

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

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MEETING NO. 22
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The Legislature was called to order by Chairman Holt.

All Members Present except Legislator Swanick.

The invocation was led by Mr. Jerry Giller, The Chapel.

The Pledge of Allegiance was led by Mr. Smith.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meeting #18, #19 & #20 of 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating NYS Senator Mary Lou Rath for Being Named Woman of Distinction by the Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 6 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating Kanoodle.com for Being Named Business of the Year in Technology by Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 7 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating Pet Supplies Plus for Being Named Business of the Year in Retail Services by Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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Item 8 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating Carr Marketing Communications for Being Named Family Owned Business of the Year by Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above four resolutions. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating Tom Golisano for Being Named Entrepreneur of the Year by Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution with the additional Co-Sponsorship of LEGISLATORS SMITH, CHASE, MARSHALL & McCARVILLE. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating Univera for Being Named Business of the Year in Community Service by Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating National Fuel for Being Named Business of the Year by Amherst Chamber of Commerce. MS. MARINELLI seconded.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED (13-1). LEGISLATOR DUSZA in the negative.

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Item 12 – RANZENHOFER, CUSACK & WEINSTEIN presented a resolution Congratulating Rural Metro Medical Services for Being Named Business of the Year in Health/Health Services by Amherst Chamber of Commerce. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. MARSHALL presented a resolution Saluting Stanley Kloc for His 53 Years as a Volunteer with Blossom Fire Company in Elma, NY. MS. MARINELLI seconded.

MS. MARINELLI moved to amend the resolution with the additional Co-Sponsorship of LEGISLATOR WROBLEWSKI. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI move the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. MARSHALL presented a resolution Recognizing Corey Skampinski – Overall Winner of NFL Punt, Pass & Kick Competition Sponsored by Elma, Marilla & Wales Kiwanis. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. McCARVILLE presented a resolution Recognizing Orchard Park Resident Amy Hoffman for Earning the Gold Award From Girl Scouts of America. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution with the additional Co-Sponsorship of LEGISLATOR SCHROEDER. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. McCARVILLE presented a resolution Congratulating Mike Sherry, 23 Year Veteran of Orchard Park Police Department, for Being Named First Assistant Chief of the Department.

MS. MARINELLI moved to amend the resolution with the additional Co-Sponsorship of LEGISLATOR SCHROEDER. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – CHASE, CUSACK & MARSHALL presented a resolution Recognizing October as National Domestic Violence Awareness Month. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 18 – MAJORITY CAUCUS presented a resolution In Memory of Former Erie County Legislator Frank P. Pleto. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. MARINELLI presented a resolution In Memory of William J. McKenna. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 20 – MS. MARINELLI presented a resolution Congratulating OLV Institutions in Celebrating 150 Years of Service at the 24th Annual Friends of Father Baker Reception. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. KUWIK presented a resolution Honoring Ted Katra & Nick Monafu for Their Efforts in Veterans Stadium Restoration Project. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. MARINELLI presented a resolution Honoring Child & Family Services Haven House. MR. DEBENEDETTI seconded.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 23 – MAJORITY CAUCUS presented a resolution Recognizing Legislator Ray Dusza being Honored by the Diocese Holy Name Society – 8 County Wide Destination as Layman of the Year. MR. DEBENEDETTI seconded.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

MS. MARINELLI moved the approval of the above seven resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 24 –CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 25 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 26 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 27 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

Local Law No. _____-2004

Local Law Intro. No. 11- 2004

A LOCAL LAW defining special or outside counsel and lobbyists, and requiring their disclosure and hiring only after a request for proposal (RFP) has been conducted, and prior approval granted by the Erie County Legislature.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE, AS FOLLOWS:

Section 1. Short Title.

This Local Law may be cited as the "Erie County Lobbyist and Counsel Responsibility Law."

Section 2. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that increasingly special or outside legal counsel, and/or lobbyists are being retained by the Executive Branch of County government with little or no legislative oversight of the activities of these persons engaged in these activities, knowledge of their identity, their method of retention, or cost to the taxpayers. Local legislation is necessary in order to provide appropriate legislative oversight of these matters, including policy review and cost containment.

Section 3.

As used in this Local Law, all terms and words shall have the meanings as defined in Chapter 32 of the Consolidated Laws of the State of New York, otherwise known as the Legislative Law (Lobbying Act).

- a. The term "lobbyist" shall mean every person or organization retained, employed or designated by Erie County to engage in lobbying. The term "lobbyist" shall not include any officer, director, trustee, employee, counselor agent of New York State, or any municipality or political subdivision contained therein when discharging their official duties; except those officers, directors, trustees, employees, counsels, or agents of colleges, as defined by section two of the education law.
- b. The term "special counsel" or "outside counsel" shall mean any attorney or law firm retained by the Executive Branch, the Legislative Branch, any elected or appointed officer or employee of Erie County, including the County Attorney, to carry on lobbying or legal activities, or representation and/or advocacy on behalf of Erie County.
- c. Erie County shall mean the municipal corporation of Erie County, New York and all its officers, agents and employees, whether elected or appointed, in the Executive Branch, the Legislative Branch, and any other County Board, agency or committee.
- d. The term "lobbying" or "lobbying activities" shall mean any attempt to influence the passage or defeat of any legislation at either the local, State or Federal level of government; or the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by any local, State or Federal agency; or the appropriation of any monies by budget, grant or otherwise by any element or entity of the local, State or Federal government. The terms "lobbying" or "lobbying activities" shall not include:
 - (1) Persons engaged in drafting legislation, rules, regulations or rates, advising clients and rendering opinions on proposed legislation, rules, regulations or rates, where such professional services are not otherwise connected with legislative or executive action on such local, State or Federal legislation, or local, State or Federal administrative action on such rules, regulations or rates;
 - (2) Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;
 - (3) Persons who participate as witnesses, attorneys or other representatives in public rule making or rate making proceedings of New York State or any political subdivision thereof and/or any Federal agency, with respect to all participation by such persons which part of the public record thereof and all preparation by such persons for such participation;

- (4) Persons who attempt to influence New York State or any political subdivision thereof or a Federal agency in an adjudicatory proceeding, as defined by section one hundred of the New York State Administrative Procedure Act;
 - (5) Persons who prepare or submit a response to a request for information or comments by the New York State Legislature, the Governor, or a New York State agency or a committee or officer of the New York State Legislature or a New York State agency or by a legislative or executive body or officer of a New York State or any political subdivision thereof or a Federal commission or committee; and
- e. The term "New York State agency" shall mean any department, board, bureau, commission, division, office, council, committee or officer of New York State, whether permanent or temporary, or a public benefit corporation or public authority at least one of whose members is appointed by the governor, authorized by law to make rules or to make final decisions in adjudicatory proceedings but shall not include the New York State judicial branch or agencies created by interstate compact or international agreement.
 - f. The term Federal government shall mean any officer or employee of the Executive or Legislative branches of the United States government, as those terms are defined in the United States Constitution and by Federal law, including, but not limited to, any department, board, bureau, commission, division, office, council, committee or officer of the United States, whether permanent or temporary, or a public benefit corporation or public benefit corporation or public authority authorized by law to make final decisions in adjudicating proceedings but shall not include the Federal judicial branch, or agencies created by international treaty.
 - g. The term local government shall mean any officer or employee of the Executive or Legislative branches of any Town, Village or City government within the County of Erie as these entities are deemed to be municipal corporations of the State of New York.
 - h. The term "legal activities", "advocacy" or "representation" shall mean any action, statement or activity entered into by any attorney, paralegal, legal assistant, or other persons engaged in the practice of law and for which they derive payment from a client, in this case, the County of Erie or its officers, officials or agents.

Section 4. Legislative Approval.

No special or outside counsel, or lobbyist, to be retained by Erie County for the purpose of lobbying or advocacy or legal representation or any legal matter, shall be retained until such person or persons has first responded to a request for proposal (RFP) initiated by Erie County, and the response has been evaluated and approved by the Erie County Legislature prior to such person or persons entering into any lobbying, lobbying activities, advocacy, legal representation or legal work upon behalf of Erie County.

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Section 5. Annual Report.

At the end of each calendar year the County Executive shall prepare, issue and file with the Clerk of the Legislature an Annual Report detailing all the special or outside counsel, and/or lobbyists retained by Erie County in the preceding calendar year, identifying them, the nature and scope of their activities, and their cost to the taxpayers and citizens of Erie County therefore. Upon the request of any Erie County Legislator, such information shall also be provided immediately at any point during the year.

Section 6.

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

Section 7.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

MS. MARINELLI moved the approval of the Local Law. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CUSACK, MARSHALL, McCARVILLE, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, RANZENHOFER & WEINSTEIN. (AYES 11, NOES 3). LEGISLATOR SWANICK absent.

CARRIED.

Item 28 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 29 – CHAIRMAN HOLT directed that Local Law No. 13 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 30 –MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 445

October 14, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 13

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

1. RESOLVED, that the following item is hereby received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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|----|----------------------------------------------------------------------------------|--------------------------------------------------------------------|-------|----------------|
| | Item | Page | -2004 | (Comm. 21E-40) |
| a. | COUNTY EXECUTIVE: | Award of Contract – Lapp Road Bridge Replacement – (Comm. 17E-29). | | |
| | (5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member. | | | |

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

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|----|----------------------------------------------------------------------------------|--------------------------------------------------------------------|-------|---------------|
| | Item | Page | -2004 | (Comm. 9E-29) |
| a. | HOLT: | Copy of Letter to NYSDEC Re: Brownfield Opportunity Areas Program. | | |
| | (5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member. | | | |

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|----|----------------------------------------------------------------------------------|-------------------------------------------|-------|----------------|
| | Item | Page | -2004 | (Comm. 21D-15) |
| b. | DEP: | SEQR – Negative Declaration – ESCD No. 2. | | |
| | (5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member. | | | |

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|----|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------|----------------|
| | Item | Page | -2004 | (Comm. 21E-32) |
| c. | COUNTY EXECUTIVE: | ECSD No. 2 – Engineering Agreement 8/29/02 – URS Corporation – Change Order No. 1. | | |
| | (5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member. | | | |

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|----|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------|----------------|
| | Item | Page | -2004 | (Comm. 21E-37) |
| d. | COUNTY EXECUTIVE: | EC Southtowns Sewage Treatment Agency – Engineering Service Agreements – Stearns & Wheler. | | |
| | (5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member. | | | |

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|----|--------------|---------------------|-------|----------------|
| | Item | Page | -2004 | (Comm. 21M-11) |
| e. | ECWA: | 2003 Annual Report. | | |

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(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

3.	Item	Page	-2003	AS AMENDED (Comm. 20E-41)
	COUNTY EXECUTIVE			
	RESOLUTION NO. <u>446</u> .			

RESOLUTION DATED _____, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____ October 14 _____ 2004.
 (Adopted) _____, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and created on February 22, 1961 (the "District") to provide sewer services to the Villages of Depew and Lancaster and the Towns of Lancaster, West Seneca, Alden and Cheektowaga; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on September 15, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 7,765 linear feet of sewer, the installation of new Didion and Brunck Road sanitary sewers, the upgrading and/or replacement of pumping stations, and the reconstruction of the overflow retention facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,850,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No.1, West Seneca District No.6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

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WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$4.07 for the District, except that those portions of the District located in the Town of Lancaster outside of any village is \$9.67; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement 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, Buffalo, New York, in said County, on the 2nd day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No .4 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:

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

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 2nd day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 4 in said County.

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The increase and improvement of such facilities consisting of the reconstruction and/or replacement of approximately 7,765 linear feet of sewer, the installation of new Didion and Brunck Road sanitary sewers, the upgrading and/or replacement of pumping stations, and the reconstruction of the overflow retention facility, as more fully described in the 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 Board of Managers of Erie County Sewer District No. 4 on September 15, 2004 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,850,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District.

The estimated hook-up fees for parcels in the District which are not already hooked up to the sewer system are \$2.00 for parcels with existing structures and \$202.00 for new structures, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$4.07 for the District, except that those portions of the District located in the Town of Lancaster outside of any village is \$9.67. 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,
 _____, 2004.

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

By _____
 Clerk, County Legislature

Section 4. This resolution shall take effect immediately.
 (5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

AS AMENDED
 (Intro. 17-8)
 4. Item Page -2004
RANZENHOFER, SWANICK, DUSZA, CHASE, McCARVILLE, KUWIK, HOLT & MARINELLI

WHEREAS, thousands of New York State residents and businesses purchase new personal computers for use in the home or office, and

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WHEREAS, the need for personal computers has reached a point where they are nearly a necessity in one's life or business and should be treated the same as other consumer products with certain protections and recourses for consumers when a defective one is purchased, and

WHEREAS, these purchases can cost residents several thousand dollars per computer with the additional price of options like larger monitors, additional software, printers, scanners, and warranties, and

WHEREAS, as with every consumer product, some portion thereof of these new personal computers fail to operate or function in the manner advertised or contemplated, and

WHEREAS, there are numerous reasons why the computers fail to perform up to specifications and sometimes without explanation, and

WHEREAS, residents and businesses have spent large sums of out-of-pocket monies to rectify the problems with the new personal computers including purchasing new software or disk drives and in some cases, new computers themselves, and

WHEREAS, the Erie County Legislature desires to offer its support for the development of a "Lemon Law" for new personal computer purchases similar in scope and reach to those "Lemon Laws" that currently apply to new automobile purchases,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature understands the frustration felt by many consumers when their new personal computers fail to operate or function in the manner advertised or contemplated, and be it further,

RESOLVED, that personal computer consumers should have the necessary protections and recourses when they purchase a defective new personal computer due to the necessity and expense that the personal computers have become in modern society, and be it further,

RESOLVED, that the Erie County Legislature does hereby Support the development of a "Lemon Law" for new personal computer purchases similar in scope and reach to those "Lemon Laws" that currently apply to new automobile purchases, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to Governor Pataki, Attorney General Spitzer, Comptroller Hevesi, and the Western New York Delegation to the New York State Legislature.

Fiscal Impact: Potentially Positive for Erie County Residents
(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

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AS AMENDED

5. Item Page -2004 (Intro. 17-20)
CHASE, RANZENHOFER, SWANICK, McCARVILLE, DUSZA, KUWIK, HOLT & MARINELLI

WHEREAS, horseback riding and the use of pack animals is a treasured part of our American History, and

WHEREAS, horseback riding continues to be a part of the American culture and a fun recreational activity for millions of people every year, and

WHEREAS, according to The Economic Impact of the Horse Industry in the United States, a study done by Barents Group, LLC for the American Horse Council, the U.S. horse industry, including recreation, showing, racing and other segments, involves more than 7 million participants and includes nearly 2 million horse owners, which as a whole has an annual impact on the U.S. economy of \$112 billion, and

WHEREAS, the American Horse Council is concerned that over the last twenty years public lands and trails have been closed and access denied to pack and saddle stock and recreational riders, with some of these closures showing a bias against horses and riders, without sound science and without a justifiable rationale, and

WHEREAS, all levels of government should work together to assure access for horses and other saddle stock animals on public lands, and

WHEREAS, at the federal level, the Right-to-Ride Livestock on Federal Lands Act of 2003, is legislation that would amend Public Law 91-383 and direct the Secretary of the Interior to preserve and facilitate the continued use and access of pack and saddle stock animals on parts of National Park System lands where there is a historical tradition of such use, and

WHEREAS, several state park facilities include horse trails, ranging from short bridle paths at Clermont and John Jay Homestead site to sophisticated horse trail networks at Connecticut State Park Preserve, Allegany State Park and the Rockefeller State Preserve, and

WHEREAS, currently Erie County allows for horseback riding in the Forest off of Genesee Road, Hunter's Creek, as well as Chestnut Ridge Park & Boston Hills Park, and

WHEREAS, if local, state and federal agencies in Erie County and Western New York were to work together we could create a comprehensive plan for providing adequate public land for horseback riding,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to assuring the quality of life for all citizens, as well as, protecting our American heritage, and be it further

RESOLVED, that this Honorable Body asks the United States Senate to introduce and together with the United States House of Representatives to pass HR 2966 or similar legislation, which would assure the use and access of pack and saddle stock animals on public lands, including the wilderness areas, national monuments and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Services or the Forest Service where there is a historical tradition of such use, and be it further

RESOLVED, that this Honorable Body asks the Governor of New York State as well as the Senate and the Assembly to introduce and pass legislation similar to House of Representatives Bill 2966 that would assure the use and access of pack and saddle stock animals on State public lands, and

RESOLVED, this Honorable Body asks the Erie County Department of Parks, Recreation and Forestry and the Erie County Department of Environment and Planning to contact the pertinent New York State departments and local municipalities to discuss the continued existence of horseback riding trails in Erie County and to better coordinate the trails owned by Erie County and those owned by local municipalities, New York State and the Federal Government, and be it further

RESOLVED, that representatives from the Erie County Department of Parks, Recreation and Forestry and the Erie County Department of Environment and Planning attend a future meeting of the Energy and Environment Committee to discuss access of pack and saddle stock animals on County public lands and coordination efforts with New York State to provide more riding trails in Western New York and Erie County, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President George W. Bush, Senator Charles E. Schumer, Senator Hilary Rodham Clinton, The Western New York Delegation to the United States House of Representatives, New York State Governor George Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York Delegation to the New York State Legislature, County Executive Joel A. Giambra, the Commissioner of the Erie County Department of Parks, Recreation and Forestry and the Commissioner of the Erie County Department of Environment and Planning.

Fiscal Impact: NONE

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 21E-33)

COUNTY EXECUTIVE

WHEREAS, the Erie County Administrative Code permits the procurement of services to make emergency repairs but does not allow for such procurement of engineering services before an actual emergency occurs or without going through a formal Request for Proposal process; and

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain almost one thousand miles of sewers, 100 pumping stations, 5 overflow retention facilities, and 7 sewage treatment plants worth over an estimated \$1 billion, together with the need to construct additional new facilities; and

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WHEREAS, due to age and deterioration of the existing facilities, and since the number of problems requiring engineering solutions in the County sewerage systems is rapidly increasing; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has limited resources; and

WHEREAS, the Legislature determines it is not practical to go out for proposals on each and every separate small engineering project; and

WHEREAS, the Division of Sewerage Management has solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the top four (4) ranked firms desiring to be considered for the work have been recommended to perform engineering services related to the design and construction of Sewerage Facilities for the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency.

NOW, THEREFORE BE IT

RESOLVED, that agreements for engineering services with URS Corporation, 77 Goodell Street, Buffalo, New York 14203; Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225; Malcom Pirnie, Inc., 40 Centre Drive, Orchard Park, New York 14127; and DiDonato Associates, 689 Main Street, Buffalo, New York 14203 not to exceed \$200,000.00 each is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$200,000.00 for each agreement from Erie County Sewer District Capital Accounts and/or Sewer Operating Fund Balances as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the following Sewer Capital Accounts and Sewer Operating Accounts be used as needed and as determined to be necessary by the Commissioner of Environment and Planning:

<u>Description Account</u>		Bond
<u>SEWER CAPITAL ACCOUNTS:</u>		
ECSD #1	Increase & Improvement of Facilities	C.00057
ECSD #1	Increase & Improvement of Facilities (1994)	C.00032
ECSD #1	Increase & Improvement of Facilities	**
ECSD #2	Increase & Improvement of Facilities (1992)	C.00028
ECSD #2	Increase & Improvement of Facilities (1998)	C.00036
ECSD #2	Increase & Improvement of Facilities (1998)	C.00002

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ECSD #2	A.P.B.I. Southwestern Interceptor	C.00004
ECSD #2	Increase & Improvement of Facilities	C.00011
ECSD #2	Increase & Improvement of Facilities	C.00013
ECSD #2	Increase & Improvement of Facilities	**
ECSD #3	Boston Valley Extension C.00019	
ECSD #3	Southtowns Increased Improvements (1997)	C.00038
ECSD #3	A.P.B.I. Greenmeadow SW P.S. Improvements	C.00003
ECSD #3	Increase & Improvement of Facilities (1998)	C.00039
ECSD #3	Southtowns Expansion	C.00010
ECSD #3	Increase & Improvement of Facilities	C.00012
ECSD #3	Increase & Improvement of Facilities	C.00014
ECSD #3	Southtowns Increase Improvements	C.00015
ECSD #3	Increase & Improvement of Facilities	**
ECSD #4	Increase & Improvement of Facilities (1994)	C.00031
ECSD #4	Increase & Improvement of Facilities	C.00030
ECSD #4	Increase & Improvement of Facilities (1994)	**
ECSD #5	Increased Facilities	C.00056
ECSD #5	Increased Improvements (1996)	C.00035
ECSD #5	Sisters of St. Joseph	C.00009
ECSD #5	A.P.B.I. Spaulding Lake C.00020	
ECSD #5	Increase & Improvement of Facilities	**
ECSD #6	Increase & Improvement of Facilities (1995)	C.00037
ECSD #6	Increase & Improvement of Facilities (1995)	C.00001
ECSD #6	Increase & Improvement of Facilities (1995)	**

All future bond accounts which may be approved during the three (3) year term of the engineering agreement.

** To Be Assigned

SEWER OPERATING ACCOUNTS:

ECSD #s 1-4-5	220 181 516 020
ECSD #2	220 182 516 020
ECSD #3/Southtowns	220 183 516 020
ECSD #6	220 186 516 020

and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 21E-34)

COUNTY EXECUTIVE

WHEREAS, County of Erie/Erie County Sewer District No. 3 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Transfer of East Aurora/Aurora Wastewater Assets, Treatment Plant and Sanitary Sewers to Erie County Sewer District No. 3 identified as CWSRF Project No. 6649-08, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel A. Giambra; three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning; one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.

5. This Resolution shall take effect immediately.

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 21E-35)
COUNTY EXECUTIVE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 2, 1995 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and TVGA Engineering, Surveying, P.C. be formally closed-out in the final amount of \$138,184.63; and be it further,

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

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

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

9. Item Page -2004 (Comm. 21E-36)
COUNTY EXECUTIVE

WHEREAS, County of Erie/Erie County Sewer District No. 3 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Sanitary Sewer and Pumping Station Rehabilitation identified as CWSRF Project No. 6649-09, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel A. Giambra; three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning; one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 21E-38)

COUNTY EXECUTIVE

WHEREAS, the Legislature awarded a contract to URS Corporation for various engineering services on November 5, 1998, COMM 20E-17; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement with URS Corporation dated November 5, 1998 in the amount of \$137,224.89, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

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RESOLVED, that the Engineering Agreement dated November 5, 1998 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and URS Corporation be formally closed-out in the final amount of \$137,224.89 and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances related to the November 5, 1998 engineering agreement between Erie County and URS Corporation; and be it further,

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

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

11. Item Page -2004 (Comm. 21E-39)

COUNTY EXECUTIVE

WHEREAS, the City of Lackawanna has requested that Erie County Sewer District No. 6 donate construction materials in support of the City of Lackawanna Veteran's Stadium renovation project; and

WHEREAS, Erie County Sewer District No. 6 is in need of land located in existing City of Lackawanna right-of-way (South Street extension), south of SBL No. 141.60-1-38 and east of Lehigh Avenue; and

WHEREAS, an intermunicipal and/or purchase agreement is necessary to exchange the materials needed by the City of Lackawanna for the land needed by Erie County Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal and/or purchase agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of exchanging construction materials for property from the City of Lackawanna be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Norman Polanski, Mayor, City of Lackawanna.

(5-0) Legislator Ranzenhofer absent. Chairman Holt present as Ex-Officio Member.

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RAYMOND K. DUSZA
CHAIRMAN

MS. MARINELLI moved to separate item #3 (Comm. 20E-41) and moved the balance of the report for approval. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #3. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 14, NOES 0). LEGISLATOR SWANICK absent.

CARRIED.

MR. WEINSTEIN moved to reconsider the balance of the report and separate item #8. MS. MARINELLI seconded.

MR. RANZENHOFER moved the approval of item #8. MS. MARINELLI seconded. LEGISLATOR McCARVILLE abstained.

CARRIED (13-0) Legislator Swanick absent.

Item 31 –MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 447

October 14, 2004

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

TIMOTHY M. WROBLEWSKI
CHAIRMAN

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MR. WROBLEWSKI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 32 –MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 448

October 14, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 13

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

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 15D-9)
DISS – FLEET SERVICES: Buffalo Parks Department Vehicle & Equipment Inventory.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - b. Item Page -2004 (Comm. 17E-36)
DEBENEDETTI: Letter to DPW Commissioner Re: Centennial Pool.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - c. Item Page -2004 (Comm. 19D-9)
COUNTY ATTORNEY: Memo to Legislator Marinelli Re: Lobbying Efforts.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Comm. 19D-40)
DPW: Follow-Up to Report of Special Grand Jury & Aurora Highway Division Final Audit.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - e. Item Page -2004 (Comm. 19D-41)
PERSONNEL: Follow-Up to Report of Special Grand Jury.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - f. Item Page -2004 (Comm. 19D-42)
PURCHASE: Deviation from Purchasing Procedures.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - g. Item Page -2004 (Comm. 19D-43)
LABOR RELATIONS: Follow-Up to Report of Special Grand Jury.
 (6-0) Chairman Holt present as Ex-Officio Member.

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Item Page -2004 (Comm. 19E-23)
 h. **DISTRICT ATTORNEY:** Report of Special Grand Jury Re: Aurora Highway Garage.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 19E-24)
 i. **MARINELLI:** Memo Re: Government Affairs Review of Grand Jury Report.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 19E-26)
 j. **COMPTROLLER:** Letter Re: Centralized Accounting in Comptroller's Office.
 (6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 19M-19)
 k. **LEAGUE OF WOMEN VOTERS:** At Taxpayers Expense: How Government Policies
 Encourage Sprawl in Erie & Niagara Counties.
 (6-0) Chairman Holt present as Ex-Officio Member.

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 33 –MR. SMITH presented the following resolution and moved for immediate
 consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 449

October 14, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 12

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

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

Item Page -2004 (Comm. 11E-5)
 a. **DEBENEDETTI:** Copy of Letter to Social Services Commissioner Requesting Information
 Pertaining to "Blueprint for Change".
 (6-0) Chairman Holt present as Ex-Officio Member.

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- b. Item Page -2004 (Comm. 19E-100)
SMITH: Letter to Social Services Re: Blueprint for Change Initiative.
(6-0) Chairman Holt present as Ex-Officio Member.

- c. Item Page -2004 (Comm. 20M-4)
BUFFALO & ERIE COUNTY FAMILY JUSTICE CENTER: Budget Summary.
(6-0) Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 (Comm. 21E-27)
COUNTY EXECUTIVE

WHEREAS, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

WHEREAS, the Department of Social Services has been notified of renewal of a grant award in the amount of \$299,908 for the Medicaid Managed Care program for the 2004-2005 State fiscal year, and

WHEREAS, the grant is used to fund salary expenses for the staff who process managed care enrollments and recertifications, as well as for related travel and other costs, and

WHEREAS, these grant resources are critical for continued implementation and maintenance of mandated managed care enrollments required by New York State, and

WHEREAS, there is no fiscal impact as all expenses are fully reimbursed from State and Federal funds, and

WHEREAS, six staff positions will be transferred to the grant fund. These position adjustments are reflected on B-100 position authorization forms, control numbers 394, 395 and 396, in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$299,908 for the Medicaid Managed Care Grant, and be it further

RESOLVED, that the following budget is hereby established in Fund 281, Department 120 for the Medicaid Managed Care Grant for the period April 1, 2004 through March 31, 2005:

Department of Social Services, Department 120, Fund 281

<u>Account</u>	<u>Description</u>	<u>Amount</u>
407540	State Revenue	\$149,954
411540	Federal Revenue	<u>149,954</u>

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<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Total Revenue	<u>\$299,908</u>
500000	Personal Services	\$151,663
501000	Overtime	75,500
502000	Fringe Benefits	56,791
510100	Out of Area Travel	7,000
530000	Other Expenses	2,954
912000	Allocated Indirect Expenses	<u>6,000</u>
	Total Appropriation	<u>\$299,908</u>

and be it further

RESOLVED, that the following six staff positions are transferred to the grant fund:

- (1) Senior CHAP Health Aide
- (4) CHAP Health Aides
- (1) Clerk Typist

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 Comptroller and the Division of Budget, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

3. Item Page -2004 (Comm. 21E-29)

COUNTY EXECUTIVE

WHEREAS, the Reach Out Program of the Erie County Health Department is designed to comprehensively train adolescent peer educators regarding HIV/AIDS in order to help adolescents in Erie County protect themselves from contracting HIV and/or spreading the virus, and

WHEREAS, the American Red Cross, Buffalo Chapter, utilizes an approved HIV/AIDS curriculum to train peer educators, and

WHEREAS, the Health Department has received an additional one-time funding award in the amount of \$2,000 to fund the promotion of the Expanded Syringe Access Demonstration Program by performing outreach activities in the community, and

WHEREAS, the Health Department wishes to amend the contract with the American Red Cross from \$35,000 to \$37,000 to utilize this increased funding to implement the Expanded Syringe Access Demonstration Program, and

WHEREAS, funds are available in Account 516020, Professional Service Contracts & Fees, in the Western Regional Training Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended contract with the American Red Cross, Buffalo Chapter, in an amount not to exceed \$37,000, to provide peer educators and peer education leaders, 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 County Comptroller, the Division of Budget, Management & Finance and the Department of Law.
(6-0) Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 21E-30)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded the Erie County Department of Health a revised grant award which authorizes budgetary adjustments to maximize revenue for the Western Regional Training Grant, and

WHEREAS, the purpose of this grant is to continue a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to furnish the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept a revised grant award from the New York State Department of Health to provide services which are budgeted as follows:

Western Regional Training Grant
7/1/03 – 6/30/04

SFG Project #871, SAP Cost Ctr. 1271230, SAP Title: 127WSTREGTRAIN0304

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	State Aid Other	\$ 106,600	\$ 0	\$ 106,600
	TOTAL	\$ 106,600	\$ 0	\$ 106,600
	EXPENSES			
500000	Personal Services	\$ 61,309	\$ -438	\$ 60,871
502000	Fringe Benefits	22,843	372	23,215
505000	Office Supplies	500	0	500
505400	Food Supplies	71	0	71
505800	Medical Supplies	1,000	0	1,000
516020	Dues & Fees	400	0	400
510000	Travel & Mileage	500	0	500
501100	Out Of Area Travel	6,941	-1,235	5,706

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530000	Other Expenses	9,929	-642	9,287
912700	Interfund-ECHD	1,907	2,012	3,919
980000	Interfund-DISS	1,200	-69	1,131
	TOTAL	\$ 106,600	\$ 0	\$ 106,600

and be it further

RESOLVED, that the following adjustments are made to the 2004 Health Department General Fund (#110) Budget:

Increase Account 912700 Interfund-Health Grants	\$2,012
Increase Account 516020 Professional Services Contracts & Fees	\$2,012

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.

(6-0) Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 21E-31)

COUNTY EXECUTIVE

WHEREAS, the purpose of the INHALE program is to improve the quality of life of children and others with asthma through education and reduced exposure to asthma triggers associated with the home environment, and

WHEREAS, the Erie County Department of Health has received a revised grant award from the United States Environmental Protection Agency (EPA) Indoor Environments Division for the IN-Home Asthma Literacy Education (INHALE) Program in the amount of \$151,215 which extends the grant year until 12/31/05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised agreement with the United States Environmental Protection Agency (EPA) Indoor Environments Division which extends the grant year until 12/31/05, and be it further

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

(6-0) Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 21E-42)

COUNTY EXECUTIVE

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the Department of Social Services is seeking authorization to receive and contract for a special State grant award in the amount of \$43,691 from the Division of Criminal Justice Services, and

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

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

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

WHEREAS, there is no local share, and there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

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

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Grant 120WSIDEDELINQ0304

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Boys and Girls Clubs of Buffalo	<u>\$43,691</u>
	Total Expenditures	<u>\$43,691</u>
409000	State Aid	<u>\$43,691</u>
	Total Revenues	<u>\$43,691</u>

and be it further

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

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.
 (6-0) Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Intro. 21-9)

SWANICK

WHEREAS, during the summer of 2003, the NYS Legislature passed legislation, which was signed by Governor Pataki, banning smoking in most public places including restaurants, bars, bowling alleys and bingo parlors, and

WHEREAS, this legislation became effective on July 24, 2003, and

WHEREAS, the legislation passed by NYS contained a provision which allowed County Departments of Health to provide for waivers from the law to businesses if certain specific conditions were present, and

WHEREAS, the conditions required under the legislation were if compliance would cause undue financial hardship to the business or if other factors existed that would render compliance unreasonable as long as the waiver adhered to the spirit of the smoking ban by limiting exposure to second-hand smoke, and

WHEREAS, in December 2003, the NYS Department of Health offered guidance to County Departments of Health for dealing with waiver applications, and

WHEREAS, on or about January 23, 2004, the Erie County Department of Health, pursuant to a court order, finally promulgated and released its procedure for offering waivers to the NYS smoking ban for businesses in Erie County, and

WHEREAS, many of the businesses who applied for waivers under EC's waiver procedure have called the process very difficult and harsh, and

WHEREAS, to date, the EC Department of Health, under its current procedure, has only issued a limited number of smoking waivers to businesses in Erie County, and

WHEREAS, on April 2, 2004, Supreme Court Justice Rose H. Sconiers' issued a decision pursuant to litigation brought by an aggrieved business which: 1) characterized the EC Department of Health's waiver process as not in line with New York State's Clean Indoor Air Act (CIAA) and the guidance provided by the NYS Department of Health on waivers; and 2) found that the County's waiver process, as drafted, was beyond the power granted by the NYS Legislature to the County under the CIAA, and

WHEREAS, Erie County appealed the order and argued the matter before the Appellate Division, 4th Department on September 13, 2004, and

WHEREAS, on October 1, 2004, the Appellate Division, 4th Department confirmed the holding of Justice Sconiers by ordering that the EC Health Department reformulate its waiver process after finding it irrational and beyond the power granted to it by the NYS Legislature, and

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ERIE COUNTY LEGISLATURE

WHEREAS, there has not yet been a decision by the EC Department of Health or EC Attorney as to whether to appeal the matter to the NY Court of Appeals, and

WHEREAS, the Erie County Legislature does hereby urge both the EC Department of Health and EC Attorney to forgo any further appeals of Erie County's smoking waiver procedures, and

WHEREAS, Erie County Legislature finds that it is clear from the Appellate Division's decision that the EC Department of Health needs to develop a new approach to the waiver process that is in line with the power granted to it by the NYS Legislature under the CIAA, and

WHEREAS, the new approach to the waiver process should lessen the significant economic pain suffered by to the restaurants, bars, taverns, bowling alleys, bingo halls, and billiard parlors of Erie County since the passage of the CIAA,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge the EC Department of Health to reformulate and adopt a new waiver procedure as soon as possible that is fair, equitable and in line with the power granted to it by the NYS Legislature under the CIAA, and be it further

RESOLVED, that this Honorable Body does hereby urge both the EC Department of Health and the EC Attorney to forgo any further appeals of Erie County's current smoking waiver procedures, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Health Commissioner Billittier, County Attorney Wolf, and the NYS Department of Health.

FISCAL IMPACT: Positive for Erie County business.
(6-0) Chairman Holt present as Ex-Officio Member.

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTON NO. 450

October 14, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2003 (Comm. 15D-26)
BUDGET DIRECTOR: OPEN ITEM: Private Sale of Delinquent County Tax Certificates.
 (5-0)
 - b. Item Page -2004 (Comm. 4E-55)
COUNTY EXECUTIVE: OPEN ITEM: ERP Project & Reengineering Proposal.
 (5-0)
 - c. Item Page -2004 (Comm. 11E-10)
DEBENEDETTI: Copy of Letter to Director of Fleet Services Re: Request for Information
 Pertaining to Fleet Report.
 (5-0)
 - d. Item Page -2004 (Comm. 13D-14)
BUDGET, MANAGEMENT & FINANCE: Vacancy Detail by Department.
 (5-0)
 - e. Item Page -2004 (Comm. 13D-15)
DISS – FLEET SERVICES: Response to Request for Information Re: Increase of 24-Hour
 Vehicle Assignments.
 (5-0)
 - f. Item Page -2004 (Comm. 15D-1)
BUDGET, MANAGEMENT & FINANCE: Response to Legislator DeBenedetti's Letter
 Re: ECMC Transaction.
 (5-0)
 - g. Item Page -2004 (Comm. 15E-2)
DEBENEDETTI: Copy of Letter to Comptroller Re: County Fleet.
 (5-0)
 - h. Item Page -2004 (Comm. 16D-1)
ECMCC: Financial Statements 5/04.
 (5-0)
 - i. Item Page -2004 (Comm. 19E-27)
DEBENEDETTI: Letter to Budget Director Re: 2004 EC Medicaid Burden.
 (5-0)

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October 21, 2004

ERIE COUNTY LEGISLATURE

- j. Item Page -2004 (Comm. 19E-29)
DEBENEDETTI: Letter to Comptroller Re: Request for Audit of ECWA.
(5-0)
- k. Item Page -2004 (Comm. 19E-30)
DEBENEDETTI: Letter to Fleet Service Director Re: Use of County Vehicle.
(5-0)
- l. Item Page -2004 (Comm. 20D-2)
DISS – FLEET SERVICES: Letter to Legislator DeBenedetti Re: Request for Information
on Use of County Vehicle.
(5-0)
- m. Item Page -2004 (Comm. 20E-3)
COMPTROLLER: Letter to Legislator DeBenedetti Re: Request for Audit of ECWA.
(5-0)
- n. Item Page -2004 (Comm. 21D-12)
ECMCC: Financial Statements for 8/04.
(5-0)
- o. Item Page -2004 (Comm. 21E-13)
COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 9/04.
(5-0)
- p. Item Page -2004 (Comm. 21M-7)
NYS BOARD OF REAL PROPERTY SERVICES: List of County Equalization Rates.
(5-0)

AS AMENDED

2. Item Page -2004 (Comm. 1D-21)
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 investigated the validity of such applications (see attached
listing) now therefore be it,

RESOLVED, that petitions numbered 204312 through 204350 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 2004

Petition No.

204312

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

S-B-L 56.55-1-1./107C 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$996.99	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$996.99	
<u>Charge To :</u>	142289 AMHERST		\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

RPTL 550(2)C WILLIAMSVILLE CENTRAL
 FISCAL YEAR 2004 Petition No. 204316

ASSESSOR Cancel \$541.27

S-B-L 67.41-2-13 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$541.27	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$541.27
	Relevy School	\$541.27	142207 SWEET HOME CENTRAL

CANCEL- CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 110,000 AND SHOULD BE 85,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204317

ASSESSOR Cancel \$578.20

S-B-L 68.11-6-8 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$578.20	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$578.20	
<u>Charge To :</u>	142289 AMHERST		\$0.00

CANCEL - CLERICAL ERROR , BASIC STAR EXEMPTION 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004 Petition No. 204318

ASSESSOR Cancel \$212.70

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

S-B-L 68.14-12-18 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$212.70	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$212.70	
	Relevy School	\$212.70	142201 AMHERST CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 120,000 AND SHOULD BE 110,000.
 RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204319

ASSESSOR Cancel \$1,871.73

S-B-L 80.10-10-6 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,871.73	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$935.86	
<u>Charge To :</u>	142289 AMHERST	\$935.87	
	Relevy School	\$935.87	142201 AMHERST CENTRAL

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 44,000 (50%) AND THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)A AMHERST CENTRAL

FISCAL YEAR 2004 Petition No. 204320

ASSESSOR Refund \$638.09

S-B-L 80.31-6-1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$638.09	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$638.09	
<u>Charge To :</u>	142289 AMHERST	\$0.00	

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CHECK FOR: JAMES & KAREN STELLEY

FISCAL YEAR 2004 Petition No. 204321

ASSESSOR Cancel \$787.45

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

S-B-L 186.00-1-37.1 142289 AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$787.45	Town/SpecialDist/School
<u>Charge To :</u>	142289 AURORA		\$787.45
	Relevy School	\$787.45	142401 EAST AURORA UNION

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 6,020 WAS MISCALCULATED . THE CORRECTED AMOUNT IS 30,100. RPTL 550(2)B.

FISCAL YEAR 2004 Petition No. 204322

ASSESSOR Cancel \$407.35

S-B-L 273.00-2-4.11 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$407.35	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$407.35
	Relevy School	\$407.35	144001 EDEN CENTRAL

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 14,321 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 204323

ASSESSOR Cancel \$22.49

S-B-L 254.00-3-15/A 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$22.49	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$22.49
	Relevy School	\$22.49	144001 EDEN CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS 1,127 AND SHOULD BE 0. THIS IS A NON PRODUCING GAS WELL. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204324

ASSESSOR Cancel \$662.87

S-B-L 24.15-2-4 144600 GRAND ISLAND

MEETING NO. 22
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ERIE COUNTY LEGISLATURE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$662.87	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$662.87	
<u>Charge To :</u>	144600 GRAND ISLAND		\$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 18,600 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

FISCAL YEAR 2004 Petition No. 204325

ASSESSOR Cancel \$898.08

S-B-L 24.15-2-8 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$898.08	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND		\$898.08
	Relevy School	\$898.08	144601 GRND ISLN CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 109,800 AND SHOULD BE 84,000. RPTL 550 (2) A.

FISCAL YEAR 2004 Petition No. 204326

ASSESSOR Cancel \$307.55

S-B-L 38.10-2-42 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$307.55	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND		\$307.55
	Relevy School	\$307.55	144601 GRND ISLN CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 9,000 AND SHOULD BE 370. RPTL 550(2)A.

FISCAL YEAR 2004 Petition No. 204327

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

S-B-L 61.00-5-1.2/214 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$500.08	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$500.08	
<u>Charge To :</u>	145689 NEWSTEAD		\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 34,700 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 AKRON CENTRAL

FISCAL YEAR 2004 Petition No. 204337

ASSESSOR Cancel \$432.35

S-B-L 47.07-1-42 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$432.35	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$432.35
	Relevy School	\$432.35	145601 AKRON CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 80,000 AND SHOULD BE 50,000.
 RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204338

ASSESSOR Cancel \$367.50

S-B-L 33.00-6-15 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$367.50	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$367.50
	Relevy School	\$367.50	145601 AKRON CENTRAL

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 25,500 (30%) WAS OMITTED IN ERROR FROM THE TAX ROLL.
 RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 204339

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

S-B-L 198.00-6-27

146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,467.70	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$1,467.70	
	Relevy School	\$1,467.70	146001 ORCH PARK CENTRAL

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 35,000 (50%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004

Petition No.

204343

ASSESSOR

Cancel

\$1,008.17

S-B-L 276.00-2-14

146200 SARDINIA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,008.17	Town/SpecialDist/School
<u>Charge To :</u>	146200 SARDINIA	\$1,008.17	
	Relevy School	\$1,008.17	143801 SPRING-GRIFFITH

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 36,250 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004

Petition No.

204344

ASSESSOR

Cancel

\$583.41

S-B-L 293.00-2-26.11

146200 SARDINIA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$583.41	Town/SpecialDist/School
<u>Charge To :</u>	146200 SARDINIA	\$583.41	
	Relevy School	\$583.41	143801 SPRING-GRIFFITH

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 20,977 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004

Petition No.

204345

ASSESSOR

Cancel

\$606.37

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ERIE COUNTY LEGISLATURE

S-B-L 295.00-3-29.1 146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$606.37	Town/SpecialDist/School
41834 NYS STAR ENHANCED EXEMPTION	\$606.37	
<u>Charge To :</u>	146200 SARDINIA	\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 36,080 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 PIONEER CENTRAL

FISCAL YEAR 2004 Petition No. 204346

ASSESSOR Cancel \$363.85

S-B-L 311.18-1-35 146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$363.85	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$363.85	
<u>Charge To :</u>	146200 SARDINIA	\$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 21,650 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 PIONEER CENTRAL

FISCAL YEAR 2004 Petition No. 204347

ASSESSOR Cancel \$363.85

S-B-L 326.00-1-1 146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$363.85	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$363.85	
<u>Charge To :</u>	146200 SARDINIA	\$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 21,650 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 PIONEER CENTRAL

FISCAL YEAR 2004 Petition No. 204348

ASSESSOR Cancel \$564.29

MEETING NO. 22
October 21, 2004

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 451 -2004

BOND RESOLUTION DATED _____, 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001, AND AMENDED NOVEMBER 8, 2001, MARCH 21, 2002, SEPTEMBER 19, 2002, MAY 22, 2003 AND JULY 10, 2003 TO PROVIDE FOR ADDITIONAL FUNDS FOR THE GLEN AVENUE BRIDGE RECONSTRUCTION.

(Introduced) October 14, 2004
 (Adopted) _____, 2004

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2001 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on April 5, 2001 and amended on November 8, 2001, March 21, 2002, September 19, 2002, May 22, 2003, and July 10, 2003 and hereinafter referred to; and

WHEREAS, it is now necessary to provide \$700,000 additional funds for the Glen Avenue Bridge reconstruction project, including \$665,000 expected to be received from the United States of America and/or the State of New York;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

SECT10N (A) Section 1. Row 23 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 and amended on November 8, 2001, March 21, 2002, September 19, 2002, May 22, 2003, and July 10, 2003, which states "\$1,120,000" is hereby amended to state "\$1,820,000."

Section 2. Row 23 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April] 5, 2001 and amended on November 8, 2001, March 21, 2002, September 19, 2002, May 22, 2003, and July 10, 2003 stating "\$56,000" is hereby amended to state "\$91,000." Bonds of the County in the principal amount of \$35,000 are hereby authorized to be issued, in addition to \$56,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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Section 3. Row 23 column D of the attached schedule 1:0 Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 and amended on November 8, 2001, March 21, 2002, September 19, 2002, May 22, 2003, and July 10, 2003, which states "\$1,064,000" is hereby amended to state "\$1,729,000."

Section 4. Resolution No. 152-2001 of said County duly adopted by the Legislature on April 5, 2001 and amended on November 8, 2001, March 21, 2002, September 19, 2002, May 22, 2003, and July 10, 2003 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,929,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$6,276,900 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE AND AUTHORIZING THE ISSUANCE OF \$37,052,216 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2004 AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001 AND AMENDED NOVEMBER 8, 2001, MARCH 21, 2002, SEPTEMBER 19, 2002, MAY 22, 2003 AND JULY 10, 2003.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$47,491,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$7,760,800 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE AND AUTHORIZING THE ISSUANCE OF \$37,130,316 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE

TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

(4-1) Legislator DeBenedetti in the negative.

4. Item Page -2004 (Comm. 21E-26)
COUNTY EXECUTIVE

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Commissioner of Finance be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2004 real property taxes have not been paid, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Director of Budget, Management and Finance, the County Comptroller, the County Attorney and the Finance Office.
 (5-0)

5. Item Page -2004 (Comm. 21E-28)
COUNTY EXECUTIVE

WHEREAS, the 2004 budget for fuel consumption for the County fleet was set at \$1.16 per gallon, and the actual cost for fuel for the County's fleet in 2004 is averaging \$1.40 per gallon, and

WHEREAS, because of the reduction in the County's fleet, the Bureau of Fleet Services was confident that they could stay within their budget even though fuel prices in 2004 had increased, and

WHEREAS, it is necessary to provide additional funding in the amount of \$195,000 for the purchase of fuel by the Bureau of Fleet Services, funds being available in prior year contingencies, and

WHEREAS, in order to properly post expense to various county departments, the Department of Information and Support Services ID Billing account requires adjustments,

NOW, THEREFORE, BE IT

RESOLVED, that funds in the amount of \$195,000 are hereby appropriated in account 505600, Auto Supplies, in the budget of the Bureau of Fleet Services, the source of funds being the appropriation of fund balance in the amount of \$195,000 from Designated Fund balance specified as 1997 County Contingency, and be it further

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RESOLVED, that authorization is provided to adjust the following interdepartmental billing budgets for the Division of Information and Support Services to allow for the proper allocation of expense to the Highways Department:

Fund	Fund Center - Department	Account	Decrease
Expense			
110	11400	District Attorney	980000 ID Billing DISS (20,000)
110	12410	MH - Program Admin.	980000 ID Billing DISS (25,000)
110	12620	Youth Detention	980000 ID Billing DISS (25,000)
110	16700	Emergency Services	980000 ID Billing DISS (25,000)
110	11200	Comptroller	980000 ID Billing DISS (50,000)
110	16500	Central Police Services	980000 ID Billing DISS (50,000)
110	10610	Bureau of Purchase	980000 ID Billing DISS (75,000)
110	163	Senior Services	980000 ID Billing DISS (80,000)
110	10110	County Executive's Office	980000 ID Billing DISS (50,000)
110	14020	County-Wide Budget	570020 Interfund Subsidy-Road
			Net Cost 400,000
			0
Revenue			
			Increase
		486000 Interfund Revenue	
210	123	Highways (DPW)	Subsidy 400,000
Expense			
210	123	Highways (DPW)	980000 ID Billing DISS 400,000
			Net Cost 0

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Director of the Division of Information and Support Services, the Director of the Bureau of Fleet Services, the Commissioner of the Department of Public Works and the Deputy Commissioner of Highways.

(5-0)

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved to separate item #3 (Comm. 21E-9) and moved the balance of the report for approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved the approval of item #3. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: DEBENEDETTI & DUSZA. (AYES 12, NOES 2). LEGISLATOR SWANICK absent.

CARRIED.

LEGISLATORS RESOLUTIONS

Item 35 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 452

Re: Buffalo Place – Year 2005 Budget.
(Intro. 22-1)

A RESOLUTION SUBMITTED BY
LEGISLATOR HOLT

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district, and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004, and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges, and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2005 annual budget on September 21, 2004,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2005 shall be the sum of \$1,212,293 as contained in the attached budget which shall be part of this Resolution (Comm. 21M-9), which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district, and be it further

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RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982, and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 26, 2004, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges for 2005 in conformance with the formula set forth in Section 7 of Erie County Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by the City of Buffalo, and be it further

RESOLVED, that certified copies of this resolution, in its final form, be forwarded to Erie County Executive Joel A. Giambra, Erie County Budget Director Joseph Passafiume, Erie County Attorney Frederick A. Wolf, Erie County Director of Real Property Tax Services Joseph L. Maciejewski, Buffalo Place Inc. Board Chairman Keith Belanger (671 Main Street, Buffalo, NY 14203), Buffalo Place Inc. Executive Director Michael T. Schmand (671 Main Street, Buffalo, NY 14203), and Anthony M. Masiello, Mayor of the City of Buffalo.

FISCAL IMPACT: To Be Determined.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 36 – CHAIRMAN HOLT directed that the following resolution be referred to the AD HOC PURCHASING COMMITTEE.

GRANTED.

Intro. 22-2 FROM CHAIRMAN HOLT Re: Erie County Purchasing Procedures & Policies Under General Municipal Law Section I04-B.

Item 37 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

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Intro. 22-3 LEGISLATORS MARSHALL & WEINSTEIN Re: Requirement for Minors to be Enrolled in School or a Graduation Equivalent Diploma Program in Order to Receive Their Driver's License or Learner's Permit.

Item 38 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 22-4 LEGISLATORS RANZENHOFER, CUSACK, CHASE, SWANICK & McCARVILLE Re: Allowing Homeowners to Deduct Mortgage Insurance Premiums.

Item 39 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 453

Re: Transfer of Public Benefit Funds.
 (Intro. 22-5)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Amherst Youth Foundation	\$10,000	WEINSTEIN
TOTAL	\$10,000	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds.

MS. MARINELLI moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354

Re: Consideration for Public Benefit
Funding. (Intro. 22-6)

A RESOLUTION SUBMITTED BY
LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, On September 23, 2004 the Erie County Legislature approved Intro 20-3 (2004), as amended, designating Vigilant Fire District No.6 (\$2,000) and West Seneca Senior Center (\$1,000) to receive applications for Public Benefit Funding, and

NOW, THEREFORE, BE IT,

RESOLVED, that the designation of \$2,000 for Vigilant Fire No. 6 per Intro 20-3 (2004) and West Seneca Senior Center per Intro 20-3 (2004) be reallocated and added to a new allocation per passage of this resolution, and be it further

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RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Vigilant Fire District No. 6	\$4,000	WROBLEWSKI
Town of West Seneca (Senior Center)	\$4,500	WROBLEWSKI
TOTAL	\$8,500	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 455

Re: Transfer of Public Benefit Funds.
(Intro. 22-7)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI, DEBENEDETTI, DUSZA, KUWIK, SCHROEDER, SMITH, WROBLEWSKI, RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK AND WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

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WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$877,646 from the County Contingency Funds Center 1401010 Commitment Item 598900 to Fund Center 100, Account 516000, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$300,000 from the Fringe Benefit Funds Center 1401010 Commitment Item 502100 to Fund Center 100, Account 516000, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$78,756 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Town of Amherst (Town Hall Security)	\$1,000	WEINSTEIN
Town of Amherst (Rodent Control)	\$1,000	RANZENHOFER
Town of Cheektowaga	\$1,500	WROBLEWSKI
Buffalo and Erie County Botanical Gardens Society, Inc.	\$2,500	KUWIK
SYI Boys and Girls Club of Springville, Inc.	\$5,000	MCCARVILLE
Town of Orchard Park	\$3,000	MCCARVILLE
Hamburg Central School District	\$600	CHASE
Connie Mack Little League, Inc.	\$2,000	CUSACK
Aurora Ice Association, Inc.	\$2,000	MCCARVILLE
Boys and Girls Club of Holland, Inc.	\$7,000	MARSHALL
Town of Newstead	\$5,000	RANZENHOFER
Western New York Stop Red Light Running Foundation, Inc.	\$2,000	WEINSTEIN
Village of Blasdell (Freedom Fest)	\$1,500	KUWIK
Williamsville Education Foundation, Inc.	\$1,000	WEINSTEIN
Town of Brant (Adult Recreation)	\$500	CHASE
Town of Clarence	\$8,656	RANZENHOFER
Town of Concord	\$1,000	MCCARVILLE
Newstead Fire Company, Inc.	\$10,000	RANZENHOFER
Town of Cheektowaga (Clerk's Office)	\$6,000	RANZENHOFER
Drums Along the Waterfront	\$1,500	WROBLEWSKI
Village of Kenmore	\$1,000	CUSACK
Kids Voting of Western New York	\$7,000	RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK and

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		WEINSTEIN
Town of Alden	\$8,000	MARSHALL
TOTAL	\$78,756	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$877,646 from the County Contingency Funds Center 1401010 Commitment Item 598900 to Fund Center 100, Account 516000

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$300,000 from the Fringe Benefit Funds Center 1401010 Commitment Item 502100 to Fund Center 100, Account 516000

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$73,556 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

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<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Town of Amherst (Town Hall Security)	\$1,000	WEINSTEIN
Town of Amherst (Rodent Control)	\$1,000	RANZENHOFER
Town of Cheektowaga	\$1,500	WROBLEWSKI
Buffalo and Erie County Botanical Gardens Society, Inc.	\$2,500	KUWIK
SYI Boys and Girls Club of Springville, Inc.	\$5,000	MCCARVILLE
Town of Orchard Park	\$3,000	MCCARVILLE
Hamburg Central School District	\$600	CHASE
Connie Mack Little League, Inc.	\$2,000	CUSACK
Aurora Ice Association, Inc.	\$2,000	MCCARVILLE
Boys and Girls Club of Holland, Inc.	\$7,000	MARSHALL
Town of Newstead	\$5,000	RANZENHOFER
Western New York Stop Red Light Running Foundation, Inc.	\$2,000	WEINSTEIN
Village of Blasdell (Freedom Fest)	\$1,500	KUWIK
Williamsville Education Foundation, Inc.	\$1,000	WEINSTEIN
Town of Brant (Adult Recreation)	\$500	CHASE
Town of Clarence	\$8,656	RANZENHOFER
Town of Concord	\$1,000	MCCARVILLE
Newstead Fire Company, Inc.	\$10,000	RANZENHOFER
Town of Cheektowaga (Clerk's Office)	\$6,000	RANZENHOFER
Drums Along the Waterfront	\$1,500	WROBLEWSKI
Village of Kenmore	\$1,000	CUSACK
Kids Voting of Western New York	\$7,000	RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK and WEINSTEIN
Village of Blasdell (National Night Out)	\$1,500	KUWIK
Town of Grand Island	\$300	SWANICK
City of Tonawanda Community Development Agency	\$500	SWANICK
Town of Grand Island	\$500	SWANICK
TOTAL	\$73,556	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 456

Re: Consideration for Public Benefit
 Funding. (Intro. 22-8)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CUSACK & McCARVILLE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on October 7, 2004, the Erie County Legislature unanimously approved Intro. 21-10, as amended, designating the Library Foundation of Buffalo and Erie County, Inc. to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Library Foundation of Buffalo and Erie County, Inc. per Intro. 21-10 (2004) be reallocated to a new and increased allocation per the passage of this resolution, and be it further

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Library Foundation of Buffalo and Erie County, Inc.	\$3,000	CUSACK & McCARVILLE

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrators of the Erie County Legislature, Laurie A. Manzella & Crystal Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- **INSERT** The following Resolved Clauses, **AFTER** The 1st Resolved Clauses:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Town of Brant	\$2,000	CHASE
Lakeshore Central Schools	\$1,500	CHASE
Town of Evans	\$5,000	CHASE
Hamburg Central Schools	\$2,000	CHASE
Eden Club Hockey Varsity Team	\$1,000	CHASE
WNY AFL-CIO Economic Development Group, Inc.	\$2,000	CHASE
TOTAL	\$13,500	

And be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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A RESOLUTION SUBMITTED BY
 LEGISLATOR WROBLEWSKI

WHEREAS, the County of Erie owns, maintains, manages and/or operates numerous parks, forests, camp sites, golf courses, and ice rinks, and

WHEREAS, recently, issues and concerns have arisen concerning different fees and fee structures for county residents who use such county owned or operated facilities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its opposition to different fees for different county residents who utilize and enjoy such county owned, managed or operated establishments, and urges the County Executive and Commissioner of Parks, Recreation and Forestry to establish equal rates and equal fees for all county residents, regardless of where they live, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, Comptroller, and Commissioner of Parks, Recreation and Forestry.

Fiscal Impact: Positive for County residents.

MS. MARINELLI moved to amend the resolution to include Co-Sponsorship. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following as Co-Sponsors:
 LEGISLATORS CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER,
 WEINSTEIN, HOLT, KUWIK, MARINELLI & SCHROEDER.

MS. MARINELLI moved the approval of the resolution as amended. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 458

Re: Consideration for Public Benefit
 Funding. (Intro. 22-10)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARINELLI

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organization:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Everywoman Opportunity Center	\$500	MARINELLI

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organization:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Everywoman Opportunity Center	\$500	MARINELLI

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$500.00 from Legislature Contractual Expense - Fund Center 100, Commitment Item 516000 to the Buffalo and Erie County Public Library – Interfund Subsidy – Fund Center 420, Commitment Item 486000, and

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl; and Michael Mahaney and Kenneth Stone of the Buffalo and Erie County Public Library.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 45 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 22-11 FROM LEGISLATORS HOLT & MARINELLI Re: Professional Services Legislature.

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 459

Re: Taxpayer Relief, Debt Reduction &
Budget Stabilization Act of 2004.
(Intro. 22-12)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the current state of economic distress across federal, state and local governments demands that we take greater notice of the fiscal condition of Erie County, and

WHEREAS, numerous published accounts have outlined significant budgetary shortfalls for fiscal year 2004 and even more severe projected shortfalls for 2005, and

WHEREAS, the regular release of budget monitoring reports and complete disclosure of reserve funds have not been met by the Division of Budget Management and Finance, and

WHEREAS, consistency and timeliness are particularly important when implementing budget monitoring, and

WHEREAS, reports for budget monitoring should include not only statements of cash flow, but an actual narrative and analysis including year end projections, and

WHEREAS, stable budgets are the result of careful planning and produce more stable and predictable tax levy and service delivery, and

WHEREAS, County Government should develop policies to guide the creation, maintenance, and use of a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures, and

WHEREAS, issuing debt commits the County's revenues several years into the future, and may limit the government's flexibility to respond to changing service priorities, revenue inflows, or cost structures, and

WHEREAS, in the past three years, Erie County Gross Direct Debt per Capita has more than doubled from \$298 in 2001 to \$611 for every man, woman, and child in the County as of June 12, 2004, and

WHEREAS, adherence to a debt policy helps ensure that debt is issued and managed prudently in order to maintain a sound fiscal position and protect credit quality, and

WHEREAS, County Government should adopt a policy on the maximum amount of debt and debt service that should be outstanding at any one time, and

WHEREAS, the proper policy limits may fall well below the legal or constitutional limits,
and

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WHEREAS, policies guiding the amount of debt that may be issued by the County would help ensure that outstanding and planned debt levels do not exceed an amount that can be supported by the existing and projected tax and revenue base, and

WHEREAS, the use of one-time revenues and spending down reserves without a long term budgetary plan in place jeopardizes the long-term financial health of the County, and

WHEREAS, by definition, one-time revenues cannot be relied on in future budget periods, and

WHEREAS, a policy on the use of one-time revenues provides guidance to minimize disruptive effects on services due to non-recurrence of these sources, and

WHEREAS, governmental budgets must take into account a longer view and include financial projections for future years in order to more accurately monitor their budgets,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize that long term fiscal stability in Erie County is vital to the success of this region and the taxpayers of this County, and be it further

RESOLVED, that this Honorable Body and the Erie County Comptroller will work together to develop clear policies promoting long term tax relief and budget stabilization, and

RESOLVED, that this Honorable Body wishes to implement a policy of using cash or pay-as-you-go funding, whenever possible, to pay for necessary county projects, and be it further

RESOLVED, that Erie County should establish clear policies on minimum and maximum reserve levels as well as how and when the County builds stabilization funds and the purposes for which they may be used, and be it further

RESOLVED, that such policies on stabilization funds should be publicly available and summarized in planning and management reports as well as any materials used in budget preparation along with the current value of any and all reserves in the existing budget, and be it further

RESOLVED, that the County develop a policy on debt issuance and management including: purposes for which debt may be issued; matching of the useful life of an asset with the maturity of the debt; limitations on the amount of outstanding debt and maximum debt service; types of permissible debt; structural features, including payment of debt service and any limitations resulting from legal provisions or financial constraints; refunding of debt; and investment of bond proceeds, and be it further

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RESOLVED, that because debt policy is essential to budget decision making, particularly capital budgets, the debt policy should be formally adopted by the Legislature, be made available to the public and reviewed by the Legislature during the annual budget process and summarized in the budget document, and be it further

RESOLVED, such policies on debt level and capacity should be developed in accordance with an analysis of debt capacity including, but not limited to, current financial capacity, projected future capacity, statutory and constitutional limitations, and bond covenants, and be it further

RESOLVED, that budgetary policy guidelines be adopted where parameters for one-time revenues and allowable uses for those revenues be explicitly defined, with periodic review of the policy, and compliance with it, and be it further

RESOLVED, that the annual budget submission, beginning with the Fiscal Year 2005 proposed budget to be submitted in November 2004, shall include at least two additional years of budget projections beyond the proposed fiscal year budget to allow for long-term planning and budget tracking, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel A. Giambra, Director of Budget Management and Finance Joseph Passafiume, County Comptroller Nancy A. Naples, and members of the Capital Projects Committee and Development Coordination Board.

Fiscal Impact: Budget stabilizations and debt reduction are both positive trends for Erie County taxpayers.

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

CARRIED UNANIMOUSLY.

- **ADD** the following members as Co-Sponsors:
 DEBENEDETTI, DUSZA, HOLT, KUWIK, SCHROEDER, SMITH & WROBLEWSKI

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 460

Re: Requesting a Pilot Program to
 Provide Medicaid Relief for Erie County.
 (Intro. 22-13)

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A RESOLUTION SUBMITTED BY LEGISLATORS WEINSTEIN,
SWANICK, McCARVILLE, RANZENHOFER, CHASE & CUSACK

WHEREAS, Medicaid, a federal and state mandated program, has been and continues to be the single largest expense in the Erie County Budget, and

WHEREAS, New York State's Medicaid program is the most extensive and expensive in the nation, and

WHEREAS, one-half of the funding for Medicaid is provided by the federal government, and

WHEREAS, one-quarter of the funding for Medicaid is provided by the state government, and

WHEREAS, the remaining one-quarter of funding for Medicaid is passed on Erie County, and

WHEREAS, this funding structure separates New York State from nearly every other state in United States by handing county governments an impossible fiscal burden, and

WHEREAS, for 2005, early estimates place Erie County's Medicaid burden at over \$200 million, and

WHEREAS, there have been several announcements by the County Executive in recent days of possible widespread service cuts including cultural funding, sheriff's road patrol, snowplowing, libraries and even social programs unless Medicaid relief can be secured, and

WHEREAS, it will be impossible for Erie County to balance its 2005 Budget without an unprecedented county property tax increase, or an unshared sales tax increase, or an across-the-board termination of unmandated services or a combination of the above, and

WHEREAS, there have been numerous proposals made with regard to Medicaid relief for counties, and

WHEREAS, one proposal to assist Erie County with its Medicaid burden would be for New York State to designate Erie County as a pilot program and assume Erie County's 2005 Medicaid expenses in exchange for Erie County agreeing to give New York State 1% of Erie County's 4% sales, and

WHEREAS, such an agreement would result in a savings of approximately \$75 million to Erie County which would be used to maintain the County services cited for possible cuts, cultural funding, sheriff's road patrol, snowplowing, libraries and social programs, and

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WHEREAS, due to the severity of this situation and the potential time required to craft such a proposal, the sponsors of this resolution would request that the New York State Legislature consider this proposal immediately in order that it could become a reality for Erie County in 2005,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby endorse the proposal that New York State designate Erie County as a pilot program and assume Erie County's 2005 Medicaid expenses in exchange for Erie County agreeing to give New York State 1% of Erie County's 4% sales tax, and be it further

RESOLVED, that the adoption of this proposal would lessen the Medicaid burden expected to be borne by Erie County in 2005, and be it further

RESOLVED, that the potential \$75 million savings from such an agreement would be used to maintain the County services cited for possible cuts, cultural funding, sheriff's road patrol, snowplowing, libraries and social programs, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Assembly Speaker Silver, Senate Majority Leader Bruno, the Western New York delegation to the New York State Legislature, County Executive Giambra, and the New York State Association of Counties.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

- **DELETE** the resolution entirety and **REPLACE** with the following:

WHEREAS, Medicaid, a federal and state mandated and partially funded program, is the single largest expense in the 2004 Erie County Budget, and

WHEREAS, this expense is a result of Erie County being forced to fund approximately one-quarter of the overall Medicaid program, and

WHEREAS, in 2003, every single dollar of Erie County's Property Tax levy along with an additional \$29.3 million from other sources was spent on the local share of the Medicaid program, and

WHEREAS, it is expected that Medicaid expenses will account for 115% of the 2004 Erie County Property Tax levy, and

WHEREAS, in 2003, the Medicaid program cost Erie County approximately \$155.6 million as a result of new programs being added by New York State to Medicaid and from the overall increased expense of programs, and

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WHEREAS, it has become increasingly difficult for Erie County to continue to fund the Medicaid program under these conditions and something needs to be done to alleviate this difficult burden, and

WHEREAS, Erie County currently receives 4% of the 8.25% rate of Sales Tax collected in Erie County, and

WHEREAS, 1% of that 4% is kept exclusively by Erie County for funding in its budget minus a 1/8 distribution to the NFTA, and

WHEREAS, in 2003, the 1% of the Sales Tax kept exclusively by Erie County resulted in \$119 million to the County minus \$14.8 million contributed by the County to the NFTA or \$104.2 million, and

WHEREAS, there have been numerous proposals made by various government officials with regard to Medicaid relief, and

WHEREAS, one such proposal put forth was for New York State to assume the entire amount of Erie County's Medicaid expenses with Erie County agreeing to forego the County's exclusive 1% sales tax revenue, and

WHEREAS, such an agreement would result in a savings of \$21.8 million to Erie County which should be used and divided pursuant to the parameters and percentages of the existing 3% sales tax distribution formula, and

WHEREAS, due to the severity of this situation and the potential time required to craft such a proposal, the sponsors of this resolution would request immediate consideration and passage of this resolution,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby endorse the proposal that New York State assume Erie County's Medicaid burden by funding it with Erie County's exclusive 1% percent of sales tax revenue, and be it further

RESOLVED, that the adoption of this proposal would tremendously lessen the incredible Medicaid burden heaped on Erie County, and be it further

RESOLVED, that the potential savings from such an agreement should be used and divided to all local municipalities and school districts pursuant to the parameters and percentages of the existing 3% sales tax distribution formula, and be it further

RESOLVED, that should New York State be reluctant to implement such a system statewide, then New York State should utilize Erie County as pilot program to test the proposal offered herein, and be it further

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RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Assembly Speaker Silver, Senate Majority Leader Bruno, the Western New York delegation to the New York State Legislature, County Executive Giambra, and the New York State Association of Counties.

Fiscal Impact: None for the Resolution

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 461

Re: Consideration for Public Benefit
 Funding. (Intro. 22-14)

A RESOLUTION SUBMITTED BY
 LEGISLATOR KUWIK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organization:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Broadway Market Management Corp.	\$5,000	KUWIK
Adam Mickiewicz Library and Dramatic Circle	\$3,000	KUWIK
TOTAL	\$8,000	KUWIK

And be it further

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RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 49 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 20E-9 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 462

Re: DSS – Authorization to Revise the AAA and EISEP Grants and the PSA Program.

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Aging on Aging (AAA) grant for the period January 1, 2004 to December 31, 2004 and the Expanded In-home Services for the Elderly Program (EISEP) grant for the period April 1, 2004 to March 31, 2005; and the Protective Services for Adults (PSA) program for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the Department of Senior Services (Department) has reviewed the delivery of service and has identified several personnel adjustments that will enhance its service delivery to vulnerable seniors and ensure the receipt of grant funds, and

WHEREAS, the Department is embarking on expansion of services under the Blueprint for Change in the area of protective services to adults under 60 years of age, and

WHEREAS, the Department has recently been impeded in the delivery of client financial management given steadily increasing client levels and in grant claiming operations, and

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WHEREAS, the Department desires to create a Senior Account Clerk position in AAA (90% federally reimbursed) and a Senior Account Clerk position in EISEP (93% state reimbursed), both job group 6, and a Client Funds Manager in PSA (87.5% reimbursable), job group 11, effective 10/11/04, and

WHEREAS, the Department desires to transfer the Accountant position from PSA to AAA, effective 10/11/04, and

WHEREAS, these position adjustments are reflected in the SAP system on B-100 position authorization forms, control numbers 353, 357, and 358 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 Senior Account Clerk positions be created in AAA and EISEP, respectively, and the Clients Fund Manager position be created in PSA, all effective 10/11/04, and be it further

RESOLVED, that the Accountant position be transferred from PSA to AAA, effective 10/11/04, and be it further

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

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

CARRIED UNANIMOUSLY.

- **DELETE** the ninth (9th) WHEREAS in its entirety and **REPLACE** with the following:

WHEREAS, Erie County (local share) funds totaling \$12,000 are available to fund these positions from the Reductions for Retirement Account 504996 in the County Wide Accounts Cost Center 14010.

- **ADD** the following as the new third (3rd) RESOLVE Clause:

RESOLVED, that the Reductions for Retirement Account 504996 in Cost Center 14010 is hereby reduced by \$12,000, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 50 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 22E-39 FROM LEGISLATOR DEBENEDETTI Re: Letter to Commissioner Greenan Re: Request of monthly reports detailing all position vacancies in the Erie County government workforce.

Item 51 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 22D-17 FROM COUNTY ATTORNEY WOLF Re: Lobbying Efforts on Behalf of Erie County.

Item 52 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be received & filed.

GRANTED.

Comm. 22-D-18 FROM CLERK OF THE LEGISLATURE Re: Malfunction of clock-in clock.

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Item 53 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 22E-40 FROM LEGISLATOR MARINELLI Re: Government Affairs Committee Interim Report – DPW Aurora Barn Matter.

Item 54 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 22-15 FROM LEGISLATOR MARINELLI Re: Establishing a Formal Policy for Whistleblowing Concerning Erie County Government.

Item 55 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 22E-41 FROM LEGISLATOR SWANICK Re: Reconstruction of Whitehaven Road Bridge.

CHAIRMAN HOLT directed that the following resolution be received & filed.

GRANTED.

Item 56 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

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GRANTED.

Intro. 22-16 FROM LEGISLATORS RANZENHOFER, SWANICK, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL RE: Ending Mileage Reimbursement for Legislators.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SMITH

Item 57 – (Comm. 22E-1) Copy of Letter to NFTA Re: Buffalo Intermodal Transportation Center Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 58 – (Comm. 22E-2) Copy of Letter to Budget Director Re: Pension Liability.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 59 – (Comm. 22E-3) Copy of Letter to Fleet Services Director & Emergency Services Director Re: SUV Purchases.

Item 60 – (Comm. 22E-4) Copy of Letter to Fleet Services Director Re: Questions Regarding County Vehicle Policy.

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

FROM THE COMPTROLLER

Item 61 – (Comm. 22E-5) Memo to All Elected Officials & Department Heads - Meeting/Meal Reimbursement Policy.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR SMITH

Item 62 – (Comm. 22E-6) Letter to Clerk of Legislature Re: Informational Meeting for Human Services Committee to be Held 10/22/02.

Received and filed.

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FROM THE SHERIFF

Item 63 – (Comm. 22E-7) Copy of Letter to Erie County Mayors & Supervisors Re: Charging Municipalities for Erie County Sheriff Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 64 – (Comm. 22E-8) Letter to Legislators Re: Restructuring Outstanding Indebtedness.

Item 65 – (Comm. 22E-9) Management Letter for 2003 ECMC Audit.

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

FROM LEGISLATOR WROBLEWSKI

Item 66 – (Comm. 22E-10) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

October 13, 2004

Mr. Kevin Kelly, Clerk
Erie County Legislature
92 Franklin Street, Flr. 4
Buffalo, New York 14202

Dear Kevin,

The attached is a request from Mr. John Gullo, Fire Commissioner, West Seneca Fire District No.6, for four county surplus computers.

Their current equipment is antiquated, and they are need of updated computers for their firehall.

Your assistance in this matter is appreciated.

Sincerely,

Timothy M. Wroblewski
Erie County Legislator
9th District

TMW/kw

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cc: John Gullo, Fire Commissioner

FROM LEGISLATOR SWANICK

Item 67 – (Comm. 22E-11) Absence From Session of 10/21/04.

RECEIVED, FILED & PRINTED.

October 19, 2004

Hon. Kevin M. Kelley
 Clerk, Erie County Legislature
 25 Delaware Avenue
 Buffalo, NY 14202

Re: Absence from Session on October 21, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the session of the Erie County Legislature on October 21, 2004 due to military obligations. A copy of my orders is attached for your reference.

If you have any questions, please contact Republican Chief of Staff Harry Wahl or my district office. Thank you.

Very truly yours,

Charles M. Swanick
 Erie County Legislator
 10th District

Attachment

77TH REGIONAL P.EADINESS COMMA.ND
 ERNIE PYLE USAR CENTER
 FLUSHING, NY

ORDER NUMBER: 002385

15 October 2004

SWANICK CHARLES MASON
 35 SOMERTON AVE
 KENMORE, NY 14217-1623

064-42--5870 MSG
 0098 2 BDE 1/390 (BCT) (-) (W76E01)
 100 NORTH FOREST ROAD
 BUFFALO, NY 14221-5297

YOU ARE ORDERED TO ACTIVE DUTY' 'TRAINING [ADT] FOR THE PERIOD INDICATED. UPON COMPLETION OF THE PERIOD OF ADT, UNLESS SOONER RELIEVED OR EXTENDED BY PROPER AUTHORITY, YOU WILL RETURN TO THE PLACE WHERE YOU ENTERED ADT AND BE RELIEVED FROM SUCH DUTY.

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PERIOD: 10 DUTY DAY(S)
 REPORT TO: FT. DIX, NEW JERSEY
 TIME/DATE: NOT LATER THAN 12:00 HRS 2004/10/19
 ATTACHED TO:
 PURPOSE: CA. ROLE PLAYERS, - CA ROLE PLAYER, MISSION #1

ADD'L INSTRUCTIONS: DA FORM 5960 RECERTIFIED 2004/06/01
 FAILURE TO COMPLY WITH THIS ORDER VIOLATES UCMJ.
 IF YOU CANNOT PERFORM THIS DUTY, NOTIFY YOUR UNIT IMMEDIATELY.
 DUTY IS OUTSIDE OF COMMUTING DISTANCE.
 GOVERNMENT QUARTERS ARE AVAILABLE AND DIRECTED.
 GOVERNMENT MEALS ARE AVAILABLE AND DIRECTED.
 COMMERCIAL TRAVEL OFFICE (CTO) NOT USED FER JTR/JFTR
 POC IS AUTHORIZED (LIMITED TO COST OF CONSTRUCTIVE COMMERCIAL TRAVEL).
 ADVANCE IS AUTHORIZED; TRAVELER IS NOT GOVERNMENT CREDIT CARD HOLDER.
 ORDER MUST BE PAID BY 45 DAYS AFTER TRAVEL OR ORDER WILL BE REVOKED
 NO COMM TRANS USED: IBA OR CBA NOT NEEDED
 THIS IS A PERSTEMPO EVENT
 CON #: 2B5/AD0003
 FOR ARMY USE AUTH: 10 UJSC 672.[D] HOR: SAME AS SNL
 ACCOUNTING CLASSIFICATION For FY 2005:
 2152070 24-2409 2G31K200 1198/SWA58700023850/R6YFFY 012152
 2152070 24-2409 2G31K200 1199/SWA58700023850/R6YFFY 012152
 2152070 24-2409 2G31K200 1250/SWA58700023850/R6YFFY 012152
 2152070 24-2409 2G31K200 21T2 SWA58700023850/R6YFFY 012152

PERFORMANCE FACTORS: PART - 1 . MDS - 10 FMGR - 81 UUC
 PPN: NA COMP: USAR FORMAT: 260 SECURITY CLEARANCE REQUIRED: N
 AT TRNG D~YS: 0 ADT TRNG DAYS: 10 ADSW TRNG DAYS: 0 PESD: 1981/09/07
 DISTRIBUTION:
 INDIVIDUAL OFFICIAL
 UNIT PAY ADMINISTRATOR. 77TH RSC
 UNIT OF ASSIGNMENT

FOR. THE COMMANDER
 MARGET M FARMER
 COL, GS
 CHIEF OF STAFF

PROGRAM CODE: 3320
 FUND MGR: 81 -SUSTAINMENT

FROM THE COMPTROLLER

Item 68 – (Comm. 22 E-12) Refunding Bond Resolution.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MR. RANZENHOFER Challenged the Chair.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER &
 WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER,
 SMITH & WROBLEWSKI. (AYES 6, NOES 8). LEGISLATOR SWANICK absent.

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FAILED.

FROM THE COUNTY EXECUTIVE

Item 69 (Comm. 22E-13) Potential Acquisition, Pursuant to the Eminent Domain Procedure Law, of 19.1 Acre Parcel Adjacent to Bennett Beach Park.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 70 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 463

Re: Social Services - Hispanics United of Buffalo Contract. (Comm. 22E-14)

WHEREAS, Hispanics United of Buffalo has conducted a Preventive Services program for children and families targeted to the Spanish-speaking community, and

WHEREAS, the services provided by this program are important to the community and the Department to help avoid out of home placement of children, and

WHEREAS, the State funding for this program has expired, and a loss of this service would severely reduce the availability of services to the Spanish-speaking population, and

WHEREAS, the Department of Social Services is seeking authorization to transfer funds in the amount of \$45,000 to provide for interim funding for a critical preventive services contract with Hispanics United of Buffalo, and

WHEREAS, the Department will work with Hispanics United of Buffalo to identify and evaluate options for alternative funding in the future, and

WHEREAS, the local share for this budget amendment utilizes unanticipated prior year revenue as previously disclosed to your Honorable Body, and there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute a contract with Hispanics United of Buffalo, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

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Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Hispanics United of Buffalo	<u>\$45,000</u>
	Total Expenditures	<u>\$45,000</u>
407680	State Aid – Services for Recipients	\$29,250
466180	Unanticipated Prior Year Revenue	<u>15,750</u>
	Total Revenues	<u>\$45,000</u>

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie 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.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 71 – (Comm. 22E-15) Appointment to Emergency Medical Services Advisory Board.

RECEIVED, FILED & PRINTED.

October 19, 2004

The Honorable
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

Re: Appointment to Emergency Medical Services Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint the following individual to the Emergency Medical Services Board for the remainder of the term of Christopher Zak.

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Joseph Casper
 3074 Milford Terrace
 Hamburg, New York 14075

Very truly your,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
 Commissioner Anthony J. Billittier, Health Department
 Commissioner Michael V. Walters, Emergency Services
 Deputy Commissioner Gregory W. Skibitsky, Emergency Services

Item 72 – (Comm. 22E-16) Health -Public Health Laboratory Information System.

Item 73 – (Comm. 22E-17) Health -WIC Vendor Management Grant - 10/1/04 - 9/30/05.

Item 74 – (Comm. 22E-18) Senior Services - Authorization to Amend RSVP Grant Budget.

Item 75 – (Comm. 22E-19) Senior Services - Authorization to Amend Title III-B Grant Budget.

The above four items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 76 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 464

Re: DPW -Award of Contract
 Reconstruction of Whitehaven Road
 Bridge Over Big Six Mile Creek, Town
 of Grand Island. (Comm. 22E-20)

WHEREAS, bids were taken for the Reconstruction of Whitehaven Road Bridge 75-1 over Big Six Mile Creek in the Town of Grand Island, on September 23, 2004, the low bidder was CATCO (Concrete Applied Technologies Corporation) of Alden, New York, at a low bid amount of \$261,495.00, and

WHEREAS, contingent upon receipt of an approved resolution from the Town of Grand Island, accepting the cost of the waterline work, the Town will reimburse the County for this waterline work which has been incorporated in the above contract,

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NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number BR 75-04 for the Reconstruction of Whitehaven Road Bridge 75-1 over Big Six Mile Creek in the Town of Grand Island, between the County of Erie and the low bidder, CATCO (Concrete Applied Technologies Corporation) of Alden, New York, at a low bid amount of \$261,495.00, and be it further,

RESOLVED, that an amount of \$261,495.00 be allocated from the 2003 Bridge Design and Construction Program (SAP B.00058) and an additional amount of \$40,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$40,000.00 from the 2003 Bridge Design and Construction Program (SAP B.00058), and be it further,

RESOLVED, contingent upon receipt of an approved resolution from the Town of Grand Island accepting the cost of the waterline work, the Town will reimburse the County for this waterline work which has been incorporated in the above contract and the Comptroller will be authorized to accept payment from the Town of Grand Island to be considered as revenue in the 2003 Bridge Design and Construction Program (SAP B.00058), and be it further,

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 77 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 465

Re: DPW - Award of Contract
Reconstruction of Mill Road Bridges
Over Tributaries of West Branch of
Cazenovia Creek, Town of Aurora.
(Comm. 22E-21)

WHEREAS, bids were taken for the Reconstruction of Mill Road Bridges 47-3 and 47-3A, over Tributaries of West Branch Cazenovia Creek, Project Number CG 20-04, in the Town of Aurora, on September 23, 2004, the low bidder was CATCO (Concrete Applied Technologies Corporation) of Alden, New York, at a low bid amount of \$275,495.00, and

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WHEREAS, authorization is necessary to acquire the following parcel taking, in the amount of \$100.00, for property owned by Paul J. Weber and Norma R. Weber, necessary for the proposed project reconstruction,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number CG 20-04 for the Reconstruction of Mill Road Bridges 47-3 and 47-3A, over Tributaries of West Branch Cazenovia Creek, in the Town of Aurora, between the County of Erie and the low bidder, CATCO (Concrete Applied Technologies Corporation) of Alden, New York, a low bid amount of \$275,495.00, and be it further,

RESOLVED, that an amount of \$275,495.00 be allocated from the 2003 Bridge Design and Construction Program (SAP B.00058) an additional amount of \$25,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$25,000.00 from the 2003 Bridge Design and Construction Program (SAP B.00058), and be it further,

RESOLVED, that the County Executive is hereby authorized and directed to acquire the following parcel taking, in the amount of \$100.00, for property owned by Paul J. Weber and Norma R. Weber, necessary for the proposed project reconstruction, to be allocated from the 2003 Bridge Design and Construction Program (SAP B.00058), and be it further,

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 78 – (Comm. 22E-22) Probation & Youth Detention – Authorization to Accept Crime Victim's Assistance Grant & Contract with International Institute of Buffalo.

Item 79 – (Comm. 22E-23) Authorization to Increase 2004 Contract with Lake Shore Behavioral Health by \$75,000 in US Homeland Security UASI '04 Grant Funds.

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

Item 80 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 466

Re: Personnel – 2004-05 NYS
Safety Training Grant Awarded.
(Comm. 22E-24)

WHEREAS, the New York State Department of Labor Hazard Abatement Board (NYSDOL HAB) has awarded Erie County a grant in the amount of \$77,000.00 for the safety training of County employees, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the \$77,000.00 grant from NYSDOL HAB, and be it further,

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

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 81 – (Comm. 22E-25) Personnel – Transfer of Funds.

Item 82 – (Comm. 22E-26) DPW – 2004 Road Salt.

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

Item 83 – (Comm. 22E-27) Parks -Chestnut Ridge Park Bridge Engineer Change Order.

Item 84 – (Comm. 22E-28) WNY Stormwater Pollution Prevention Implementation Project Consultant.

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

Item 85 – (Comm. 22E-29) County Funding for Community Programs & Events.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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Item 86 – (Comm. 22E-30) DEP Donald J. Braasch Construction -ECSD No.1 – Union Road Pumping Station & Forcemain Project -General/Mechanical Dispensation of Hours.

Item 87 – (Comm. 22E-31) DEP – ECSD No.1 – Contract Close-Out – Tom Greenauer Development.

Item 88 – (Comm. 22E-32) DEP – ECSD No.2 – Engineering Service Agreements -Stearns & Wheler.

Item 89 – (Comm. 22E-33) DEP – ECSD No.6 – Bethlehem Park Rehabilitation Phase I Change Order No.3 – C. Destro Development Company.

Item 90 – (Comm. 22E-34) DEP – ECSD No.1 – Engineering Agreement Dated 2/3/00 – Greenman Pedersen – Change Order No.3.

Item 91 – (Comm. 22E-35) DEP – ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency – A/E Agreement for Construction Inspection Services.

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

Item 92 – (Comm. 22E-36) Emergency Services – Acceptance of Federal & State Reimbursement for Major Power Outage of 2003.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 93 – (Comm. 22E-37) Social Services – Renewal of Lease with 43 Court Street Realty Company for Office Space.

Item 94 – (Comm. 22E-38) County Attorney -Renewal of Lease with 69 Delaware Avenue Associates for Office Space

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM DEP

Item 95 – (Comm. 22D-1) Final Generic Environmental Impact Statement for ECC Facilities Master Plan.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ECC

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Item 96 – (Comm. 22D-2) Minutes from Board of Trustees Meeting Held 6/30/04.

Item 97 – (Comm. 22D-3) Minutes from Board of Trustees Meeting Held 8/16/04.

The above two items were received and filed.

FROM THE COUNTY ATTORNEY

Item 98 – (Comm. 22D-4) Letter to Chairman Holt Re: Comm. 21E-23 & 21E-25.

Received and filed.

Item 99 – (Comm. 22D-5) Letter to Legislator DeBenedetti Re: Comm. 21E-25.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 100 – (Comm. 22D-6) Letter to Legislator DeBenedetti Re: Reply to 9/20/04 Letter Regarding Restoring Laid Off Positions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 101 – (Comm. 22D-7) Official Notification of New Slate of Officers for Board of Trustees 2004/05.

Received and filed.

FROM DEP

Item 102 – (Comm. 22D-8) SEQR – Solicitation for Lead Agency Status – Hamilton Drive & the Bluffs.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 103 – (Comm. 22D-9) Letter to Legislator Marinelli Re: Featherstonaugh Activity Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

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Item 104 – (Comm. 22D-10) Informational Meeting – Human Services Committee to be Held 10/22/04.

RECEIVED, FILED & PRINTED.

October 13, 2004

To: All Erie County Legislators, County Executive, Executive Departments
 From: Kevin Kelley, Clerk of the Legislature
 Subject: INFORMATIONAL MEETING
 HUMAN SERVICES COMMITTEE

PLEASE TAKE NOTICE that under the direction of Committee Chair Demone Smith, the Human Services Committee will hold an **INFORMATIONAL MEETING** on **FRIDAY, OCTOBER 22, 2004** at 11 AM in the Legislature's Chambers.

The purpose of the meeting will be to discuss and meet with representatives of the Erie County Home Health Care Advisory Board regarding their recommended revisions to Erie County Local Law No. 2-1998. Social Services Commissioner Michael Weiner and Health Commissioner Anthony Billittier have been invited to attend.

FROM THE COUNTY ATTORNEY

Item 105 – (Comm. 22D-11) Letter to Legislator DeBenedetti Re: Comm. 21E-6.

Item 106 – (Comm. 22D-12) Letter to Legislator DeBenedetti Re: Retention of Outside Counsel-Furniture Audit.

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

FROM ECC

Item 107 – (Comm. 22D-13) Notice of Meeting to be Held 10/26/04.

Received and filed.

FROM SOCIAL SERVICES

Item 108 – (Comm. 22D-14) Letter to Legislator Smith Re: Comm. 21E-42.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ECMCC

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Item 109 – (Comm. 22D-15) Notice of Meeting to be Held 10/28/04.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 110 – (Comm. 22D-16) Notice of Meeting to be Held 10/21/04 & Minutes of Meeting Held 9/9/04.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 111 – (Comm. 22M-1) Evaluation & Report Concerning Pesticide Neighbor Notification Law.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM WIB

Item 112 – (Comm. 22M-2) Letter to Legislator Schroeder Re: Geico & Niagara Ceramics Projects.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF ELMA

Item 113 – (Comm. 22M-3) Certified Resolution Supporting Proposed State Legislation (S.6949/A.10053).

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NFTA

Item 114 – (Comm. 22M-4) Minutes from Board Meeting Held 7/23/04.

Received and filed.

**FROM THE NYS DIVISION OF PROBATION &
CORRECTIONAL ALTERNATIVES**

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Item 115 – (Comm. 22M-5) Copy of Letter to EC Social Services Commissioner Re:
"Blueprint for Change."

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM JOHN KASMER

Item 116 – (Comm. 22M-6) Letter to Legislator Weinstein Re: Suggestions for Savings.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 117 – (Comm. 22M-7) Asking for a Review of "A. Thompson-Carolina Journal
Exclusive – Local Government Consolidation Stalls" (#58 C.C.P. 10/5/04).

Received and filed.

FROM THE TOWN OF CHEEKTOWAGA

Item 118 – (Comm. 22M-8) Certified Resolution Re: Rodent Control.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ALLISON L. ENGLERT

Item 119 – (Comm. 22M-9) Road Safety Concern.

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL
MANAGEMENT COUNCIL

Item 120 – (Comm. 22M-10) Notice & Agenda for Meeting Held 10/19/04.

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 121 – (Comm. 22M-11) Minutes of Meeting Held 9/2/04.

Received and filed.

FROM THE MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 122 – (Comm. 22M-12) Notice of Meeting to be Held 10/21/04

Received and filed.

MEMORIAL RESOLUTIONS

Item 123 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Dr. Richard Sarkin.

Item 124 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of William J. McKenna.

Item 125 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Stanley Wilczek.

Item 126 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of George Helenbrook.

ADJOURNMENT

Item 127 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, November 4, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, November 4, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK