01	27BT0405	1015

AND BE IT FURTHER

RESOLVED, that the above stated positions are 100% grant funded with no cost to the County of Erie, 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. MARINELLI moved for approval of the item. MR. SWANICK seconded. Legislator Ranzenhofer voted in the negative.

CARRIED.

Item 116 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded. Legislators Wroblewski and Ranzenhofer voted in the negative.

CARRIED.

RESOLUTION NO. 190

RE: DPW - Addition of Eight Laborer RPT's
 Fully Funded by the Office of Courts
 Administration (Comm. 19E-24)

WHEREAS, the Department of Public Works is fully reimbursed by the Office of Courts Administration (OCA) for cleaning their facilities at 25 Delaware, 92 Franklin and One Niagara Plaza, and

WHEREAS, OCA also fully reimburses for “Tenant Work”, including painting, fixtures, and improvements specifically requested by them, and

WHEREAS, as phases of capital construction are completed on those buildings and facilities open, the cleaning staff required by OCA is not sufficient, and

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WHEREAS, OCA has requested that the positions be added while maintaining a zero change in their contract and not adding any additional cost to Erie County, and

WHEREAS, to accomplish these goals and fund those new positions with zero cost increase to the County or the contract, OCA has requested the line item in the contract between OCA and Erie County for personnel be increased to fully reimburse for these positions and the line item for "Tenant Work" be reduced by the same amount,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the creation of eight Laborer RPT (Grade 3) positions to the Department of Public Works effective July 1, 2005, and be it further,

RESOLVED, a B-100 has been created in the SAP system being number 930 to accomplish these additions, and be it further,

RESOLVED, to accommodate the contract revisions and fully fund these positions **with no additional County funds**, Account 506200 is to be reduced by \$98,000 and Account 500000 is to be increased by \$98,000, and be it further,

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

MS. MARINELLI moved to amend the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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MEMORANDUM

TO: GERARD SENTZ, Erie County Commissioner of Public Works

FROM: ANDREW ISENBERG, Executive Assistant ~ .

RE: CUSTODIAL STAFFING

It is our understanding that you currently have a Resolution pending before the Erie County Legislature for the creation of 8 regular part-time laborer (custodial) staffing positions who will be assigned exclusively to work in our Erie County Court Facilities located at:

92 Franklin St.
 25 Delaware Ave.

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77 West Eagle
Erie County Family Court Building
TICOR Building

This will confirm that we support the creation of the positions which will be funded in full by the Unified Court System of the State of New York ("UCS"). We will fund these positions through our annual Maintenance and Operating contract with the County of Erie (M&O Contract). It is necessary for us to have these new positions to assure that our facilities are adequately cleaned and maintained for the use of our judges, staff and most importantly the public. The anticipated completion of renovations at 92 Franklin and 25 Delaware requires that we have these positions created immediately. In response to your inquiry concerning whether the UCS M&O Contract can be used for other purposes such as the restoration of probation officer positions, we regretfully advise that UCS is not permitted to fund or assist with funding for additional probation officers or other purposes unrelated to maintenance and operating matters.

Notwithstanding the foregoing, the District Administrative Judge, Hon. Sharon S. Townsend, and I would like to emphasize that we strongly believe it is imperative that probation officer positions need to be restored to the Erie County Budget immediately. The cuts imposed on the Probation Department have adversely affected our criminal justice system and have created a significant public safety issue for residents of our community. Our criminal court operations have been significantly impaired as a result of the elimination of probation officer positions. We are experiencing large backlogs in the disposition of criminal matters due in part to the inability of our courts to receive information for sentencing purposes from the Probation Department. We are hopeful that Erie County will recognize its obligations in this area and take steps necessary to restore these positions.

If you or any other representatives of Erie County have any further questions we can answer, please do not hesitate to contact me at 845-2506.

ABI/mow

MS. MARINELLI moved for approval of the item as amended. MR. SWANICK seconded. Legislators RANZENHOFER and WROBLEWSKI voted in the negative.

CARRIED.

Item 117 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded. Legislators Weinstein, Marshall and Ranzenhofer voted in the negative.

CARRIED.

RESOLUTION NO. 191

RE: Assistant Veterans Service Officer -
Restoration of Position (Comm. 19E-25)

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WHEREAS, the Erie County Office of Veteran's Services handles on average 70 phone calls per day, processes 60 claims per month for veterans in nursing homes, and processes survivor benefits and death compensation claims for veterans; and

WHEREAS, the County of Erie has traditionally funded the position of "Assistant Veterans Service Officer" in order to assist in the processing of various veterans' benefit claims and to perform other related tasks in the Office of Veterans' Services; and

WHEREAS, the 2005 Erie County Budget did not fund the position of Assistant Veterans Services Officer; and

WHEREAS, The Office of Veterans' Services requests that the position of Veterans Services Officer be restored, in order to eliminate understaffing and ensure that veterans' claims are timely processed.

WHEREAS, The position was restored by the Erie County Legislature on May 19, 2005, however, during the process of filling the position a subsequent resolution was passed on June 14, 2005 which eliminated all vacant positions.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Assistant Veterans Service Officer (Grade 8, Step 5) be restored, effectively immediately, with an annual salary of \$41,980; and be it further

RESOLVED, that this position is to be funded from the County Contingency Fund 110, Fund Center 1401010, Account 598900, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget, Management & Finance, Personnel Department, and the Director of Veterans' Services.

MS. MARINELLI moved to approve the item. MR. SWANICK seconded. Legislators Weinstein, Marshall and Ranzenhofer voted in the negative.

CARRIED.

MEMORIAL RESOLUTIONS

Item 118 – MS. CUSACK requested that when the Legislature adjourns, it do so in memory of Leonard Nitkowski.

Item 119 – MR. WEINSTEIN requested that when the Legislature adjourns, it do so in memory of Hugh W. Calkins.

Item 120 – MR. WEINSTEIN requested that when the Legislature adjourns, it do so in memory of Phillip Santa Maria.

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Item 121 – MR. KENNEDY requested that when the Legislature adjourns, it do so in memory of Mildred Sabina Theresa Kennedy.

Item 122 – MR. KENNEDY requested that when the Legislature adjourns, it do so in memory of William Phillip Homer Lewis.

Item 123 – MR. KENNEDY requested that when the Legislature adjourns, it do so in memory of the victims of the London Subway Terrorism Bombing.

Item 124 – MR. SMITH requested that when the Legislature adjourns, it do so in memory of the victims of Homicide inside the City of Buffalo.

ADJOURNMENT

Item 124 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday, July 14, 2005 at 2 p.m. Eastern Standard Time. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday July 14, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK