

**ERIE COUNTY LEGISLATURE  
MEETING NO. 27  
OCTOBER 27, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Kuwik.

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 – SMITH & HOLT presented a resolution In Memory of Vivian Malone Jones, Civil Rights Pioneer.

Item 7 – SMITH & HOLT presented a resolution Congratulating Walter J. Brown Upon Entering the Harvard Cup Hall of Fame.

Item 8 – SMITH & HOLT presented a resolution In Memory of Civil Rights Pioneer Activist Rosa Parks.

Item 9 – SMITH & HOLT presented a resolution Honoring WB 49 News Station Upon Its First Year Anniversary.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above four items with Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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MS. MARINELLI moved for the approval of the above four items as amended. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 10 - CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the COMMUNITY SERVICES COMMITTEE.

GRANTED.

Item 11 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 12 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

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

GRANTED.

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

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

**COMMITTEE REPORTS**

Item 16 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

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COMMUNITY SERVICES COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

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1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 19E-36 (2005)  
**COUNTY EXECUTIVE:** Social Services - Reallocation of Prior Year Funds  
 (5-0)
  - b. COMM. 19D-9 (2005)  
**SOCIAL SERVICES:** Letter to Kennedy Re: Blueprint For Change Progress  
 (5-0)
  - c. COMM. 23M-6 (2005)  
**LEGAL AID BUREAU OF BUFFALO:** Request to Retain 2004 Surplus  
 (5-0)
  - d. COMM. 25M-4 (2005)  
**LEGAL AID BUREAU:** 2004 Financial Statements, 2004 Annual Report, and a Copy of Minutes from Annual Board of Directors Meeting  
 (5-0)
2. COMM. 25E-4 (2005)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and  
  
 WHEREAS, Erie County membership in the New York State Conference of Local Mental Hygiene Directors enables Erie County to participate in, and influence, State policy decisions that impact mental health services provided to its residents, as well as the costs to Erie County of those services, and  
  
 WHEREAS, the current appropriation in the accounts of the Erie County Department of Mental Health for the cost of such membership is insufficient to pay the dues assessed to Erie County by the New York State Conference of Local Mental Hygiene Directors for 2005, and  
  
 WHEREAS, funds are available for transfer within the accounts of the Department of Mental Health,  
  
 NOW, THEREFORE, BE IT  
  
 RESOLVED, that \$9,000 be transferred within the accounts of the Department of Mental Health from Account 516020, Professional Services Contracts and Fees to Account 510200, Training and Education, and be it further  
  
 RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
 (5-0)
3. COMM. 25E-7 (2005)

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**COUNTY EXECUTIVE**

WHEREAS, the Department of Health has analyzed its object of expense and has determined that in Account 505800 – Medical & Health Supplies, expenditures will exceed appropriations by \$8,900, and

WHEREAS, a transfer of funds must be made in order to continue the provision of vital public health services for the remainder of the 2005 fiscal year.

NOW, THEREFORE, BE IT

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

Medical Examiner's Division

Increase Account 505800 – Medical & Health Supplies	\$8,900
Decrease Account 505200 – Clothing	2,400
Decrease Account 506200 – Maintenance & Repairs	<u>6,500</u>
Net Increase	<u>\$ -0-</u>

and be it further

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

(5-0)

**TIMOTHY M. KENNEDY**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

OCTOBER 20, 2005

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATORS WROBLEWSKI and McCARVILLE.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 20D-7 (2005)  
**COUNTY ATTORNEY:** Deleting Positions & Vacancies  
 (3-0)
  - b. COMM. 23E-21 (2005)

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- MARINELLI:** Letter to County Executive Re: Constituent Concerns  
(3-0)
- c. COMM. 23D-3 (2005)  
**COUNTY ATTORNEY:** Leased Properties Report  
(3-0)
- d. COMM. 23M-1 (2005)  
**ERIE COUNTY RECEIVERS & COLLECTORS:** Letter to Marinelli Re: Proposed Amendments to the Erie County Tax Act  
(3-0)
- e. COMM. 24M-10 (2005)  
**ERIE COUNTY FISCAL STABILITY AUTHORITY:** Proposed Space Audit & Optimization Resolution  
(3-0)
- f. COMM. 25E-3 (2005)  
**MARINELLI:** Copy of Letter to The Buffalo News Re: Reforms  
(3-0)
- g. COMM. 25D-1 (2005)  
**BOARD OF ELECTIONS:** 2006 Changes in County Budget HAVA Legislation  
(3-0)
- h. COMM. 25D-2 (2005)  
**COUNTY ATTORNEY:** Swarts vs. Erie County Legislature, et al.  
(3-0)
2. RESOLVED, the following items are referred the CHARTER REVISION COMMISSION:
- a. INTRO 23-1 (2005)  
**WEINSTEIN:** In Support of a Recall Provision in the New York State Constitution  
(3-0)
- b. INTRO 23-4 (2005)  
**WEINSTEIN:** Term Limits for Erie County Legislators  
(3-0)
- c. COMM. 25E-14 (2005)  
**WROBLEWSKI:** Copy of Letter to Chairman of EC Charter Revision Commission Re: Consideration for County Manager Form of Government  
(3-0)
3. COMM. 19E-58 (2005)  
**COUNTY EXECUTIVE**  
WHEREAS, Section 18 of the Public Officers Law of the State of New York permits the governing body of a public entity, including the Erie County Legislature, upon adoption by

resolution, to indemnify and save harmless the directors, officers and employees of the public entity from settlements or the entry of judgments upon claims arising while the director, officer or employee was acting within the scope of his public employment or duty, and otherwise according to the procedures set forth therein; and

WHEREAS, by resolution dated October 4, 1984 (Comm. 14D-55), the Erie County Legislature did enact, adopt and extend the provisions of Section 18 of the Public Officers Law to the officers and employees of the County of Erie; and

WHEREAS, the Public Officers Law also permits a public entity to provide for the defense and indemnification of directors, officers and employees of corporations or committees which were formed for the benefit of the public entity; and

WHEREAS, the Erie Tobacco Asset Securitization Corporation, Erie Tax Certificate Corporation, Labor Management Healthcare Coalition, Inc., Labor Management Healthcare Trust and Deferred Compensation Board were formed for the benefit of Erie County, and the Erie County Audit Committee was formed pursuant to Section 1813 of the Erie County Charter for the benefit of the County of Erie; and

WHEREAS, the Legislature now desires to extend the provisions of Section 18 of the Public Officers Law to certain directors, officers and employees of the six entities referenced above.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby enact, adopt and extend the provisions of Section 18 of the Public Officers Law to all of the directors, officers and employees of the Erie Tobacco Asset Securitization Corporation, Erie Tax Certificate Corporation and Erie County Audit Committee; and be it further

RESOLVED, that the Erie County Legislature does hereby enact, adopt and extend the provisions of Section 18 of the Public Officers Law to only those directors or members (collectively "directors") of the Labor Management Healthcare Coalition, Inc., Labor Management Healthcare Trust and Deferred Compensation Board who are appointed directly by the Erie County Executive and/or the Erie County Legislature; and be it further

RESOLVED, that the County of Erie shall indemnify and save harmless the directors, officers and employees referenced above in the amount of any judgment obtained against such directors, officers or employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the director, officer or employee was acting within the scope of his corporate employment or duties; provided further that in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement according to the procedures established pursuant to the County's Program of Self Insurance Risk Management and resolutions thereafter continuing the Program of Self Insurance Risk Management; and be it further

RESOLVED, that except as otherwise provided by law, the duty to indemnify and save harmless prescribed by Section 18 of the Public Officers Law shall not arise for injury or damage

resulting from intentional wrongdoing or recklessness on the part of the director, officer or employee; and be it further

RESOLVED, that this resolution shall not authorize the County of Erie to indemnify or save harmless a director, officer or employee of one of the above-referenced entities with respect to punitive or exemplary damages, fines or penalties, or money recovered from a director, officer or employee pursuant to Section 51 of the General Municipal Law; provided, however, that the County of Erie shall indemnify and save harmless these directors, officers and employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that a director, officer or employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States; and be it further

RESOLVED, that the directors, officers or employees of the above-referenced entities, if any, shall not be deemed to be employees of the County of Erie and shall not be entitled to any benefits provided to County of Erie employees, except as provided herein; and be it further

RESOLVED, that upon entry of a final judgment against a director, officer or employee of the above-referenced entities, or upon the settlement of the claim, such director, officer or employee shall serve a copy of such judgment or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the County Executive of the County of Erie; and if not inconsistent with the provisions of Section 18 of the Public Officers Law, as enacted, adopted and extended by this resolution, the amount of such judgment or settlement shall be paid by the County of Erie; and be it further

RESOLVED, that the conditions, procedures and prerequisites of Section 18 of the Public Officers Law, and all limitations contained therein, are expressly included within this resolution, subject to further amendment of the Public Officers Law and other laws of the State of New York; and be it further

RESOLVED, that the County Attorney shall take the necessary and appropriate steps to implement this resolution and provide for the implementation of Section 18 of the Public Officers Law for the directors, officers and employees of the above-referenced entities; 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 Chairpersons of the Boards of the Erie Tobacco Asset Securitization Corporation, Erie Tax Certificate Corporation, Labor Management Healthcare Coalition, Inc., Labor Management Healthcare Trust, Erie County Audit Committee and Deferred Compensation Board.  
 (3-0)

4. INTRO 14-2 (2005)  
**MARINELLI**

**AS AMENDED**

WHEREAS, the County of Erie is experiencing an unprecedented fiscal crisis, with estimates of a 2005 budget deficit of either \$60 million, \$113.5 million, or more, and

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WHEREAS, given the County's fiscal situation, it is imperative to develop new strategies to help close that deficit reduce costs and/or provide revenue to the County government, and

WHEREAS, one possible way to help reduce costs and develop revenue entails the possible sale of County-owned properties, and

WHEREAS, the County Executive and Comptroller, separately, have each mentioned this possibility as a means to develop revenue and/or replenish the fund balance or cover 2005 operational costs, and

WHEREAS, possible properties that could be sold to private entities to receive revenue to help close the 2005 deficit and/or rebuild the fund balance could include:

- Public Safety Campus
- Ticor Building
- Family Court Building
- 45 Oak Street
- Youth Detention Facility
- Erie County Home property
- Highway Division barns/properties
- County Parks/Forests

and

WHEREAS, those properties would also be placed back onto the tax rolls with property taxes paid to the County and local governments, and with the County possibly continuing to rent space at each property or reduce or eliminate its presence in each property in total, and

WHEREAS, both the Buffalo/Niagara Partnership's Stabilization Report and the Erie County Four Year Plan recommend conducting a space utilization audit and review and recommend that the county terminate leases with private operators and move county offices and services back into appropriate county-owned properties to save money, and

WHEREAS, the county owns about 280 buildings or properties with a total volume of approximately 6.7 million square feet, and

WHEREAS, the county employs approximately 3,400 full-time, part-time and seasonal employees who work in 1.6 million square feet of owned/leased office space.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its interest in the possibility of selling the above-mentioned properties to private entities to receive needed revenue and bring the properties back onto the tax rolls, and be it further

RESOLVED, that this Honorable Body requests that the County Executive and his administration produce a detailed plan to potentially sell the above-mentioned properties to private



interests for revenue in 2005 and to expeditiously provide that report and plan to the Legislature for review and potential approval as soon as possible, and be it further

RESOLVED, that the Erie County Legislature hereby supports the optimization of space utilization and a reduction of county-leased office space to more optimal and efficient levels, and calls on the County Executive to take affirmative action to reduce county use of leased spaces and to allow leases to lapse and to bring county offices, employees and services back into county-owned properties where appropriate, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, Budget Director, County Attorney, Commissioner of Public Works and Purchase Director.  
 (3-0)

5. INTRO 16-8 (2005) **AS AMENDED**  
**MARINELLI**

WHEREAS, in order for the Legislature to investigate and possibly pursue, the following initiatives need approval or require legislation from **other governmental levels (olc), the federal government (f), state government (s), or unions (u)**: 3 (u), 23 (u), 26 (f), 165 (s), 30 (olc), 37 (u), 38 (u), 39 (u), 40 (u), 42 (s), 47 (u), 49 (u), 53 (s), 56 (s), 57 (s), 58 (s), 59 (s), 63 (s), 66 (s), 69 (olc), 73 (s), 74 (olc), 112 (olc), 114 (u), 116 (s), 127 (u), 139 (u), 140 (u), 143 (olc), 160 (s), 161 (s), and 162 (s). In addition, 72 requires the approval of the Board of Erie Community College, 108 needs the approval of the Trustees of the Buffalo and Erie County Public Library, and 144 likely needs state and local government approval and concurrence.

and

WHEREAS, there are initiatives in the revised four-year plan that are listed as **TBD** (to be determined) for revenue or cost savings, necessitating the provision of further details and information to the Legislature from the Giambra administration and PFM during the 2006 county budget hearings: 10, 149, 17, 18, 58, 80, 105, 145, 148, and 149

and

WHEREAS, there are many initiatives that are listed as **CQ**, (cannot quantify), which raises concerns and will require further information from the Giambra administration and PFM, as well as the corresponding department: 34, 39, 40, 55, 57, 61, 62, 63, 73, 74, 75, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 112, 119, 121, 124, 132, 137, 165, 166, and 167.

and

WHEREAS, there are many initiatives that may result in savings to the county in future years but which have **\$0 cost savings for the county in 2006**: 2, 3, 7, 9, 28, 29, 30, 36, 38, 56, 116, 125, 127, 139, 144, 147, 151, 155, 156, 159, 160, and 162.

and

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WHEREAS, there are a number of initiatives that will **cost the county money or require restorations**: 8, 11, 21, 35, 44, 64, 65, 77, 81, 83, 84, 126, 136, and 152.

and

WHEREAS, there are several initiatives that have been **rejected by the Legislature majority** in passing a modified plan:

- (Former number 6) – Institute Parking Fee for County Parks: FY 2006 impact \$117,000 of revenue.
- (Former number 59) – Increase Revenue by Increasing Inspection and Other Fees: FY 2006 impact \$1.48 million; reduced by \$650,000 of revenue.
- (Former number 119) – Charge Local Jurisdictions without Own Police Departments for Patrol Services: FY 2006 impact \$2.971 million of revenue.
- (Former number 154) – Refunding by Erie County Fiscal Stability Authority: FY 2006 impact \$1.765 million of savings.
- (Former number 157) – Deficit Financing/Restructuring County Bonds: Proceeds: FY 2006 impact \$47 million of savings.
- (Former number 158) – Property Tax Restoration of 25% in FY 2006 and 24% in FY 2007: FY 2006 impact \$35.853 million, reduced to \$24.9 million of revenue.
- NOTE: modified plan asks to avoid deficit financing and cut property tax with \$63.2 million of revenue from increased sales tax, requiring Home Rule message of NYS and at least a supermajority of votes in the Legislature.
- The ECMCC subsidy will be determined during FY 2006 county budget deliberations, as well as pending lawsuit.
- The Legislature's amended four-year plan also seeks to restore the county's depleted fund balance in accordance with general accounting standards to be determined in FY 2006 county budget deliberations and ongoing four-year plan.

and

WHEREAS, initiatives **already adopted or supported by the Legislature** either through Local Law or resolutions are as follows: 1, 4, 5, 8, 12, 13, 14, 15, 20, 51, 69, 91, 92, 93, 94, 95, 96, 97, 98, 100, 102, 103, 118, 128, and 152.

and

WHEREAS, initiatives **already accomplished by the Erie County Tobacco Asset Securitization Corporation**: 151

and

WHEREAS, initiatives that are **fee based**, thus needing at least a supermajority of the Legislature's votes include: 1, 5, 6, 12\*, 13\*, 14\*, 15\*, 16, 20\*, 29, 42, 45, 54, 68, 71, 109, 157 and 164.

and

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WHEREAS, initiatives **currently before the Legislature** include: 41, 68, 70, 71, 84, 90, 110, and 138.

and

WHEREAS, initiatives **previously rejected by the Legislature** include: 65, former 92 (centralized collections and account receivable unit), 121, and 126.

and

WHEREAS, initiatives contained in the County Executive's proposed FY 2006 county budget, **currently under deliberation by the Legislature** through the charter adoption deadline by December 6, 2005, include: 1, 2, 3, 5, 6, 8, 11, 35, 44, 46, 47, 48, 54, 64, 65, 68, 69, 82, 83, 84, (former 92), 110, 120, 126, 158, and 159.

and

WHEREAS, initiatives contained in the administration/PFM four-year plan **recommended by or similar to the Buffalo/Niagara Partnership's Stabilization Report** include: 1, 3, 5, 7, 8, 11, 31, 37, 40, 44, 46, 72, 80, 91, 92, 93, 94, 95, 96, 97, 113, 120, 121, 122, 123, 138, 139, 140, 147, 148, 159, 160, 161 and 165.

NOW, THEREFORE BE IT,

RESOLVED, that the Erie County Legislature:

- Calls on federal, state & local officials and union representatives to respond, in writing, to items in the FIRST WHEREAS.
- Calls on ECFSA & PFM to qualify, in writing, the TBD initiatives contained in the SECOND WHEREAS.
- Calls on the administration to report on savings, revenues, restorations, reductions, and CQ measures on the fiscal impacts, the management timelines, and the quality of the delivery of services contained in the THIRD, FIFTH, NINTH and TWELFTH WHEREAS.
- Calls on the New York State WNY legislative delegation to promptly indicate, in writing, the likelihood of an extraordinary session of the NYS Legislature before the close of 2005, particularly as it pertains to items in the FIRST, SIXTH and NINTH WHEREAS.
- Calls on Buffalo Niagara Partnership to suggest, in writing, any other realistic recommendations not contained in the executive's proposed FY 2006 county budget or the administration/PFM four-year plan.
- Calls on the ECMCC, ECC, Library and CVB boards to respond, in writing, to the executive's proposed FY 2006 budget and initiatives contained in the administration/PFM four-year plan as it relates to those institutions.
- Calls on the Erie County Comptroller to submit an assessment, in writing, on initiatives contained in the executive's proposed FY 2006 operational and capital budget; to report on fund balance; to report on status of tobacco funding; to qualify the projected revenue and expenditure items as realistic; and to report on the amount (*approximately \$60 million, annualized value \$80 million*) or percentage of cuts made to the FY 2005 budget, by department, to date.

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- Calls on the Charter Review Commission to assess, upon adoption of the FY 2006 budget, initiatives that alter the charter, particularly items 39, 53, 116, 119, 152, 159.

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, County Attorney, Personnel Commissioner, County Clerk, County Sheriff, WNY federal and state delegation members, board members and director of ECFSA, union representatives, CEO of ECMC, President of ECC, Director of the B&ECPL, CEO of the BNCVB, Chair of the Erie County Charter Review Commission, PFM, Buffalo Niagara Partnership and town supervisors.

(3-0)

6. COMM. 20E-25 (2005)

**COUNTY EXECUTIVE**

WHEREAS, Erie County is in need of laborer services to demolish approximately 6000 square feet of space on the first floor of the Geneva B. Scruggs/Old School 84 building and dispose of trash pursuant to the scope of work identified in the proposal from Cloverbank Construction dated April 13, 2005, in order to convert the building to warehouse space to be used by the Division of Purchase, and

WHEREAS, Erie County Medical Center Corporation has estimated the cost to be approximately \$22,700 from the estimate of Cloverbank Construction, and

WHEREAS, Erie County has reduced its need for vehicles in its general fleet making available for surplus two 2001 Chevrolet Blazer SUVs with a retail value of approximately \$11,000 each, and

WHEREAS, Erie County Medical Center Corporation is in need of reliable vehicles with lower mileage for use on the Grider Street Campus.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie be authorized to enter into a contract with Erie County Medical Center Corporation to perform the necessary demolition work at the Old School 84 Building, and be it further

RESOLVED, that for the value of the work performed, Erie County will transfer to Erie County Medical Center Corporation the following vehicles:

- 2001 Chevrolet Blazer; VIN # 1GNNDT13WX2K197823
- 2001 Chevrolet Blazer, VIN# 1GNNDT13W81K228890

and be it further

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

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(3-0)

**LYNN M. MARINELLI**  
**CHAIRPERSON**

MR. SWANICK moved for the separation of item #4 and to move the balance of the report. MS. MARINELLI seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

MS. MARINELLI moved to sent item #4 back to the GOVERNMENT AFFAIRS COMMITTEE for further consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. SMITH presented the following report and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

October 20, 2005

FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATORS DUSZA and SWANICK.

1. RESOLVED, that the following items are hereby received and filed
  - a. COMM. 19D-15 (2005)  
**COUNTY ATTORNEY:** Redeployment of Resources - Department of Law  
 (3-0)
  - b. COMM. 20E-3 (2005)  
**COUNTY CLERK:** Report Mandated by Amendment to Intro. 17-1  
 (3-0)
  - c. COMM. 20E-5 (2005)  
**DISTRICT ATTORNEY:** Amendment to Intro 17-1  
 (3-0)

2. COMM. 1D-21 (2004) **AS AMENDED**  
**DIRECTOR OF BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

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

NOW, THEREFORE BE IT,

RESOLVED, that petitions numbered 205364 through 205423 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2005	Petition No.	205364
	ASSESSOR	Cancel	\$156.44
S-B-L	117.12-4-2.11	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$156.44	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$156.44	

CANCEL - CLERICAL ERROR, THE DELINQUENT WATER WAS PAID DIRECTLY TO ERIE COUNTY WATER AUTHORITY. RPTL 550(2)E

FISCAL YEAR	2005	Petition No.	205365
	ASSESSOR	Cancel	\$969.94
S-B-L	119.05-1-27	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$969.94	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$969.94	
	Relevy School	\$969.94	142001 ALDEN CENTRAL

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 32,075 50 % WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2) C

FISCAL YEAR	2005	Petition No.	205366
	ASSESSOR	Cancel	\$38.94

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S-B-L 28.33-1-20 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$38.94	Town/SpecialDist/School

Charge To : 142289 AMHERST \$38.94  
 Relevy School \$38.94 142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS REDUCED BUT NOT ENTERED ON THE TAX ROLL. THE ASSESSMENT WAS 92,000 AND SHOULD BE 90,000.  
 RPTL 550(2)A

FISCAL YEAR 2005 Petition No. 205367

ASSESSOR Cancel \$620.57

S-B-L 41.20-4-24 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$620.57	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$620.57	

Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 31.870 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 WILLIAMSVILLE CENTRAL

FISCAL YEAR 2005 Petition No. 205368

ASSESSOR Cancel \$584.15

S-B-L 42.01-5-54 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$584.15	Town/SpecialDist/School

Charge To : 142289 AMHERST \$584.15  
 Relevy School \$584.15 142203 WILLIAMSVILLE CENT

CANCEL - CLEFRICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 140,000 AND SHOULD BE 110,000.





**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

S-B-L 80.06-10-27 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$632.05	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$632.05  
Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THE BASHIC STAR EXEMPTION IN THE AMOUNT OF 31,870 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 50(2)C  
 AMJHERST CENTRAL

FISCAL YEAR 2005 Petition No. 205372

ASSESSOR Cancel \$958.01

S-B-L 70.06-3-20 143200 CLARENCE

Acct. No. 112	\$0.00	County
Acct. No. 132	\$958.01	Town/SpecialDist/School

Charge To : 143200 CLARENCE \$958.01  
 Relevy School \$958.01 142203 WILLIAMSVILLE CENT

CANCEL - CLERIICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 49,200 (30%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2005 Petition No. 205373

ASSESSOR Cancel \$458.07

S-B-L 70.07-2-31 143200 CLARENCE

Acct. No. 112	\$0.00	County
Acct. No. 132	\$458.07	Town/SpecialDist/School

Charge To : 143200 CLARENCE \$458.07  
 Relevy School \$458.07 143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON  
 THE TAX ROLL. THE ASSESSMENT WAS 159,000 AND SHOULD BE 130,000.





**MEETING NO. 27  
OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

ASSESSOR Refund \$513.54

S-B-L 101.28-7-25 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$513.54	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$513.54	

Charge To : 143089 CHEEKTOWAGA \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL550(2)C  
CHECK FOR: JAMES & BRADFORD LEWIS CHEEKTOWAGA CENTRAL

FISCAL YEAR 2005 Petition No. 205380

ASSESSOR Cancel \$528.09

S-B-L 101.28-7-25 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$528.09	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$528.09	

Charge To : 143089 CHEEKTOWAGA \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
CHEEKTOWAGA CENTRAL

FISCAL YEAR 2005 Petition No. 205381

ASSESSOR Cancel \$1,603.22

S-B-L 113.12-2-19 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,603.22	Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$1,603.22  
Relevy School \$1,603.22 143001 CHEEKTO. CENTRAL



**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$511.46	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$511.46	

Charge To : 143200 CLARENCE \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 32,380 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 CLARENCE CENTRAL

FISCAL YEAR	2005	Petition No.	205385
	ASSESSOR	Cancel	\$852.50

S-B-L 72.11-2-25 143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$852.50	Town/SpecialDist/School
41834	NYS STAR ENHANCED EXEMPTION	\$852.50	

\Charge To : 143200 CLARENCE \$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 53,970 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 CLARENCE CENTRAL

FISCAL YEAR	2005	Petition No.	205386
	ASSESSOR	Cancel	\$71.28

S-B-L 12.15-2-65./A 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$71.28	Town/SpecialDist/School

Charge To : 144600 GRAND ISLAND \$71.28  
 Relevy School \$71.28 144601 GRND ISLN CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE ENTRY. PARCEL IS INCLUDED WITH SBL 12.15-2-65. RPTL 550(2)F



**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$630.78	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$630.78	

Charge To : 144600 GRAND ISLAND \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 17,700 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C  
 GRAND ISLAND CENTRAL

FISCAL YEAR 2005                      Petition No.                      205390

ASSESSOR                      Cancel                      \$475.23

S-B-L 217.00-3-27.22                      145000 HOLLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$475.23	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$475.23	
<u>Charge To :</u>	145000 HOLLAND		\$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,680 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 HOLLAND CENTRAL

FISCAL YEAR 2005                      Petition No.                      205391

ASSESSOR                      Cancel                      \$475.23

S-B-L 232.00-3-34                      145000 HOLLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$475.23	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$475.23	

Charge To : 145000 HOLLAND \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,680 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C  
 HOLLAND CENTRAL



**MEETING NO. 27  
OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

FISCAL YEAR 2005                      Petition No.                      205392

                                 ASSESSOR                      Cancel                      \$913.28

S-B-L    93.19-2-53.1    145289 LANCASTER

                                 Acct. No. 112    \$0.00    County  
                                 Acct. No. 132    \$913.28    Town/SpecialDist/School

Charge To :                                      145289 LANCASTER    \$913.28  
                                 Relevy School    \$913.28    143007 DEPEW UNION-CHEEK

CANCEL - CLERICAL ERROR, THE PARAPLEGIC EXEMPTION IN THE AMOUNT OF 130,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2005                      Petition No.                      205393

                                 ASSESSOR                      Cancel                      \$50.55

S-B-L    95.00-1-29    145289 LANCASTER

                                 Acct. No. 112    \$0.00    County  
                                 Acct. No. 132    \$50.55    Town/SpecialDist/School

Charge To :                                      145289 LANCASTER    \$50.55  
                                 Relevy School    \$50.55    143201 CLARENCE CENTRAL

CANCEL - ERROR IN ESSENTIAL FACT, THE IMPROVEMENT IS NOT ON THIS PARCEL. THIS IS VACANT LAND. THE ASSESSMENT WAS 39,800 AND SHOULD BE 36,600. RPTL 550(3)A

FISCAL YEAR 2005                      Petition No.                      205394

                                 ASSESSOR                      Refund                      \$316.90

S-B-L    139.00-12-9    145400 MARILLA

                                 Acct. No. 112    \$0.00    County  
                                 Acct. No. 132    \$316.90    Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION                      \$316.90

**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

Charge To : 145400 MARILLA \$0.00

REFUND- CLERICAL ERROR, THIS PARCEL RECEIVED THE BASIC STAR IN THE AMT OF 17,100 AND SHOULD BE THE ENHANCED STAR IN THE AMT OF 28,500.  
 CHECK FOR: RONALD & CAROL ZIELINSKI IROQUOIS CENTRAL

FISCAL YEAR 2005 Petition No. 205395

ASSESSOR Cancel \$958.34

S-B-L 269.15-4-17 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County

Acct. No. 132 \$958.34 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$958.34

Charge To : 145889 NORTH COLLINS \$0.00

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

FISCAL YEAR 2005 Petition No. 205396

ASSESSOR Cancel \$958.34

S-B-L 269.19-6-22 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County

Acct. No. 132 \$958.34 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$958.34

Charge To : 145889 NORTH COLLINS \$0.00

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

FISCAL YEAR 2005 Petition No. 205397

MEETING NO. 27  
OCTOBER 27, 2005

ERIE COUNTY LEGISLATURE

ASSESSOR Refund \$575.00

S-B-L 269.20-1-25 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$575.00 Town/SpecialDist/School  
41854 BASIC STAR EXEMPTION \$575.00

Charge To : 145889 NORTH COLLINS \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2) C  
CHECK FOR: THOMAS KAPUSZCAK & MELISSA BAAKE NORTH COLLINS CENTRA

FISCAL YEAR 2005 Petition No. 205398

ASSESSOR Refund \$529.05

S-B-L 271.00-4-1.3 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$529.05 Town/SpecialDist/School  
41854 BASIC STAR EXEMPTION \$529.05

Charge To : 145889 NORTH COLLINS \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C  
CHECK FOR: JOHN M TOBIA NORTH COLLINS CENTRAL

FISCAL YEAR 2005 Petition No. 205399

ASSESSOR Cancel \$958.35

S-B-L 272.00-2-43 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$958.35 Town/SpecialDist/School  
41834 NYS STAR ENHANCED EXEMPTION \$958.35

Charge To : 145889 NORTH COLLINS \$0.00

**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF  
 50,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C  
 NORTH COLLINS CENTRAL

FISCAL YEAR 2005                      Petition No.                      205400

ASSESSOR                      Refund                      \$575.00

S-B-L 285.07-2-10.1                      145889 NORTH COLLINS

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$575.00                      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$575.00

Charge To :                      145889 NORTH COLLINS                      \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF  
 30,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C  
 CHECK FOR: BRANDON LOCKING                      NORTH COLLINS CENTRAL

FISCAL YEAR 2005                      Petition No.                      205401

ASSESSOR                      Refund                      \$575.00

S-B-L 285.08-1-27                      145889 NORTH COLLINS

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$575.00                      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$575.00

Charge To :                      145889 NORTH COLLINS                      \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 30,000 WAS  
 OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CHECK FOR: BRIAN R TARNOWSKI                      NORTH COLLINS CENT

FISCAL YEAR 4005                      Petition No.                      205402

**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

ASSESSOR Cancel \$575.01

S-B-L 287.02-1-51 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$575.01	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$575.01	
<u>Charge To :</u>	145889 NORTH COLLINS		\$0.00

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

FISCAL YEAR 2005 Petition No. 205403

ASSESSOR Cancel \$180.17

S-B-L 288.00-1-10 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$180.17	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$180.17
	Relevy School	\$180.17	145801 NORTH COLLINS CENT

CANCEL - ERROR IN ESSENTIAL FACT, THE HOUSE WAS REMOVED PRIOR TO  
 MAY 1, 2005. THE ASSESSMENT WAS 40,400 AND SHOULD BE 31,000.  
 RPTL 550(3)A

FISCAL YEAR 2005 Petition No. 205404

ASSESSOR Cancel \$958.34

S-B-L 288.00-1-15.11 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$958.34	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$958.34	
<u>Charge To :</u>	145889 NORTH COLLINS		\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 50,000  
 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C  
 NORTH COLLINS CENTRAL



**MEETING NO. 27  
OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,738.56	Town/SpecialDist/School

Charge To :                    146089 ORCHARD PARK            \$1,738.56  
     Relevy School                            \$1,738.56            146001 ORCH PARK CENTRAL

CANCEL - CLERICAL ERROR, THE BUSINESS EXEMPTION IN THE AMOUNT OF 69,350 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2005                    Petition No.                    205408

ASSESSOR                    Cancel                    \$204.23

S-B-L 279.00-1.17.1                    146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$204.23	Town/SpecialDist/School

Charge To :                    146200 SARDINIA                    \$204.23  
     Relevy School                            \$204.23            145001 HOLLAND CENTRAL

CANCEL - UNLAWFUL ENTRY, STATE BOARD CERTIFIED THE ASSESSMENT AT 27,492 NOT 36,547 WAS USED ON THE SCHOOL TAX ROLL. RPTL 550(7)E

FISCAL YEAR 2005                    Petition No.                    205409

ASSESSOR                    Cancel                    \$917.39

S-B-L 279.00-2-10.1                    146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$917.39	Town/SpecialDist/School

Charge To :                    146200 SARDINIA                    \$917.39  
     Relevy School                            \$917.39            145001 HOLLAND CENTRAL

CANCEL - UNLAWFUL ENTRY, THE STATE BOARD CERTIFIED THE ASSESSMENT AT 121,994 NOT 162,670 THAT WAS USED ON THE SCHOOL TAX . RPTL 550(7)E

FISCAL YEAR 2005                    Petition No.                    205410

ASSESSOR                    Cancel                    \$142.70

**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

S-B-L 279.15-1-16 146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$142.70	Town/SpecialDist/School

Charge To : 146200 SARDINIA \$142.70  
 Relevy School \$142.70 145001 HOLLAND CENTRAL

CANCEL - UNLAWFUL ENTRY, THE STATE BOARD CERTIFIED THE ASSESSMENT AT 22,337 NOT 28,664 THAT WAS USED ON THE SCHOOL TAX ROLL RPTL 550(7)E

FISCAL YEAR 2005 Petition No. 205411

ASSESSOR Cancel \$352.00

S-B-L 2695.00-2-27 146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$352.00	Town/SpecialDist/School

Charge To : 146200 SARDINIA \$352.00  
 Relevy School \$352.00 048401 PIONEER CENTRAL

CANCEL - UNLAWFUL ENTRY, THE STATE BOARD CERFTIFIED THE ASSESSMENT AT 74,100 NIOT 95,308 THAT WaS USED ON THE SCHOOL TAX ROLL.  
 RPTL 550(7)E

FISCAL YEAR 2005 Petition No. 205412

ASSESSOR Cancel \$349.98

S-B-L 295.08-1-5 146200 SARDINIA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$349.98	Town/SpecialDist/School

Charge To : 146200 SARDINIA \$349.98  
 Relevy School \$349.98 048401 PIONEER CENTRAL

CANCEL - UNLAWFUL ENTRY, THE STATE BOARD CERTIFIED THE ASSESSMENT AT 77,805 NOT 98,892 THAT WAS USED ON THE SCHOOL TAX ROLL.  
 RPTL 550(7)E







**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$571.90	Town/SpecialDist/School

Charge To :                    146489 TONAWANDA                    \$571.90  
    Relevy School                    \$571.90                    146401 KEN-TON UNION FREE

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 16,695 (35%) WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CHECK FOR: THEODORE W PATSKIN

FISCAL YEAR 2005                    Petition No.                    205419

ASSESSOR                    Cancel                    \$313.26

S-B-L 216.00-3-4                    146600 WALES

Acct. No. 112	\$0.00	County
Acct. No. 132	\$313.26	Town/SpecialDist/School

Charge To :                    146600 WALES                    \$313.26  
    Relevy School                    \$313.26                    145001 HOLLAND CENTRAL

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 10,112 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2005                    Petition No.                    205421

ASSESSOR                    Cancel                    \$632.06

S-B-L 67.79-6-23                    142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$632.06	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                    \$632.06  
Charge To :                    142289 AMHERST                    \$0.00

CANCEL -CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 31,870 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 AMHERST CENT

**MEETING NO. 27  
OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

FISCAL YEAR 2005                      Petition No.                      205422

   ASSESSOR                      Cancel                      \$486.80

S-B-L 68.07-6-1    142289 AMHERST

   Acct. No. 112    \$0.00      County  
   Acct. No. 132    \$486.80      Town/SpecialDist/School

Charge To :    142289 AMHERST    \$486.80  
   Relevy School    \$486.80      142203 WILLIAMSVILLE CENT

CANCEL -CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 240,000 AND SHOULD BE 215,000.  
RPTL 550(2)A

FISCAL YEAR 2005                      Petition No.                      205423

   ASSESSOR                      Cancel                      \$64.60

S-B-L 124.16-1-3.11    146800 WEST SENECA

   Acct. No. 112    \$0.00      County  
   Acct. No. 132    \$64.60      Town/SpecialDist/School

Charge To :    146800 WEST SENECA    \$64.60  
   Relevy School    \$64.60      146801 WEST SENECA CENT

CANCEL - CLERICAL ERROR, THIS PARCEL WAS MERGED INTO 124.16-1-3.111.  
RPTL 550(2)A

(3-0)

3.        COMM. 23E-8 (2005)

**COUNTY EXECUTIVE**

WHEREAS, to return Erie County to fiscal stability, it is imperative that we fundamentally change the way government provides benefits to employees, and

WHEREAS, in these difficult fiscal times, it is important that we demonstrate to unionized employees and the community our willingness to share in the mutual sacrifice that will be necessary to minimize future layoffs and larger tax increases.

NOW, THEREFORE BE IT

RESOLVED, that effective January 1, 2006, all Managerial Confidential employees that retire shall contribute 15% toward the cost of the monthly premium for their health insurance, and be it further

RESOLVED, that effective January 1, 2006 all active Managerial Confidential (exempting JG 10 or lower Managerial Confidential non-exempt from the Fair Labor Standards Act) employees shall contribute 10% toward the cost of the monthly premium for health insurance, and be it further

RESOLVED, that effective January 1, 2007 all active Managerial Confidential (exempting JG 10 or lower Managerial Confidential non-exempt from the Fair Labor Standards Act) employees shall contribute 15% toward the cost of the monthly premium for health insurance, and be it further

RESOLVED, that Managerial Confidential employees newly hired on or after January 1, 2006, who subsequently retire, will be required to contribute 50 percent toward the cost of retiree health insurance, and be it further

RESOLVED, effective January 1, 2006, Managerial Confidential employees will not be eligible for extended sick leave with pay, and be it further

RESOLVED, that effective January 1, 2006 any Managerial Confidential employee who charges 8 hours or less of sick leave in a calendar year will receive a bonus payment of \$500 by January 15<sup>th</sup> of the succeeding year, and be it further

RESOLVED, that effective January 1, 2006, Managerial Confidential employees will be permitted to annually rollover five (5) unused sick days or forty (40) hours. All other unused accumulated sick leave will be placed in an individual "Catastrophic Illness Bank" for each employees, and be it further

RESOLVED, that prior to January 1, 2006, the Erie County Commissioner of Personnel draft and implement a policy governing the utilization of the Catastrophic Illness Bank, and be it further

RESOLVED, that Managerial Confidential Employees are not eligible for Summer Hours, and be it further

RESOLVED, that any contrary provisions of the Erie County Personnel Policies and Procedures Manual are hereby null and void.

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, Erie County Sheriff, County Executive, County Clerk and District Attorney.  
(3-0)

**DEMONE A. SMITH  
CHAIRPERSON**

**LEGISLATOR RESOLUTIONS**

Item 19 – CHAIRMAN HOLT directed that the following item be directed the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

**MEETING NO. 27**  
**OCTOBER 27, 2005**

**ERIE COUNTY LEGISLATURE**

INTRO 27-1 from LEGISLATOR SMITH Re: Better Usage of Erie County Facilities and Assets

Item 20 – MS. MARINELLI moved for reconsideration of Intro 27-1. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS SMITH AND KENNEDY

RE: BETTER UTILIZATION OF ERIE COUNTY ASSETS AND STRUCTURES

Whereas; Currently, Erie County is experiencing extreme fiscal difficulties and initiatives proposed to remedy the fiscal situation should seek to remedy and strengthen existing assets and structures while providing cost saving and enhancing revenue; and

Whereas; Erie County Medical Center Corporation is a valuable assets to Erie County and the financial benefits to the area has not be fully realized; and

Now Therefore Be It Resolved;

That the Erie County Legislature investigate the possibility of the Erie County Medical Center Corporation providing secondary healthcare coverage and specialty health services for employees and area governmental employees; and

Be It Further Resolved;

That The Erie County Legislature investigates the possibility of ECMC to dispense pharmaceuticals with interest in governmental dispensing, mail order and employee dispensing.

Be It Finally Resolved;

That a copy of this resolution be forward to Michael Young, CEO of Erie County Medical Center Corporation, all Unions representing County Employees and the County Executive.

DEMONE SMITH

TIMOTHY KENNEDY

Fiscal Impact: Unknown.

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

GRANTED.

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

RE: Support for an Inflation-Protected \$10  
Million Settlement with the NYPA  
(INTRO 27-2)

A RESOLUTION SUBMITTED BY  
LEGISLATOR KENNEDY

WHEREAS, the New York Power Authority is currently seeking another fifty-year license to operate the Niagara Power Project, its largest and most profitable power plant, and

WHEREAS, as part of the relicensing process before the Federal Energy Regulatory Commission, the operators of hydroelectric plants are required to offer financial assistance to host communities which are negatively impacted by the operation of said hydroelectric plants, and

WHEREAS, Western New York is blighted by the remains of long-abandoned industrial facilities, the construction and operation of which were made possible by Niagara hydropower, and

WHEREAS, to that end, the New York Power Authority had previously offered \$2 million annually, to be spent on remediation efforts in Buffalo and Erie County, and

WHEREAS, Congressman Brian Higgins and a host of other local leaders, including this Honorable Body, called for an increased settlement of \$10 million per year, plus interest, and

WHEREAS, said increased settlement is eminently reasonable, given the tremendous annual revenue of the Power Authority, its lavish spending, and its financial situation generally, and

WHEREAS, said financial condition is exemplified by the fact that the New York Power Authority recently spent \$5.5 million on a second corporate turboprop airplane to shuttle its executives about the state according to the minutes of their own Board of Trustees, and

WHEREAS, said financial condition further is exemplified by the fact that the New York Power Authority annually spends \$20.3 million on 160 executive and patronage salaries over \$100k annually according to records maintained by the New York State Comptroller, and

WHEREAS, said financial condition further is exemplified by the fact that the New York Power Authority could afford to recently run up \$275 million in cost overruns in the construction of the Poletti Power Plant in Queens, NY, according to a May 12, 2004 statement from the New York State Comptroller, and

WHEREAS, said financial condition further is exemplified by the fact that the New York Power Authority could afford to recently run up \$190 million in cost overruns in the construction of 11 small generators in New York City in response to downstate blackouts according to a May 12, 2004 statement from the New York State Comptroller, and

WHEREAS, said financial condition further is exemplified by the fact that the New York Power Authority could afford, as a demonstration of its corporate largesse, to recently spend \$70 million on 180,000 fuel efficient refrigerators for New York City Public Housing according to the May, 2005 minutes of their own Board of Trustees, and

WHEREAS, said financial condition further is exemplified by the fact that the New York Power Authority could afford, as a demonstration of its corporate largesse, to recently spend \$25 million on 500 fuel efficient hot water tanks for New York City Public Housing according to the May, 2005 minutes of their own Board of Trustees, and

WHEREAS, said financial condition further is exemplified by the fact that the New York Power Authority has recently agreed to spend an additional \$500 million on discretionary fuel efficiency projects with the various government agencies and public authorities in Metropolitan New York City according to the June, 2005 minutes of their own Board of Trustees, and

WHEREAS, said examples of corporate generosity and lavish spending are made possible by the profits derived from the sale of low-cost Niagara hydropower, as Standard and Poors in their August 27, 2004 report on the Authority's finances notes that "Ownership in very low cost hydroelectric power capacity that provides 81 % of NYPA's current generation needs," and

WHEREAS, the ability to approve contracts on behalf of the County of Erie rests with this Honorable Body, and

WHEREAS, agents of the Power Authority have conveyed to the Congressional delegation that the Authority has been negotiating directly with the Erie County Executive.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body does hereby reaffirm its support for an inflation-protected \$10 million settlement with the New York Power Authority for Buffalo and Erie County, in keeping with the unanimous vote in support of Comm. 8E-56 (2005), which rejected NYPA's initial \$2 million offer, and be it further

RESOLVED, that inasmuch as the authority to ratify said settlement agreement(s) with NYPA rests in the hands of the respective legislative bodies of the city and the county, and in light of the findings within the various WHEREAS clauses above, this Honorable Body does hereby reaffirm its call to NYPA to engage in good-faith negotiations toward a fair and equitable settlement for Buffalo and Erie County, and be it further

RESOLVED, that certified copies of this resolution be sent to officials of the New York Power Authority, the County Executive, the Governor of the State of New York, the Mayor and Common Council of the City of Buffalo, and the federal and state legislative delegations.

TIMOTHY KENNEDY

Fiscal Impact: To Be Determined



MS. MARINELLI moved to amend the item for co-sponsorship. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

ADD the following as Co-Sponsors:

- DEBENEDETTI
- DUSZA
- HOLT
- KUWIK
- MARINELLI
- SMITH
- WROBLEWSKI
- WEINSTEIN
- SWANICK
- CHASE

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

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

AYES: CHASE, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH and WROBLEWSKI. ABSTAINED: CUSACK

CARRIED.

### **SUSPENSION OF THE RULES**

Item 22 – MR. KENNEDY moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

INTRO 27-3 from SMITH Re: Trees in Buffalo

CHAIRMAN HOLT directed that the item be sent to the COMMUNITY SERVICES COMMITTEE.

GRANTED.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COMPTROLLER**

Item 23 – (Comm. 27E-1) Basic F/S for Year Ending 12/31/04

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 24 – (Comm. 27E-2) Reconstruction of Milestrip Road - Request to Accept Funds from the Town of Orchard Park and Increase the Project's Revenues and Appropriation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 25 – (Comm. 27E-3) Senior Services - Authorization to have the NYS Dept. of Transportation Reconsider the Buffalo Community Center Collaborative Section 5310 Grant Application

Received and filed.

FROM THE COMPTROLLER

Item 26 – (Comm. 27E-4) Copy of Letter to BOE Commissioners Re: Audit of Operations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR CHASE

Item 27 – (Comm. 27E-5) Absence from Session on 10/19 and 10/27

Received, Filed and Printed.

October 18, 2005

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

Dear Mr. Kelley:

I have recently reviewed the tentative schedule prepared by your office and I will be unable to attend the Special Session scheduled for October 19<sup>th</sup> because of a prior commitment. In addition, I will be unable to attend our session scheduled for October 27, 2005.

Thank you.

Sincerely,

Jeanne Z. Chase

FROM THE COUNTY EXECUTIVE

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Item 28 – (Comm. 27E-6) Request for Appointments to EC Implementation Committee

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR KUWIK

Item 29 – (Comm. 27E-7) Appointment to Charter Revision Commission

Received, Filed and Printed.

October 24, 2005

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

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint Mr. Gerald DePasquale of 155 Lincroft Road, Lackawanna, NY 14218 as my representative to the Charter Revision Commission of Erie County.

Mr. DePasquale will replace Dana Britton who has never been seated on the commission.

Thank you for your assistance.

Sincerely,

Edward Kuwik  
Legislator – 1<sup>st</sup> District

FROM CHAIRMAN HOLT

Item 30 – (Comm. 27E-8) Appointment to Finance & Management/Budget Committee

Received, Filed and Printed.

October 24, 2005

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

Dear Mr. Kelley:

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Please be advised that I am appointing Legislator Albert DeBenedetti to serve as a member of the Finance & Management/Budget Committee in place of Legislator Raymond K. Dusza.

Thank you.

Very Truly Yours,

George A. Holt, Jr.

FROM THE COUNTY EXECUTIVE

Item 31 – (Comm. 27E-9) Mental Health - Authorization to Amend 2005 Contract w/ Compeer West, Inc., by an additional \$65,000, in 100% NYS Office of Mental Health State Aid Dollars

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 32 – (Comm. 27E-10) ECSD No. 3 - Southtowns Sewage Treatment Agency - Engineer Term Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 33 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

RE: Emergency Services - Filling of Vacant Position in the 100% Funded - Urban Area Security Initiative Grant (Comm. 27E-11)

WHEREAS, the Erie County Department of Emergency Services lost a person in the position of Senior Administrative Assistant – Homeland Security, Job Grade XIII, due to a disability retirement, and

WHEREAS, this position is 100% funded under the Urban Area Security Initiative Grant, and

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

WHEREAS, the Department of Emergency Services desperately needs to fill this position with a individual qualified to manage these Federal Grant funds, or the funds will have to be returned to the Federal Government, and

WHEREAS, this position will be filled with someone who is currently in the Comptroller's Office as a Systems Account, Job Grade XI, and

WHEREAS, It is imperative that this position not be left vacant in the Comptrollers Office.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Department of Emergency Services be authorized to re-create and fill the position of Senior Administrative Assistant – Homeland Security, Job Grade XIII, and be it further

RESOLVED, that the person selected from the Comptroller’s Office is authorized to fill this position, and be it further

RESOLVED, that the position of Systems Accountant, Job Grade XI, not be left vacant in the Comptroller’s Office, and be it further

RESOLVED, that the Comptroller’s Office is hereby authorized to fill the position of Systems Accountant, Grade XI, which will become vacant when the person is appointed to the position of Senior Administrative Assistant – Homeland Security, Job Grade XIII, in the Department of Emergency Services, and be it further

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

MS. MARINELLI moved to amend the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

DEPARTMENT:	Emergency Services
JOB TITLE:	Sr. Administrative Assistant – Homeland Security
JOB GROUP	13
ANNUALIZED SALARY	68,503
SALARY FOR BALANCE OF YEAR	10,503
BUDGETARY REFILL DATE	10/29/05
FUNDING SOURCE	% LOCAL
	100 % STATE
	% FEDERAL
	% OTHER (cite)

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

No

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*If this is a grant-funded position, what is the name of the grant?*

Urban Area Security Initiative

*If this is a grant funded position, what is the term of the grant?*

10/01/04 to 3/31/07

*If it is a grant funded position, who is responsible for billing the grant sponsor?*

Emergency Services

*Is this a new position or the re-created of a vacant position that was eliminated by the passage of Intro. 15-9?*

No

*Is this a competitive civil service position?*

Yes

*Is there a current Preferred of Civil Service List for this position?*

No

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

CARRIED UNANIMOUSLY.

Item 34 – (Comm. 27E-12) ECSD No. 6 - Contract No. 32SA - Bethlehem Park Phase II - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 35 – (Comm. 27E-13) 2005 STOP-DWI Revision

Item 36 – (Comm. 27E-14) CPS - Local Enhanced Wireless 911 Program

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

Item 37 – (Comm. 27E-15) ECC - South Campus Chemistry Lab Fume Hood Exhaust - A/E Fees

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (Comm. 27E-16) ECSD No. 3 - Erie County Sewer Agency Report - Increase & Improvement of Facilities (2005)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – (Comm. 27E-17) Proposed Acceptance & Use of NYS Energy Research & Development Authority (NYSERDA) Technical Assistance Grants

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – (Comm. 27E-18) Health - - "LEADSAFE Erie County" - 11/1/05 - 10/31-08 - SAP  
 Title: 127Leadhazard0507

Item 41 – (Comm. 27E-19) Health - - "LEADSAFE Erie County" - 11/1/05 - 10/31-07 - SAP  
 Title: 127Leadhazard0506

Item 42 – (Comm. 27E-20) Mental Health - Authorization to Restore One Position of One Forensic Mental Health Specialist III and One Forensic Mental Health Specialist II w/ NYS Dollars

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

Item 43 – MR. KUWIK presented the following item and moved for immediate consideration and approval. MS. CHASE seconded. Ms. Marinelli voted in the negative.

CARRIED.

RESOLUTION NO. 288

RE: CPS - Extension of L. Robert Kimball  
 Consultant Contract (Comm. 27E-21)

WHEREAS, reliable Public Safety Communications has always been has one of the top priority needs for first responders, and

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center which includes a new Communications Center, and

WHEREAS, in 2003, as a result of a competitive RFP issued through Central Police Services, Erie County retained the services of L. Robert Kimball and Associates to assist in development, design and build-out of the new Public Safety Communications Center, and

WHEREAS, partnering with New York State on the build-out of the statewide 800MHz system was an integral part of Erie County's plan to upgrade public safety communications, and

WHEREAS, in September 2005, New York State finalized plans and awarded a \$2 billion dollar contract with M/A-COM Inc. to build a statewide 800MHz radio network, and

WHEREAS, this statewide initiative identified Erie County as the first build-out of the statewide 800MHz system, and

WHEREAS, the New York State Wireless Network has established fifteen (15) months as the time frame for build-out of the pilot in Erie County, and

WHEREAS, because of this compressed timeframe, NYSWN has requested that Erie County move as expeditiously as possible to insure that our and NYSWN's efforts are coordinated, and

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WHEREAS, the Erie County Legislature has previously authorized Erie County to sign a Memorandum of Understanding with New York State to partner on the build-out of this communications system, and

WHEREAS, Kimball has submitted a proposal to Erie County to provide communications engineering services to assist Erie County in the build-out of their portion of this statewide 800MHz system, and

WHEREAS, once completed Erie County Public Safety providers will have access to a reliable, interoperable communications system

WHEREAS, the cost of these services will not exceed \$ 1,975,721, and

WHEREAS, funding is available through Urban Area Security Initiative to not only design, develop and engineer the project requirements, but to provide the equipment for our first responders.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to extend the existing contract with L. Robert Kimball for an amount not to exceed \$1,975,721 to provide professional communications services for Erie County Central Police Services, and be it further

RESOLVED, that funding is currently available in HS165UASIFY030305 account 516020 in the amount of \$1,000,000 and in HS167HSPCOMM0305 account 516020 in the amount of \$975,721, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services, the Commissioner of Emergency Services and the Director of Budget, Management and Finance.

Item 44 – (Comm. 27E-22) Partial Renewal of Lease with DePaul Properties, Inc.

Item 45 – (Comm. 27E-23) Appropriation of \$3 Million for Risk Retention Fund

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 46 – (Comm. 27E-24) DPW - Award of Contract - Supplemental for Construction Inspection Services - Reconstruction of Lake Shore Bridge 111-5 - Over Delaware Creek BIN 3327490

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – MS. MARINELLI presented the following item and moved for immediate consideration. MR. DeBENEDETTI seconded. Legislators Chase, McCarville, Ranzenhofer and Wroblewski voted in the negative.

CARRIED.



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RESOLUTION NO. 289

RE: Transfer of Funds to BOE - Comm. 20D-2  
- Null & Void (Comm. 27E-25)

MS. MARINELLI moved to amend the item by adding the following resolution. MR. DeBENEDETTI seconded. Legislators Chase, Cusack, Marshall, McCarville, Ranzenhofer, Swanick and Wroblewski voted in the negative.

CARRIED.

WHEREAS, the Board of Elections is in need of additional staffing to fulfill its requirements to administer elections, including the forthcoming 2005 General Election on November 8, 2005, and until the end of FY2005.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments shall be made immediately:

Transfer from:

Fund	Fund Center	Account	Name	Amount
100	120	525000	MMIS-Medicaid Local Share	\$234,208

Transfer to:

Fund	Fund Center	Account	Name	Amount
110	15000	500000	Personal Services	\$201,000
		530000	Other	\$ 33,208
				(Cost of Primary Election paper ballots -Phoenix Graphics, Inc.)
TOTAL:				\$234,208

And be it further

RESOLVED, that the County Executive requests that the Erie County Comptroller conduct a management audit of the Board of Elections for 2005-2006, and be it further

RESOLVED, that the Board of Elections is directed to create a detailed plan for the streamlining of its operations, including making more use of seasonal and part-time staff and to submit said plan to the Legislature and Executive, and be it further

RESOLVED, that the Board of Elections is directed to create a detailed operations plan, including financial needs, for complying with the Help America Vote Act in 2006, and to submit that plan to the Legislature and Executive, and be it further

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RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of Budget, Management and Finance, Comptroller, County Attorney, and the Commissioner of Personnel.

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

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

AYES: WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI and SMITH. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK and WROBLEWSKI.

Item 48 – (Comm. 27E-26) Health - Donation of School Health Related - Material to the Buffalo Board of Education

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 49– MS. MARINELLI presented the following item and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

RE: CPS - Law Enforcement Terrorism  
Prevention Program (LETPP) (Comm. 27E-27)

WHEREAS, the New York State Office of Homeland Security has agreed to provide funding in the amount of \$600,000 from the Law Enforcement Terrorism Prevention Program

WHEREAS, the grant will be used to fund further development of Erie County's upgrade to the first responder communications system; and

WHEREAS, the grant will fund the cost of equipment, supplies and other expenses involved with the Law Enforcement Terrorism Prevention Program;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Central Police Services, is authorized to enter into the necessary agreements with the New York State Office of Homeland Security to accept grant funding in the amount of \$600,000 in order to upgrade the first responder communications system; and be it further

RESOLVED, that authorization is hereby provided to establish the following Budget in the Grant Fund:

**BUDGET – LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM**  
**SAP GRANT NAME: HS165LETPPFY050407**

561410 Lab & Tech Equipment -

\$380,000

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516020 Professional Service Contract and Fees	<u>\$220,000</u>
Total Expense	\$600,000
414000 Federal Revenue	<u>\$600,000</u>
Total Revenue	\$600,000

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive; Director of Budget, Management and Finance; Commissioner of Central Police Services; Commissioner of Emergency Services; Erie County Comptroller; and the Erie County Attorney, and Office of the Sheriff.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMUNITY COLLEGE**

Item 50 – (Comm. 27D-1) Enact a Local Law Authorizing a Ground Lease from EC to the ECC Foundation for Development of a Student Housing Facility Complex at ECC South

Received and referred to the COMMUNITY SERVICES COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 51 – (Comm. 27D-2) Designation in the Event of Vacancy, Absence or Inability

Received and filed.

**FROM THE COMMUNITY COLLEGE**

Item 52 – (Comm. 27D-3) Notice of Board of Trustees Meeting Held 10/26/05

Received and filed.

**FROM PERSONNEL**

Item 53 – (Comm. 27D-4) EC Hires/Separations July 2005

Item 54 – (Comm. 27D-5) EC Hires/Separations August 2005

Item 55 – (Comm. 27D-6) EC Hires/Separations September 2005

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

FROM ENVIRONMENT AND PLANNING

Item 56 – (Comm. 27D-7) SEQR - Establishment of Sewer District No. 8

Received and referred to the Energy & Environment Committee.

FROM SENIOR SERVICES

Item 57 – (Comm. 27D-8) Response to the Erie County Stabilization Project Report

Received and referred to the COMMUNITY SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE NFTA

Item 58 – (Comm. 27M-1) NFTA Board Minutes for Meeting Held 8/22/05

Received and filed.

FROM THE TOWN OF BRANT

Item 59 – (Comm. 27M-2) Certified Resolution Re: Cooperative Extension Funding

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 60 – (Comm. 27M-3) Notice & Agenda of Meeting Held 10/18/05

Received and filed.

FROM THE EC BAR ASSOCIATION – AID TO INDIGENT PRISONERS SOCIETY INC.

Item 61 – (Comm. 27M-4) Comm. 5E-24 (2004)

Received and filed.

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 62 – (Comm. 27M-5) Agenda of Meeting Held 10/14

Received and filed.

FROM THE BUFFALO-NIAGARA PARTNERSHIP

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Item 63 – (Comm. 27M-6) Copy of Letter to Charter Review Commission Re: A Plan For Moving On

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE GLOBAL TEL\*LINK CORPORATION**

Item 64 – (Comm. 27M-7) Copy of Letter to EC Sheriff Dept. Re: RFP Inmate Telephone/Calling Service

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE CITY OF BUFFALO COMMON COUNCIL**

Item 65 – (Comm. 27M-8) County Reneging on Tree Maintenance

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS – BOARD OF REAL PROPERTY SERVICES**

Item 66 – (Comm. 27M-9) Certified 2005 State Equalization Rates

Received and filed.

**FROM THE US DEPT. OF HOMELAND SECURITY**

Item 67 – (Comm. 27M-10) Receipt of Certified Resolution

Received and filed.

**FROM THE ERIE COUNTY COMMUNITY COALITION**

Item 68 – (Comm. 27M-11) Understanding the County Crisis and Moving Forward: A Commonsense Approach to the Erie County Budget Crisis

Received and referred to the FINAnCE & MANAGEMENT COMMITTEE.

**FROM CSEA LOCAL 815**

Item 69 – (Comm. 27M-12) Erie County Probation Dept. Funding

Received and referred to the PUBLIC SAFETY COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 70 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of John Friedlander.

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Item 71 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. Raphael Goldstein.

Item 72 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Rosa Parks.

Item 73 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Edwin McGurney.

**ADJOURNMENT**

Item 74 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until Thursday, November 10, 2005 at 2 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, November 10, 2005 at 2 p.m. Eastern Standard Time.

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