

ERIE COUNTY LEGISLATURE
MEETING NO. 27
DECEMBER 17, 2009

The Legislature was called to order by Chair Marinelli.

All members present.

CHAIR MARINELLI directed that the agenda be taken out of order and the next items to be considered would be Miscellaneous Resolutions.

GRANTED.

MISCELLANEOUS RESOLUTIONS

Item 1 – MS. IANNELLO presented a Memorial Resolution for Ellen I. Snekser.

Item 2 – MS. IANNELLO presented a Memorial Resolution for Michael G. Sendlbeck.

Item 3 – MS. IANNELLO presented a Memorial Resolution for Joseph C. Cannata.

Item 4 – MR. MAZUR presented a Memorial Resolution In Memory of the Honorable Theodore S. Kasler, Retired N.Y.S. Supreme Court Justice.

Item 5 – MS. GRANT presented a resolution Congratulating Rev. Kenyatta T. Cobb on Receiving the 2009 FBI Director's Community Leadership Award.

Item 6 – MS. IANNELLO presented a resolution Congratulating Seth Peter Kline for Achieving the Rank of Eagle Scout.

Item 7 – MS. IANNELLO presented a resolution Congratulating Benjamin Soos for His Year as a 2008-2009 Grand Island Student Ambassador.

Item 8 – MS. IANNELLO presented a resolution Congratulating Lauren Fermoile on Being a Grand Island Student Ambassador for 2008-2009.

Item 9 – MR. REYNOLDS presented a resolution Honoring Karen Connors Erickson, for Her 13 Years as an Evans Town Council Member.

Item 10 – MS. WHYTE presented a resolution Recognizing Actor, Playwright, Teacher and Political Activist Emanuel Fried as a 2009 Literary Legacy Award Winner.

Item 11 – MS. WHYTE presented a resolution Honoring Writer, Critic and Literary Editor R.D. Pohl as a 2009 Literary Legacy Award Winner.

Item 12 – MS. MILLER-WILLIAMS presented a Memorial Resolution In Memory of Sgt. John Shepherd Jr.

Item 13 – MR. MILLS presented a resolution Congratulating Norm Suttell on His Retirement From the Aurora Town Board.

Item 14 – MS. IANNELLO presented a Memorial Resolution for Richard Seeger.

Item 15 – CHAIR MARINELLI, MR. REYNOLDS, MR. MILLS, MR. KOZUB, MS. MILLER-WILLIAMS, MR. WALTER, MS. TERRANOVA, MR. MAZUR, MS. IANNELLO, MR. LOUGHRAN & MR. RATH presented a resolution Recognizing the Service of Robert Glaser, Chair of the Erie County Fiscal Stability Authority.

Item 16 – CHAIR MARINELLI, MR. MILLS, MR. KOZUB, MS. MILLER-WILLIAMS, MR. WALTER, MR. MAZUR, MS. IANNELLO, MR. REYNOLDS, MR. LOUGHRAN & MR. RATH presented a resolution Recognizing the Public Service of Diane M. Terranova, Legislator for the 5th District.

Item 17 – CHAIR MARINELLI, MR. MILLS, MR. KOZUB, MS. MILLER-WILLIAMS, MR. WALTER, MS. TERRANOVA, MR. MAZUR, MS. IANNELLO, MR. REYNOLDS, MR. LOUGHRAN & MR. RATH presented a resolution Recognizing the Public Service of Timothy M. Wroblewski, Legislator for the 9th District.

Item 18 – CHAIR MARINELLI, MR. MILLS, MR. KOZUB, MS. MILLER-WILLIAMS, MR. WALTER, MS. TERRANOVA, MR. MAZUR, MS. IANNELLO, MR. LOUGHRAN & MR. RATH presented a resolution Recognizing the Public Service of Robert B. Reynolds, Jr., Legislator for the 12th District.

Item 19 – CHAIR MARINELLI, MR. MILLS, MR. KOZUB, MS. MILLER-WILLIAMS, MR. WALTER, MS. TERRANOVA, MR. MAZUR, MR. REYNOLDS, MR. LOUGHRAN & MR. RATH presented a resolution Recognizing the Public Service of Michele M. Iannello, Legislator for the 10th District.

Item 20 – MR. MAZUR presented a Memorial Resolution In Memory of Elaine K. Wick.

Item 21 – MR. MAZUR presented a Memorial Resolution In Memory of Georgiana M. Ford.

MS. WHYTE moved for consideration of the above twenty-one items. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-one items by including Et Al Sponsorship. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-one items as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI directed that the agenda return to the Invocation.

GRANTED.

An Invocation was held, led by the Rev. Kenyatta T. Cobb, who led the Legislature in prayer.

The Pledge of Allegiance was led by Mr. Kozub.

Item 22 – No tabled items.

Item 23 – No items for reconsideration from previous meeting.

Item 24 – MS. WHYTE moved for the approval of the minutes for Meeting Numbers 23, 24, 25 and 26 from 2009. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 25 – No Public Hearings.

LOCAL LAWS

Item 26 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 – MS. WHYTE moved to remove Local Law No. 11 (Print #1) 2009 from the table. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 11-1 - 2009

LOCAL LAW NO. _____ - 2009

A LOCAL LAW providing for exemption from real property taxes of certain capital improvements to residential buildings.

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. Title. EXEMPTION OF CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS

SECTION 2. Intent. Adoption of a Local Law allowing property owners to exempt significant residential reconstruction and alteration from property tax for a number of years after completion of that improvement will encourage property owners to make improvements to their property.

SECTION 3. Operative Sections.

1. Residential buildings reconstructed, altered or improved subsequent to the effective date of this local law shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter.

A copy of this local law shall be filed with the state board and the assessor of the County of Erie.

2. (a) Such buildings shall be exempt for a period of one year to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of five years subject to the following:

(i) The extent of such exemption shall be decreased by twenty per centum of the “exemption base” each year during such additional five year period. The “exemption base” shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the state board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by Title Three of Article Five of the New York State Real Property Tax Law for the correction of clerical errors.

(iii) Such exemption shall be limited to eighty thousand dollars in increased market value of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or improvement was commenced subsequent to the effective date of this local law.

(ii) the value of such reconstruction, alteration or improvement exceeds three thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the state board. The application shall be filed with the assessor of the County on or before the appropriate taxable status date of the County.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For purposes of this section, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

SECTION 4. Severability.

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

SECTION 5. Effective Date.

This Local Law shall take effect immediately.

SPONSORED BY

LEGISLATOR MICHELE M. IANNELLO
LEGISLATOR ROBERT B. REYNOLDS, JR.

MS. IANNELLO moved to approve Local Law No. 11 (Print #1) 2009. MR. REYNOLDS seconded.

CHAIR MARINELLI directed that a roll-call be taken.

AYES: MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. TERRANOVA, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. MILLS. (AYES: 14; NOES: 1)

CARRIED.

COMMITTEE REPORTS

Item 33 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

December 10, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 25M-2 (2009)
COLUCCI & GALLAHER, P.C.: “ECMCC Agenda Items for Board of Directors Meeting Held 10/29/09”
(4-0)
2. COMM. 25E-7 (2009)
COUNTY EXECUTIVE
WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in the Health Division, Account 516020 Professional Service Contract & Fees, expenditures will exceed appropriations by \$135,000; and

WHEREAS sufficient funds are available in Account 551600 County Wide Bond Anticipation Notes (formerly 550800), to accommodate a transfer of funds to cover this vital public health expenditure.

NOW, THEREFORE, BE IT

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

APPROPRIATION

Health Division

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
516020	Prof. Service Contract & Fees	\$1,282,554	+\$135,000	\$1,417,554

Countywide Account, Fund 17000

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
551600 (formerly 550800)	BAN Interest Expense	\$1,625,958	- \$135,000	\$1,490,958

Net Change

\$ -0-

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's office, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Anthony J. Billittier, IV, Commissioner of Health, 9th Floor, Rath Building.
(4-0)

3. COMM. 25E-8 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Long Term Care Point of Entry Program (New York Connects) for the period January 1, 2009 to December 31, 2009 and the related grants for 2008/2009 and 2009/2010; and

WHEREAS, the New York State Office for the Aging (SOFA) has awarded the Erie County Department of Social Services (Social Services) \$252,000 for the Long Term Care Point of Entry Program (POE) for the period October 1, 2008 to September 30, 2009, and can be extended through March 31, 2010; and

WHEREAS, SOFA has designated the Department of Senior Services (Senior Services) as the lead agency to operate a Long Term Care Point of Entry program, New York Connects, that serves the elderly, adults with disabilities, and children with disabilities requiring long term care services; and

WHEREAS, the Senior Services will use the additional POE funds in accord with the approved Program Work Plan, which consists of implementing a centralized point of entry for information and assistance on long term care; sustaining program operations and functions that meet New York State POE standards; serving all long term care consumers through operation of the core functions in a manner that supports their independence and self-determination; evaluating the POE effectiveness and impact on the long term care system; and implementing data collection efforts necessary for POE evaluation and required reporting; and

WHEREAS, the Departments of Senior Services and Social Services have requested an extension of the 2008-09 State grant period to March 31, 2010 in order to carry out the objectives of the program most effectively; and

WHEREAS, the budgets for this program are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to use the additional \$47,000 for the 2008/2009 POE grant year to cover the costs of the modifications to the case management system (C. H. Mack) and for continued public awareness; and be it further

RESOLVED, that the budget for the 2009 New York Connects program, cost center 1632080, and fund center 163, be amended as follows:

CURRENT

AMENDED

	BUDGET	CHANGES	BUDGET
APPROPRIATIONS			
510100 Out of Area Travel	\$6,000	-\$5,000	\$1,000
516020 Professional Services & Fees	30,295	52,000	82,295
916300 ID Senior Services	-205,000	-47,000	-252,000
TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the 2008/2009 Long Term Care Point of Entry Program grant, 120POINTENTRY0809, be extended through March 31, 2010, and be amended as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
409000 State Aid	\$205,000	\$47,000	\$252,000
TOTAL REVENUE		<u>\$47,000</u>	
APPROPRIATIONS			
916300 ID Senior Services	\$205,000	\$47,000	\$252,000
		<u>\$47,000</u>	

and be it further

RESOLVED, that the budget for the 2009/2010 Long Term Care Point of Entry Program grant, 120POINTENTRY0910 be amended as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
409000 State Aid	\$205,000	\$47,000	\$252,000
TOTAL REVENUE		<u>\$47,000</u>	
APPROPRIATIONS			
916300 ID Senior Services	\$205,000	\$47,000	\$252,000
		<u>\$47,000</u>	

and be it further

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

(4-0)

4. COMM. 25E-10 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health (ECDMH) provides coordination of mental health response and preparedness for public health emergencies, disaster and other untoward community incidents; and

WHEREAS, the ECDMH currently funds an Erie County Mental Health Emergency Planning Coordinator position with NYS Office of Mental Health State Aid dollars through an existing 2009 contract and appropriation with Lake Shore Behavioral Health Services; and

WHEREAS, the Buffalo Fire Department has identified funding to cover the personnel costs for this Coordinator position at Lake Shore Behavioral Health Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Mental Health be authorized to enter into an agreement with the Buffalo Fire Department for the ECDMH to accept funding to provide personnel costs for an Erie County Mental Health Emergency Planning Coordinator; and be it further

RESOLVED, that the Department of Mental Health pass the Buffalo Fire Department funding to Lake Shore Behavioral Health Services through the existing 2009 contract and appropriation in order to fund the personnel costs of the Erie County Mental Health Emergency Planning Coordinator position; 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.

(4-0)

5. COMM. 25E-11 (2009)
COUNTY EXECUTIVE

WHEREAS, the National Association of Medical Examiners requires that the Medical Examiner's Office meets standards and requirements for accreditation; and

WHEREAS, Federal funds have been appropriated through the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, to provide tools needed to meet challenges of crime and justice, specifically, to improve the quality and timeliness of medical examiner services and prepare for accreditation through the National Association of Medical Examiners (NAME); and

WHEREAS, the Medical Examiner's Division has received a grant award in the amount of \$123,385 through the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, under the National Forensic Sciences Improvement Act for the purchase of technical and lab equipment which includes updated computer workstations, digital radiography accessories and microscopes with digital photography; and for expenses associated with staff training (internal and external) and accreditation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, to accept a grant award budgeted as follows:

Medical Examiner's Division National
Forensic Sciences Improvement Act
10/1/09 – 9/30/10
SAP: 127NATFOR0910 Cost Center: 1274010

REVENUE

<u>Account</u>	<u>Description</u>	<u>Budget</u>
414000	Federal Aid Revenues	<u>\$123,385</u>
	TOTAL	<u>\$123,385</u>

APPROPRIATION

<u>Account</u>	<u>Description</u>	<u>Budget</u>
505000	Office Supplies	\$ 1,040
510000	Out of Area Travel	11,885
516020	Pro Ser Cnt & Fees	5,560
561410	Lab & Technical Equip	<u>104,930</u>
	TOTAL	<u>\$123,385</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9th Floor.
(4-0)

6. COMM. 25E-13 (2009)
COUNTY EXECUTIVE

WHEREAS, New York State has notified the Department of additional funds in the amount of \$32,653 available for Youth Bureau programming; and

WHEREAS, providers are recommended for contract additions after careful review of critical needs and the ability to expend funds on programming in the limited time remaining in the program year; and

WHEREAS, funding increases will in part restore the ability of Compass House to continue services to runaway/homeless, high need youth, Literacy Volunteers will provide NYS certified teachers in the Detention facility to meet the critical need for skills training, Northwest Buffalo Community Center staff will facilitate workshop discussions at other funded agencies in gang and violence prevention and a small allocation to National Federation for Just Communities will restore funds lost in the current year.

NOW, THEREFORE, BE IT

RESOLVED, that the following amendments are made in the 2009 Youth Bureau budget, Fund 110, Fund Center:

Youth Bureau, Fund 12530

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Compass House	\$13,500
516010	Literacy Volunteers	\$ 8,563
516010	Northwest Buffalo Community Center	\$ 9,500
516010	National Federation for Just Communities	\$ 1,000
	Total Expenditure	<u>\$ 32,653</u>
408020	State Aid - YDDP Reimbursement	<u>\$ 32,653</u>
	Total Revenue	<u>\$ 32,653</u>

and be it further

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute or amend contracts to the above providers as necessary; and be it further

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

(4-0)

7. COMM. 25E-17 (2009)
COUNTY EXECUTIVE

WHEREAS, this resolution authorizes an increase to the International Institute Interpreter Services contract in the amount of \$28,000; and

WHEREAS, the increase to this contract is necessary due to the increased and unexpected utilization of critical interpreter services for non English speaking persons primarily from Samoa, Burma, Thailand, and the Middle East whose languages include Somali, Burmese, Karen, and Arabic; and

WHEREAS, currently, there are four agencies in this community which conduct re-settlement programming, and families and individuals that arrive are in need of translation services; and

WHEREAS, this resolution has no fiscal impact in the 2009 Adopted Budget. Funds utilized for this contract expansion are available in a budget line from a Catholic Charities contract that will be underutilized in 2009 due to regulatory program changes.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	International Institute	\$28,000
516010	Catholic Charities Closing the Gap	<u>(28,000)</u>
	Total Expenditure	<u>-0-</u>

and be it further

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to increase the contract with the International Institute; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.
(4-0)

THOMAS J. MAZUR
CHAIR

Item 34 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 319

December 10, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KOZUB & KENNEDY.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12D-1 (2009)
DEPUTY COMPTROLLER: “Copy of Letter to Buffalo Mayor & City Comptroller Concerning City of Buffalo Cellblock Payments to Erie County (Second Request)”
(4-0)
 - b. COMM. 17E-1 (2009)

- WHYTE: "Copy of Article Entitled, "Our Real Prison Problem""
(4-0)
- c. COMM. 17E-17 (2009)
WROBLEWSKI: "Copy of Letter to County Executive Concerning City of Buffalo Cellblock Agreement"
(4-0)
- d. COMM. 17E-50 (2009)
COUNTY EXECUTIVE: "Juvenile Accountability Block Award (JABG) - From NYS Dept. of Criminal Justice Services - Amendment to COMM. 14E-15 (2008)"
(4-0)
- e. COMM. 17D-22 (2009)
COUNTY ATTORNEY: "Letter to Legislator Wroblewski Concerning Inability to Attend Public Safety Informational Meeting Held 8/19/09"
(4-0)
- f. COMM. 17D-30 (2009)
COUNTY ATTORNEY: "Letter to Legislator Wroblewski Concerning Inability to Attend Public Safety Informational Meeting Held 9/1/09"
(4-0)
- g. COMM. 17D-32 (2009)
COUNTY ATTORNEY: "Letter to Legislator Grant Concerning US DOJ v. EC and EC Sheriff"
(4-0)
- h. COMM. 17M-11 (2009)
U.S. DEPT. OF JUSTICE - ASSIST. ATTORNEY GENERAL: "Copy of Letter to County Executive - CRIPA Investigation of the EC Holding Center & EC Correctional Facility"
(4-0)
- i. COMM. 18D-2 (2009)
COUNTY ATTORNEY: "US DOJ v. EC and EC Sheriff"
(4-0)
- j. COMM. 19E-2 (2009)
WHYTE: "Copy of Buffalo Police Complaint Summary Report"
(4-0)
- k. COMM. 19M-2 (2009)
ERIE COUNTY PROBATION OFFICERS' ASSOC.: "Copy of Letter to County Executive Expressing Appreciation for Filling Probation Officer Vacancies"
(4-0)
- l. COMM. 20E-9 (2009)
COUNTY EXECUTIVE: "Traffic Safety Grant 2009-2010"

(4-0)

- m. COMM. 20E-13 (2009)
COUNTY EXECUTIVE: "Child Passenger Safety Program 2009-10"
(4-0)

- n. COMM. 25M-3 (2009)
EVANS TOWN CLERK: "Copy of N. Evans Fire District Detailed Estimate of Sums
Required for Use for 2010"
(4-0)

2. COMM. 21E-13 (2009)
COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services would like to accept reimbursement from the University at Buffalo to provide Emergency Services assets for special events including football games. Services will be billed at \$40.00 per hour; and

WHEREAS, the use of the Emergency Services assets will allow the University at Buffalo Police Department to better provide for the safety of the patrons and staff that participate in activities at the University sponsored special events including football games.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the Department of Emergency Services to receive reimbursement for use of Emergency Services equipment and personnel; and be it further

RESOLVED, these funds will allow the University at Buffalo Police to utilize the Emergency Service assets to safeguard the patrons at special events including football games; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(4-0)

3. COMM. 21E-14 (2009)
COUNTY EXECUTIVE

WHEREAS, Erie County has entered into an agreement with the Federal Government to conduct the Vigilant Guard disaster training exercise; and

WHEREAS, the Federal Government has allotted Erie County the necessary funds to conduct the exercise; and

WHEREAS, to avoid future overtime costs resulting from the necessity to backfill employees it is necessary to allow for cash compensation for overtime for employees that work the Vigilant Guard exercise; and

WHEREAS, to avoid having employees with maximum compensation time banks from being required to work without compensation, it is necessary to pay overtime on a cash basis.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorize the Commissioner of Personnel to compensate employees that work as part of the Vigilant Guard disaster exercise on a cash basis for overtime generated during the exercise; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, the Department of Personnel, the Department of Emergency Services, Division of Budget and Management and the Office of the Comptroller.
(4-0)

4. COMM. 22E-13 (2009)
DISTRICT ATTORNEY

WHEREAS, funds for the STOP Violence Against Women Recovery Grant are available from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$199,000; and

WHEREAS, the District Attorney's Office will utilize the funds to provide an Assistant District Attorney to handle domestic violence cases in city court and the justice courts; as well as provide for a new Victim Advocate to address the advocacy services of these victims; and

WHEREAS, Hispanics United of Buffalo and Neighborhood Legal Services are also grantees under this grant contract; and have been awarded monies to provide for a Victim Advocate for Hispanics United of Buffalo as well as for a Staff Attorney for Neighborhood Legal Services, Inc.

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 multidisciplinary collaboration effort among the District Attorney's Office, domestic violence advocacy and support agencies, local courts, and local police agencies; and be it further

RESOLVED, that effective January 1, 2010, authorization is hereby provided to create and fill the position of Assistant District Attorney IV, Job Grade 15 (B100 #5144), and a position of Victim Advocate, Job Group 6 (B100 #5145), in the District Attorney's STOP Violence against Women Recovery Program; and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's STOP Violence against Women Recovery Program Grant as follows:

DISTRICT ATTORNEY'S OFFICE
STOP Violence against Women Recovery Program
114VAWARECOVERY2010
January 1, 2010 to December 31, 2010

<u>Revenue:</u>	<u>Increase</u>
409000 State Aid	<u>\$ 199,000</u>
Total Revenue	<u>\$ 199,000</u>
<u>Appropriation:</u>	
500000 Personal Services	\$ 96,272
502000 Fringe Benefits	39,091
516000 Contractual:	
Hispanics United of Buffalo	30,253
Neighborhood Legal Services	<u>33,384</u>
Total Appropriations	<u>\$199,000</u>

and be it further

RESOLVED, that authorization is hereby provided to reimburse the grant expenditures of Hispanics United of Buffalo and Neighborhood Legal Services by direct pay from invoices submitted to the District Attorney and Comptroller's Offices; and be it further

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

(4-0)

5. INTRO 25-5 (2009)

TERRANOVA

AS AMENDED

WHEREAS, a dangerous condition exists for pedestrians who cross Franklin Street between Old County Hall and the Rath Building; and

WHEREAS, much government business is conducted between these two buildings, and by extension the Erie County Family Court Building and the County Hall Annex at 25 Delaware Avenue; and

WHEREAS, there is a need for a demarcated pedestrian crosswalk on Franklin Street for the safety of the pedestrians and motorists alike; and

WHEREAS, the pedestrian traffic at this location is represented by Erie County legislators and employees; Erie County Court, New York State Supreme Court and Surrogate's Court employees, justices, attorneys, litigants, jurors and the general public accessing the services of the Erie County Clerk's Office; and

WHEREAS, there are a number of fine examples of clearly demarcated pedestrian walkways on busy thoroughfares, and several in the Fifth legislative district in the Village of Lancaster Central Avenue business district; and

WHEREAS, it is fitting and proper for this Honorable Body to initiate an open public discussion about this situation and to seek redress from the City of Buffalo, which has jurisdiction over Franklin Street.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that representatives from the City of Buffalo attend a future meeting of the Public Safety Committee to discuss the concerns of county and state employees and the general public regarding the need for a demarcated pedestrian crosswalk on Franklin Street to provide safe passage directly between the Rath Building at 95 Franklin Street in and Old County Hall at 92 Franklin Street in Buffalo; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Steven Stepniak, Commissioner of Public Works, Parks and Streets in the City of Buffalo.
(4-0)

TIMOTHY M. WROBLEWSKI
CHAIR

Item 35 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

December 10, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23E-11 (2008)
COUNTY EXECUTIVE: “Open Item - Sewer District Bond Authorization”
(6-0)
 - b. COMM. 7D-1 (2009)
DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING: “Copy of Letter to Chair Marinelli and Legislator Kozub Concerning Sewerage Management”
(6-0)
 - c. COMM. 17M-24 (2009)
NY POWER AUTHORITY: “SEQR Notice of Determination - Niagara Ice Boom Storage - City of Buffalo”
(6-0)
 - d. COMM. 22E-4 (2009)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineer Term Agreement - Greenman-Pederson, Inc.”

(6-0)

- e. COMM. 22E-8 (2009)
COUNTY EXECUTIVE: "ECSD No. 3 & No. 6 - Energy Performance Contract - Change Order No. 2"
(6-0)
- f. COMM. 22E-9 (2009)
COUNTY EXECUTIVE: "ECSD No. 1-6 and No. 8 - User Charge Rates"
(6-0)
- g. COMM. 22D-5 (2009)
CONTRACT MONITOR, EC DEPT. OF ENVIRONMENT & PLANNING: "State Environmental Quality Review - West Main St. Hollywood Theater, Phase 2 - Village of Gowanda"
(6-0)
- h. COMM. 22M-3 (2009)
NYSDEC: "Fact Sheet - Depew Village Landfill Site - Notice for Public Comment"
(6-0)
- i. COMM. 22M-7 (2009)
NYSDEC: "Notice of Surplus Pheasants to be Stocked in WNY"
(6-0)
- j. COMM. 22M-8 (2009)
US EPA: "Community Update Concerning Air Quality Study and Evaluation of the Tonawanda Coke Facility"
(6-0)
- k. COMM. 25E-9 (2009)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineering Term Agreement - CHA"
(6-0)
- l. COMM. 25M-1 (2009)
NYSDEC: "Fish and Wildlife Monthly Highlights - 9/16/09 - 10/15/09"
(6-0)
- m. COMM. 25M-7 (2009)
NYSDEC: "Fact Sheet - Cleanup Activities to Begin at Bengart & Memel Site - Buffalo"
(6-0)
- 2. COMM. 20E-22 (2009)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature confirms the appointments of the following individuals to the Erie County Environmental Management Council for a term expiring May 31, 2011:

<u>Appointee</u>	<u>Representation</u>
Mr. Jerold Bastedo S-5215 Orchard Ave. Hamburg, NY 14075	At-Large
Mr. Peter Sorgi, Esq. 491 Griggs Pl. East Aurora, NY 14052	At-Large
Ms. Rosa Gonzalez 8 Lakewood Dr. Orchard Park, NY 14127	At-Large
Mr. Brian Smith Citizens Campaign 3144 Main St. Buffalo, NY 14214	At-Large
Mr. Paul Furhmann Ecology & Environment, Inc. 368 Pleasant View Dr. Lancaster, NY 14086	At-Large
Mr. Jerrold Brown 140 Pearl St. Buffalo, NY 14202	At-Large
Mr. Robert Lennartz 51 Timberlake Dr. Orchard Park, NY 14127	At-Large
Ms. Jill Spisiak Jedlicka Buffalo Niagara Riverkeeper 1250 Niagara St. Buffalo, NY 14213	At-Large
Mr. James Simon 1094 Elmwood Ave., Apt. 1 Buffalo, NY 14222	At-Large
Ms. Arlene Cooke 11672 Boncliff Dr. Alden, NY 14004	Town of Alden
Mr. Don Duggan-Haas 92 South Dr. Amherst, NY 14226	Town of Amherst

Hon. Dwight Krieger
Supervisor
Town of Aurora
5 South Grove St.

Town of Aurora

Mr. Richard Lee
5975 Old Orchard Dr.
Hamburg, NY 14075

Town of Boston

Hon. Leonard Pero
Supervisor
Town of Brant
PO Box 100
Brant, NY 14027

Town of Brant

Mr. Dennis Sutton
Office of Strategic Planning
920 City Hall
Buffalo, NY 14202

City of Buffalo

Mr. Robert Stalker
15 Paula Dr.
Cheektowaga, NY 14225

Town of Cheektowaga

Mr. James DeLellis
8935 The Fairways
Clarence, NY 14031

Town of Clarence

Mr. Ronald Fraser
7744 Center Rd.
West Falls, NY 14170

Town of Colden

Mr. Lamont Beers
2880 Wood Spirit
Eden, NY 14057

Town of Eden

Mr. Fred Streif
130 Streif Rd.
Elma, NY 14059

Town of Elma

Mr. Thomas Marks
7004 Waring Circle
Derby, NY 14047

Town of Evans

Hon. James Britt
Councilman
Town of Holland

Town of Holland

47 Pearl St.
Holland, NY 14080

Mr. Sam Akinbami
2227 West River Rd.
Grand Island, NY 14072

Town of Grand Island

Ms. Leona Rockwood
5043 Mt. Vernon Blvd.
Hamburg, NY 14075

Town of Hamburg

Mr. Mark Colmerauer
53 Oliver Place
Hamburg, NY 14075
Mr. Kenneth Koehler
5771 Barnum Rd.
Akron, NY 14001

Village of Hamburg

Town of Newstead

Ms. Toni Cudney
5991 Scherf Rd. South
Orchard Park, NY 14127

Town of Orchard Park

Mr. Kevin Burd
292 Knowlton Ave.
Tonawanda, NY 14217

Town of Tonawanda

Mr. Peter Tarnawskyj
5716 Vermont Hill Rd.
South Wales, NY 14139

Town of Wales

Ms. Evelyn Hicks
276 Seneca Creek Rd.
West Seneca, NY 14224

Town of West Seneca

(6-0)

3. COMM. 22E-5 (2009)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 29W to M.L. Smith Construction, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 29W in the final contract amount of \$203,958.00, which includes Change Order No. 1 (final), a decrease of \$2,862.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 29W, between the County of Erie and M.L. Smith Construction, Inc., P.O. Box 250 Springview, New York 14140 is accepted in the amount of \$203,958.00, which includes Change Order No. 1 (final), a decrease of \$2,862.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 29W between the County of Erie and M.L. Smith Construction, Inc. in the amount of \$203,958.00 and make final payment from Sewer Capital, Erie County Sewer District No. 3 Account C.00066; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

4. COMM. 22E-10 (2009)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2010 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2010 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 994,935.07
Sewer District #2	\$ 136,156.95
Sewer District #3	\$ 956,217.63
Sewer District #4	\$ 599,152.63
Sewer District #5	\$ 455,604.30
Sewer District #6	\$ 1,314,645.00
Sewer District #8	\$ <u>584,405.25</u>
	\$ 5,041,116.83

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real

Property Tax Services, the Director of Budget, the County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

5. COMM. 25E-14 (2009)
COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 3, as stated in the Intermunicipal Agreement (February 2005) owns and operates the Village of Hamburg's sanitary sewer collection system; and

WHEREAS, Village of Hamburg is under consent to eliminate sanitary sewer overflows in the sanitary sewers within the Village of Hamburg; and

WHEREAS, the Village of Hamburg must secure engineering services in order to relocate the South Buffalo (Hillview) Pumping Station as part of the Order on Consent from the New York State Department of Environmental Conservation; and

WHEREAS, the Intermunicipal Agreement (February 2005) states the County acts as the agent for the Village in regard to the Order on Consent; and

WHEREAS, per the Order on Consent the Village is obligated to pay for services relating to the Order on Consent; and

WHEREAS, the Village and the County have agreed that the County should retain engineering services and the Village will reimburse the County for the engineering services for the South Buffalo (Hillview) Pumping Station relocation.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3 and the Village of Hamburg for reimbursement of engineering services for the South Buffalo (Hillview) Pumping Station Relocation Project is hereby approved; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner of the Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Eric Ziobro, Assistant County Attorney; and Thomas Moses, Mayor, Village of Hamburg.

(6-0)

6. COMM. 25E-15 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 28E to Tom Greenauer Development, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 28E in the final contract amount of \$173,519.10, which includes Change Order No. 1 (final), a decrease of \$10,790.90.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 28E, between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250 Springbrook, New York 14140 is accepted in the amount of \$173,519.10, which includes Change Order No. 1 (final), a decrease of \$10,790.90; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 28E between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$173,519.10 and make final payment from Sewer Capital, Erie County Sewer District No. 3 Account C.00066; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

7. COMM. 25E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 12AM to Paul Gallo Contracting, Inc. for the installation of a new sanitary sewer to eliminate an existing pumping station; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 12AM, Greenmeadow Subtrunk Sanitary Sewer, in the final contract amount of \$509,254.79 which includes Change Order No. 1 (final), a decrease of \$22,257.21 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00003.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 12AM, Greenmeadow Subtrunk Sanitary Sewer between the County of Erie and Paul Gallo Contracting, Inc. 4244 Ridge Lea Road, Amherst, New York 14226 is accepted in the amount of \$509,254.79 which includes Change Order No. 1 (final), a decrease of \$22,257.21 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00003 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 12AM, Greenmeadow Subtrunk Sanitary Sewer between the County of Erie and Paul Gallo Contracting, Inc. in the amount of \$509,254.79 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

DANIEL M. KOZUB
CHAIR

LEGISLATOR RESOLUTIONS

Item 36 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 27-1 from LEGISLATOR WHYTE Legislature Rules

Item 37 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 27-2 from LEGISLATOR REYNOLDS Support for Autism and Mental Health A8625 & S5831

Item 38 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 27-3 from LEGISLATOR REYNOLDS Support for Autism and Mental Health A8998 & S5985

Item 39 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 27-4 from LEGISLATOR REYNOLDS Support for Autism and Mental Health A9075 & S6200

Item 40 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 27-5 from LEGISLATOR REYNOLDS Support for Autism and Mental Health A8251 & S6201

Item 41 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 27-6 from LEGISLATOR REYNOLDS Support for Autism and Mental Health A8996 & S5985

Item 42 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 321

RE: Addressing an Important Health Care Staffing Concern by Supporting the Enactment of A. 2027/S. 1416 the “Nursing Shortage Correction Act” (INTRO 27-7)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TERRANOVA, CHAIR MARINELLI, LEGISLATORS MILLS,
MILLER-WILLIAMS, WALTER, MAZUR, IANNELLO, REYNOLDS, LOUGHRAN & RATH

WHEREAS, legislation has been introduced in both houses of the New York State Legislature to address the critical need for educated and trained nurses in sufficient numbers to meet demand across the state, including Erie County; and

WHEREAS, the measure, A. 2027/S. 1416, is called the “Nursing Shortage Correction Act,” if enacted, would create statewide nursing recruitment and retention incentives; and

WHEREAS, under the provisions of this two-house bill, the New York State Labor Department would be authorized to award funding to schools of nursing, other educational institutions and health care providers to develop pilot initiatives to increase the number of nurses in New York State; and

WHEREAS, funds would be utilized to expand faculty capacity, development of new programs and clinical simulation labs, and an increase in internet-facilitated nursing education, as well as offering incentives to retiring nursing faculty to remain in education; and

WHEREAS, this state legislation offers a bold opportunity to address the severe nursing shortage in New York State, including Erie County, and may give Erie Community College the resources it needs to expand nursing education.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of Assembly Bill 2027/Senate bill 1416, the “Nursing Shortage Correction Act”; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Pedro Espada and all others deemed necessary and proper.

MS. WHYTE moved to reconsider the resolution. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MR. KOZUB moved to amend the resolution by adding Et Al Sponsorship. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 19E-11 (2009). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 322

RE: Request Authorization to Accept
Efficiency Grant Funds - Thin Client
Technology
(COMM. 19E-11, 2009)

WHEREAS, Erie County has applied for an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to fund the project of “Thin-Client Deployment” for Erie County to achieve savings through “thin-client” technology; and

WHEREAS, this initiative represents an alternative to the annual investment necessary to maintain the current computerized environment through the replacement of desktop computers with thin-clients or virtual-desktop devices (VDI), and an upgrade of the County local area network

(LAN) servers, network information routing devices and increased data storage that is required due to the virtualization of the end user's computing requirements; and

WHEREAS, the ECFSA reviewed this grant request and in Resolution 09-57, dated September 21, 2009, approved grant funding up to \$1,685,000 to fund this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept an Efficiency Grant from the ECFSA in an amount not to exceed \$1,685,000 to fund the Erie County Thin-Client Deployment Project; and be it further

RESOLVED, that the County will procure the equipment and service through the Erie County Division of Purchase either through bid or state contract; and be it further

RESOLVED, that detailed reports will be provided to the ECFSA as required by their resolution and ongoing savings documented; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; Cheryl Mekarski, Director of Central Data Processing; Director of Purchase, County Comptroller, Director of Budget and Management, and the County Attorney.

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 22E-7 (2009). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 323

RE: Amend SAP Software License
Agreement for Additional Training
(COMM. 22E-7, 2009)

WHEREAS, in 2002 the County entered into agreement with SAP Public Services, Inc. ("SAP") to implement an integrated financial and human resources software solution; and

WHEREAS, the original agreement with SAP included training credits for County staff to facilitate end-user training; and

WHEREAS, the original training credits have been fully utilized and Erie County is eligible to purchase additional training credits under the SAP Preferred Card Program; and

WHEREAS, in order to fully optimize the value of the County's investment among critical end-users it is necessary to amend the original agreement to provide for additional training credits; and

WHEREAS, SAP's Preferred Card allows the County to take advantage of a wide variety of SAP training opportunities such as on-site instructor-led training; solution academies, e-learning courses, and SAP education webinars; and

WHEREAS, purchase of the SAP Preferred Card for \$91,800 entitles the County to receive training credits valued at \$97,767 for eligible SAP services.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to amend the SAP Public Services, Inc. ("SAP") Software License Agreement originally effective September 17, 2002 to cover additional training credits; and be it further

RESOLVED, that training credits under this amendment shall not exceed the cost of \$91,800; and be it further

RESOLVED, that funding for this training is available in the 2009 Budget, Cost Center 105, Division of Information and Support Services, Commitment Item 510200, Training and Education; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Division of Information and Support Services, Director of Budget and Management, and the County Attorney.

MS. WHYTE moved to approve the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 45 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 22E-6 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 324

RE: Groth Rd. Reconstruction - Additional
Work Due to August 2009 Storm
Damage - Town of Concord
(COMM. 22E-6, 2009)

WHEREAS, the County Executive declared a State of Emergency for the August 9 and 10, 2009 storms; and

WHEREAS, these storms damaged 200 lf of Groth Road adjacent to Erie County Project No. FM 422-1-09, FEMA PW 714 Groth Road Reconstruction; and

WHEREAS, the damage was of such nature that the subject 200 lf required complete reconstruction; and

WHEREAS, if left unrepaired, Erie County Project No. FM 422-1-09, FEMA PW 714 could not be satisfactorily completed without the reconstruction of the subject 200 lf; and

WHEREAS, New Frontier Excavating & Paving, Inc. the contractor for Erie County Project No. FM 422-1-09, FEMA PW 714, authorized by Comm. 12E-17 (2009), was on-site; and

WHEREAS, the reconstruction was to be accomplished using the same design as Erie County Project No. FM 422-1-09, FEMA PW 714; and

WHEREAS, the reconstruction of the subject 200 lf also required construction inspection services; and

WHEREAS, FRA Engineering was under contract to provide such services and was on site.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Purchase issue an Emergency Purchase Order on behalf of the Department of Public Works under August 9, 2009 County Declaration to New Frontier Excavating & Paving, Inc. to perform the reconstruction of the subject 200 lf; and be it further

RESOLVED, the Department of Purchase issue an Emergency Purchase Order on behalf of the Department of Public Works under August 9, 2009 County Declaration to FRA Engineering to perform the construction inspection of the subject 200 lf; and be if further

RESOLVED, that the amount of \$60,000.00 be allocated from account SAP B.20901 – 2009 Capital Road Overlay for the reconstruction of the subject 200 lf of Groth Road; and be it further

RESOLVED, that the amount of \$10,000.00 be allocated from account B.20901 – 2009 Capital Road Overlay for the construction inspection of the subject 200 lf of Groth Road; and be it further

RESOLVED, that three 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 and Management, the Office of the Comptroller, and the Department of Purchase.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 46 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 22E-12 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 325

RE: Como Lake Park - Picnic Shelter
Construction
(COMM. 22E-12, 2009)

WHEREAS, the Erie County Department of Parks, Recreation and Forestry operates and manages parkland owned by the County of Erie; and

WHEREAS, with the approval of the Erie County Legislature and New York State Legislature (A.8388 and S.5561-B) County owned parkland within Como Lake Park was transferred to a third party for the sum of \$10,000.00; and

WHEREAS, NYS law requires that the proceeds be used for the purchase of parklands or the capital improvement of a park if no additional land can be purchased; and

WHEREAS, it is not reasonable to purchase land of significant worth or use with the relatively small amount of money received from the aforementioned sale; and

WHEREAS, the Erie County Parks Department intends to use the funds for a capital improvement project at Como Lake Park, specifically the construction of a large picnic shelter.

NOW, THEREFORE, BE IT

RESOLVED, that the proceeds from the sale of the property at 66 Lakeside Crescent AKA Lake Avenue SBL # 115.12-2-10 be appropriated as follows:

Business Area 16410 – Parks, Recreation and Forestry – Fund 110

Account 480300 – Fixed Asset Sales	\$10,000
Account 570050 – Interfund Transfer - Capital	\$10,000

Fund 410 – Project A.20914

Account 486000– Interfund Revenue	\$10,000
Capital Project Expense	\$10,000

RESOLVED, that the Director of Budget and Management make the necessary adjustments to the Erie County Parks, Recreation and Forestry budget and transfer the proceeds into a project account for the construction of a large picnic shelter at Como Lake Park; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance and the Erie County Department of Law.

MS. WHYTE moved to approve the item. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY

Item 47 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of INTRO 22-3 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 326

RE: Supporting the Establishment of a Great Lakes/Mid-Atlantic Regional Operations and Maintenance Base for the Executive AirShare Corporation
(INTRO 22-3, 2009)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR IANNELLO

MS. WHYTE moved to amend the resolution. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, Executive AirShare Corporation has decided to expand its successful Business Aircraft Fractional Ownership & Management company; and

WHEREAS, Executive AirShare Corporation was established in 2001 in Kansas City, Missouri; and

WHEREAS, said business has grown to numerous operations bases in four (4) different states in the central United States; and

WHEREAS, Executive AirShare Corporation desires to expand its operations to the eastern United States; and

WHEREAS, the Buffalo Niagara International Airport has been identified as a finalist for the Regional Headquarters; and

WHEREAS, this type of business annually generates millions of dollars in aircraft sales, operating revenues and significant taxes to New York State and the County of Erie; and

WHEREAS, the Niagara Frontier Transportation Authority has an available & currently empty hangar that would be renovated and used for this purpose by Executive AirShare Corporation; and

WHEREAS, it would be in the best interests of Erie County and New York State for the Niagara Frontier Transportation Authority to consider the positive economic impact this new business could have on the Western New York area; and

WHEREAS, at the end of year one projections conservatively call for 13 new jobs with most of the jobs in management or skilled division along with a lesser number of administrative or support jobs. Mid-5 to Mid-6 figure starting salaries for the majority of new positions created.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, the Erie County Legislature, goes on record in support of the Executive AirShare Corporation; and be it further

RESOLVED, that the Erie County Legislature is asking the Niagara Frontier Transportation Authority to review all aspects of Executive AirShare Corporation and the potential & significant economic impact and job creation potential to Western New York; and be it further

RESOLVED, that the Niagara Frontier Transportation Authority do their very best to assist the Executive AirShare Corporation in growing the Eastern Regional Operations & Maintenance Base to its fullest capacity to ensure that the Buffalo area and its residents benefit from its future success; and be it further

RESOLVED, that certified copies of this resolution be sent to the NFTA, Executive Air Share Corporation, the Western New York Delegation and the County Executive.

MS. WHYTE moved to further amend the resolution by adding Et Al Sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. IANNELLO moved to approve the item as amended. MS. WHYTE seconded.

CARRIED UNANIMOUSLY

SUSPENSION OF THE RULES

Item 48 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27E-30 from the COUNTY EXECUTIVE Re: Payment in Lieu of Taxes (PILOT) Agreement for Amherst Station Apartments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 49 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27E-31 from the COUNTY EXECUTIVE Re: Authorization for Empire Zone Sales Tax Exemptions

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 50 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27E-32 from the COUNTY EXECUTIVE Re: Healthy Mom – Healthy Baby – Prenatal & Postpartum Home Visiting Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 51 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27E-33 from the COUNTY EXECUTIVE Re: Appointment of Director of the Department of Information & Support Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27E-34 from the COUNTY EXECUTIVE Re: Appointment of the Commissioner of Social Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 53 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27D-3 from the COUNTY EXECUTIVE'S CHIEF OF STAFF Re: Letter to Chair Marinelli Concerning 2010 Adopted Erie County Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 27E-35 from LEGISLATOR IANNELLO Re: Letter to Chair Marinelli –
Resignation from Niagara Erie Regional Coalition

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the
agenda.

GRANTED.

COMM. 27E-36 from LEGISLATOR IANNELLO Re: Letter to Chair Marinelli –
Resignation from Green Actions Community Committee

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MARINELLI

Item 56 – (COMM. 27E-1) Copy of Letter to NYSDEC - Re-Draft NYS Hazardous Waste
Facility Siting Plan, Dated September 2009

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 57 – (COMM. 27E-2) Copy of Letter to the Commissioner of Environment & Planning
- Resignation from Farmland Protection Board

Item 58 – (COMM. 27E-3) Copy of Letter to the President of Cornell Cooperative Extension
Foundation, Inc. - Resignation from the Board

Item 59 – (COMM. 27E-4) Copy of Letter to the President of Cornell Cooperative Extension
- Resignation as Liaison to the EC Legislature

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

Item 60 – (COMM. 27E-5) Copy of Letter to the President of Community Action
Organization of EC, Inc. - Resignation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 27E-6) Copy of Letter to the Chair of EC Fisheries Board - Resignation

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 62 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 327

RE: Boston Police Department Agreement
(COMM. 27E-7)

WHEREAS, the Mounted Unit of the Boston Police Department is disbanding and has offered to transfer ownership of one of their horses, Monty #174, to the Erie County Sheriff's Office; and

WHEREAS, the City of Boston has offered the transfer of this horse at no cost to the County; and

WHEREAS, the Sheriff's Office has an existing Mounted Patrol Unit which would be enhanced by the addition of this animal.

NOW THEREFORE, BE IT

RESOLVED, that the Sheriff and the County of Erie are authorized to enter into an agreement with the City of Boston to transfer ownership of one (1) horse, Monty #174; and be it further

RESOLVED, that certified copies be forwarded to the County Executive, the Erie County Department of Law, and the Office of the Sheriff.

FROM CHAIR MARINELLI

Item 63 – (COMM. 27E-8) 2010 Schedule of Legislative Sessions

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chair

Subject: **2010 SCHEDULE OF LEGISLATIVE SESSIONS**

21

FEBRUARY

4
25

MARCH

4
18

APRIL

22
29

MAY

20
27

JUNE

10
24

22

AUGUST

Recess

SEPTEMBER

16
30

OCTOBER

14
28

NOVEMBER

4
18

DECEMBER

1 *Budget*
2
14 *Budget Override*
16

FROM THE DISTRICT ATTORNEY

Item 64 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 328

RE: M/C Extended Sick Leave Exemption
(COMM. 27E-9)

WHEREAS, through a previously approved resolution Comm. (23E-8 [2005]), the Erie County Legislature approved the removal of Extended Sick Leave for Managerial Confidential employees; and

WHEREAS, the Extended Sick Leave policy was established for employees who completed continuous years of service and could be eligible to receive additional sick leave with pay as recommended by the employees' Department Head; and

WHEREAS, under the Extended Sick Leave policy, an said employee shall be eligible for the additional period of sick leave granted in accordance with the extended sick leave provision until the levels of sick leave they are entitled to are exhausted; and

WHEREAS, the District Attorney has a Managerial Confidential employee who is out on sick leave and will exhaust all of her accrued sick and other available leave time and is not yet ready to return to work; and

WHEREAS, the monies have been appropriated for 2009 and 2010 for this employee's salary and the District Attorney does not intend to under-fill this position; and

WHEREAS, the District Attorney has good knowledge that the employee's prognosis is good and is expected to return to full time employment.

NOW, THEREFORE, BE IT

RESOLVED, that the Personnel Department and the Budget Office is hereby authorized to grant a one-time exemption Comm. (23E-8 [2005]), allowing a Managerial Confidential employee of the District Attorney's Office extended sick leave; and be it further

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

FROM THE COUNTY EXECUTIVE

Item 65 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 329

RE: National Grid Grant Award of \$30,000
for 5335 River Rd., Town of Tonawanda
(COMM. 27E-10)

WHEREAS, the Riverview Industrial Center, 5335 River Road in the Town of Tonawanda is an abandoned petroleum tank farm and brownfield site that presents a blighting influence on the waterfront and a health and safety risk to the community; and

WHEREAS, the Town of Tonawanda and Erie County collaborated to obtain a U.S. Environmental Protection Agency grant to allow a Phase I and Phase II environmental review to be performed for the site; and

WHEREAS, that Phase I environmental review documented an over fifty year usage of this property as a petroleum tank farm with 12 tanks in use at times and recommended further intrusive investigation into the site to determine levels and extent of contamination; and

WHEREAS, the County of Erie has been working together with the Town of Tonawanda and NYSDEC for the demolition of structures and remediation of this 26-acre site; and

WHEREAS, the County has taken Temporary Incidence of Ownership to the Riverview Commerce Center, 5335 River Road site in order to carry out investigation, remediation and redevelopment activities; and

WHEREAS, National Grid has a Brownfield Grant Program to which the Erie County Department of Environment and Planning did submit a grant application to and was subsequently awarded \$30,000 for demolition and remediation at the 5335 River Road site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act on behalf of the County in all matters related to the National Grid grant award and sign contracts with National Grid receiving up to \$30,000 in grant funds; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the Town of Tonawanda, the Erie County Industrial Development Agency, or contractors or consultants in amounts not to exceed a total of \$30,000.00 for the purpose of providing services and activities for brownfield investigation, testing, remediation, demolition and site preparation which may take place as part of the National Grid program; and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

Item 66 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 330

RE: Buffalo Niagara Convention Center –
2009 - Elevator Modernization and
Exhibition Hall Rehabilitation
(COMM. 27E-11)

WHEREAS, your honorable body previously authorized the County Executive to enter into a contract with DCB Elevator Company, Inc. on March 20, 2008 for modernizing the elevator at the Buffalo Niagara Convention Center; and

WHEREAS, during the north elevator replacement, the existing elevator piston sleeve was found to be out of alignment and not in the correct location for the new elevator piston and sleeve. A considerable additional cost was incurred by the County to re-drill and relocate the new sleeve; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into a contract with the firm of BHNT Architects for providing Professional

Architectural/Engineering design services for the Buffalo Niagara Convention Center Exhibition Hall Rehabilitation; and

WHEREAS, in order for BHNT Architects to determine the magnitude of distress and deterioration of the exhibition hall concrete floor, ground penetrating radar testing and evaluation of the floor is required.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency for the Elevator Modernization Project be increased by \$125,000.00 from \$75,000.00 to a total not-to-exceed amount of \$200,000.00; and be it further

RESOLVED, that deduct change orders will be returned to the construction contingency account; and be it further

RESOLVED, that the County Executive be authorized to execute an Agreement Amendment with the firm of BHNT Architects for providing Architectural/Engineering and Testing Services for the concrete floor testing and evaluation for an amount not to exceed \$75,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above in an amount not to exceed \$200,000.00 from the following SAP accounts:

A.00078	2003 – Exterior Convention Center Renovations	\$70,343.79
A.00306	2007 – Convention Center Renovations	\$115,013.22
A.00320	2008 – Convention Center Renovations	<u>\$14,642.99</u>
TOTAL OF ALL PAYMENTS		\$200,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 67 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 331

RE: EC Correctional Facility – 2009 –
Yankee Building – Roof Replacement &
HVAC Upgrades
(COMM. 27E-12)

WHEREAS, the existing roof system at the Yankee Building (ECCF) located in Alden, New York is twenty-five plus years old and is leaking, causing damage to the building interior spaces and systems and the HVAC system needs to be upgraded to current standards; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of E I Team, Inc. for providing Professional Architecture/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement Amendment to E I Team, Inc. for providing Design and Construction Documents for the Roof Replacement and HVAC Upgrades Project at the Yankee Building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to E I Team, Inc. for providing Professional Design and Construction Document Services for the Erie County Correctional Facility – 2009 – Yankee Building Roof Replacement and HVAC Upgrades Project for an amount not to exceed \$55,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00331 – 2008 – Yankee Building Roof Replacement and HVAC Upgrades for an amount not to exceed \$55,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 68 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

RE: EC Holding Center - 2009 - Roof
Replacement
(COMM. 27E-13)

WHEREAS, the existing roof system at the Erie County Holding Center located in downtown Buffalo, New York, New York is twenty-five plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of E I Team, Inc. for providing Professional Architecture/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement Amendment to E I Team, Inc. for providing Design and Construction Documents for the Erie County Holding Center – 2009 – Roof Replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to E I Team, Inc. for providing Professional Design and Construction Document Services for the Erie County Holding Center – 2009 – Roof Replacement Project for an amount not to exceed \$100,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00333 – Erie County Holding Center – 2008 – Roof Replacement for an amount not to exceed \$100,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 69 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 333

RE: 2010 Town and Special District Budgets
(COMM. 27E-14)

RESOLVED, that the following abstracts of the adopted Town Budgets and Special District Budgets for the year 2010, as certified and presented to this Legislature by the appropriate Town Officers; be printed by the Clerk in the minutes of the proceedings of this Legislature; and be it further

RESOLVED, that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and Districts and liable therefore; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to spread said taxes to be so raised for such budgets against the taxable property liable therefore as provided by Article VI of the Erie County Tax Act, as amended; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management Greg Gach, the County Comptroller, Cheryl Green, the County Attorney and Joseph Maciejewski, Director of Real Property Tax Services.

ALDEN

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	1,436,818.00	819,540.00	617,278.00
General Town Outside	212,181.00	207,000.00	5,181.00
Highway Town Outside	795,019.00	651,185.00	143,834.00

Total Town & Highway	2,444,018.00	1,677,725.00	766,293.00
Fire Protection Dist	657,316.00	5,250.00	652,066.00
Lighting District	80,600.00	8,500.00	72,100.00
Garbage District	480,000.00	18,000.00	462,000.00
Sewer District #1	12,000.00	500.00	11,500.00
Sewer District #2	45,225.00	100.00	45,125.00
Premium Assmt (ECSA)	2,742.12	-	2,742.12
Water Districts 1,2,3,4, OD 5 &9	139,986.00	20,600.00	119,386.00
Delinq. Water	568.01	-	568.01
Omitted Tax	-	-	-
Total Special Districts	1,418,437.13	52,950.00	1,365,487.13
GRAND TOTALS	3,862,455.13	1,730,675.00	2,131,780.13

AMHERST

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Town Only	53,445,469.00	32,864,063.00	20,581,406.00
General Fund Village Only	2,483,085.00	759,791.00	1,723,294.00
General Fund Outside Village	5,757,737.00	1,752,362.00	4,005,375.00
Highway Fund Outside Village	11,400,683.00	4,084,710.00	7,315,973.00
Central Alarm	1,341,796.00	377,480.00	964,316.00
Total Town & Highway	74,428,770.00	39,838,406.00	34,590,364.00
Community Environment	8,873,339.00	1,045,187.00	7,828,152.00
Lighting Districts			

	4,111,305.00	72,083.00	4,039,222.00
Fire Protection District	5,617,011.00	25,352.00	5,591,659.00
Fire Districts	3,108,458.00	110,000.00	2,998,458.00
Sanitary Sewer Districts	20,016,775.00	2,673,645.00	17,343,130.00
Storm Sewer Districts	5,350,172.00	1,893,008.00	3,457,164.00
Water Districts	1,039,761.00	459,510.00	580,251.00
Community Development	586,332.00	586,332.00	-
H.O.M.E.	1,192,435.00	1,192,435.00	-
Total Special Districts	49,895,588.00	8,057,552.00	41,838,036.00
Delinquent Water - ECWA	18,550.96	-	18,550.96
Delinquent Water – Vlg	2,572.81	-	2,572.81
Code Violations	9,815.70	-	9,815.70
Sidewalks	3,804.01	-	3,804.01
Pretreatment Surcharge	216,844.00	-	216,844.00
Omitted Tax			-
Total Special Assmts	251,587.48	-	251,587.48
Grand Totals	124,575,945.48	47,895,958.00	76,679,987.48

AURORA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	2,797,704.00	1,401,910.00	1,395,794.00
General Town Outside	1,308,942.00	744,200.00	564,742.00
Highway Town Outside	1,150,500.00	687,000.00	463,500.00
Total Town & Highway			

	5,257,146.00	2,833,110.00	2,424,036.00
Cemetery Special Reserve	4,230.00	4,230.00	-
Fire Protection District	211,361.00	1,000.00	210,361.00
Lighting District	16,106.00	1,600.00	14,506.00
Garbage (Refuse) District	492,000.00	800.00	491,200.00
Rubbish District	21,491.00	2,000.00	19,491.00
Sewer Districts	154,396.00	149,696.00	4,700.00
Water Districts	1,466,159.00	351,029.00	1,115,130.00
Fire Districts	416,707.80	-	416,707.80
Total Special Districts	2,782,450.80	510,355.00	2,272,095.80
Unpaid Refuse Aurora	170.39	-	170.39
Delinq. Water ECWA	985.17	-	985.17
Delinq. Water Orchard Park	347.28	-	347.28
Delinq. Vlg Water	220.80	-	220.80
Total Other Items	1,723.64	-	1,723.64
GRAND TOTALS	8,041,320.44	3,343,465.00	4,697,855.44

CHEEKTOWAGA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	44,190,495.00	9,248,589.00	34,941,906.00
General Town Outside	1,873,636.00	1,873,636.00	-
Highway Town Outside			

	10,189,197.00	7,031,864.00	3,157,333.00
Total Town & Highway	56,253,328.00	18,154,089.00	38,099,239.00
Consolidated Garbage	10,022,798.00	1,273,000.00	8,749,798.00
General Lighting	2,866,098.00	302,000.00	2,564,098.00
Risk Retention	2,188,000.00	2,188,000.00	-
Debt Service Fund	5,552,975.00	5,552,975.00	-
Sanitary Sewer	11,480,560.00	922,350.00	10,558,210.00
Lateral Sanitary Sewer	376.00	-	376.00
Storm Sewer (Drainage)	694,837.00	21,000.00	673,837.00
Hydrant Districts	473,177.00	71,353.00	401,824.00
Fire Districts	6,767,888.09	133,300.00	6,634,588.09
Premium Assmt (ECSA)	125,171.52	-	125,171.52
Special Assessments	62,435.01	-	62,435.01
Sidewalks	3,200.09	-	3,200.09
Omitted Tax	18,224.21	-	18,224.21
Total Special Districts	40,255,739.92	10,463,978.00	29,791,761.92
Cleanup Debris	145,808.64	-	145,808.64
Total Other Items	145,808.64	-	145,808.64
GRAND TOTALS	96,654,876.56	28,618,067.00	68,036,809.56

CLARENCE

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	11,094,136.00	7,937,666.00	3,156,470.00

Highway Town Outside	4,315,383.00	1,495,061.00	2,820,322.00
Total Town & Highway	15,409,519.00	9,432,727.00	5,976,792.00
Community Development	25,000.00	25,000.00	-
Central Alarm	247,384.00	2,000.00	245,384.00
Acquatic Growth Control	3,800.00	700.00	3,100.00
Drainage District	406,057.00	5,000.00	401,057.00
Fire District 1	884,891.00	4,000.00	880,891.00
Fire Protection Districts	2,383,148.00	-	2,383,148.00
Lighting Districts	14,000.00	1,000.00	13,000.00
Sewer Districts	684,943.00	44,720.00	640,223.00
Consolidated Water	584,817.00	21,800.00	563,017.00
Special Assessments	1,881.00	-	1,881.00
Total Special Districts	5,235,921.00	104,220.00	5,131,701.00
GRAND TOTALS	20,645,440.00	9,536,947.00	11,108,493.00

ELMA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	2,429,405.00	2,429,405.00	-
Highway Fund	1,171,288.00	932,000.00	239,288.00
Total Town & Highway	3,600,693.00	3,361,405.00	239,288.00
Water	2,074,045.00	2,013,563.00	60,482.00
Sewer Districts			

	193,367.00	5,800.00	187,567.00
Drainage	6,491.00	-	6,491.00
Lighting	38,100.00	1,500.00	36,600.00
Fire Protection	738,327.00	42,017.00	696,310.00
TFPD Service Award	135,000.00	-	135,000.00
Springbrook Fire	442,350.00	6,200.00	436,150.00
Refuse User Fee	309,960.00	-	309,960.00
Delinq. Water	1,485.52	-	1,485.52
Total Special Districts	3,939,125.52	2,069,080.00	1,870,045.52
GRAND TOTALS	7,539,818.52	5,430,485.00	2,109,333.52

EVANS

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	7,280,986.00	1,055,429.00	6,225,557.00
General Town Outside	635,392.00	624,000.00	11,392.00
Highway Townwide	10,000.00	10,000.00	-
Highway Town Outside	2,294,050.00	1,813,515.00	480,535.00
Community Development	100,000.00	100,000.00	-
Risk Retention	350,000.00	350,000.00	-
Total Town & Highway	10,670,428.00	3,952,944.00	6,717,484.00
Water Districts	1,955,102.00	1,884,219.00	70,883.00
Fire Protection District	810,234.00	3,000.00	807,234.00
Lighting Districts	305,000.00	2,200.00	302,800.00
Hydrant Districts	5,100.00	150.00	4,950.00

Refuse & Garbage	984,100.00	2,500.00	981,600.00
Fire District N. Evans	668,125.00	39,500.00	628,625.00
Debt Service	536,066.00	536,066.00	-
Total Special Districts	5,263,727.00	2,467,635.00	2,796,092.00
Delinq. Water	278,093.29	-	278,093.29
Demolition Charges	54,824.74	-	54,824.74
EC Sewer Premium Assmt	1,700.00	-	1,700.00
Eden Water	1,295.03		1,295.03
Omitted Tax	137,071.99	-	137,071.99
Total Other Items	472,985.05	-	472,985.05
GRAND TOTALS	16,407,140.05	6,420,579.00	9,986,561.05

GRAND ISLAND

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	6,544,120.00	4,477,132.00	2,066,988.00
Highway Fund	2,770,497.00	519,000.00	2,251,497.00
Total Town & Highway	9,314,617.00	4,996,132.00	4,318,485.00
Debt Service	1,839,299.00	1,839,299.00	-
Fire Protection District	1,090,743.00	3,000.00	1,087,743.00
Lighting Districts	196,104.00	27,805.00	168,299.00
Water Districts	2,748,838.00	2,049,566.00	699,272.00
Sewer Districts	3,122,959.00	2,244,822.00	878,137.00
Garbage			

	1,294,479.00	129,325.00	1,165,154.00
Miscellaneous Charges	-	-	-
Total Special Districts	10,292,422.00	6,293,817.00	3,998,605.00
Sewer Charge	3,401.00	-	3,401.00
Delinquent Water Sewer	586,895.03	-	586,895.03
Lighting Charge	1,244.00	-	1,244.00
Total Other Items	591,540.03	-	591,540.03
GRAND TOTALS	20,198,579.03	11,289,949.00	8,908,630.03

HAMBURG

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	15,071,413.00	6,725,850.00	8,345,563.00
General Fund Outside Village	10,546,382.00	6,785,937.00	3,760,445.00
Highway Bridges Townwide	146,133.00	4,630.00	141,503.00
Highway Fund Outside Village	5,132,952.00	382,691.00	4,750,261.00
Total Town & Highway	30,896,880.00	13,899,108.00	16,997,772.00
Golf Enterprise Fund	579,472.00	579,472.00	-
Lighting Districts	824,061.00	22,061.00	802,000.00
Town Hydrant	378,681.00	2,000.00	376,681.00
Debt Service	1,920,657.00	1,920,657.00	-
Insurance Reserve	1,235,500.00	1,235,500.00	-
Ravenwood North Drainage	12,559.00	50.00	12,509.00
Fire Protection	3,270,803.00	89,384.00	3,181,419.00

Sewer Districts	1,013,383.00	425,245.00	588,138.00
Water Districts	707,341.00	2,008.00	705,333.00
Lake View Fire District	711,015.00	116,200.00	594,815.00
Total Special Districts	10,653,472.00	4,392,577.00	6,260,895.00
Delinquent Water ECWA	10,097.68	-	10,097.68
Delinquent Water Blasdell	7,718.90	-	7,718.90
Delinquent Water O.P.	42.80	-	42.80
Debris & Tree Removal	18,121.20	-	18,121.20
Unsafe Building Conditions	10,752.50	-	10,752.50
Total Other Items	46,733.08	-	46,733.08
Grand Totals	41,597,085.08	18,291,685.00	23,305,400.08

LANCASTER

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	8,065,633.00	2,484,387.00	5,581,246.00
General Town Outside	868,230.00	835,585.00	32,645.00
Police	8,443,303.00	4,297,500.00	4,145,803.00
Highway Fund Townwide	86,012.00	53,300.00	32,712.00
Highway Town Outside	3,698,569.00	1,502,600.00	2,195,969.00
Misc Special Revenue	165,025.00	165,025.00	-
Total Town & Highway	21,326,772.00	9,338,397.00	11,988,375.00
Refuse District	2,210,729.00	88,000.00	2,122,729.00
Lighting District	315,227.00	1,400.00	313,827.00

Fire Protection District	3,579,757.00	10,000.00	3,569,757.00
Water Districts	718,393.00	91,000.00	627,393.00
Total Special Districts	6,824,106.00	190,400.00	6,633,706.00
Delinq. Water ECWA	1,271.10	-	1,271.10
Premium Assmt (ECSA)	118,559.32	-	118,559.32
Out of District Sewer	516.45	-	516.45
Property Clean Up	1,270.00	-	1,270.00
Omitted Tax - County			-
Total Other Items	121,616.87	-	121,616.87
GRAND TOTALS	28,272,494.87	9,528,797.00	18,743,697.87

ORCHARD PARK

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	10,359,337.00	5,682,095.00	4,677,242.00
General Town Outside	565,209.00	565,209.00	-
Highway Town Outside	3,663,610.00	455,646.00	3,207,964.00
Highway Village Only	5,584.00	-	5,584.00
Total Town & Highway	14,593,740.00	6,702,950.00	7,890,790.00
Sanitary Sewer Districts	1,100,103.00	381,302.00	718,801.00
Water Districts	1,052,122.00	132,380.00	919,742.00
Drainage Districts	4,025.00	-	4,025.00
General Lighting	326,350.00	25,000.00	301,350.00
Consolidated Garbage			

	1,707,587.00	165,000.00	1,542,587.00
Fire District	1,695,500.00	-	1,695,500.00
Hydrant Districts	10,520.00	-	10,520.00
Debt Service	935,986.00	935,986.00	-
Total Special Districts	6,832,193.00	1,639,668.00	5,192,525.00
Delinq. Water ECWA	4,500.27	-	4,500.27
Delinq. Town Charges	400.00	-	400.00
Prorated/Delinq. Garbage	1,747.95	-	1,747.95
Omitted Tax	-	-	-
Total Other Items	6,648.22	-	6,648.22
GRAND TOTALS	21,432,581.22	8,342,618.00	13,089,963.22

TONAWANDA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	28,064,511.00	11,292,500.00	16,772,011.00
General Town Outside	21,185,262.00	10,507,952.00	10,677,310.00
Highway Town Outside	7,140,981.00	1,355,715.00	5,785,266.00
Total Town & Highway	56,390,754.00	23,156,167.00	33,234,587.00
Lighting Districts	1,620,000.00	265,000.00	1,355,000.00
Water Acq. & Storage	9,126,780.00	9,126,780.00	-
Fire Protection	679,262.00	25,000.00	654,262.00
Fire Districts	2,951,823.80	374,437.00	2,577,386.80
Sewer Consolidated	13,060,084.00	8,887,200.00	4,172,884.00

Drainage Consolidated	706,137.00	160,000.00	546,137.00
Refuse & Garbage Cons.	6,962,863.00	520,000.00	6,442,863.00
Total Special Districts	35,106,949.80	19,358,417.00	15,748,532.80
Cleanup Spec. Assmt.	16,257.40	-	16,257.40
Highway Paving Spec. Assmt.	142,274.50	-	142,274.50
Sewer Cons. Spec. Assmt.	10,668.00	-	10,668.00
Unpaid Water			-
Omitted Tax			-
Total Other Items	169,199.90	-	169,199.90
GRAND TOTALS	91,666,903.70	42,514,584.00	49,152,319.70

WEST SENECA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	22,141,796.00	10,249,810.00	11,891,986.00
Highway Fund	9,522,325.00	1,893,476.00	7,628,849.00
Highway Credit (68005)			(2,031.83)
Total Town & Highway	31,664,121.00	12,143,286.00	19,518,803.17
Sewer Districts	9,004,645.00	2,249,455.00	6,755,190.00
Water Districts	243,798.00	14,121.00	229,677.00
Special Assessment	71,501.00	-	71,501.00
Gas Lighting Districts	117,956.00	3,750.00	114,206.00
Elec Lighting Districts	119,252.00	1,810.00	117,442.00
Fire Districts			

	332,346.00	-	332,346.00
Premium Assessment	217,278.70	-	217,278.70
Total Special Districts	10,106,776.70	2,269,136.00	7,837,640.70
Omitted Tax			-
Delinquent Water			-
Demolition Charges			-
Emergency Enclosure			-
Grass Cutting			-
Total Other Items	-	-	-
GRAND TOTALS	41,770,897.70	14,412,422.00	27,356,443.87

BOSTON

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	1,657,341.00	1,471,000.00	186,341.00
Highway Fund	1,218,115.00	505,484.00	712,631.00
Total Town & Highway	2,875,456.00	1,976,484.00	898,972.00
Fire Protection District	780,000.00	50,000.00	730,000.00
Lighting District	20,000.00	-	20,000.00
Ambulance	90,000.00	20,000.00	70,000.00
Refuse & Garbage	600,000.00	23,424.00	576,576.00
Water Districts	384,586.00	-	384,586.00
Total Special Districts	1,874,586.00	93,424.00	1,781,162.00
In Lieu of Tax			

			-
Delinq. Water	1,953.41	-	1,953.41
Demolition Charges			-
Total Other Items	1,953.41	-	1,953.41
GRAND TOTALS	4,751,995.41	2,069,908.00	2,682,087.41

BRANT

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	838,257.00	448,040.00	390,217.00
General Fund Town Outside	216,220.00	189,325.00	26,895.00
Highway Fund Townwide	173,775.00	90,225.00	83,550.00
Highway Fund Town Outside	148,950.00	113,200.00	35,750.00
Total Town & Highway	1,377,202.00	840,790.00	536,412.00
Fire Protection District	228,303.00	1,850.00	226,453.00
Lighting District	30,000.00	1,060.00	28,940.00
Sewer Districts	19,550.00	19,550.00	-
Water District	25,515.00	-	25,515.00
Total Special Districts	303,368.00	22,460.00	280,908.00
Omitted Taxes	175.55	-	175.55
Total Other Items	175.55	-	175.55
GRAND TOTALS	1,680,745.55	863,250.00	817,495.55

COLDEN

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	841,583.00	841,583.00	-
Highway Fund	601,301.35	86,243.00	515,058.35
Total Town & Highway	1,442,884.35	927,826.00	515,058.35
Lighting District	28,000.00	3,200.00	24,800.00
Refuse District	196,905.18	8,950.00	187,955.18
Water District	105,881.73	3,750.00	102,131.73
Colden Fire District	329,787.00	-	329,787.00
Aurora Colden Fire District	33,039.64	-	33,039.64
Total Special Districts	693,613.55	15,900.00	677,713.55
Omitted Taxes	-	-	-
Total Other Items	-	-	-
GRAND TOTALS	2,136,497.90	943,726.00	1,192,771.90

COLLINS

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	762,470.00	263,154.00	499,316.00
General Fund Town Outside	337,962.00	337,962.00	-
Highway Fund Town Outside	945,999.50	823,350.49	122,649.01
Total Town & Highway	2,046,431.50	1,424,466.49	621,965.01

Library Fund	48,750.00	30.00	48,720.00
Collins Fire Districts	178,337.72	-	178,337.72
Rosenburg Fire District	17,903.00	-	17,903.00
Lighting District	13,000.00	20.00	12,980.00
Helmuth Fire Control	35,948.00	3,760.00	32,188.00
Refuse District	71,870.00	41,550.00	30,320.00
Water Districts	398,850.63	308,089.63	90,761.00
Total Special Districts	764,659.35	353,449.63	411,209.72
Delinquent Water	22,946.63	-	22,946.63
Clean Up	960.00	-	960.00
Total Other Items	23,906.63	-	23,906.63
GRAND TOTALS	2,834,997.48	1,777,916.12	1,057,081.36

CONCORD

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	1,164,964.41	467,828.41	697,136.00
General Fund Town Outside	668,701.50	668,701.50	-
Highway Fund Townwide	10,000.00	-	10,000.00
Highway Fund Town Outside	866,055.49	745,473.49	120,582.00
Total Town & Highway	2,709,721.40	1,882,003.40	827,718.00
Joint Projects	178,520.00	178,520.00	-
Library Fund	9,875.00	-	9,875.00

Fire Protection	489,369.00	-	489,369.00
Lighting District	52,000.24	-	52,000.24
Sewer District	129,668.38	400.66	129,267.72
Kissing Bridge Sewer	22,000.10	1,200.00	20,800.10
Kissing Bridge Water	7,200.06	-	7,200.06
Water District Trevett Road	17,064.40	1,000.00	16,064.40
Total Special Districts	905,697.18	181,120.66	724,576.52
GRAND TOTALS	3,615,418.58	2,063,124.06	1,552,294.52

EDEN

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	2,293,761.00	1,625,627.00	668,134.00
Highway Fund	1,433,746.00	368,000.00	1,065,746.00
Total Town & Highway	3,727,507.00	1,993,627.00	1,733,880.00
Fire Protection District	315,022.00	-	315,022.00
Lighting District	58,015.00	10,000.00	48,015.00
Water Districts	377,379.02	1,295.03	376,083.99
Refuse & Garbage	580,350.00	24,773.00	555,577.00
Total Special Districts	1,330,766.02	36,068.03	1,294,697.99
Delinq. Water ECWA	846.92	-	846.92
Delinq. Water Evans	2,781.26	-	2,781.26
Out of Dist Water	2,184.93	-	2,184.93
Road Improvement Chg	11,000.00	-	11,000.00

Delinq Refuse Chg	221.80	-	221.80
Omitted Tax	-	-	-
Total Other Items	17,034.91	-	17,034.91
GRAND TOTALS	5,075,307.93	2,029,695.03	3,045,612.90

HOLLAND

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	727,656.02	608,400.00	119,256.02
Highway Fund	894,328.64	281,160.04	613,168.60
Total Town & Highway	1,621,984.66	889,560.04	732,424.62
Water Districts	152,263.13	152,263.13	-
Lighting District	22,000.00	-	22,000.00
Cemetery	14,000.00	14,000.00	-
Refuse & Garbage	250,870.00	-	250,870.00
Holland Fire	267,940.14	3,100.00	264,840.14
Strykersville Fire	4,808.00	-	4,808.00
Total Special Districts	711,881.27	169,363.13	542,518.14
Delinq. Water	11,484.89	-	11,484.89
Agric. Penalty	67.36	-	67.36
Omitted Taxes	226.87	-	226.87
Total Other Items	11,779.12	-	11,779.12
GRAND TOTALS	2,345,645.05	1,058,923.17	1,286,721.88

MARILLA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	854,200.00	854,200.00	-
Highway Fund	514,300.00	419,600.00	94,700.00
Total Town & Highway	1,368,500.00	1,273,800.00	94,700.00
Sanitation	330,400.00	25,400.00	305,000.00
Fire District	316,400.00	1,000.00	315,400.00
Water Districts	432,175.00	12,175.00	420,000.00
Community Development	250.00	250.00	-
Total Special Districts	1,079,225.00	38,825.00	1,040,400.00
Unpaid Water	1,433.33	-	1,433.33
Total Other Items	1,433.33	-	1,433.33
GRAND TOTALS	2,449,158.33	1,312,625.00	1,136,533.33

NEWSTEAD

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	1,421,803.00	725,575.00	696,228.00
General Fund Town Outside	181,173.00	181,173.00	-
Highway Fund Townwide	3,070.00	440.00	2,630.00
Highway Fund Town Outside	913,036.00	913,036.00	-
Total Town & Highway	2,519,082.00	1,820,224.00	698,858.00
Water Districts	595,389.00	153,303.00	442,086.00

Fire Protection Districts	477,613.00	3,360.00	474,253.00
Refuse & Garbage	373,198.00	23,642.00	349,556.00
Drainage District	52,835.00	758.00	52,077.00
Sewer Districts	32,250.00	32,250.00	-
Total Special Districts	1,531,285.00	213,313.00	1,317,972.00
Delinquent Water	3,215.68	-	3,215.68
Unpaid Refuse	355.48	-	355.48
Other Charges	1,275.03	-	1,275.03
Omitted Taxes	226.79	-	-
Total Other Items	5,072.98	-	5,072.98
GRAND TOTALS	4,055,439.98	2,033,537.00	2,021,902.98

NORTH COLLINS

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	797,675.00	200,118.00	597,557.00
General Fund Town Outside	158,402.00	10,685.00	147,717.00
Highway Fund Townwide	52,272.00	700.00	51,572.00
Highway Fund Town Outside	560,754.00	398,519.00	162,235.00
Total Town & Highway	1,569,103.00	610,022.00	959,081.00
Fire Protection Districts	185,958.00	-	185,958.00
Refuse District	187,110.00	-	187,110.00
Total Special Districts	373,068.00	-	373,068.00

Omitted Taxes			
Total Other Items	-	-	-
GRAND TOTALS	1,942,171.00	610,022.00	1,332,149.00

SARDINIA

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	1,749,050.10	1,351,110.00	397,940.10
Highway Fund	694,255.01	694,255.01	-
General Lighting	10,185.00	10,185.00	-
Total Town & Highway	2,453,490.11	2,055,550.01	397,940.10
Fire Protection	331,609.32	331,609.32	-
Street Lighting	13,632.00	2,344.00	11,288.00
Total Special Districts	345,241.32	333,953.32	11,288.00
GRAND TOTALS	2,798,731.43	2,389,503.33	409,228.10

WALES

FOR THE YEAR 2010	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	675,546.00	646,920.00	28,626.00
Highway Fund	349,367.00	223,632.00	125,735.00
Total Town & Highway	1,024,913.00	870,552.00	154,361.00
Fire Protection	175,360.00	9,000.00	166,360.00
Lighting	8,910.00	1,500.00	7,410.00
Refuse	198,298.00	3,000.00	195,298.00

South Wales Fire	84,653.00	-	84,653.00
Total Special Districts	467,221.00	13,500.00	453,721.00
Omitted Tax			-
Total Other Items	-	-	-
GRAND TOTALS	1,492,134.00	884,052.00	608,082.00

Item 70 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

RE: Chestnut Ridge Park - 2008 - Toboggan
Run Tower Improvements –
Construction Contingency Increase
(COMM. 27E-15)

WHEREAS, your honorable body authorized the County Executive to enter into a Contract with Hohl Industrial Services on June 25, 2009 for the Chestnut Ridge Park – 2008 – Toboggan Run Tower Improvements; and

WHEREAS, during the course of the work, it was determined that the protective wind huts located on top of the tower structures have deteriorated significantly since the condition survey was completed. They now need to be replaced to safeguard the health and safety of the public using the toboggan towers; and

WHEREAS, in order to replace the protective wind huts, an increase in the construction contingency account is required.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency be increased by \$82,000.00 from \$18,000.00 to \$100,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20913 – County-wide Park Improvements for an amount not to exceed \$82,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Division of Parks, Recreation and Forestry, and the Office of the Comptroller.

Item 71 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

RE: Section 520 Exemption for 2010
(COMM. 27E-16)

BE IT RESOLVED, that the Erie County Director of Real Property Tax Services is directed to spread the amount of taxes, as indicated on the attached schedule, upon the tax rolls of the several municipalities in Erie County, being taxes due from the exemption removal on properties transferred during the past year, pursuant to Section 520 of the Real Property Tax Law; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, Joseph L. Maciejewski, Director of Real Property Tax Services, the Erie County Comptroller, and Assistant County Attorney Gregory Kammer.

520 EXEMPTION REMOVALS FOR 2010 COUNTY TAX

	County	Town	Total
City of Buffalo	150,542.22	0	150,542.22
City of Lackawanna	104,022.40	0	104,022.40
City of Tonawanda	19,304.03	37,075.41	56,379.44
Alden	6,199.14	1,917.34	8,116.48
Amherst	69,393.35	64,564.79	133,958.14
Aurora	10,627.85	4,632.98	15,260.83
Boston	3,638.51	1,053.04	4,691.55
Brant	0	0	0
Cheektowaga	68,882.32	92,981.86	161,864.18
Clarence	18,523.16	7,876.18	26,399.34
Colden	350.97	135.52	486.49
Collins	0	0	0
Concord	1,785.82	454.09	2,239.91
Eden	5,584.14	3,832.97	9,417.11
Elma	5,399.57	249.55	5,649.12
Evans	7,030.20	9,114.20	16,144.40
Grand Island	11,138.87	6,444.99	17,583.86
Hamburg	26,543.95	23,015.98	49,559.93
Holland	222.57	135.08	357.65
Lancaster	15,680.03	13,342.15	29,022.18

Marilla	0	0	0
Newstead	2,407.06	558.87	2,965.93
North Collins	572.83	421.22	994.05
Orchard Park	15,622.12	6,427.56	22,049.68
Sardinia	704.55	6.27	710.82
Town of			
Tonawanda	84,353.69	79,293.40	163,647.09
Wales	581.32	76.62	657.94
West Seneca	32,221.23	47,409.43	79,630.66
<hr/>			
GRAND			
TOTALS	661,331.90	401,019.50	1,062,351.40

Item 72 – (COMM. 27E-17) ECSD No. 2 - NYSDOT - Property Appropriation - Evans

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 73 – (COMM. 27E-18) Chestnut Ridge Park Casino Building - Heating System Replacement and Electrical Upgrades

Item 74 – (COMM. 27E-19) Elmwood Ave. - Signal Replacement Project - NYSDOT Supplemental Agreement No. 2

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

Item 75 – (COMM. 27E-20) Dept. of Emergency Services - Acceptance of FY09 Urban Area Security Initiative (UASI) Funds

Item 76 – (COMM. 27E-21) Dept. of Emergency Services - Acceptance of FY09 State Homeland Security Program (SHSP) Funds

Item 77 – (COMM. 27E-22) Dept. of Emergency Services - Acceptance of FY09 State Law Enforcement Prevention Program (SLETPP) Funds

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

Item 78 – (COMM. 27E-23) Appointments to ECDS No. 1

Item 79 – (COMM. 27E-24) Appointments to ECDS No. 2

Item 80 – (COMM. 27E-25) Appointments to ECDS No. 3

Item 81 – (COMM. 27E-26) Appointments to ECDS No. 5

Item 82 – (COMM. 27E-27) Appointments to ECDS No. 4

Item 83 – (COMM. 27E-28) Appointments to ECDS No. 6

Item 84 – (COMM. 27E-29) Appointments to ECDS No. 8

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 85 – (COMM. 27D-1) Transmittal of New Claims Against Erie County

Item 86 – (COMM. 27D-2) Transmittal of New Claims Against Erie County

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EMPIRE STATE DEVELOPMENT CORP.

Item 87 – (COMM. 27M-1) Notice of Public Scoping Meeting and Intent to Prepare a Draft Generic Environmental Impact Statement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 88 – (COMM. 27M-2) Fact Sheet - Environmental Cleanup Work Plan and Decision Document for Greif Site - Tonawanda - Available for Public Comment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC BOARD OF HEALTH

Item 89 – (COMM. 27M-3) Copy of Letter Concerning Calorie Count

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 90 – (COMM. 27M-4) Agenda Items for Meeting Held 12/11/09, and Minutes from Meeting Held 10/02/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 91 – (COMM. 27M-5) ECMCC Agenda Items for Board of Directors Meeting Held 12/01/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM GOVERNOR PATERSON

Item 92 – (COMM. 27M-6) Acknowledgement of Receipt of Certified Resolutions 21-1 and 12-2 (2009)

Received and Filed.

FROM HARRIS BEACH, PLLC

Item 93 – (COMM. 27M-7) Buffalo & EC Industrial Land Development Corp. - Copy of By-Laws Adopted 12/08/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECFA

Item 94 – (COMM. 27M-8) Copy of Resolutions - Approving Efficiency Grants for AFSCME Retroactive Bonus Payments and Efficiency Grants for EC Vehicle Replacement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SENATOR VOLKER

Item 95 – (COMM. 27M-9) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM FRANK J. HOTCHKISS

Item 96 – (COMM. 27M-10) Home Improvement Tax Abatement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 97 – CHAIR MARINELLI announced that the committee schedule for meetings to be held on Wednesday, December 30, 2009 has been distributed.

MEMORIAL RESOLUTIONS

Item 98 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Lucille A. “Lucy” Mysiak.

Item 99 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Miriam Becker.

Item 100 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Elaine K. Wick and Georgiana M. Ford.

Item 101 – Legislator Walter requested that when the Legislature adjourns, it do so in memory of Tyler J. Gabbey.

Item 102 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Edward Gow, and Florence & John Connelly.

Item 103 – Legislator Terranova requested that when the Legislature adjourns, it do so in memory of Matthew Rybinski, John Mitchell and Ronald J. Surowick, Jr.

Item 104 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Richard “Dick” Seger, and in memory of all of her constituents who died in the last four years.

Item 105 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Eulene (Hokes) Douglas.

Item 106 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of James G. Story.

Item 107 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Beverly G. Brownell.

Item 108 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Victor P. Evaldi.

ADJOURNMENT

Item 109 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WROBLEWSKI moved that the Legislature adjourn until Thursday, January 7, 2010 at 2:00 P.M. Eastern Standard Time. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, January 7, 2010 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE