

**ERIE COUNTY LEGISLATURE  
MEETING NO. 23  
SEPTEMBER 15, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Chase.

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

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – The Minutes of the previous meeting were left on the table.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – SMITH & HOLT presented a resolution Congratulating Jerry Daniels Sr., Owner of Carl-Jeff Barbershop for Over 40 Years of Service & Dedication to the Residents of WNY.

Item 7 - SMITH & HOLT presented a resolution In Memory of Clarence Dent.

Item 8 - SMITH & HOLT presented a resolution In Memory of Joy Caron Flemming.

Item 9 – HOLT & SMITH presented a resolution In Memory of Gary L. Milton.

Item 10 - HOLT & SMITH presented a resolution In Memory of Arnold J. White.

Item 11 – MS. MARINELLI presented a resolution Congratulating Janet Beth Meiselman Upon Her 50th Birthday.

Item 12 – MR. WROBLEWSKI presented a resolution Congratulating Raymond & Anna Ernst of West Seneca Upon Their 75th Wedding Anniversary.

MS. MARINELLI moved for immediate consideration of the above seven items. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above seven items by including ET AL sponsorship.  
MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above seven items as amended. MS.  
CHASE seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 13 - CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

### **LEGISLATOR RESOLUTIONS**

Item 18 – CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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INTRO 23-1 from LEGISLATOR WEINSTEN Re: In Support of a Recall Provision in the New York State Constitution

Item 19 - CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 23-2 from LEGISLATOR WEINSTEN Re: A Taxpayer Bill of Rights

Item 20 - CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 23-3 from LEGISLATOR WEINSTEN Re: Cutting the Erie County Legislature From 15 to 9

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

GRANTED.

INTRO 23-4 from LEGISLATOR WEINSTEN Re: Term Limits for Erie County Legislators

Item 22 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

RE: Access To and Improvements Of the Buffalo River and Development of a Buffalo River Park (Intro 23-5)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR KENNEDY

WHEREAS, the development of the Buffalo River and other water-related services, recreational venues and other public entities along the Buffalo River and Lake Erie waterfront is of major importance to the residents and business owners of our community, and

WHEREAS, New York State funding in the amount of \$500,000 has been provided for the Buffalo River access park project through the auspices of State Assemblyman Mark J.F. Schroeder, with the goal of providing a recreation destination, increasing tourism, spurring economic development and enhancing the area, and

WHEREAS, progress on other development at and near the Buffalo waterfront, including the

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infrastructure work for the Bass Pro project will continue to improve the economic, recreational and social revival of the waterfront and downtown Buffalo as well as the County and Western New York as a whole, :

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Buffalo River Project, and continued efforts to develop the Buffalo and Erie County waterfront in order to provide services and recreation to our residents as well as long-term tourism and economic development benefits for our community, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Congressman Brian Higgins, the local delegation of the New York State Legislature, the Governor, Mayor of Buffalo, and Erie County Executive.

TIMOTHY KENNEDY

Fiscal Impact: None for this resolution.

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

CARRIED UNANIMOUSLY.

Item 23 – MS. MARINELLI presented the following item and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: Erie County Fiscal Stability Authority  
(Intro 23-6)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR SMITH

WHEREAS, the Erie County Fiscal Stability Authority (ECFSA) has been created by the State of New York to assist and oversee the County of Erie's finances, and

WHEREAS, as a public benefit corporation whose meetings, for instance, are subject to the Open Meetings Law, the authority has certain obligations to the public including transparency, and .

WHEREAS, to-date, and unlike the Buffalo Fiscal Stability Authority, the County authority has not yet established a web site and published meeting announcements, agendas, meeting minutes or other data on that site,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby express its desire and formally requests that the Erie County Fiscal Stability Authority file with the Erie County Legislature, the minutes of every meeting, provide advance written notification of meetings to the Legislature, including filing meeting agendas in advance, provide reports filed with the ECFSA by any entity, including PFM and Erie County budget/administration officials, and provide the biographical data, including resumes, of all ECFSA staff and officers to the Legislature for formal filing in the minutes of the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the ECFSA, and to the Governor, State Comptroller, Assembly Speaker, and Senate Majority Leader.

DEMONE SMITH

Fiscal Impact: None for this resolution.

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

CARRIED UNANIMOUSLY.

AN AMENDMENT TO INTRO. 23-6  
 TO BE SUBMITTED BY LEGISLATORS SMITH, HOLT, MARINELLI, KUWIK,  
 DUSZA, WROBLEWSKI, KENNEDY AND DEBENEDETTI  
 RE: ERIE COUNTY FISCAL STABILITY AUTHORITY

ADD the following RESOLVE Clauses:

RESOLVED, that in the interest of public transparency and openness, the Erie County legislature calls on the Erie County Fiscal Stability Authority's members, staff and consultants, to file with the Erie County Board of Ethics annual financial disclosure statements, similar to those filed by the members with the State of New York, and be it further

RESOLVED, that the Erie County legislature calls on the Erie County Fiscal Stability Authority to file quarterly reports with the Erie County Office of Equal Employment Opportunity detailing all consultants, vendors, and staff hired by the authority or its officers and/or agents, and their minority business and women business commitments, and be it further

MS. MARINELLI moved to further amend the item by including ET AL Sponsorship. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 24 - CHAIRMAN HOLT directed that the following resolution be directed to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 23-4 from LEGISLATORS McCARVILLE, CHASE & SWANICK Re: Saving Cornell Cooperative Extension

Item 25 – CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 23-8 from LEGISLATOR SWANICK Re: Memorializing Resolution for State Authorization to Impose an Additional Three-Quarters of One Percent Sales Tax Rate

Item 26 – CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 23-9 from LEGISLATOR SWANICK Re: Memorializing Resolution for State Authorization to Impose an Additional One-Half of One Percent Sales Tax Rate

Item 27 – CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 23-10 from LEGISLATOR SWANICK Re: Memorializing Resolution for State Authorization to Impose an Additional One-Quarter of One Percent Sales Tax Rate

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

RE: Appeal to NYS DOT for Environmental Review Related to the Replacement of the Buffalo Skyway Bridge (Intro 23-11)

A RESOLUTION SUBMITTED BY  
LEGISLATORS MARINELLI & KENNEDY

WHEREAS, the current Buffalo Skyway Bridge is an impediment to waterfront public and private development, and

WHEREAS, the current structure is a safety hazard, and

WHEREAS, the Skyway's maintenance and repair costs far outweigh its value, and

WHEREAS, Congressman Brian Higgins has appealed to the State Department of Transportation to commence a formal environmental review related to the replacement of the Skyway Bridge.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports moving forward to remove the Skyway Bridge as a barrier to waterfront development and a threat to public safety, and be it further

RESOLVED, that this Honorable Body convey to the New York State Department of Transportation its support for Congressman Brian Higgins' call for required environmental reviews before the replacement of the Skyway Bridge can be initiated, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Mr. Thomas J. Madison, Jr., Acting Commissioner, New York State Department of Transportation, and the Honorable Brian Higgins, Member of Congress.

Fiscal Impact: Economic and waterfront development

MS. MARINELLI moved to amend the item by including ET AL Sponsorship. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MR. MARINELLI moved to approve the item as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 29 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 16E-11. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: CPS – Professional Services - Computer Consulting Services of WNY, Inc

WHEREAS, the Department of Central Police Services has been working with other Public Safety Agencies in Erie County in developing advanced interoperability communications and information systems to improve the security and safety of our county and region, and

WHEREAS, Computer Consulting Services (CCS) has been previously contracted in providing networking, communication and consulting services for Erie County, and

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WHEREAS, to complete various projects already started to promote public security and safety and bring into compliance public safety and security systems in Erie County, and

WHEREAS, the Department of Central Police Services requests authorization to purchase orders to Computer Consulting Services of WNY, INC. in an amount not to exceed \$75,000.

NOW, THEREFORE, BE IT,

RESOLVED, that Erie County is authorized to issue a purchase order to Computer Consulting Services of WNY, Inc. for an amount not to exceed \$75,000 for networking and consulting services to be funded from UASI(2003).

UASI (HS165UASIF030305)

Account# 516020 Professional Services and Contracts	\$75,000
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RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Central Police Services.

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

CARRIED UNANIMOUSLY.

Item 30 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 20E-29. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: Public Safety Campus, Contingency Fund Increase

WHEREAS, the Department of Public Works received bids for the Public Safety Campus, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in the amount of \$23,318,847.00, and

WHEREAS, your Honorable Body has previously awarded professional service agreements with reimbursables to Cannon Design, Inc. and sub-consultants in the amount of \$3,924,997.77, and

WHEREAS, Central Police Services has received a Federal Earmarked Grant (ERTC) in the amount of \$196,000 for work associated with the construction of an Emergency Operations Center located within the new Public Safety Campus.

NOW, THEREFORE, BE IT,



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RESOLVED, that authorization is hereby provided to increase revenues and appropriations in the amount of \$196,000 from Federal ERTC funds, for the Public Safety Campus, Project A.00061, and be it further,

RESOLVED, that the construction contingency fund in Project A.00061 be increased by \$621,000, source of fund being the \$196,000 of ERTC funds and \$425,000 of available balances within Project A.00061, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to approve change orders, not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Cannon Design, Inc.'s Architectural/Engineering Agreement for providing additional architectural and construction services for an amount not to exceed \$397,102, including reimbursables, and be it further,

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

Project A.00059 in the amount of	\$319,000
Project A.09003 in the amount of	\$ 51,000
Project A.00254 in the amount of	\$ 27,102 (I.C.E. Grant CPS
	\$397,102 (increase A/E & CM Fees)

and, be it further,

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

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

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 19E-37. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

RE: Social Services - Preventive Services  
 Contract Reallocation

WHEREAS, the County is required to provide mandated preventive services to children and families where there is a risk of foster care placement, and mandated services are also required to

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hasten the return home of children currently in care unless the provision of those services would be contrary to the welfare of the child, and

WHEREAS, there was significant reduction in the contract appropriations for preventive services in the final 2005 Adopted Budget, and this reduction has resulted in a backlog of cases awaiting mandated preventive services as well as a projected exhaustion of funds available through year end for numerous contracts, and

WHEREAS, a recent loss of capacity was realized due to the termination of a contract with St. Augustine Center after significant program audit findings and fiscal difficulties, and

WHEREAS, a 2005 local share of \$34,300 is already budgeted for the appropriation that is transferred from the St Augustine contract, and

WHEREAS, the Department is actively pursuing strategies to provide additional funds to enable an expansion of enrollment of children and families in preventive services to avert foster care caseload increases, and

WHEREAS, the Department of Social Services is seeking authorization to amend the 2005 Adopted Budget and to amend contracts with Buffalo Urban League and Hispanics United of Buffalo, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to amend agreements with Buffalo Urban League and Hispanics United of Buffalo, and be it further

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

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

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>
516010	St. Augustine Center	(\$98,000)
516010	Buffalo Urban League	49,000
516010	Hispanics United of Buffalo	<u>49,000</u>
		<u>-0-</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.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 32 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DUSZA seconded.

GRANTED.

Comm. 23E-65 from the COMPTROLLER Re: Comments on the 4-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 33 – (Comm. 23E-1) Notice of Completion of \$80 Million RAN Sale

Item 34 – (Comm. 23E-2) Notice that June 05 Month-End Closing Has Been Completed

Item 35 – (Comm. 23E-3) ECC Audit by Deloitte & Touche LLP

The above three items were Received and Filed.

Item 36 – (Comm. 23E-4) Certificate of Determination - Relative to the Terms, Form and Details of Sale and Issuance of \$2,660,483 EFC Sewer System Serial Bonds 2005-B

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE SHERIFF**

Item 37 – (Comm. 23E-5) Letter Stating Sheriff's Office is in Agreement With County Attorney's Memorandum Regarding Deletion of Vacant Positions

Received and filed.

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FROM THE COMPTROLLER

Item 38 – (Comm. 23E-6) Interim Financial Statements - For 6-Months Ended 6/30/05

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 39 – (Comm. 23E-7) Letter to Marinelli Re: ECFSA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 40 – (Comm. 23E-8) Reduction in Benefits for Managerial Confidential Employees

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 41 – (Comm. 23E-9) Veto Notice - Local Law Intro. 11-2005

RESOLUTION NO. 242

August 11, 2005

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

Re: Local Law Intro. 11-2005

Dear Mr. Kelley:

Pursuant to Section 205 of the Erie County Charter, I am writing you to indicate my disapproval of the above referenced local law, a copy of which is attached hereto.

I do so as I am of the opinion that the attached local law is overly broad and in many respects poorly drafted. For example, said local law, in Section 4 thereof, appears to require Legislative approval, following the implementation and completion of a RFP process, of every outside counsel, consultant and lobbyists retained by Erie County or by any of its elected officials, appointed officers or employees. This requirement makes it virtually impossible for the County Attorney to hire a stenographer, private investigator or expert witness in order to prepare for the defense of a pending trial without first engaging in a time consuming RFP process, notwithstanding of the dollar amount involved. It would also require the District Attorney to follow the same process, to hire expert witnesses for the prosecution of criminal cases.

Consequently if the County Attorney needed to hire a particular doctor as an expert witness, the District Attorney needed to hire a psychiatrist to examine a criminal defendant or the Department

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of Public Works wanted to hire an engineer to survey a bridge that had been damaged in an accident, each of the department heads involved would arguably have to engage in an RFP process and then submit their findings and recommendations regarding such a process to the Legislature for its approval before any such an individual could be retained to provide such services to the County.

To make matters worse, the language contained in Section 1 of the local law, which provides that the local law in question supersedes the provisions concerning such services contained in Section 19.08 of the Erie County Administrative Code (the "Code") effectively negates the ability of the Legislature, as set forth in Section 19.08 of the Code, to waive the RFP process in emergency situations, thus making it impossible to hire, at any cost, an individual or individuals to provide consulting, professional or technical services without legislative approval.

As a practical matter, I want to emphasize however that I am not opposed to some level of accountability in connection with the hiring of such individuals and consequently would suggest that the Legislature work with my staff, the County Attorney and District Attorney to revise the language of Local Law Intro.11-2005, and pass a new law more consistent with current business practices, much as it recently did when it worked with my staff to revise and re-adopt Chairman Holt's proposed WBE/MBE Local Law. I would also point out that a Charter Review Commission is preparing to examine the County Charter and suggest revisions thereto. Since Local Law Intro.11-2005 seeks to amend the County Charter as well as the County Code, it might make better sense to address this issue in that forum, rather than attempt to amend the Charter piece meal. With this in mind, I would suggest that an appropriate member of the Legislature contact my office or the County Attorney's office to further discuss alternative language for a revised local law which would facilitate a reasonable level of accountability in this area without effecting the efficient operation of County government.

As always should any member of the Legislature have questions regarding my position on this matter, they are welcome to call me.

Sincerely,

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

JAG:kg

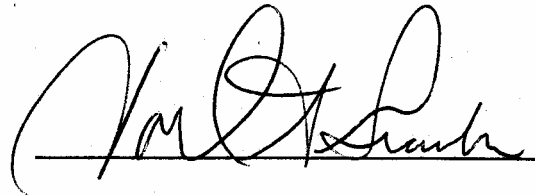
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A Public Hearing was held on the foregoing Local Law Intro. No. 11-2005 on Wednesday, July 27, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2005 on Wednesday, July 27, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 11<sup>th</sup> day of August, 2005.



**COUNTY OF ERIE**  
**Local Law No. \_\_\_\_ - 2005**  
**Local Law Intro. No. 11- 2005**

A LOCAL LAW amending Local Law No. 1-1959, as amended, constituting the Erie County Charter, and the Erie County Administrative Code Sections 6.02(c), 10.02(c) and 19.08, concerning special or outside counsel, consultants and lobbyists, and regulating and requiring their retention by the County of Erie only after a request for proposal (RFP) has been conducted and formal 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 shall be cited as the “Erie County Counsel, Consultant and Lobbyist Responsibility Law” and shall amend, as hereinafter specified, the Erie County Charter, and the Erie County Administrative Code Sections 6.02(c), 10.02(c) and 19.08.

This Local Law shall supercede the provisions concerning special counsel, professional, technical or other consultant services in Section 6.02(c) of the Erie County Administrative Code.

This Local Law shall supercede the provisions concerning special engineering, architectural, or other technical counsel in Section 10.02(c) of the Erie County Administrative Code.

This Local Law shall supercede the provisions concerning professional, technical or other consultant services in Section 19.08 of the Erie County Administrative Code.

**Section 2. Legislative Intent.**

The Erie County Legislature hereby finds, declares and determines that special or outside legal counsel, consultants, and/or lobbyists are being retained by the Executive Branch of County government as well as other elected or appointed officials with little or no legislative or public oversight or knowledge 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. Definitions.**

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 or representation of any kind. The term “lobbyist” shall not include any officer, director, trustee, employee, counsel or 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, the County Attorney, any elected or appointed officer or employee of Erie County including the Comptroller, County Clerk, District Attorney, Sheriff, and Board of Elections, to carry on lobbying or legal activities, or representation and/or advocacy on behalf of Erie County or individual officers or employees.

- c. The term “consultant” shall mean any non-County employee, or any organization, business or firm retained by the Executive Branch, the Legislative Branch, any elected or appointed officer or employee of Erie County, including the Department of Public Works, the Department of Environment and Planning and the County Attorney, to engage in professional, technical or consultant services or activities on behalf of Erie County or its officers or officials.
- d. 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, the Comptroller, County Clerk, District Attorney, Sheriff, the Board of Elections, and any other County Board, agency office or committee.
- e. 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

- f. 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.
- g. 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 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.
- h. 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.
- i. 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.
- j. The term “consulting”, “professional services”, “technical services” or “consultant services” shall mean any action, statement, or activity entered into by any non-County employee or person, other than the above-noted lobbying or legal activities, 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, consultant, or lobbyist retained by Erie County or by any of its elected officials, officers, appointed officials or any employee, for the purpose of consulting, engaging in professional, technical or consultant services, lobbying or advocacy or legal representation or any legal matter for the County or any official, regardless of the dollar amount, value or cost for said contracts, shall be retained until such person or persons has first responded to a request for proposal (RFP) initiated by Erie County, and the response and award of contract or payment has been evaluated and approved by the Erie County Legislature prior to such person or persons entering into any consulting, professional, technical or consultant services, lobbying, lobbying activities, advocacy, legal representation or legal work upon behalf of Erie County or any official, officer or employee.

**Section 5. Annual Report.**

At the end of each calendar year the County Executive or his designated representative shall prepare, issue and file with the Clerk of the Legislature an Annual Report detailing all the special or outside counsel, consultants, 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. Upon the request of any Erie County Legislator, such information shall also be provided immediately at any point during the year.

**Section 6. Severability.**

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. Effective Date.**

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.

LYNN M. MARINELLI

MS. MARINELLI moved to override the veto. MR. KUWIK seconded.

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

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH and WROBLEWSKI. NOES: CHASE (AYES: 12, NOES 1)

CARRIED.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

RE: Personnel Adjustments (Comm. 23E-10)

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Sheriff's Office Mounted Division was eliminated in the 2005 budget process, and

WHEREAS, numerous organizations are willing to enter into agreements with the Sheriff's Office wherein they will reimburse the County of Erie for all costs, including administrative costs, associated with the provision of Mounted Division service, and

WHEREAS, the Mounted Division provides important and visible security services to the public, and

WHEREAS, the services of the Mounted Division were formerly provided out of the Sheriff's Office budget, and

WHEREAS, no additional funds are necessary to create these positions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized Restore nine (9) Deputy Sheriff Reserves-PT, Job Group 8, Step 0 (Mounted Division), and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Department of Personnel and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 43 – (Comm. 23E-11) Health - Position Restorations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 44 – (Comm. 23E-12) Entering Intro Contract With City of Buffalo for Solid Waste Removal

Item 45 – (Comm. 23E-13) Buffalo River Water Trail Project, Grant Authorization

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

Item 46 – (Comm. 23E-14) DISS - SAP Plant Maintenance Implementation & Support for DPW, Parks Dept., Fleet Division & Division of Sewerage Management

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

RE: 2005 Budget Adjustments DISS -  
 Countywide Fuel

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

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

WHEREAS, the price of fuel has increases by more than 30% since January 2005 and may go higher; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Information and Support Services is authorized to transfer \$600,000 from Social Services fund center 120, account #525000 – MMIS – Medicaid Local Share to DISS fund center #107, account #505600 – Auto Supplies, and be it further

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

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

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

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

AYES: CHASE, McCARVILLE, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CUSACK, MARSHALL, and RANZENHOFER. (AYES 10, NOES 3)

CARRIED.

FROM THE COMPTROLLER

Item 48 – (Comm. 23E-16) Notice that July 05 Month-End Closing Has Been Completed

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 49 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

RE: Appointment of County Attorney (Comm. 23E-17)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Laurence K. Rubin as County Attorney, effective October 1, 2005.

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

CARRIED UNANIMOUSLY.

FROM THE SHERIFF

Item 50 – (Comm. 23E-18) Commission of Corrections - Variance No. 04-T-05 (Modified), Variance No. 01-V-08 (Revoked)

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

RE: Appointment of DPW Commissioner (Comm. 23E-19)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of John C. Loffredo, P.E. to the position of Commissioner of Public Works, effective October 3, 2005.

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR MARSHALL

Item 52 – (Comm. 23E-20) Appointment to Charter Revision Commission

Received, Filed, and Printed.

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

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September 1, 2005

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

Dear Mr. Kelley:

Under the terms and conditions of the local law establishing the Charter Review Commission of Erie County, I hereby appoint Grant Hamilton of 631 Crescent Avenue, East Aurora, New York 14052 as my representative to the Charter Review Commission of Erie County.

Thank you for your assistance.

Sincerely,

Denise E. Marshall

FROM LEGISLATOR MARINELLI

Item 53 – (Comm. 23E-21) Letter to County Executive Re: Constituent Concerns

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 54 – (Comm. 23E-22) Appointment to Charter Revision Commission

Received, Filed, and Printed.

September 1, 2005

Kevin M. Kelley  
Clerk of the Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Mr. Kelley:

Under the terms and conditions of the local law establishing the Charter Review Commission of Erie County, I hereby appoint Mr. Peter Reese, Esq. of 49 Starin Avenue, Buffalo, New York 14214 as my representative to the Charter Review Commission of Erie County.

Thank you for your assistance.

Sincerely,

Albert DeBenedetti

FROM THE COUNTY EXECUTIVE

Item 55 – (Comm. 23E-23) Authorization to Increase the 2005 Contracts with Prevent Focus Inc., and Jewish Family Services, Inc., by a Total of \$139,585, in NYS Office of Alcoholism & Substance Abuse Services State Aid Dollars

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 56 – (Comm. 23E-24) ECSD No. 1 - Engineering Agreement Dated 2/3/00 - Greenman Pedersen, Inc. - Change Order No. 4

Item 57 – (Comm. 23E-25) ECSD No. 4 & STSTA - Engineer Term Agreement - Work Order: GPI-5, Legislative Comm., 21E-33

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

Item 58 – (Comm. 23E-26) Buffalo & EC Botanical Gardens, Houses 11 & 12 Reconstruction Contingency Fund Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (Comm. 23E-27) DA's Office - Drug Court Program Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 60 – (Comm. 23E-28) Senior Services - Authorization to Revise the Area Agency on Aging (III-B), and others Budgets

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 61 – (Comm. 23E-29) Contract Agreement - EC Diesel School Bus Education Initiative

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – (Comm. 23E-30) Senior Services - Authorization to Amend the Protective Services for Adults (PSA) and Community Services Coordinator (CSC) Budgets

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 63 – (Comm. 23E-31) Erie County Tribal Community Reducing Toxic Air Pollutants (RTAP) Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 64 – (Comm. 23E-32) Dunn Tire Park, County Lease - Capital Improvements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 65 – (Comm. 23E-33) CPS - Establishment of EC Wireless E-911 Surcharge

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 66 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

RE: Appointment to the ECSD No. 3 Board of Managers (Comm. 23E-34)

WHEREAS, the County Executive has made an appointment to the Erie County Sewer District No. 3 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED. That the following appointment to the Erie County Sewer District No. 3 Board of Managers is hereby confirmed:

Erie County Sewer District No. 3

Term Expires

M. Martin E. Moot  
 182 George Street  
 Hamburt, New York 14075

12/31/05

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

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

CARRIED UNANIMOUSLY.

Item 67 – MS. MARINELLI presented the following item and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY



**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 248

RE: DSS - Request for Position Vacancy Fills  
(Comm. 23E-35)

WHEREAS, the Department of Social Services requests authorization to fill (14) critical positions as detailed on the attached Job Creation Summary Report Forms, and

WHEREAS, information is presented on the attachment in accordance with Amendment to Intro 19-3, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that authorization to create and fill the (14) positions detailed on the attached forms is granted, and be it further

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

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

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

AYES: CHASE, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and SWANICK. (AYES 8, NOES 5)

CARRIED.

Item 68 – (Comm. 23E-36) ECSSTA/ECSD No. 6 - Engineering Agreement Dated 6/1/02 - Stearns & Wheler, LLC - Change Order No. 7

Item 69 – (Comm. 23E-37) ECSSTA - Siemens Building Technologies, Inc. - Energy Performance Contract

Item 70 – (Comm. 23E-38) ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 4

Item 71 – (Comm. 23E-39) Sewerage Management - Personnel Request

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

Item 72 – (Comm. 23E-40) DPW - Addition of Two (2) Building Maintenance Mechanics

Item 73 – (Comm. 23E-41) Probation & Youth Detention Services - Creation and the Immediate Filling of a Payroll Clerk

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

Item 74 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

RE: Appointment/Reappointments to EC  
 Commission on the Status of Women (Comm.  
 23E-42)

RESOLVED, the Erie County Legislature does hereby confirm the appointments or reappointments of the following individuals to the Erie County Commission on the Status of Women for the terms stated:

**APPOINTMENTS**

NAME & ADDRESS

TERM EXPIRATION

Patricia Cwiklinski  
 107 Jasper Drive  
 Amherst, New York 1422

June 30, 2008

Latricia Chisholm  
 47 Ramsdell Avenue  
 Buffalo, New York 14216

June 30, 2008

**REAPPOINTMENTS**

Marianne Hanley  
 150 Dorchester Road  
 Buffalo, New York 14213

June 30, 2008

Margaret Murphy  
 54 Hollywood Avenue  
 Buffalo, New York 14220

June 30, 2008

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

Sheila Murphy  
965 Jewett Holmwood Road  
East Aurora, New York 14052

June 30, 2008

Item 75 – (Comm. 23E-43) Probation & Youth Detention Services - Creation and the Immediate Filling of Six (6) Probation Officer Positions and One (1) Probation Supervisor Position

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 76 – (Comm. 23E-44) Contract Agreement - EC/City of Buffalo Door-to-Door Recycling Education Campaign

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 77 – (Comm. 23E-45) Letter to County Executive & Kuwik Re: NYS COC Revocation of Inmate Housing Variances

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 78 – (Comm. 23E-46) Letter to DeBenedetti & Wroblewski Re: City Park Payments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 79 – (Comm. 23E-47) ECSD Nos. 1-6 - Section 270/271 Resolutions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 80 – (Comm. 23E-48) Health - Enhanced Drinking Water Protection Program - Grant Revision

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 81 – (Comm. 23E-49) ECSD No. 1 - Capital Project Close Out & Fund Transfer - Debt Service Fund

Item 82 – (Comm. 23E-50) Notice of Public Hearing - ECSD - 2006 Assessment Rolls

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

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

Item 83 – (Comm. 23E-51) Health - Acceptance of Donated Equipment for the Main-Transit Fire Dept.

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 84 – (Comm. 23E-52) DEP/Sewerage Management - Engineering Agreement Closeout - Agreement Dated 5/5/03 - URS Corporation

Item 85 – (Comm. 23E-53) Contract Amendment - Design/Construction Inspection Services - Erie Canalway Trail Project - Peter J. Smith & Company, Inc.

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

Item 86 – (Comm. 23E-54) Semi-Annual Attendance Records - Board of Managers – ECSDs

Received and filed.

Item 87 – (Comm. 23E-55) Senior Services - Authorization to Revise Grant Budgets

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 88 – (Comm. 23E-56) Health - Public Health Preparedness/Response to Bioterrorism - 8/31/04 - 8/30/05 SAP TITLE: HS127BT0405

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 89 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

RE: DSS - Request for Position Vacancy Fills – HEAP (Comm. 23E-57)

WHEREAS, the Department of Social Services requests authorization to recreate (29) positions and to fill these positions as well as (16) vacancies as detailed on the attached Job Creation Summary Report Forms, and

WHEREAS, information is presented on the attachment in accordance with Amendment to Intro 19-3, and

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

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

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

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WHEREAS, these positions are needed immediately due to the anticipated annual start up of the Home Energy Assistance Program, and

WHEREAS, the income eligibility levels for HEAP benefits have been increased and it is expected that the volume of applications will far exceed those in prior years, and

WHEREAS, there is no fiscal impact to this resolution as HEAP staff are 100% Federally funded and there is no local share cost.

NOW, THEREFORE, BE IT

RESOLVED, that authorization to create (29) positions and to fill (45) positions detailed on the attached forms is granted, and be it further

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

**HEAP STAFF RESTORATIONS, VACANCY FILL AND BACKFILL REQUEST DETAILS**  
(100% Federal Share. No County Share Cost)**A. Restoration and Fill of Twenty Nine (29) Deleted Vacant Positions**

Leg. Form #		Bal. Of Yr. Gross Cost	Local Share Cost
HEAP #1	2 ea. Energy Crisis Worker #2 (JG 5-5)	16,122	0
HEAP #2	14 ea. Part Time Energy Crisis Worker #2 (JG 5-0)	43,246	0
HEAP #3	8 ea. Part Time Energy Crisis Worker #1 (JG 2-0)	21,600	0
HEAP #4	2 ea. Seasonal Energy Crisis Worker #2 (JG 5-0)	12,206	0
HEAP #5	3 ea. Seasonal Data Entry Operator (JG 4-0)	17,310	0
<b>Subtotal For Position Restorations / Fills</b>		<b>110,484</b>	<b>0</b>

Note: These positions remain fully funded in the latest amended 2005 CAAB Budget

**B. Fill Six (6) Current Existing Vacant Positions**

Leg. Form #		Bal. Of Yr. Gross Cost	Local Share Cost
HEAP #6	1 ea. Energy Crisis Worker #3 (JG 8-5)	10,495	0
HEAP #7	1 ea. Energy Crisis Worker #2 (JG 5-5)	8,061	0
HEAP #8	2 ea. Seasonal Energy Crisis Worker #1 (JG 2-0)	10,668	0
HEAP #9	2 ea. Part Time Energy Crisis Worker #2 (JG 5-0)	6,178	0
<b>Subtotal For Current Vacant Position Fills</b>		<b>35,402</b>	<b>0</b>

Note: These positions remain fully funded in the latest amended 2005 CAAB Budget

**C. Backfill Ten (10) Currently Filled Positions To Be Vacated Due To Restorations and Vacancy Fills**

Leg. Form #		Bal. Of Yr. Gross Cost	Local Share Cost
HEAP #10	1 ea. Energy Crisis Worker #2 (JG 5-5)	N/A - Filled	0
HEAP #11	4 ea. Energy Crisis Worker #1 (JG 2-5)	N/A - Filled	0
HEAP #12	1 ea. Seasonal Energy Crisis Worker #2 (JG 5-0)	N/A - Filled	0
HEAP #13	1 ea. Part Time Energy Crisis Worker #2 (JG 5-0)	N/A - Filled	0
HEAP #14	3 ea. Seasonal Energy Crisis Worker #1 (JG 2-0)	N/A - Filled	0
<b>Subtotal For Backfill of Current Filled Positions</b>		<b>0</b>	<b>0</b>

Note: These positions remain fully funded in the latest amended 2005 CAAB Budget and they are currently filled. Backfills result in no change in costs for balance of year.

	Bal. Of Yr. Gross Cost	Local Share Cost
<b>GRAND TOTAL ALL POSITIONS IN REQUEST</b>	<b>145,886</b>	<b>0</b>

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 1: (Cost Center 1050)Department Social ServicesJob title Energy Crisis Worker # 2 (2 positions)Job Group 5Step 5Annualized Salary 32,242 x 2 = 64,484Salary for Balance of year 8,061 x 2 = 16,122 (\$0 Local Share)Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?

Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulationIf this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming UnitIs this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Re-creation of deleted vacanciesIs this a competitive civil service position? NoIs there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 2: (Cost Center 1050)Department Social ServicesJob title Part Time Energy Crisis Worker # 2 (14 positions)Job Group 5Step 0Annualized Salary 12,357 x 14 = 172,997Salary for Balance of year 3,089 x 14 = 43,246 (\$0 Local Share)Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services – Claims Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Re-creation of deleted vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No



AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 3: (Cost Center 1050)

Department Social Services

Job title Part Time Energy Crisis Worker # 1 (8 positions)

Job Group 2

Step 0

Annualized Salary 10,799 x 8 = 86,392

Salary for Balance of year 2,700 x 8 = 21,600 (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source:

<u>0</u>	% Local
<u>0</u>	% State
<u>100</u>	% Federal
	% Other (cite)

Are the duties performed by the individual required by Law or Contract?

Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services – Claims Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Re-creation of deleted vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 4: (Cost Center 1050)Department Social ServicesJob title Seasonal Energy Crisis Worker # 2 (2 positions)Job Group 5Step 0Annualized Salary 8,917 x 2 = 17,834Salary for Balance of year 6,103 x 2 = 12,206 (\$0 Local Share)Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Re-creation of deleted vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 5: (Cost Center 1050)Department Social ServicesJob title Seasonal Data Entry Operator (3 positions)Job Group 4Step 0Annualized Salary 8,430 x 3 = 25,290Salary for Balance of year 5,770 x 3 = 17,310 (\$0 Local Share)Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant?  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Re-creation of deleted vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

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AMENDMENT TO 19-3  
 Job Creation Summary Report Form  
 HEAP # 6: (Cost Center 1050)

Department Social Services

Job title Energy Crisis Worker # 3 (1 position)

Job Group 8

Step 5

Annualized Salary \$ 41,980

Salary for Balance of year \$10,495 (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source: 0 % Local  
0 % State  
100 % Federal  
 \_\_\_\_\_ % Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
No – Fill existing vacancy

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 7: (Cost Center 1050)Department Social ServicesJob title Energy Crisis Worker # 2 (1 position)Job Group 5Step 5Annualized Salary 32,242Salary for Balance of year 8,061 (\$0 Local Share)Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant?  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services – Claims Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
No – fill existing vacancy

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 8: (Cost Center 1050)

Department Social Services

Job title Seasonal Energy Crisis Worker #1 (2 positions)

Job Group 2

Step 0

Annualized Salary 7,793 x 2 = 15,586

Salary for Balance of year 5,334 x 2 = 10,668 (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source: 0 % Local  
0 % State  
100 % Federal  
 \_\_\_\_\_ % Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant?  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
No – fill existing vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 9: (Cost Center 1050)

Department Social Services

Job title Part Time Energy Crisis Worker # 2 (2 positions)

Job Group 5

Step 0

Annualized Salary 12,357 x 2 = 24,714

Salary for Balance of year 3,089 x 2 = 6,178 (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes—establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services – Claims Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
No – fill existing vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

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AMENDMENT TO 19-3  
 Job Creation Summary Report Form  
 HEAP # 10: (Cost Center 1050)

Department Social Services

Job title Energy Crisis Worker # 2 (1 position)

Job Group 5

Step 5

Annualized Salary 32,242

Salary for Balance of year NA - currently filled - will be backfill for ECW # 3 position - no added cost for balance of year (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?

Yes - establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Currently filled; will create new vacancy to be backfilled due to filling of ECW # 3 vacancy

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No



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AMENDMENT TO 19-3  
 Job Creation Summary Report Form  
 HEAP # 11: (Cost Center 1050)

Department Social Services

Job title Energy Crisis Worker # 1 (4 positions)

Job Group 2

Step 5

Annualized Salary 27,893 x 4 = 111,572

Salary for Balance of year NA - currently filled - will be backfills for ECW # 2 positions - no added cost for balance of year (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source: 0 % Local  
0 % State  
100 % Federal  
 \_\_\_\_\_ % Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes - establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Currently filled; will create new vacancies to be backfilled due to filling of ECW # 2 vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

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AMENDMENT TO 19-3  
 Job Creation Summary Report Form  
 HEAP # 12: (Cost Center 1050)

Department Social Services

Job title Seasonal Energy Crisis Worker # 2 (1 position)

Job Group 5

Step 0

Annualized Salary 8,917

Salary for Balance of year NA - currently filled - will be backfill for ECW # 2 position - no added cost for balance of year (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source:           0                           % Local  
                                   0                           % State  
                                   100                           % Federal  
   % Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes - establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Currently filled; will create new vacancy to be backfilled due to filling of ECW # 2 vacancy

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 13: (Cost Center 1050)

Department Social Services

Job title Part Time Energy Crisis Worker # 2 (1 position)

Job Group 5

Step 0

Annualized Salary 12,357

Salary for Balance of year NA - currently filled - will be backfill for ECW # 2 position - no added cost for balance of year (\$0 Local Share)

Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes - establishing HEAP eligibility is mandated of Counties by the New York State Law and regulation

If this is a grant funded position, what is the name of the grant?  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was eliminated by the passage of Intro. 15-9?  
Currently filled; will create new vacancy to be backfilled due to filling of ECW # 2 vacancy

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

AMENDMENT TO 19-3  
Job Creation Summary Report Form  
HEAP # 14: (Cost Center 1050)Department Social ServicesJob title Seasonal Energy Crisis Worker # 1 (3 positions)Job Group 5Step 0Annualized Salary 7,793 x 3 = 23,379Salary for Balance of year NA - currently filled - will be backfills for  
ECW # 2 and ECW #1 positions - no added cost for balance of year (\$0  
Local Share)Budgetary Refill date 10/3/05

Funding Source:	<u>0</u>	% Local
	<u>0</u>	% State
	<u>100</u>	% Federal
		% Other (cite)

Are the duties performed by the individual required by Law or Contract?  
Yes - establishing HEAP eligibility is mandated of Counties by the New  
York State Law and regulation

If this is a grant funded position, what is the name of the grant  
Low Income Home Energy Assistance Program (HEAP)

If this is a grant funded position, what is the term of the grant?  
October 1, 2005 through September 30, 2006

If it is a grant funded position, who is responsible for billing the grant sponsor?  
Social Services Claiming Unit

Is this a new position or the re-creation of a vacant position that was  
eliminated by the passage of Intro. 15-9?  
Currently filled: will create new vacancy to be backfilled due to filling of  
ECW # 2 and ECW # 1 vacancies

Is this a competitive civil service position? No

Is there a current Preferred or Civil Service List for this position?  
No

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MS. MARINELLI moved for the approval of the item. MR. KENNEDY seconded. Legislators Ranzenhofer, Cusack and Marshall voted in the negative.

CARRIED.

Item 90 – (Comm. 23E-58) Health - Personnel Adjustments

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 91 – (Comm. 23E-59) Senior Services - Authorization to Establish the Long Term Care Education and Outreach Program & State Pharmaceutical Assistance Program Grants

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 92 – (Comm. 23E-60) Erie County FY 4-Year 2005 Financial Plan

Item 93 – (Comm. 23E-61) Revenue Enhancement and Cost Recovery Program to Implement the FY2005 Four-Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 94 – (Comm. 23E-62) Probation & Youth Detention - Establishment of Prime Time Program and Authorization to Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMPTROLLER**

Item 95 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

RE: Bond Resolution for Various Capital  
 Projects (Comm. 23E-63)

September 13, 2005

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

Re: Immediate Consideration – Bond Resolution for Various Capital Projects

Dear Honorable Members:

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**ERIE COUNTY LEGISLATURE**

The office is presently awaiting receipt of a bond resolution from the County's bond counsel that would authorize the issuance of \$29,117,632 in bonds for various capital purposes.

Recognizing that there is an 11:00 am filing deadline today for items to be presented by the Clerk of the Legislature at your September 15, 2005 meeting, please consider this letter as an official filing so the bond resolution may be given immediate consideration at that time. This office will submit the actual bond resolution to the Clerk of the Legislature as soon as it is received from bond counsel and reviewed by us.

Appropriate Administration representatives will be available to answer your questions.

Very truly yours,

JAMES M. HARTMAN  
 County Comptroller

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. \_\_-2005

BOND RESOLUTION DATED \_\_\_\_\_, 2005  
 BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$47,857,601, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE EXPENDITURE OF \$18,739,969 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE AND THE ISSUANCE OF \$29,117,632 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION.

(Introduced) \_\_\_\_\_, 2005

(Adopted) \_\_\_\_\_, 2005

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully detailed in column H of the attached schedule and the referenced sources in column I of the attached schedule. To the extent that the details for any project set forth in this resolution are inconsistent with any details set forth in the applicable capital budget of the County, such budget shall be deemed and is hereby amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 1, 3, 4-7, 14-16 and 21 of the attached schedule, and (b) the classes of objects or purposes set forth in rows 2, 8-13 and 17-20 of the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor. The plan of financing includes the expenditure of \$18,739,969 County funds

available or to be available therefor, and the issuance of \$29,117,632 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the respective principal amounts set forth in column D of the attached schedule are hereby authorized to be issued 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 the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$29,117,632 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column G of the attached schedule.

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

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

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

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

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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



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COLUMN #	A	B	C	D	E		
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SEQR STATUS	ESTIMATED MAXIMUM COST	ORIGINAL BUDGET	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED
1	A.00259	2005 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	Type II Approved	\$ 2,645,000	\$ 2,645,000	\$ 2,645,000	
2	A.00260	2005 SIDEWALK RESTORATION (BUFFALO)	Type II Approved	\$ 160,000	\$ 160,000	\$ 160,000	
3	A.00272	2005 EXTERIOR BUILDING REHABILITATION PHASE II (BUFFALO)	Type II Approved	\$ 425,000	\$ 425,000	\$ 425,000	
4	A.00262	2005 RATH BUILDING COOLING TOWER REPLACEMENT (BUFFALO)	Type II Approved	\$ 365,000	\$ 365,000	\$ 365,000	
5	A.00213	2005 LAKE SHORE TRAIL CONSTRUCTION	Type II Approved	\$ 247,000	\$ 247,000	\$ 247,000	
6		RECONSTRUCTION OF ALL HIGH STADIUM (CITY OF BUFFALO)	Type II	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	
7		ERIE CANAL HARBOR - WATERFRONT DEVELOPMENT (CITY OF BUFFALO)	Type I Approved	\$ 14,000,000	\$ 14,000,000	\$14,000,000	
8		2005 ECC RENOVATION OF VARIOUS FACILITIES	Type II	\$ 207,000	\$ 207,000	\$ 207,000	
9		2005 ECC PURCHASE OF VEHICLES & HEAVY EQUIPMENT	Type II	\$ 144,000	\$ 144,000	\$ 144,000	
10a		2005 ECC PURCHASE OF LAB., TECHNICAL AND MISCELLANEOUS EQUIPMENT	Type II	\$ 1,182,540	\$ 1,182,540	\$ 1,182,540	
10b		2005 ECC PURCHASE OF OFFICE FURNITURE AND EQUIPMENT	Type II	\$ 325,000	\$ 325,000	\$ 325,000	
11		ECMCC VARIOUS INFORMATION SYSTEMS	Type II	\$ 830,000	\$ 830,000	\$ 222,006	
12		ECMCC VARIOUS EQUIPMENT	Type II	\$ 6,420,500	\$ 6,420,500	\$ 328,894	

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F	G	H	I
LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE OR RESO. REFERENCE
	15 yrs. Par. 19 (c)	Under terms of the lease agreement with the Bills, the County is required to finance structural improvements. This yearly rehabilitation program is necessary to correct the many structural, mechanical and electrical deficiencies.	2005 CAP. BUDGET, C-235, 238 & 253
	15 yrs. Par. 20	Currently the sidewalks surrounding County buildings, located at 25 Delaware Avenue and 92 Franklin Street, are in very poor condition and a hazard to the general public. This project will fund the replacement of the sidewalks and restoration work to the retaining walls.	2005 CAP. BUDGET, C-235, 238 & 253
	15 yrs. Par. 12 (a)(2)	Twenty-five Delaware and Old County Hall are in serious need of rehabilitation. This project will provide for various improvements, including new copper roofing and replacement of building exteriors. This is the second of a two-phase project.	2005 CAP. BUDGET, C-235, 239 & 253
	10 yrs. Par. 13	This project will fund the replacement of the original 35-year old HVAC rooftop cooling towers. The existing cooling towers are close to the end of their useful life and are operating inefficiently with reduced capacity and increased energy loss. The estimated annual savings for this replacement ranges from \$6,000 to \$9,000.	2005 CAP. BUDGET, C-235, 239 & 253
	15 yrs. Par. 19(c)	Construction of a ten to twelve foot wide multi-purpose path along Lake Shore Road in the Town of Evans	
	15 yrs. Par. 12 (a)(2)	Facilities Reconstruction of All High Stadium in the City of Buffalo	Comm. 12E-33, adopted 5/5/2005
	15 yrs. Par. 91	Development including demolition of existing structures, Construction of parking ramp, streets, sidewalks, installation of utilities, wharfing, dockage, landscaping, pedestrian/bicycle trail and amenities including seating, trash cans and streetscapes	Comm. 12E-30, adopted 6/2/2005
	15 yrs. Par. 12 (a)(2)	Renovation of various College facilities to address all fire and building codes and ensure compliance with all accreditation standards	2005 CAP. BUDGET, C-237, 249 & 263
	15 yrs. Par. 28	Purchase of various vehicles, heavy equipment and apparatus	2005 CAP. BUDGET, C-237, 249 & 263
	5 yrs. Par. 35	Purchase of laboratory, technical and other miscellaneous equipment	2005 CAP. BUDGET, C-237, 249 & 263
	5 yrs. Par. 35	Purchase of office furniture and equipment	2005 CAP. BUDGET, C-237, 249 & 263
\$ 607,994	5 yrs. Par. 89	This expenditure is part of a multi-year project of replacement and upgrades of both hardware and software for both the Hospital & Home.	2003 Cap. Budget, C 167, 181 & 197
\$ 6,091,606	5 yrs. Par. 89	This project provides funding for the equipment needs of the Corporation at both the Hospital and Home including but not limited to imaging, laboratory, cardiac, surgical and non-medical equipment	2001 & 2002 Cap. Budget, Book C ECMC various pages

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13		ECMCC RENOVATION OF VARIOUS FACILITIES	Type II	\$ 3,740,000	\$ 3,740,000	\$ 881,899		\$ 2,858,101	15 yrs. 12 (a)(2)	Par.
14	G.09022	2004 ECMCC CARDIO THORACIC/AMB. CARE UNIT RENOVATION	Type II	\$ 1,275,000	\$ 1,275,000	\$ 1,275,000			15 yrs. 12 (a)(2)	Par.
15	G.09023	2004 ECMCC 4TH FLOOR RENOVATIONS	Type II	\$ 900,000	\$ 900,000	\$ 900,000			15 yrs. 12 (a)(2)	Par.
16	G.09024	2005 ECMCC INFORMATION & TECHNOLOGY UPGRADES	Type II	\$ 1,500,000	\$ 1,500,000	\$ 372,200		\$ 1,127,800	5 yrs. Par. 89	
17	G.09025	2005 ECMCC EP LAB. & SURGICAL EQUIPMENT	Type II	\$ 1,250,000	\$ 1,250,000	\$ 678,908		\$ 571,092	5 yrs. Par. 35	
18	G.09026	2005 ECMCC CLINICAL EQUIPMENT	Type II	\$ 3,176,671	\$ 3,176,671	\$ 684,261		\$ 2,492,410	5 yrs. Par. 35	
19	G.09027	2005 ECMCC PLANT OPERATION UPGRADES	Type II	\$ 800,000	\$ 800,000	\$ 713,924		\$ 86,076	10 yrs. Par. 90	
20	D.09103	2003 PURCHASE OF LABORATORY & TECHNICAL EQUIPMENT (COUNTYWIDE)	Type II	\$ 3,264,890	\$ 3,264,890	\$ 1,810,000		\$ 1,454,890	5 yrs. Par. 35	
21	A.09019	2003 DUNN TIRE PARK REHABILITATION	Type II	\$ 4,000,000	\$ 4,000,000	\$ 550,000		\$ 3,450,000	15 yrs. 12 (a)(2)	Par.
				\$ 47,857,601	\$ 47,857,601	\$ 29,117,632		\$ 18,739,969		

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<p>This project provides funds for much needed renovations at the Hospital and Home including but not limited to patient unit renovations and ancillary department renovations. Some of these projects may be completed using in-house employed craftsmen and laborers that the Corporation may seek reimbursement through these funds</p>	<p>2002 Cap. Budget, C 170, 181 &amp; 193; Comm. 3E-19, adopted 2/7/2002 &amp; Comm. 9E-47, adopted 4/25/2002</p>
<p>Cardio-thoracic unit and ambulatory care construction and renovations.</p>	<p>Comm. 30E-22, adopted 12/22/2004</p>
<p>Renovation of various Hospital facilities to address all fire and building codes and ensure compliance with all JCAHO accreditation standards for the 4th floor patient units</p>	<p>Comm. 30E-22, adopted 12/22/2004</p>
<p>Physician Order Management System, software system; Software system to standardize HIPAA mandated transactions; Hospital data network upgrades, replacement of aging components and capacity increases; Purchase of additional computers and printers to expand access of the Meditech system</p>	<p>Comm.4E-6. adopted 2/3/2005</p>
<p>EP lab and surgical equipment</p>	<p>Comm.4E-6. adopted 2/3/2005</p>
<p>Purchase of Hospital clinical equipment (laboratory, nursing, radiology &amp; behavioral health)</p>	<p>Comm.4E-6. adopted 2/3/2005</p>
<p>Plant (mechanical) operational upgrades</p>	<p>Comm.4E-6. adopted 2/3/2005</p>
<p>The acquisition of laboratory, technical, computer and various other equipment, includes hardware, software, printers and scanners as well as an automated check-in system for the Dept. of Probation</p>	<p>2003 Cap. Budget, C 164, 168 &amp; 187</p>
<p>Rehabilitation of Dunn Tire Park to correct structural, mechanical and electrical deficiencies</p>	<p>2003 Cap. Budget, C 164, 171 &amp; 188</p>
<p></p>	<p></p>

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved to approve the item as amended. MR. SMITH seconded.

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

AYES: CHASE, CUSACK, McCARVILLE, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: MARSHALL, RANZENHOFER and WEINSTEIN. (AYES: 10, NOES: 3)

**FROM CHAIRMAN HOLT**

Item 96 – (Comm. 23E-64) Copy of Letter to 8th Judicial District Administrative Judge Re: Law Library Board of Trustees

Received, Filed, and Printed.

September 13, 2005

Hon. Sharon S. Townsend  
 District Administrative Judge  
 Eighth Judicial District  
 92 Franklin Street, Third Floor  
 Buffalo, New York 14202

Re: Law Library Board of Trustees

Dear Judge Townsend:

Please be advised that I am honored to recommend that Dr. Barry A. Weinstein be reappointed to serve as the Erie County Legislature's representative to the Library Board.

If you have need of additional information, please do not hesitate to contact me.

Very truly yours,

George A. Holt Jr.  
 Chairman, Erie County Legislature

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 97 – (Comm. 23D-1) Notice of Public Hearing - Local Law Intro. No. 8-2005

Received, Filed, and Printed.

July 18, 2005

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

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

**Re: Notice of Public Hearing**  
**Local Law Intro. No. 8-2005**

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. which was approved by the Erie County Legislature on July 14, 2005.

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

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: GREGORY J. DUDEK  
Assistant County Attorney

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Wednesday, July 27, 2005 at 10:30 a.m. concerning

A LOCAL LAW, amending Erie County Local Law No. 5 of 1994, in relation to minority-owned business and woman-owned business utilization commitment by persons or firms contracting with the County of Erie for supplies, materials, equipment, insurance, professional, technical or other consultant services.

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

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

On July 14, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 8 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.

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JOEL A. GIAMBRA  
Erie County Executive

Item 98 – (Comm. 23D-2) Notice of Public Hearing - Local Law Intro. No. 11-2005

Received, Filed, and Printed.

July 18, 2005

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

**Re: Notice of Public Hearing**  
**Local Law Intro. No. 11-2005**

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. which was approved by the Erie County Legislature on July 14, 2005.

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

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: GREGORY J. DUDEK  
Assistant County Attorney

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Wednesday, July 27, 2005 at 10:00 a.m. concerning

A LOCAL LAW, amending Local Law No. 1-1959, as amended, constituting the Erie County Charter, and the Erie County Administrative Code Sections 6.02(c), 10.02(c) and 19.08, concerning special or outside counsel, consultants and lobbyists, and regulating and requiring their retention by the County of Erie only after a request for proposal (RFP) has been conducted and formal approval granted by the Erie County Legislature.

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

On July 14, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 11 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.

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JOEL A. GIAMBRA  
Erie County Executive

Item 99 – (Comm. 23D-3) Leased Properties Report

Item 100 – (Comm. 23D-4) CSEA vs. County of Erie, et al.



**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

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

FROM THE COMMUNITY COLLEGE

Item 101 – (Comm. 23D-5) Notice & Agenda of Meeting Held 8/24/05

Item 102 – (Comm. 23D-6) Minutes of Meeting Held 6/29/05

The above two items were received and filed.

FROM THE COUNTY ATTORNEY

Item 103 – (Comm. 23D-7) Transmittal of New Claim

Received and filed.

FROM PERSONNEL

Item 104 – (Comm. 23D-8) Copy of Letter to NYS Dept. of Civil Service Re: Cancellation of EC Exam

Received and filed.

FROM THE BECPL

Item 105 – (Comm. 23D-9) Copy of Agenda for Meeting Held 9/1/05

Received and filed.

FROM THE COMMUNITY COLLEGE

Item 106 – (Comm. 23D-10) Notice of Special Meeting of the Board of Trustees Held 9/14/05

Received and filed.

FROM THE COUNTY ATTORNEY

Item 107 – (Comm. 23D-11) Transmittal of New Claims

Item 108 – (Comm. 23D-12) Transmittal of New Claims

The above two items were received and filed.

FROM THE PARKS DEPARTMENT

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

Item 109 – (Comm. 23D-13) Monthly Monitoring Report for Erie County Golf Courses for August

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BECPL

Item 110 – (Comm. 23D-14) Proposed Agenda for Meeting Held 9/1/05

Received and Filed.

FROM THE COUNTY ATTORNEY

Item 111 – (Comm. 23D-15) Copy of Letter to South Buffalo Community Center Re: Lease Between County of Erie and South Buffalo Community Center

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE ERIE COUNTY RECEIVERS & COLLECTORS

Item 112 – (Comm. 23M-1) Letter to Marinelli Re: Proposed Amendments to the Erie County Tax Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE AGRICULTURAL & FARMLAND PROTECTION BOARD

Item 113 – (Comm. 23M-2) Agricultural District Requests as per Sec. 303-b of the NYS Agricultural District Law

Received and filed.

FROM THE TOWN OF COLDEN

Item 114 – (Comm. 23M-3) Certified Resolution Re: NYS Thruway Authority Eliminate Tolls

Received and filed.

FROM THE BOARD OF HEALTH

Item 115 – (Comm. 23M-4) Notice of Postponement of Public Hearing

Received and filed.

FROM THE NYS DOT

Item 116 – (Comm. 23M-5) Transit Rd, Part 4, SH 1334, NY Route 78 From Aero to NY Route 5 - Towns of Amherst, Cheektowaga, Lancaster & Clarence

Received and filed.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 117 – (Comm. 23M-6) Request to Retain 2004 Surplus

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM THE EIGHTH JUDICIAL DISTRICT

Item 118 – (Comm. 23M-7) Law Library Board of Trustees

Received and filed.

FROM THE TOWN OF MARILLA

Item 119 – (Comm. 23M-8) Certified Resolution Re: Erie County Sheriff

Received and filed.

FROM THE TOWN OF BRANT

Item 120 – (Comm. 23M-9) Certified Resolution Re: Erie County Sheriff

Received and filed.

FROM THE TOWN OF COLDEN

Item 121 – (Comm. 23M-10) Certified Resolution Re: Erie County Sheriff

Received and filed.

FROM CONGRESSMAN HIGGINS

Item 122 – (Comm. 23M-11) Copy of Letter to NYS DOT Re: Buffalo Skyway

Received and filed.

FROM THE WORKFORCE INVESTMENT BOARD, INC.

Item 123 – (Comm. 23M-12) Request for Extension of Job Training Grant

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF EDEN

Item 124 – (Comm. 23M-13) Certified Resolution Re: Saving Eden's Library

Received and filed.

FROM THE TOWN OF NEWSTEAD

Item 125 – (Comm. 23M-14) Certified Resolution Re: Erie County Sheriff

Received and filed.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 126 – (Comm. 23M-15) Annual Report for Year Ending 12/31/03

Received and filed.

FROM THE BUFFALO-NIAGARA PARTNERSHIP

Item 127 – (Comm. 23M-16) A Plan for Moving On

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 128 – (Comm. 23M-17) 17A Report and Capital Expenditure Reports for 1st Quarter of FY Ending 3/31/06

Received and filed

FROM THE TOWN OF LANCASTER

Item 129 – (Comm. 23M-18) Certified Resolution Re: Removal of Tolls

Received and filed.

FROM THE TOWN OF ELMA

Item 130 – (Comm. 23M-19) Certified Resolution Re: Erie County Sheriff

Received and filed.

FROM THE NFTA

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

Item 131 – (Comm. 23M-20) Minutes of Board Meeting Held 7/25/05

Received and filed.

FROM SHEILA FIGLIOTTI

Item 132 – (Comm. 23M-21) Letter to Marinelli Re: Erie County Charter Revision Commission

Received and filed

FROM CONGRESSMAN HIGGINS

Item 133 – (Comm. 23M-22) Copy of Letter to Federal Energy Regulatory Commission Re: NYPA Application for Relicensing, Niagara Power Project

Received and filed.

FROM THE TOWN OF BOSTON

Item 134 – (Comm. 23M-23) Certified Resolution Re: Erie County Sheriff

Received and filed.

FROM THE UNITED STATES ARMY

Item 135 – (Comm. 23M-24) Active Duty Training for Swanick From 8/8/05 to 8/30/05

Received, filed, and printed.

Sept 2, 2005

TO WHOM IT MAY CONCERN

RE: Request for Leave of Absence

Pursuant to section 2024 of Chapter 43, Title 38, United States Code (Reemployment Rights) I hereby request a leave of absence for training in the United States Army Reserve as indicated below:

- ( ) Weekday Weekend Drill Scheduled for:
- (X) Active Duty Training from 8 SEP 2005 thru the 20 Sep 2005
- ( ) Other Training Scheduled for:

**MEETING NO. 23**  
**SEPTEMBER 15, 2005**

**ERIE COUNTY LEGISLATURE**

MSG Charles Swanick  
(Print Name/Rank/SSN)

SECTION 2024 OF CHAPTER 43, TITLE 38, UNITED STATES CODE PROVIDES A STATUTORY LEAVE OF ABSENCE AND REEMPLOYMENT RIGHTS FOR PERSONS EMPLOYED BY PRIVATE EMPLOYERS, BY ANY STATE AND THEIR POLITICAL SUBDIVISIONS WHO HOLD POSITIONS OTHER THAN TEMPORARY AND REQUEST LEAVE TO PERFORM MILITARY TRAINING

POC is the undersigned at (716) 985-4686 or karen.s.venturin@us.army.mil

Karen Venturin  
SSG, AGR  
Training/Operations NCO

**MEMORIAL RESOLUTIONS**

Item 136 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Evelyn Orlando.

Item 137 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Anthony Rizzo.

Item 138 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Jack Glavey.

Item 139 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Hurricane Katrina victims.

**ADJOURNMENT**

Item 140 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday, September 30, 2005 at 2 p.m. Eastern Standard Time. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday September 30, 2005 at 2 p.m. Eastern Standard Time.

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