

**ERIE COUNTY LEGISLATURE
MEETING NO. 24
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. Dusza.

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.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. DeBENEDETTI presented the a resolution Congratulating Lucy Joslyn Upon Her 95th Birthday.

Item 7 – SMITH & HOLT presented a resolution In Memory of Juanita Smith.

Item 8 – MS. MARINELLI presented a resolution Honoring Crossing Guard Kristen Masecchia for Saving 4 Girls From a Car Running a Red-light.

Item 9 – SMITH & HOLT presented a resolution Honoring Rev. Gloria E. Payne-Carter as First African-American Female Rector in the WNY Episcopal Dioceses.

Item 10 – SMITH & HOLT presented a resolution Honoring Rev. Kenyatta T. Cobb for his Numerous Contributions, Energy and Commitment to the City of Buffalo and its Residents.

Item 11 – MR. DeBENEDETTI presented a resolution Proclaiming October as B A Sport Month.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above six items as amended. MR.
DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 - CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the
table and in the Community Services Committee.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the
table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the
table.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the
table.

GRANTED.

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

GRANTED.

COMMITTEE REPORTS

Item 17 – MR. WROBLEWSKI presented the following resolution and moved for immediate
consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

ALL MEMBERS PRESENT EXCEPT LEGISLATORS SWANICK AND MARSHALL.

1. COMM. 24E-22 (2005)
COUNTY EXECUTIVE

WHEREAS, during the discussions of which line items could be reduced from the Division of Highways within Public Works, it was assumed that SAP Account 515000 Utility Charges could be halved if half the highway barns were closed, and

WHEREAS, all barns were open until the cuts occurred in late March 2005 and even after that time several remained open while materials and equipment were relocated, and

WHEREAS, this assumption that water usage would be halved was in error and, therefore, sufficient funds do not exist in SAP Account 515000 to pay to highway barns' utility charges outside of the Utility Fund, and,

WHEREAS, the Department of Public Works desires to reallocate the funding within the Division of Highways such that sufficient funds will exist to pay utility charges,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the following changes to the Division of Highways budget:

Reduce SAP Account 505200, Clothing Supplies from \$3,500 to \$1,000,
 Reduce SAP Account 530000, Other Expenses from \$2,000 to \$1,000,
 Reduce SAP Account 561410, Lab & Tech Equipment from \$5,000 to \$4,000 and
 Increase SAP Account 515000, Utility Charges from \$4,500 to \$9,000, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and the Office of the Comptroller.

(3-0)

2. COMM. 27E-2 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature approved a contract for the design of Milestrip Road (CR 460) and Bridge between Clark Patterson Associates and the County of Erie at Meeting Number 16, held on July 12, 2001, Communication Number 15E-7, and

WHEREAS, the Erie County Legislature approved a contract for the reconstruction of Milestrip Road (CR 460) and Bridge in the Town of Orchard Park between Sicar, Incorporated and the County of Erie at Meeting Number 15, held on September 11, 2003, Communication Number 15E-21, and

WHEREAS, the Erie County Legislature was informed the Town of Orchard Park's share for watermain relocation work on Milestrip Road would be reimbursed in the amount not to exceed of \$67,500, at Meeting Number 17, held on July 15, 2004, Communication Number 17E-31.

NOW, THEREFORE, BE IT,

RESOLVED, that the payment of \$66,950.00 be accepted as payment in full from the Town of Orchard Park to the 2003 County-Wide Bridge Design and Reconstruction Project, SAP B.00058 for project expenditures, and be it further

RESOLVED, that the 2003 County-wide Bridge Design and Reconstruction Project, SAP B.00058 revenues and appropriations be equally increased by the amount of \$66,950.00 for the purposes of the Milestrip Road & Bridge Reconstruction Project, and be it further,

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

(3-0)

3. **COMM. 27E-15 (2005)**
COUNTY EXECUTIVE

WHEREAS, a delay in construction startup due to the current budget crisis has forced the construction to extend into the fall scholastic season of ECC South Campus and to allow for the continuation of academic classes, the project must now be done in phases lengthening the construction period, and

WHEREAS, Bergmann Associates is requesting additional fees for the unanticipated lengthened construction period, and

WHEREAS, the firm of Bergmann Associates presently has a contract with the County of Erie to provide design services for this project,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Bergmann Associates in an amount not to exceed \$5,000.00 for the extended construction duration required for the Erie County Community College – South Campus Chemistry Lab Fume Hood Exhaust Modifications, and be it further,

RESOLVED, that the Comptroller's Office is authorized to make payments for the additional fees from 2003 Code Compliance and Reconstruction of County Building and Equipment (County-wide) Project A.00069, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the County Executive's Office; one copy to the Erie County Community College; one copy to Budget Management & Finance; and one copy to the Office of the Comptroller.

(3-0)

4. **COMM. 27E-17 (2005)**
COUNTY EXECUTIVE

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WHEREAS, NYSERDA offers financial incentive awards for building projects that have specific energy conservation measures, and

WHEREAS, NYSERDA has granted Erie County two financial incentive awards in the amounts of \$26,018.00 and \$46,298.93.

WHEREAS, as a Technical Assistance Agent to NYSERDA, C.J. Brown Energy, P.C. has been instrumental in coordinating and ensuring our participation in all the financial award programs that Erie County qualifies for, and

WHEREAS, the project revenues (Grant for \$72,316.93) and appropriations be increased by \$72,316.93 to bring the total of the project to \$466,180.93,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the acceptance of \$72,316.93 from NYSERDA, and be it further,

RESOLVED, the project revenues (Grant for \$72,316.93) and appropriations be increased by \$72,316.93 to bring the total of the project to \$466,180.93, and be it further,

RESOLVED, from this \$72,316.93 a Professional Services Change Order to Erie County's Term Contract with C.J. Brown Energy, P.C. to continue their services for Erie County will be issued in the amount of \$40,000, and be it further

RESOLVED, that the remainder is to be added to Account A.00049, 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 and the Office of the Comptroller.
 (3-0)

TIMOTHY M. WROBLEWSKI
CHAIRMAN

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

SEPTEMBER 20, 2005

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 10

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

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1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 11E-24 (2005)
COUNTY EXECUTIVE: Contract Agreement - Erie County Diesel School Bus Education Initiative
 (4-0) Legislator Marinelli was absent.
 - b. COMM. 23E-24 (2005)
COUNTY EXECUTIVE: ECSD No. 1 - Engineering Agreement Dated 2/3/00 - Greenman Pedersen, Inc. - Change Order No. 4
 (4-0) Legislator Holt was absent.
 - c. COMM. 23E-25 (2005)
COUNTY EXECUTIVE: ECSD No. 4 & STSTA - Engineer Term Agreement - Work Order: GPI-5, Legislative Comm., 21E-33
 (4-0) Legislator Holt was absent.
 - d. COMM. 23E-36 (2005)
COUNTY EXECUTIVE: ECSSTA/ECSD No. 6 - Engineering Agreement Dated 6/1/02 - Stearns & Wheler, LLC - Change Order No. 7
 (4-0) Legislator Holt was absent.
 - e. COMM. 23E-38 (2005)
COUNTY EXECUTIVE: ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 4
 (4-0) Legislator Holt was absent.
 - f. COMM. 23E-47 (2005)
COUNTY EXECUTIVE: ECSD Nos. 1-6 - Section 270/271 Resolutions
 (4-0) Legislator Holt was absent.
 - g. COMM. 23D-13 (2005)
PARKS: Monthly Monitoring Report for Erie County Golf Courses for August
 (3-0) Legislators Holt and Ranzenhofer were absent.

2. COMM. 23E-4 (2005)
COMPTROLLER

CERTIFICATE OF DETERMINATION BY THE COMPTROLLER RELATIVE TO THE TERMS, FORM AND DETAILS OF SALE AND ISSUANCE OF \$2,660,483 EFC SEWER SYSTEM SERIAL BONDS 2005-B OF THE COUNTY OF ERIE, NEW YORK, AND PROVIDING FOR THEIR PRIVATE SALE.

I, JAMES M. HARTMAN, Acting Comptroller of the County of Erie, New York (the "County"), HEREBY CERTIFY that pursuant to the powers and duties delegated to me, the chief fiscal officer of the County, by the County Legislature of the County, pursuant to the resolution duly adopted and as set forth below and subject to the limitations prescribed in said resolution, and pursuant to the Project Finance Agreement dated as of June 1, 2005 (the "Agreement") between the

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New York State Environmental Facilities Corporation (hereinafter referred to as "EFC" or the "Corporation") and the County, I have made the following determinations:

1. Authorization. Principal Amount. Maturity Schedule and Designation.

(a) Of the \$7,400,000 bonds of the County authorized pursuant to the resolution entitled:

"Bond resolution dated December 21, 1995

Bond resolution authorizing the issuance of \$7,400,000 Bonds of the County of Erie, or so much thereof as may be necessary, to finance the cost of an increase and improvement of facilities for Erie County Sewer District No.1; stating the estimated maximum cost thereof is \$7,400,000; stating the plan of financing said cost includes the issuance of \$7,400,000 bonds herein authorized; providing for a tax to pay the principal of and interest on said bonds; and providing for reimbursement by Erie County Sewer District No.1 to said County,"

duly adopted by the County Legislature of the County on the date therein referred to, \$2,660,483 bonds shall be issued (a \$2,043,392.00 Short Term Direct Loan E.F.C. Municipal Water Pollution Control Facility Note – 2003 - A was made to the County on June 5, 2003, of which \$1,996,456.39 has been drawn upon in anticipation of the sale of said bonds, all of which are currently outstanding and will be redeemed with a part of the bond proceeds, and \$-0- in available funds) and shall mature in the respective principal amounts on October 1 in each of the years asset forth in Schedule A of the Notice of Terms Certificate between the County and EFC attached hereto as Appendix A (the "Notice of Terms Certificate"). Said bonds shall be designated "EFC Sewer System Serial Bond -2005-B" (the "Bonds").

(b) Said Bonds are hereby sold at private sale and awarded to EFC upon the terms and conditions as set forth in the Agreement and herein.

2. Issue Date. The Bonds shall be dated as of the date of delivery thereof and such date shall appear on the face of each Bond following the caption "Date of Original Issue".

3. Dates and Medium of Payment. Pursuant to the Agreement, the Bonds maturing in the respective principal amounts as set forth in the Notice of Terms shall bear interest from the Date of Original Issue at the respective rates per annum payable on October 1; 2005 and semiannually thereafter on April 1 and October 1 in each year to maturity as set forth in the Notice of Terms. Interest shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest shall be paid to the person in whose name each Bond is registered at either the principal corporate trust office in Buffalo, New York, or at the paying agency office in New York, New York of Manufacturers and Traders Trust Company, as depository bank (the "Depositor Bank"). For so long as EFC shall be the registered owner of the Bonds, EFC may by written

instruction to the County instruct the County to pay any principal due on the Bonds to any bank acting as custodian for EFC.

4. Bonds Subject to Prior Redemption. The Bonds, or certain maturities of the Bonds, shall be subject to redemption prior to maturity as described in the Notice of Terms.

5. Denominations, Numbers and Letters. The Bonds maturing in each year shall be issued as fully registered bonds in denominations corresponding to the aggregate principal amounts due in each year to maturity. Only one Bond will be issued for each maturity in the aggregate principal, amount of such maturity. The Bonds shall be numbered separately and consecutively upward with the letter BR prefixed thereto and shall be transferable and exchangeable as provided herein.

6. Fiscal Agent. The Office of the County Comptroller, County of Erie, 95 Franklin Avenue, Buffalo, New York, is hereby appointed as Fiscal Agent for the Bonds pursuant to, and to act in accordance with, applicable provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

7. Execution of Bonds. The Bonds shall be executed in the name of the County by the manual signature of the Acting Comptroller, and shall have the corporate seal of the County, or a facsimile thereof, affixed, impressed, imprinted, engraved or otherwise reproduced thereon.

8. Transfer of Bonds. Each Bond shall be transferable solely in accordance with the terms of the Agreement and only upon the books of the County, which shall be kept for such purpose at the office of the Fiscal Agent, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer satisfactory to the County duly executed by the registered owner or his duly authorized attorney. Upon transfer of any such Bond, the County shall issue in the name of the transferee or the registered owner a new Bond or Bonds of the same aggregate principal amount and of the same maturity as the surrendered Bond upon payment of the charges, if any, therein prescribed. The County and the Fiscal Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the Fiscal Agent as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of such Bond and for all other purposes, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Fiscal Agent shall be affected by any notice to the contrary.

9. Regulations With Respect to Exchanges and Transfers. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and the Fiscal Agent shall deliver Bonds in accordance with the provisions hereof All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Fiscal Agent. For every such exchange or transfer of bonds, the County or the Fiscal Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, and may charge a sum sufficient to pay the cost of preparing each new bond

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issued upon such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

10. Form of Bonds. Said Bonds shall be in substantially the form set forth in Appendix B hereto.

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the bonds hereinabove described and referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 28th day of July 2005.

Acting Comptroller

James Hartman

(4-0) Legislator Marinelli was absent.

3. COMM. 23E-29 (2005)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (EPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, the EPA has awarded Erie County an air quality education grant under the Mobile Source Outreach Program; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has accepted this role and successfully coordinated the Diesel School Bus Education Initiative; and

WHEREAS, the work plan for the grant effort involves preparation of a video presentation; and

WHEREAS, MacPherson Media has been identified as a professional services contractor with the capacity to produce the informational video; and

WHEREAS, through Legislative resolution (Comm. 12E-49) dated July 3, 2003, a budget was established within the ECDEP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the MacPherson Media for production of a video presentation outlining the methods to reduce school bus idling and to improve local air quality; and be it further

RESOLVED, that the contractual agreement will not exceed \$1,851.60 and will be paid from existing Federal grant funds; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment

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and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0) Legislator Holt was absent.

4. COMM. 23E-31 (2005)
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, Erie County has successfully conducted a model Indoor Air Quality (IAQ) Program since 1988; and

WHEREAS, representatives from regional Native American population centers have expressed interest in developing a program to minimize risks associated with toxic air pollutants; and

WHEREAS, the USEPA has awarded the Erie County Department of Environment and Planning (ECDEP) a grant in the amount of \$67,122 to establish a two-year program to implement a multifaceted risk reduction effort for indoor and outdoor air pollutants; and

WHEREAS, it is in the best interest of Erie County to assist local Native American groups with the reduction of air pollutants for the protection of the environment.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the contracts necessary to accept a grant of \$67,122 from the USEPA to implement the Erie County Tribal Community Reducing Toxic Air Pollutants Project, and be it further and be it further

RESOLVED, that the new revenue from the USEPA program is hereby appropriated in the grant as follows:

REVENUE:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------------|--------------------|-----------------|
| 405060 | Federal Aid – EPA | <u>\$67,122</u> |
| TOTAL REVENUE | | \$67,122 |

APPROPRIATIONS:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--------------------------------------|---------------|
| 916200 | ID Environment and Planning Services | \$53,172 |
| 505000 | Office Supplies | 7,950 |
| | Local Travel | |
| 516020 | Professional Service Contract & Fees | 1,000 |
| | | 5,000 |

TOTAL APPROPRIATIONS:

\$67,122

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
 (4-0) Legislator Holt was absent.

5. COMM. 23E-37 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has identified the need to execute an energy performance contract for the implementation of energy and cost saving measures at the Erie County Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, Erie County has entered into a Contract with Siemens Building Technologies, Inc. to complete the work as an Energy Performance Contract in an amount not-to-exceed \$2,997,261.00; and

WHEREAS, Siemens Building Technologies, Inc. and the Erie County Department of Environment and Planning, Division of Sewerage Management have identified the need additional items of work required to complete the project and not previously identified or included in the original scope of services; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management has prepared Change Order No. 3 to the Siemens Building Technologies Contract and has recommended the approval of this Change Order in an amount not-to-exceed \$115,000.00; and

WHEREAS, the adjusted amount of the Contract with Siemens Building Technologies, Inc. would be in an amount not-to-exceed \$3,112,261.00; and

NOW, THEREFORE, BE IT

RESOLVED, that approval of Change Order No. 3 to Siemens Building Technologies contract in an amount not-to-exceed \$115,000.00 is granted and that monies for this Change Order be appropriated from Capital Account C.00015 (430-451); and be it further.

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive; James M. Hartman, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Joseph Passafiume, Director of Budget, Management and Finance.
 (4-0) Legislator Holt was absent.

6. COMM. 23E-39 (2005)
COUNTY EXECUTIVE

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WHEREAS, the Division of Sewerage Management is requesting the reclassification of the Chief Treatment Plant Supervisor, Job Group 16 to an Associate Engineer, Sewerage Management, Job Group 15; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control No. 1204 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the reclassification of the Chief Treatment Plant Supervisor, JG 16 to an Associate Engineer, Sewerage Management, JG 15 is hereby approved; and be it further

RESOLVED, that the funding for the position adjustments is available in unexpended salaries in the Department of Environment and Planning, Division of Sewerage Management, Cost Center 1801010; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; the Erie County Personnel Department and the Erie County Budget Office.
 (4-0) Legislator Holt was absent.

7. COMM. 23E-44 (2005)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to implement recycling education in municipalities; and

WHEREAS, NYSDEC has awarded Erie County and the City of Buffalo a Recycling Education grant; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has accepted the role of successfully coordinating the City of Buffalo Recycling Education grant; and

WHEREAS, the work plan for the City of Buffalo Recycling Coordinator Grant effort specifies a door-to-door direct marketing campaign; and

WHEREAS, Keep Western New York Beautiful, Inc. (KWNBYB) has been identified as a professional non-profit organization with a long history of providing hands-on services to the residents of the City; and

WHEREAS, KWNBYB is currently supervising the City's Summer Youth Program and working directly with the City's Door-to-Door Dog-Licensing Campaign; and

WHEREAS, other organizations and private firms were contacted, and none were found to be either interested in or able to perform the required service at the same cost or below the price submitted by KWNBYB; and

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WHEREAS, through Legislative resolution (Comm. 20E-55) dated November 20, 2003, a grant budget was established within the ECDEP that called for funding of a door-to-door recycling campaign.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Keep Western New York Beautiful, Inc., to oversee and deliver a Door-to-Door Recycling Education Campaign; and be it further

RESOLVED, that the contractual agreement will not exceed \$9,500 and will be paid from the existing State grant budget; and be it further

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

(3-1) Legislator Ranzenhofer in the negative. Legislator Holt was absent.

8. COMM. 23E-49 (2005)

COUNTY EXECUTIVE

WHEREAS, Capital Project C.00022 (430 515), Increase of Facilities 1981-1984 will be closed out in 2005; and

WHEREAS, there is a cash balance of \$9,951.20 as of June, 2005; and

WHEREAS, the use of said cash will have no impact on the approved 2005 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balance of \$9,951.20 and any additional accrued interest be transferred into Erie County Sewer District No. 1's Debt Service Fund; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Erie County Comptroller, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Holt was absent.

9. COMM. 23E-50 (2005)

COUNTY EXECUTIVE

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2005 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 10, 2005, for the purpose of meeting to hear and consider any objections which may be made to the 2006 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 3, 2005; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, James Hartman, County Comptroller, and Gregory Dudek Assistant County Attorney.
 (4-0) Legislator Holt was absent.

10. COMM. 23E-52 (2005)

COUNTY EXECUTIVE

WHEREAS, the Legislature awarded a contract to URS Corporation to provide engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer District No.2 on April 3, 2003, (COMM. 6E-29); and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with URS Corporation dated May 5, 2003 in the amount of \$48,441.58 the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated May 5, 2003 between Erie County Sewer District No.3 and URS Corporation be formally closed-out in the final amount of \$48,441.58; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances from Erie County Sewer District No. 3/Southtowns 220 853 831 698 105 use of Fund Balance and 220 853 830 830 Contractual Services, relating to the Engineering Agreement dated May 5 ,2003, between Erie County and URS Corporation; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J.

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Alessi, P.E., Department of Environment and Planning; and one copy each to Director of Budget and Management, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.
 (4-0) Legislator Holt was absent.

10. COMM. 23E-53 (2005)

COUNTY EXECUTIVE

WHEREAS, Erie Canalway Trail – SAP Account No. A.00034 includes \$1,500,000 for the design and construction of the Erie Canalway Trail Project; and

WHEREAS, the New York State Capital Corporation, through a Memorandum of Agreement with the County of Erie dated March 3, 2005 will provide up to \$1,500,000 as reimbursement for this project; and

WHEREAS, the original contract with Peter J. Smith & Company, Inc. for design and construction inspection services was dated July 5, 2001 and included a fee of \$220,000; and

WHEREAS, by Resolution Comm. 6E-12 enacted April 10, 2003 the Erie County Legislature authorized executing an amended contract for design and construction inspection services with Peter J. Smith & Company, Inc. for a fee not to exceed \$225,000; and

WHEREAS, an increase in the authorized contract amount is necessary to reflect cost changes in consultant rates since 2001 and actual construction inspection tasks identified in the final design,

NOW, THEREFORE, BE IT

RESOLVED, that said contract with Peter J. Smith & Company be amended to establish a new fee not to exceed \$235,000; and be it further

RESOLVED, that the sum of \$10,000 is hereby transferred from WBS Element #A.00034.2, Erie Canal Trail Construction to WBS Element #A.00034.1 Erie Canal Trail Design, within the budget of the Erie Canalway Trail Capital Project A.00034; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; the Commissioner of the Department of Environment and Planning; and the Acting Commissioner of the Department of Public Works.
 (4-0) Legislator Holt was absent.

RAYMOND K. DUSZA
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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ERIE COUNTY LEGISLATURE

SEPTEMBER 20, 2005

PUBLIC SAFETY COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATORS SWANICK & CHASE.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 8-1 (2004)
SWANICK & CHASE: Support for State Legislation Establishing the Save-NY Child Protection Act of 2004 (A. 09402)
 (3-0)
 - b. COMM. 13E-9 (2004)
SHERIFF: Copy of Letter to County Executive & Comptroller Re: NYS Commission of Correction 5/18/04 Meeting of EC Jail Inmate Housing & Staffing Needs
 (3-0)
 - c. COMM. 19M-48 (2004)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: Requests for Variance at Holding Center & Correctional Facility
 (3-0)
 - d. COMM. 20M-3 (2004)
FORKS FIRE DISTRICT NO. 3: Copy of Letter to Legislator Dusza Re: County Pager Purchase
 (3-0)
 - e. COMM. 25E-23 (2004)
COUNTY EXECUTIVE: Quarterly Status Report - Homeland Security Grant Consultant Services
 (3-0)
 - f. COMM. 20E-15 (2005)
COUNTY EXECUTIVE: Opening of Public Safety Campus - Authorization to Award Bids and Enter Intro Contracts During August 2005 Recess
 (3-0)
2. COMM. 20E-17 (2005)
COUNTY EXECUTIVE
 WHEREAS, the County of Erie desires to participate in the completion of Phase 2 of the Public Safety Campus; and

WHEREAS, phase 2 of the Public Safety Campus will allow for expanded public safety training programs and higher educational opportunities; and

WHEREAS, completion of Phase 2 of the Public Safety Campus will assist public safety agencies in the region to enhance and improve the service delivery of public safety programs to residents; and

WHEREAS, completion of Phase 2 of the Public Safety Campus will support ECC's efforts to expand its City Campus in conjunction with its Master Plan; and

WHEREAS, a Consultant Selection Committee reviewed several submissions from qualified firms in July 2002 and with the approval of the legislature selected Cannon Design of Grand Island to provide architectural/engineering services for the Public Safety Campus,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with Cannon Design to provide architectural/engineering services for Phase 2 of the Public Safety Campus; and be it further

RESOLVED, that Erie County allocates funds in an amount not to exceed \$ 200,000 from reserve funds remaining from the capital bond funding for Phase 1 of the Public Safety Campus in the following accounts:

A.00061
A.00059
A.09003 and
A.00254

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the ECC Board of Trustees; the Director of the Division of Budget, Management, and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Central Police Services; and the County Attorney.
(3-0)

3. COMM. 23E-27 (2005)

COUNTY EXECUTIVE

WHEREAS, funds for the Drug Court Program Grant are available from the New York State Division of Criminal Justice Services in the amount of \$70,000, and

WHEREAS, the District Attorney's Office will utilize the funds to designate an Assistant District Attorney III to work in Erie County Drug Court to assist in identifying, screening and referring substance-abusing offenders to treatment as an alternative to sentencing and thus potentially rehabilitating drug addicted non-violent offenders in order to discourage them from committing any more felony crimes,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of maintaining Drug Court, and be it further

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RESOLVED, that authorization is hereby provided to create the position of Assistant District Attorney III, Job Grade 14, in the District Attorney's Drug Court Program Grant, for which the B-100 #1019 has been created, and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Drug Court Program Grant as follows:

DRUG COURT PROGRAM GRANT
Fund: 281, Cost Center: 1140050, Grant: 114DRUGCOURT0506
July 1, 2005 to June 30, 2006

| <u>Revenue</u> | <u>Increase</u> |
|----------------------------------|------------------|
| 409000 State Aid Revenue | \$ 70,000 |
| 479000 County Share Contribution | <u>5,730</u> |
| Total Revenue | <u>\$ 75,730</u> |
| | |
| <u>Appropriation</u> | |
| 500000 Full Time Salaries | \$ 57,830 |
| 502000 Fringe Benefits | <u>17,900</u> |
| Total Appropriations | <u>\$ 75,730</u> |

and be it further,

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

(3-0)

4. COMM. 23E-43 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Probation and Youth Detention Services lost thirty-four (34) Probation Officers and five (5) Probation Supervisors in the March, 2005 layoff, and

WHEREAS, the Department of Probation has lost an additional seven (7) positions due to retirements since the layoffs, and

WHEREAS, the Erie County Legislature Intro 15-9 eliminates all positions once they become vacant, and

WHEREAS, the Department of Probation has, as a result of the loss of staff and inability to fill vacancies, sustained a loss in staff far exceeding that which was mandated in March, 2005, and

WHEREAS, the Department of Probation is unable to adequately address the needs of the Courts, the general public and the offender population due to excessive staff cuts, and

WHEREAS, the County will endure additional costs in jail bed utilization due to staff shortages in the Department of Probation.

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby granted to recreate six (6) Probation Officer positions and one (1) Probation Supervisor position in the Department of Probation, and be it further

RESOLVED, that authorization is hereby granted to fill those positions, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Personnel Department, the Office of the Comptroller and the Department of Probation and Youth Detention Services.

(3-0)

5. COMM. 23E-62 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Probation and Youth Detention Services lost thirty-four (34) Probation Officers and five (5) Probation Supervisors in the March, 2005 layoff, and

WHEREAS, the Department of Probation has lost an additional seven (7) positions due to retirements since the layoffs, and

WHEREAS, the Erie County Legislature Intro 15-9 eliminates all positions once they become vacant, and

WHEREAS, the Department of Probation has, as a result of the loss of staff and inability to fill vacancies, sustained a loss in staff far exceeding that which was mandated in March, 2005, and

WHEREAS, the Department of Probation is unable to adequately address the needs of the Courts, the general public and the offender population due to excessive staff cuts, and

WHEREAS, the County will endure additional costs in jail bed utilization due to staff shortages in the Department of Probation.

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby granted to recreate six (6) Probation Officer positions and one (1) Probation Supervisor position in the Department of Probation, and be it further

RESOLVED, that authorization is hereby granted to fill those positions, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Personnel Department, the Office of the Comptroller and the Department of Probation and Youth Detention Services.

(3-0)

EDWARD J. KUWIK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

November 3, 2005

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 14

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

1. RESOLVED, that the following items are hereby received and filed
 - a. COMM. 16E-12 (2005)
COUNTY EXECUTIVE: CPS - Professional Services - ECC Technologies, Inc.
 (6-0)
 - b. COMM. 19E-6 (2005)
COMPTROLLER: Letter to Legislature Re: Comptroller's Obligation To Process Payments To DPW Independent Contractors In Accordance With Legal Opinion of County Attorney
 (6-0)
 - c. COMM. 19E-47 (2005)
COUNTY EXECUTIVE: Appropriation of \$3.5 Million for Risk Retention Fund
 (6-0)
 - d. COMM. 19E-51 (2005)
COUNTY EXECUTIVE: Continuation of Two Law Clerk Positions in the Dept. of Law
 (6-0)
 - e. COMM. 20E-20 (2005)
COUNTY EXECUTIVE: County Funds for South American Rainforest and Greenhouse Exhibit at the Buffalo Zoo
 (6-0)
 - f. COMM. 20D-8 (2005)
COUNTY EXECUTIVE: Job Creation Summary Report Forms
 (6-0)
 - g. COMM. 21E-3 (2005)
COUNTY EXECUTIVE: Creation of Positions Finance & Management
 (6-0)
 - h. INTRO 23-3 (2005)
WEINSTEIN: Cutting the Erie County Legislature From 15 to 9
 (6-0)

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- i. COMM. 23E-6 (2005)
COMPTROLLER: Interim Financial Statements - For 6-Months Ended 6/30/05
(6-0)
- j. COMM. 24M-8 (2005)
ERIE COUNTY FISCAL STABILITY AUTHORITY: Proposed Resolution to Expand
the Duties & Responsibilities of a Risk Management Consultant
(6-0)

DEMONE A. SMITH
CHAIRMAN

Item 21 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

SEPTEMBER 20, 2005

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATORS KENNEDY & CHASE.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20D-1 (2005)
PURCHASE: Vehicle And Furniture Purchases/2005
(3-0)
 - b. COMM. 20M-7 (2005)
LAWRENCE W. SMITH & ASSOCIATES, INC.: Resolution Communication #17E-14
(3-0)
 - c. COMM. 23E-7 (2005)
COUNTY EXECUTIVE: Letter to Marinelli Re: ECFSA
(3-0)
- 2. COMM. 23E-56 (2005)
COUNTY EXECUTIVE
WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$952,267 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

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WHEREAS, the Erie County Legislature at their April 21, 2005 meeting adopted resolution Comm. 10E-38, which authorized the creation of one full-time position of SNS Coordinator, JG X, which was inadvertently set at a variable minimum Step 3, instead of Step 4 due to a clerical error, and

WHEREAS, the contract with New York State Department of Health authorized a position funded at JG X, Step 4, and

WHEREAS, a candidate was hired beginning May 16, 2005 based upon a Step 4 salary, it is recommended that this error be corrected, and

WHEREAS, sufficient funds are allocated in the 2004-2005 Public Health Preparedness Response to Bioterrorism Grant which is 100% New York State funded through a grant from the CDC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum in JG 10, Step 4 for the position of SNS Coordinator, position number 510011313 retroactive to May 16, 2005, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0)

3. COMM. 23E-58 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Women's Health Services Program, a grant fully funded by the New York State Department of Health, is re-organizing the clinical and administrative staff, and

WHEREAS, the Women's Health Services Program has been directed by the New York State Department of Health to make certain personnel adjustments, and

WHEREAS, in order to efficiently meet the needs of the Department and to increase patient services, it is necessary to create one Regular Part Time (RPT) position of Chief Account Clerk, JG 7, Step 1, and create one Full Time position of Senior Nurse Practitioner, JG N4, Step 1, and delete one vacant Full Time (FT) position of Chief Account Clerk, JG 7, (position number 51001759).

The following personnel detail is hereby submitted:

TITLE: Sr. Nurse Practitioner
 JG: N4

FUNDING: 100% State Funded
 CIVIL SERVICE: Yes

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STEP: 1
 ANNUAL SALARY: \$43,254
 ANNUAL BENEFITS: \$17,302

CIVIL SERVICE LIST: Recall List

TITLE: Chief Account Clerk RPT
 JG: 7
 STEP: 1
 ANNUAL SALARY: \$32,536
 ANNUAL BENEFITS: \$13,015

FUNDING: 100% State Funded
 CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: Preferred List

NOW, THEREFORE, BE IT

RESOLVED, that sufficient funds are available in the grant budget to cover the costs of these salaries, and be it further

RESOLVED, that one Regular Part Time (RPT) position of Chief Account Clerk, JG 7, Step 1, and one Full Time position of Senior Nurse Practitioner, JG N4, Step 1, are hereby created and one vacant Full Time position of Chief Account Clerk, JG 7, is hereby deleted, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0)

LYNN M. MARINELLI
CHAIRPERSON

LEGISLATOR RESOLUTIONS

Item 22 – CHAIRMAN HOLT directed that the following resolution be directed to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 28-2 from Legislator Smith Re: Establishment of Warrant & Sexual Offender Alert Systems on EC Website

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

RESOLUTION NO. 257

RE: Opposition to President Bush's Proposal to Require Passports for Visits To/From Canada (INTRO 24-2)

WHEREAS, under a pending proposal by the Bush Administration, by December 31, 2007, all US citizens or nationals (as well as Canadians) will be required to produce a valid passport in order to cross the US-Canadian border, and

WHEREAS, business, tourism, travel, educational and other groups have universally criticized that proposal, showing how it will unduly impact and negatively affect trade, tourism and travel, and hurt the US economy, and

WHEREAS, such a proposal would end a nearly 200-year tradition of open travel and crossing of the border by persons from both countries and the open exchange of goods, services, and travel across the peaceful border.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm its support for meaningful efforts to protect the US from terrorism and crime, but does express its opposition to any plan that would mandate that US citizens or nationals have a valid passport in order to cross the border, and be it further

RESOLVED, that the Legislature does hereby support the efforts of the local congressional delegation, including Representatives Louise Slaughter, Brian Higgins, and Senators Charles Schumer and Hillary Clinton for their efforts in the Congress to block the Bush Administration's ill-conceived plan, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, Senators Schumer and Clinton, Representatives Slaughter, Higgins and, Secretary of Homeland Security Michael Chertoff, Secretary of State Condoleeza Rice, and to the Canadian Consul-General in Buffalo.

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

CARRIED UNANIMOUSLY.

AMENDMENT TO RESOLUTION 24-2
SUBMITTED BY LEGISLATOR RANZENHOFER

Second Resolve is amended to include Representative Thomas M. Reynolds in support of his efforts.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 24 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of COMM. 23E-59. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

RE: Senior Services - Authorization to Establish the Long Term Care Education and Outreach Program & State Pharmaceutical Assistance Program Grants

WHEREAS, the New York State Office for the Aging (SOFA) has awarded the Erie County Department of Senior Services (Department) \$50,000 in Long Term Care Insurance Education and Outreach Program (LTCIEOP) funds for the period April 1, 2005 to March 31, 2006 and \$167,517 in State Pharmaceutical Assistance Program (SPAP) funds for the period October 1, 2005 to September 30, 2006, and

WHEREAS, SOFA and the New York State Department of Health are partnering with Area Agencies on Aging (i.e. Department) for these two programs to:

- **Long Term Care Insurance Education and Outreach Program(LTCIEOP)** - inform and educate the general public about long term care insurance, including those policies that are available through the New York State Partnership for Long Term Care, and to establish a Long Term Care Insurance Resource Center (LTCIRC), and
- **State Pharmaceutical Assistance Program(SPAP)** - educate and assist older New Yorkers enrolled in the Elderly Pharmaceutical Insurance Coverage (EPIC) program regarding the choices that seniors (i.e., those age 65 and older) must make to participate in the new Part D Medicare prescription drug coverage benefit under the Medicare Modernization Act of 2003 (MMA), and

WHEREAS, the goal of the Long Term Care Insurance Education and Outreach Program(LTCIEOP) grant is to establish a Long Term Care Insurance Resource Center (LTCIRC) that shall provide the general public with educational and informational materials; public service announcements, workshops, conferences or presentations; and counseling, information, referral services, and direct assistance in choosing and obtaining long term care insurance, and

WHEREAS, the goal of the State Pharmaceutical Assistance Program(SPAP) grant is to maximize participation of EPIC enrollees in the new Medicare prescription drug coverage while maintaining or improving their current level of benefits, and

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

WHEREAS, SOFA requires that these two programs be closely linked and integrated with Health Insurance Information, Counseling and Assistance Program(HIICAP) activities, even though they remain separate programs with separate funding streams, and

WHEREAS, the Department desires to transfer the part time Coordinator of Volunteer Training -Senior Services from the State Pharmaceutical Assistance Program(SPAP) grant to the Long Term Care Insurance Education and Outreach Program(LTCIEOP) grant, effective October 1, 2005, and

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WHEREAS, the Department desires to create a Research Analyst position, Job Group IX in the State Pharmaceutical Assistance Program(SPAP) grant, effective October 1, 2005, to develop a tracking system for insurance information and education activities; collect, prepare and analyze data electronically; and prepare reports for state and federal funding sources, and

WHEREAS, the Department desires to create a part time Outreach Aide, Job Group VI, in the Long Term Care Insurance Education and Outreach Program (LTCIEOP) grant, effective October 1, 2005, to seek out and organize information on long term care insurance products; disseminate information to the general public through presentations, written newsletters and correspondence; offer one-on-one advice on insurance; coordinate events focusing on long term care insurance, and

WHEREAS, these positions are reflected in the SAP system on B-100 position authorization forms, Control numbers 1243, 1244 and 1245, and

WHEREAS, no County funds are required for the Long Term Care Insurance Education and Outreach Program(LTCIEOP) and State Pharmaceutical Assistance Program(SPAP) grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the \$50,000 and \$167,517 grants from SOFA to carry out Long Term Care Insurance Education and Outreach Program(LTCIEOP) and State Pharmaceutical Assistance Program(SPAP) grants goals, and be it further

RESOLVED, that the part time Coordinator of Volunteer Training -Senior Services be transferred from the State Pharmaceutical Assistance Program(SPAP) grant to the Long Term Care Insurance Education and Outreach Program(LTCIEOP) grant; a part time Outreach Aide position be created in the Long Term Care Insurance Education and Outreach Program(LTCIEOP) grant; and a Research Analyst position be created in the State Pharmaceutical Assistance Program(SPAP) grant, all effective October 1, 2005, and be it further

RESOLVED, that the budget for the Long Term Care Insurance Education and Outreach Program(LTCIEOP) grant, 163LTCIEOP0506, for the period April 1, 2005 through March 31, 2006 be established as follows:

| | | INITIAL BUDGET |
|----------------|-----------------|------------------------|
| REVENUES | | |
| Account | Description | |
| 409000 | State Aid | <u>\$50,000</u> |
| | TOTAL REVENUE | <u><u>\$50,000</u></u> |
| APPROPRIATIONS | | |
| 500010 | Part Time Wages | \$17,907 |

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| | | |
|--------|------------------------------|-----------------|
| 502000 | Fringe Benefits | 5,372 |
| 505000 | Office Supplies | 1,500 |
| 510000 | Local Mileage Reimbursement | 1,100 |
| 510100 | Out of Area Travel | 1,000 |
| 516020 | Professional Services & Fees | 500 |
| 530000 | Other Expenses | 3,171 |
| 545000 | Rental Expenses | 1,400 |
| 561410 | Lab & Tech Equipment | 16,650 |
| 980000 | ID DISS Services | 1,400 |
| | TOTAL APPROPRIATIONS | <u>\$50,000</u> |

and be it further

RESOLVED, that the budget for the State Pharmaceutical Assistance Program(SPAP) grant, 163SPAP0506, for the period October 1, 2005 through September 30, 2006 be established as follows:

| REVENUES | | INITIAL BUDGET |
|----------------|------------------------------|-------------------|
| Account | Description | |
| 409000 | State Aid | \$167,517 |
| | TOTAL REVENUE | <u>\$167,517</u> |
| | | |
| APPROPRIATIONS | | |
| 500000 | Full Time Salaries | \$97,851 |
| 502000 | Fringe Benefits | 39,141 |
| 505000 | Office Supplies | 2,500 |
| 510000 | Local Mileage Reimbursement | 3,000 |
| 510100 | Out of Area Travel | 1,000 |
| 510200 | Training and Education | 4,000 |
| 516020 | Professional Services & Fees | 9,525 |
| 530000 | Other Expenses | 4,000 |
| 545000 | Rental Expenses | 2,000 |
| 561410 | Lab & Tech Equipment | 2,000 |
| 980000 | ID DISS Services | 2,500 |
| | TOTAL APPROPRIATIONS | <u>\$167,517</u> |

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 25 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 23E-13. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

RE: Buffalo River Water Trail Project, Grant Authorization

WHEREAS, the County of Erie desires to lead the effort to revitalize the Buffalo River Urban Canoe Trail and enhance public access to waterfront points of interest; and

WHEREAS, the Buffalo River Water Trail Project will promote public access along the Buffalo River waterfront by offering canoe, kayak, and boating enthusiasts a unique opportunity to experience historical, environmental, and industrial points of interest along the river; and

WHEREAS, the Project complements the River's Greenway Trail, as well as similar efforts to link existing and planned waterfront projects on the Buffalo River with those in the downtown area; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation, through funding made available by the 2005 New York State Environmental Protection Fund and the 2006 Federal Land and Conservation Fund, solicited applications for parks development projects that protect natural resources and enhance environmental infrastructure; and

WHEREAS, the objectives of Buffalo River Water Trail Project meet the criteria for funding through the New York State Office of Parks, Recreation and Historic Preservation, Parks Grant Programs, and an application for funding has been prepared by the Erie County Department of Environment and Planning (ECDEP).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965 in an amount not to exceed \$119,410, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this County of Erie for the Buffalo River Water Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and be it further

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

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the County of Erie desires to lead the effort to revitalize the Buffalo River Urban Canoe Trail and enhance public access to waterfront points of interest; and

WHEREAS, the Buffalo River Water Trail Project will promote public access along the Buffalo River waterfront by offering canoe, kayak, and boating enthusiasts a unique opportunity to experience historical, environmental, and industrial points of interest along the river; and

WHEREAS, the Project complements the River's Greenway Trail, as well as similar efforts to link existing and planned waterfront projects on the Buffalo River with those in the downtown area; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation, through funding made available by the 2005 New York State Environmental Protection Fund and the 2006 Federal Land and Conservation Fund, solicited applications for parks development projects that protect natural resources and enhance environmental infrastructure; and

WHEREAS, the objectives of Buffalo River Water Trail Project meet the criteria for funding through the New York State Office of Parks, Recreation and Historic Preservation, Parks Grant Programs, and an application for funding has been prepared by the Erie County Department of Environment and Planning (ECDEP).

WHEREAS, the ECDEP will return to the County Legislature to authorize the County Executive to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation and to approve \$119,410 in matching funds if the project is selected for funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965 in an amount not to exceed \$119,410, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this County of Erie for the Buffalo River Water Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 26 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 23E-11. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

RE: Health - Position Restorations

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

WHEREAS, in the Erie County Department of Health the number of vacant positions deleted totaled 73, of which 46 were in the General Fund at an average 37% county share, and

WHEREAS, two of these positions are vital to our goal of providing dental services to Buffalo school children, and

WHEREAS, without the reinstatement of these positions, the Department's ability to continue dental services to these students would be seriously jeopardized.

NOW, THEREFORE, BE IT

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

| SHORT DESCRIPTION | JOB GROUP | FUNCTION | B100# |
|--------------------------|------------------|-----------------|--------------|
| CLERK TYPIST | GRP 01 | DENTAL HEALTH | 1086 |
| DENT HYG | GRP 05 | DENTAL HEALTH | 1083 |

and be it further

RESOLVED, that the above stated positions are revenue neutral since both will be funded through a combination of patient revenue, fees, and New York State Aid, and be it further

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

MS. MARINELLI moved for the approval of the item. MR. DeBENEDETTI seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 27 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from Comm. 23E-40. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

RE: DPW - Addition of Two (2) Building
Maintenance Mechanics

WHEREAS, by New York State Health Department Code we must inspect all backflow prevention devices in all County-owned buildings, and

WHEREAS, we currently lack the qualified staff to perform the inspections and other plumbing needs in-house, and

WHEREAS, we must hire an outside firm to do inspections, and

WHEREAS, by adding two (2) Building Maintenance Mechanics with plumbing skills, we could do the work in-house, and

WHEREAS, by adding the two Building Maintenance Mechanics with plumbing skills, they would also be available for other plumbing tasks, and

WHEREAS, to fund this new position the Professional Services, Contract and Fees Account be reduced and the Personal Services Account be increased by the same amount.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the creation of two (2) Building Maintenance Mechanic position (Grade 7) position to the Department of Public Works effective September 1, 2005, and be it further,

RESOLVED, that two B-100s have been created in the SAP system being numbers 934 and 1169 to accomplish this addition, and be it further,

RESOLVED, to fully fund this position with no additional County funds, Account 516020 is to be reduced by \$33,750 and Account 500000 is to be increased by \$33,750, and be it further

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

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

CARRIED.

Item 28 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 20E-1. MR. DeBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

RE: Asset Forfeiture Funded Program SAFS

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriffs Office in the Asset Forfeiture Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT .

RESOLVED, that \$25,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriffs Office Asset Forfeiture Funded Program SAFS, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

| <u>REVENUE</u> | | <u>Increase</u> |
|----------------------|------------------------------|-----------------|
| 421550 | Forfeiture Crime Proceeds | 25,000 |
| | Total Revenue | 25,000 |
| | | |
| <u>APPROPRIATION</u> | | <u>Increase</u> |
| 510100 | Out-of-Area Travel | 15,000 |
| 516020 | Professional Services & Fees | 10,000 |
| | Total Appropriations | 25,000 |

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 29 – MR. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 20E-2. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

RE: Personnel Adjustments

WHEREAS, on June 14,2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, seventeen security positions were eliminated at the Erie County Holding Center and the Erie County Correctional Facility as a result of that resolution, and

WHEREAS, it has been acknowledged that the Jail Management Division is understaffed and the overtime account is under-funded, and

WHEREAS, funding is available in the 2005 personal services budget and in the contract with the Office of Court Administration for these positions, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be, authorized to restore four (4) Correction Officers, Job Group 9, thirteen (13) Deputy Sheriff Officer, Job Group 8 and one (1) Court Officer, Job Group 6, in the Jail Management Division and be it further

RESOLVED, that future vacancies in the positions of Deputy Sheriff Officer and Correctional Officer are hereby exempt from the provisions of Intro 15-9 of 2005, 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 to amend the resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

WHEREAS, on June 14,2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, eight existing security positions were eliminated in the Jail Management Division of the Erie County Sheriff's Office as a result of that resolution, and

WHEREAS, it has been acknowledged that the Jail Management Division is understaffed and the overtime account is under-funded, and

WHEREAS, funding is available in the 2005 personal services budget for these positions, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to restore seven (7) Deputy Sheriff Officer - Job Group 8 and one (1) Court Officer, Job Group 6, in the Jail Management 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. SWANICK seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 30 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-9 from ECMCC Re: 2006 ECMCC Operating Subsidy

CHAIRMAN HOLT directed that the item be sent to the FINANCE & MANAGEMENT COMMITTEE.

Item 31 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-10 from ECFSA Re: Proposed Space Audit & Optimization Resolution

CHAIRMAN HOLT directed that the item be sent to the GOVERNMENT AFFAIRS COMMITTEE.

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

GRANTED.

COMM. 24M-11 from ECFSA Re: Proposed Market-Based Revenue Program (MBOP) Resolution

CHAIRMAN HOLT directed that the item be sent to the FINANCE & MANAGEMENT COMMITTEE.

Item 33 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-12 from ECFSA Re: Proposed Local Probation Fees for Cost Recovery Resolution.

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CHAIRMAN HOLT directed that the item be sent to the PUBLIC SAFETY COMMITTEE.

Item 34 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-13 from ECFSA Re: Proposed Consolidation of Veterans, Commission of Status of Women, and EEO into new Office of Public Advocacy Resolution.

CHAIRMAN HOLT directed that the item be sent to the FINANCE & MANAGEMENT COMMITTEE.

Item 35 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-14 from ECFSA Re: Proposed Criminal History Record Information (Home Health Care) Fee Resolution.

CHAIRMAN HOLT directed that the item be sent to the PUBLIC SAFETY COMMITTEE.

Item 36 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-15 from ECFSA Re: Proposed Criminal History Record Information (Landlord) Resolution.

CHAIRMAN HOLT directed that the item be sent to the FINANCE & MANAGEMENT COMMITTEE.

Item 37 – MR. SMITH moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 24M-16 from a William Bennett Interview Re: Partial Transcript From Syndicated Talk Show "Morning In America"

CHAIRMAN HOLT directed that the item be sent to the PUBLIC SAFETY COMMITTEE.

Item 38 – MR. RANZEHOFER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

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COMM. 24E-27 from Legislator Ranzenhofer Re: Minority Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation of Directors.

CHAIRMAN HOLT directed that the item be Received, Filed and Printed.

Mr. Jody Lomeo
 Chairman, Erie County Medical Center Corporation Board
 462 Grider Street
 Buffalo, New York 14202

Re: Minority Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation of Directors.

Dear Chairman Lomeo:

Pursuant to Section 3628(2) of Article 10-C, Title 6 of the N.Y. Public Authorities Law, which created the Erie County Medical Center Corporation, the Minority Caucus of the Erie County Legislature wishes to notify you of its appointment of a Non-Voting Representative to Erie County Medical Center Corporation Board of Directors. The name of the appointee is set forth herein:

APPOINTEE

TERM

Ronald P. Bennett
 280 Parkdale Avenue
 East Aurora, New York 14052

One (1) year

Therefore, we would ask that this letter be Received, Filed and Printed by the Erie County Legislature to allow Mr. Bennett to begin his service on Erie County Medical Center Corporation Board of Directors.

Very Truly Yours,

MICHAEL H. RANZENHOFER
 Minority Leader, Erie County Legislature
 Legislature – 4th District

CC: Erie County Legislature
 Mr. Michael Young, MD, ECMCC CEO
 Hon. Joel A. Giambra, Erie County Executive

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

RE: Appointment of DEP Commissioner
 (Comm. 24E-1)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Andrew M. Eszak to the position of Commissioner of Environment and Planning. This appointment shall be effective October 1, 2005.

FROM CHAIRMAN HOLT

Item 40 – (Comm. 24E-2) Postponement of 9/29/05 Session to 9/30/05

Received, Filed and Printed.

September 26, 2005

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

Dear Mr. Kelley:

Pursuant to Rule 2.01 of the RULES OF ORDER of the Erie County Legislature, you are hereby directed to inform Legislators, the Administration and the Public that Session No. 24, originally scheduled for Thursday, September 29, 2005 at 2:00 O’CLOCK, shall be moved to FRIDAY, SEPTEMBER 30, 2005 at 2:00 O’CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

Please notify legislators, the administration and the public of this meeting. Thank you for your assistance.

Sincerely,

GEORGE A. HOLT, JR.
 Chairman
 Erie County Legislature

FROM THE SHERIFF

Item 41 – (Comm. 24E-3) Sheriff’s Office - Office of Court Administration Contract

Received and filed.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY

RESOLUTION NO. 265

RE: Two Suggested Resolutions - FY2005
 Four-Year Plan (Comm. 24E-4)

Approval of FY2005 Four- Year Financial Plan

WHEREAS, Title 3 of Article 10-D of the Public Authorities Law, known as the "Erie County Fiscal Stability Authority Act", at Section 3956, requires the County Executive, upon approval of the County Legislature, to submit to the Erie County Fiscal Stability Authority (hereinafter " Authority") no later than October 1, 2005 a budget modification and financial plan covering the County's 2005 through 2008 fiscal years; and

WHEREAS, after consulting with PFM, a financial advisor retained by the Authority, the County Executive has prepared a budget modification and financial plan in accordance with the Act, said plan being entitled "FY2005 Four- Year Financial Plan" dated September 13, 2005 and filed with the Clerk of the Legislature on said date with a request for the approval thereof by the Erie County Legislature in accordance with the Act.

NOW, THEREFORE, BE IT

RESOLVED, that the FY2005 Four- Year Financial Plan as submitted by the County Executive to the Legislature is hereby approved; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, County Attorney, Director of Budget, Management & Finance, and the Chairman of the Erie County Fiscal Stability Authority.

**Declaration of Need for Financing Assistance from the
 Erie County Fiscal Stability Authority**

WHEREAS, Title 3 of Article 10-D of the Public Authorities Law, known as the "Erie County Fiscal Stability Authority Act" (the " Act"), at Section 3956, requires the County Executive, upon approval of the County Legislature, to submit to the Erie County Fiscal Stability Authority (the " Authority") no later than October 1 a budget modification and financial plan covering the County's 2005 through 2008 fiscal years; and

WHEREAS, a budget modification and financial plan covering the County's 2005 through 2008 fiscal years was approved by the County Legislature on September 29, 2005 (the "FY2005 Four- Year Financial Plan"); and

WHEREAS, the FY2005 Four-Year Financial Plan assumes receipt by the County of financing assistance from the Authority in the amount of \$45,524,000 for fiscal year 2006; and

WHEREAS, the amount of financing assistance needed from the Authority is consistent with the formula set forth in Section 3957 of the Act, namely, that for 2006 the Plan assumes receipt by the County of Authority assistance of an amount that ensures balanced major operating fund operations upon the Authority's determination that the County has taken recurring actions to close at a minimum between thirty-five per centum and forty per centum of the projected budget gap.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby declares a need for financing assistance from the Authority pursuant to Section 3961 of the Act, as set forth in the FY2005 Four-Year Financial Plan; and be it further

RESOLVED, that the Legislature hereby requests financial assistance from the Authority for fiscal year 2006 in the sum of \$45,524,000, as set forth and further described in the FY2005 Four-Year Financial Plan; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to County Executive, County Comptroller, County Attorney, Director of Budget, Management & Finance, and the Chairman of the Erie County Fiscal Stability Authority.

**Declaration of Need for Financing Assistance from the
Erie County Fiscal Stability Authority – Refunding of County Bonds**

WHEREAS, Title 3 of Article 10-D of the Public Authorities Law, known as the "Erie County Fiscal Stability Authority Act" (the "Act"), at Section 3956, requires the County Executive, upon approval of the County Legislature, to submit to the Erie County Fiscal Stability Authority (the "Authority") no later than October 1 a budget modification and financial plan covering the County's 2005 through 2008 fiscal years; and

WHEREAS, a budget modification and financial plan covering the County's 2005 through 2008 fiscal years was approved by the County Legislature on September 30, 2005 (the "FY2005 Four-Year Financial Plan"); and

WHEREAS, the FY2005 Four-Year Financial Plan, at page "VI-13", recommends that the Authority refund outstanding County General Obligation ("GO") bonds to generate present value and cash flow savings by means of refunding higher interest debt with lower interest debt; and

WHEREAS, it is estimated that refunding the County's GO bonds will result in savings of \$2,300,000 through December 31, 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby declares a need for financing assistance from the Authority pursuant to Section 3961 of the Act in the form of a refunding of County GO bonds as described in Section VI at page 13 of the FY2005 Four-Year Financial Plan; and be it further

RESOLVED, that the Legislature hereby requests that the Authority provide financing assistance to the County to refund some of the County's outstanding GO bonds, which are set forth in Schedule "A" attached hereto and incorporated herein; and be it further

RESOLVED, that this request for financing assistance is consistent with the FY2005 Four-Year Financial Plan and the Act; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to County Executive, County Comptroller, County Attorney, Director of Budget, Management & Finance, and the Chairman of the Erie County Fiscal Stability Authority.

***Please Note: All Referenced items are available in the Office in the Clerk of the Legislature.

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

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 24E-4
 TO BE SUBMITTED BY LEGISLATOR HOLT

RE: FISCAL YEAR 2005 FOUR-YEAR FINANCIAL PLAN

ADD the following WHEREAS:

WHEREAS, it is the intention of the Erie County Legislature to avoid any utilization of deficit financing, which would cost, under the current four-year plan projection for FY2006 approximately \$20-\$21 million in interest.

ADD the following WHEREAS:

WHEREAS, it is the intention of the Erie County Legislature to begin to replenish the general fund balance to achieve the necessary cash reserves to facilitate an improved credit rating, lower interest costs on borrowings, and provide reserves for any emergencies or contingencies.

DELETE proposed resolution "B", entitled "Declaration of Need for Financing Assistance from the Erie County Fiscal Stability Authority" in its entirety.

DELETE proposed resolution "C", entitled ""Declaration of Need for Financing Assistance from the Erie County Fiscal Stability Authority – Refunding of County Bonds" in its entirety.

DELETE any reference to the use of deficit financing in FY2006, as such financing, under this amendment, shall not be necessary.

DELETE initiative 159 (page VI-13) concerning refunding by the ECFSA in its entirety.

DELETE initiative 6 (page V-143) concerning institute parking fee for County parks in its entirety.

NOTING the proposed schedule of various fees in initiative 159 (page V-60) concerning increase revenue by increasing inspections and other fees, specifically the Environmental Health Fees, all

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such fees shall be reduced by 50%, to be with only a 50% increase from 2005, and not a 100% fee increase, **DELETE** the appropriate expected revenue amount in initiative 59 (page V-60) in the four-year plan accordingly to reflect these reductions in fee increases for environmental health fees.

DELETE initiative 158's projection (page III-9) of a 25% property tax increase in 2006 and a 24% property tax increase in 2007 and **REPLACE** with a 16% property tax increase for 2006 and a 0.5% sales and compensating use tax increase for 2006, taking the Erie County sales tax from 4.25% to 4.75% and the total sales tax to 8.75% with the 0.5% sales tax to sunset on December 31, 2009.

DELETE initiative 119's projection (page V-115) of charging local jurisdictions without own police departments for Sheriff patrol services in 2006 and **REPLACE** with the following: **RESOLVED**, that in 2006, the Erie County Sheriff Department patrol services (road patrol) shall be maintained at the 2005 level, with the patrol service budget reduced to \$2.9 million in 2007, \$1.3 million in 2008, and 0 in 2009, with local municipalities who wish to continue to receive Sheriff services required to pay for the service starting in FY2007 and with all patrol services being under a total fee for service designation by January 1, 2009.

ADD the following:

RESOLVED, that in all initiatives in the four-year plan the Erie County Legislature reserves the right to modify accordingly any approved initiatives in this plan to accurately account for the proper and accurate fiscal impact of each initiative.

ADD the following **RESOLVE**:

RESOLVED, it is the desire of the Erie County Legislature that the Erie County Medical Center Corporation remains a viable, open, accessible health care facility for all residents and the Legislature notes that it will continue to monitor the County's financial support to the hospital to help ensure that the hospital remains open.

ADD the attached Chart entitled "Erie County Four-Year Plan."

On proposed resolution "A", entitled "Approval of FY2005 Four-Year Financial Plan," **DELETE** the second **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, County Attorney, Director of Budget Management and Finance, to each member of the Erie County Fiscal Stability Authority, and to the members of the WNY State Legislature delegation.

On proposed resolution "A", entitled "Approval of FY2005 Four-Year Financial Plan," **DELETE** the first **RESOLVE** Clause in its entirety and **REPLACE** with the following.

RESOLVED, that the FY2005 Four-Year Financial Plan as amended by the Erie County Legislature on September 30, 2005, is hereby approved.

***Please Note: All Referenced items are available in the Office in the Clerk of the Legislature.

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI seconded. CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH AND WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, MCCARVILLE, RANZENHOFER, SWANICK AND WEINSTEIN. (AYES: 8, NOES 7)

CARRIED.

Item 43 – (Comm. 24E-5) Request to Increase 2005 Contract w/ WNY Veterans Housing Coalition, Inc.

Item 44 – (Comm. 24E-6) Health - Acceptance of Donated Equipment for Health Research, Inc.

Item 45 – (Comm. 24E-7) Health - Women's, Infants and Children's Supplemental Food and Nutrition Program 10/1/05 - 9/30/06

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

Item 46 – (Comm. 24E-8) Dept. of Parks, Recreation and Forestry - Authorization for Designation of Developer for Wendt Beach

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (Comm. 24E-9) Health - Youth Tobacco Use & Prevention Act 10/1/05 - 9/30/06

Item 48 – (Comm. 24E-10) Health - Worksite Wellness HRI Grant - The Business Case 9/1/05 - 6/29/06

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

Item 49 – (Comm. 24E-11) ECSD No. 4 - Town of Lancaster

Item 50 – (Comm. 24E-12) ECSD Nos. 1-4-5 & 6 - 2005 Budget - Debt Service Fund

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

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 266

RE: DA's Office - Funding of Professional Fees
 (Comm. 24E-13)

WHEREAS, the District Attorney's Office requires the resources necessary to successfully prosecute all cases within Erie County, and

WHEREAS, the budget reductions made to the 2005 general fund have cut those resources significantly, and

WHEREAS, the actual expenses to be incurred in 2005 for Commitment Item 516020, Professional Services and Fees, are expected to exceed the current budgeted amount approved in the 2005 appropriations, and

WHEREAS, funds to supplement professional fees expenditures are expected from the New York State Division of Criminal Justice Services in the amount of \$75,000, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of supplementing the Professional Fees account, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the General Fund of the District Attorney's Office, to be adjusted as follows:

FUND 110, FUND CENTER 11400

| <u>Revenue</u> | <u>ORIGINAL</u> | <u>CHANGE</u> | <u>FINAL</u> |
|--------------------------------------|---------------------|-------------------|-------------------|
| 408530 State Aid – Criminal Justice | <u>\$ 50,000</u> | <u>\$ 75,000</u> | <u>\$ 125,000</u> |
| Total Revenue | <u>\$ 50,000</u> | <u>\$ 75,000</u> | <u>\$ 125,000</u> |
| <u>Appropriation</u> | <u>ORIGINAL</u> | <u>CHANGE</u> | <u>FINAL</u> |
| 516020 Professional Srvcs-Cnt & Fees | \$ 178,300 | \$ 75,000 | \$ 253,300 |
| Total Appropriations | <u>\$ 178,300</u> | <u>\$ 75,000</u> | <u>\$ 253,300</u> |

and be it further

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

Item 52 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 267

RE: Parks, Recreation & Forestry - Position
Deletions (Comm. 24E-14)

WHEREAS, the Erie County Legislature authorized the reopening of County Parks and the re-creation of 52 full time park positions in Communication 11E-29 (2005), and

WHEREAS, the funding provided in Communication 11E-29 was insufficient to cover salaries for all of the reinstated positions for the remainder of 2005, and

WHEREAS, the County Parks Department finds it necessary to delete 26 of the 52 full time positions so as not to exceed 2005 budget limitations, and

WHEREAS, adequate funds are available within the budget of the Department of Parks to cover the remaining full time positions for the balance of 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature will delete the following 26 full time positions effective November 1, 2005:

- 24 Park Maintenance Worker I Positions (Job Group 3)
- 2 Automotive Mechanic Positions (Job Group 9)

and be it further

RESOLVED, that the following transactions are hereby authorized within the budget of the Department of Parks:

| <u>Account</u> | Increase (Decrease) |
|---------------------------------------|------------------------|
| 500000 Personal Services | \$ 94,100 |
| 506200 Repairs & Maintenance | (\$47,000) |
| 516020 Prof. Services Cnt & Fees | <u>(\$47,100)</u> |
| Net Change | -0- |

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation & Forestry, the Erie County Executive, the Erie County Personnel Department, the Office of the Comptroller, and the Division of Budget, Management and Finance.

Item 52 – (Comm. 24E-15) ECSD No. 5 - Town of Clarence Sanitary Sewer Districts - Sanitary Sewer Service Consolidation Service

Item 53 – (Comm. 24E-16) Southtowns Sewage Treatment Agency/ECSD No. 3 - 2005 Budget - Transfer of Funds

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

Item 54 – (Comm. 24E-17) Budget, Management & Finance - Transfer of Funds

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 55 – (Comm. 24E-18) Senior Services - Authorization to Recreate Positions Reimbursed by Federal and State Funded Programs

Item 56 – (Comm. 24E-19) Request for Authorization to Amend 2005 Contract w/ ECMC, by an Additional \$4,000, in 100% NYS Office of Mental Health State Aid Dollars

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

Item 57 – (Comm. 24E-20) Acceptance of Local Government Records Management Improvement Fund Grant for ECC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 58 – (Comm. 24E-21) DA's Office - Operation IMPACT Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (Comm. 24E-22) Reallocation of Funds Within the Division of Highways in Order to Pay for Water Bills

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

RE: Roof Repair - Emergency Response Services - All County-Owned Buildings, Contact Allowance Increase (Comm. 24E-23)

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings, and

WHEREAS, a contract was awarded to Jameson Roofing Co., in the maximum amount of \$70,000.00, the total expenditure of which shall be based upon a project-by-project basis, and

WHEREAS, due to several emergencies from wind damage in December of 2004, the contract was increased from \$270,000.00 to \$320,000.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the total expenditure be increased from \$320,000.00 to \$370,000.00, with authorization for the Commissioner of Public Works to approve the work based upon the NYS Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from 2002 Roof Replacement & Waterproofing account, Project A.00070, in the amount not to exceed \$50,000.00, and be it further,

RESOLVED, that two 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; and one copy to the Office of the Comptroller.

FROM CHAIRMAN HOLT

Item 61 – (Comm. 24E-24) Four-Year Plan/Amendments

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 62 – (Comm. 24E-25) DPW - Times Beach Public Access Project - Phase II Award Contract

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE SHERIFF

Item 63 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

RE: Sheriff's Office - Unified Court System
 Contract (Comm. 24E-26)

WHEREAS, the New York State Unified Court System has requested to renew their contract with the Erie County Sheriff's Office to provide security in the court rooms of Erie County; and

WHEREAS, the New York State Unified Court System has requested an increase of six (6) Deputy Sheriff Officers effective October 1, 2005; and

WHEREAS, the New York State Unified Court System will reimburse the County of Erie for the entire cost of these positions; and

WHEREAS, it is necessary to increase the staff in the court buildings to ensure public safety.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Unified Court System for the one year period commencing April 2005 to March 31, 2006; and be it further

RESOLVED, that this contract can be extended for a period to three additional years extending to March 31, 2009; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create six (6) Deputy Sheriff Officer, Job Group VIII positions, effective October 1, 2005, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

| <u>REVENUE</u> | <u>INCREASE</u> |
|--|------------------------|
| Business Area 116 – Jail Management Division | |
| Account 408530 – State Aid Criminal Justice Programs | \$ 99,834 |
| Total Revenue | \$ 99,834 |

| <u>APPROPRIATION</u> | <u>INCREASE</u> |
|---|------------------------|
| Business Area 116 – Jail Management Division | |
| Account 500000 – Personal Services | \$72,824 |
| Account 500340 – Line-Up | 3,414 |
| Account 502000 – Fringe Benefits | <u>23,596</u> |
| Total Revenue | \$ 99,834 |

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.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BECPL

Item 64 – (Comm. 24D-1) Proposed Agenda - Board of Trustees Meeting Held 9/15/05

Received and filed.

FROM THE HEALTH DEPARTMENT

Item 65 – (Comm. 24D-2) West Nile Virus & Other Arbovirus Five-Year Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMMUNITY COLLEGE

Item 66 – (Comm. 24D-3) Notice of Board of Trustees Meeting Held 9/28/05

MEETING NO. 24
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ERIE COUNTY LEGISLATURE

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 67 – (Comm. 24D-4)

September 26, 2005

To: All Erie County Legislators
 From: Kevin M. Kelley, Clerk of the Legislature Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2.01 of the RULES OF ORDER of the Erie County Legislature and under the direction of Chairman George A. Holt, Jr., Session No. 24, originally scheduled for THURSDAY, SEPTEMBER 29, 2005 at 2:00 PM, will be moved to FRIDAY, SEPTEMBER 30, 2005 at 2:00 O'CLOCK in the afternoon of that day in the Legislative Chambers on the 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

The deadline for clock-in for items to be considered at this session shall be 11 :00 AM on WEDNESDAY. SEPTEMBER 28. 2005.

Thank you.

ATTACHMENT -Chairman Holt's Letter

FROM THE COUNTY ATTORNEY

Item 68 – (Comm. 24D-5) Local Law Intro 11-2005

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SENATOR RATH

Item 69 – (Comm. 24M-1) Receipt of Certified Resolution

Received and filed.

FROM THE COLLINS TOWN BOARD

Item 70 – (Comm. 24M-2) Certified Resolution Re: Sheriff's Road Patrol

Received and filed.

FROM THE NYS BOARD OF REAL PROPERTY SERVICE

Item 71 – (Comm. 24M-3) List of Certified 2005 State Equalization Rates

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 72 – (Comm. 24M-4) Notice & Agenda of Meeting Held 9/20/05

Received and filed.

FROM THE BRANT TOWN BOARD

Item 73 – (Comm. 24M-5) Certified Resolution Re: Funding for Cooperative Extension in Erie County

Received and filed.

FROM THE CITY OF BUFFALO – DEPT. OF ASSESSMENT & TAXATION

Item 74 – (Comm. 24M-6) Transit Mall Service Charge Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 75 – (Comm. 24M-7) Certified Resolution Re: Removal of Buffalo's Skyway

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 76 – (Comm. 24M-8) Proposed Resolution to Expand the Duties & Responsibilities of a Risk Management Consultant

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 77 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Jack White.

Item 78 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Leonard Struzik.

Item 79 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Stuart Hunt.

Item 80 – Mr. Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Irving W. Grenzebach Jr.

Item 81 – Mr. Weistein requested that when the Legislature adjourns, it do so in memory of Robert Patrick.

Item 82 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of David Lalita.

Item 83 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of the victims of Hurricane Katrina.

ADJOURNMENT

Item 84 - 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, October 12, 2005 at 2 p.m. Eastern Standard Time. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 12, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**