

**ERIE COUNTY LEGISLATURE
MEETING NO. 28
NOVEMBER 10, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Ranzenhofer

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

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

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

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – KENNEDY & DUSZA presented a resolution Honoring St. Josaphat R.C. Church on its 100th Anniversary.

Item 7 – MR. DUSZA presented a resolution Honoring the Felician Sisters of the Immaculate Heart of Mary Province Upon Their 150th Anniversary Celebration.

Item 8 – HOLT & SMITH presented a resolution Honoring Buffalo General Hospital Upon Its 150th Anniversary.

MS. MARINELLI moved for consideration of the above three items. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above three items for Et Al Sponsorship. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above three items as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 - CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 10 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 11 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 12 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

***Legislator Swanick left the Legislative chambers and is no longer present.

COMMITTEE REPORTS

Item 15 – MR. SMITH presented the following report and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

November 3, 2005

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 14

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

1. RESOLVED, that the following items are hereby received and filed
 - a. COMM. 16E-12 (2005)
COUNTY EXECUTIVE: CPS - Professional Services - ECC Technologies, Inc.
(6-0)
 - b. COMM. 19E-6 (2005)
COMPTROLLER: Letter to Legislature Re: Comptroller's Obligation To Process Payments To DPW Independent Contractors In Accordance With Legal Opinion of County Attorney
(6-0)
 - c. COMM. 19E-47 (2005)
COUNTY EXECUTIVE: Appropriation of \$3.5 Million for Risk Retention Fund
(6-0)
 - d. COMM. 19E-51 (2005)
COUNTY EXECUTIVE: Continuation of Two Law Clerk Positions in the Dept. of Law
(6-0)
 - e. COMM. 20E-20 (2005)
COUNTY EXECUTIVE: County Funds for South American Rainforest and Greenhouse Exhibit at the Buffalo Zoo
(6-0)
 - f. COMM. 20D-8 (2005)
COUNTY EXECUTIVE: Job Creation Summary Report Forms
(6-0)
 - g. COMM. 21E-3 (2005)
COUNTY EXECUTIVE: Creation of Positions Finance & Management
(6-0)
 - h. INTRO 23-3 (2005)
WEINSTEIN: Cutting the Erie County Legislature From 15 to 9
(6-0)
 - i. COMM. 23E-6 (2005)
COMPTROLLER: Interim Financial Statements - For 6-Months Ended 6/30/05
(6-0)
 - j. COMM. 24M-8 (2005)
ERIE COUNTY FISCAL STABILITY AUTHORITY: Proposed Resolution to Expand the Duties & Responsibilities of a Risk Management Consultant
(6-0)

**DEMONE A. SMITH
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 292

NOVEMBER 3, 2005

COMMUNITY SERVICES COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MARINELLI.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 27D-8 (2005)
SENIOR SERVICES: Response to the Erie County Stabilization Project Report (4-0)
2. COMM. 27E-9 (2005)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for individuals and families receiving services from Compeer West, Inc. (dba Compeer of Greater Buffalo), and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Compeer West, Inc. (dba Compeer of Greater Buffalo), and

WHEREAS, additional funds of \$65,000 in NYS Office of Mental Health State Aid dollars are available to be used for costs related to the provision of Compeer case management and mentoring services to Erie County consumers.

NOW, THEREFORE, BE IT

RESOLVED, that the 2005 appropriation for Compeer West, Inc. (dba Compeer of Greater Buffalo), be increased by a total of \$65,000, the source of these funds being NYS Office of Mental Health State Aid dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2005 contract with the Compeer West, Inc. (dba Compeer of Greater Buffalo), for the period January 1, 2005 through December 31, 2005, by an amount not to exceed \$65,000, and be it further

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

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)

3. COMM. 27E-26 (2005)

COUNTY EXECUTIVE

WHEREAS, the Buffalo Public School District (Board of Education) assumed school health service responsibilities previously administered by the Erie County Department of Health, and

WHEREAS, the Board of Education has requested, in writing, a listing of any equipment or supplies that the Health Department would be willing to donate in an effort to assist in the transition of service, and

WHEREAS, the Health Department has materials relating to the provision of school health services that would be helpful to the Board of Education, and

WHEREAS, the following items will be donated:

- 23 Titmus Machines
- 6 2004 Mosby's Nursing Drug Reference Books
- 20 2001 Mosby's Drug Guide for Nurses 4th Edition
- 48 School Health Policy & Procedure Manuals

The total approximate value is \$9,200.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to permit the Erie County Department of Health to donate materials relating to the provision of school health services that would be helpful to the Board of Education, and be it further

RESOLVED, the following items will be donated:

- 23 Titmus Machines
- 6 2004 Mosby's Nursing Drug Reference Books
- 20 2001 Mosby's Drug Guide for Nurses 4th Edition
- 48 School Health Policy & Procedure Manuals

and be it further

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

(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Item 17 – MR. DUSZA presented the following report and moved for immediate consideration and approval. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 293

NOVEMBER 3, 2005

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATORS MARINELLI AND CHASE.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 25E-8 (2005)
COUNTY EXECUTIVE: ECSD No. 2 - Engineer Term Agreement - Work Order: MPI-2
 (3-0)
 - b. COMM. 25D-6 (2005)
DEP: SEQR - Solicitation for Lead Agency Status - Southtowns Advanced Wastewater Treatment Plant - Facility Expansion - Phase II
 (3-0)
 - c. COMM. 25E-8 (2005)
PARKS, RECREATION AND FORESTRY: Erie County Golf Course Monitoring Report for 9/05
 (3-0)
 - d. COMM. 27E-10 (2005)
COUNTY EXECUTIVE: ECSD No. 3 - Southtowns Sewage Treatment Agency - Engineer Term Agreement
 (3-0)
 - e. COMM. 27E-16 (2005)
COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Increase & Improvement of Facilities (2005)
 (3-0)
 - f. COMM. 27D-7 (2005)
DEP: SEQR - Establishment of Sewer District No. 8
 (3-0)
 - g. COMM. 27M-8 (2005)
CITY OF BUFFALO COMMON COUNCIL: County Reneging on Tree Maintenance
 (3-0)
2. COMM. 23E-30 (2005)
COUNTY EXECUTIVE

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

RESOLUTION NO. _____

RESOLUTION DATED _____, 2005.

RESOLUTION APPROVING THE ESTABLISHMENTS OF ERIE COUNTY SEWER DISTRICT NO. 8 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____ 2005.

(Adopted) _____, 2005

WHEREAS, a petition has been presented and executed on behalf of the Village of East Aurora by the Mayor of said village requesting that all areas within such village be established as a County sewer district; and

WHEREAS, a petition has been presented and executed on behalf of the Town of Aurora by the Supervisor of said town requesting that certain areas within such town be established as a County sewer district; and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed establishment of Erie County Sewer District No. 8 (the "Proposed Sewer District") which map, plan, report and estimate of cost have been approved by the Erie County Department of Environment and Planning on June 15, 2005 and filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer District, (ii) a description of the areas of the Proposed Sewer District to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer District, and (iv) estimates of the cost of construction, reconstruction or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the establishment of the Proposed Sewer District is \$4,000,000, to finance the costs of the acquisition of wastewater facilities and the improvements included with the establishment of the Proposed Sewer District, to be assessed against a benefited area which consists of the entire area of said Proposed Sewer District; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the establishment of the Proposed Sewer District if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$480.80 for typical property located within the Village of East Aurora and \$582.77 for typical property located within the Town of Aurora, is above the Average Estimated Cost of \$280.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 254 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 178-2005 on July 7, 2005, calling a meeting of the Legislature for the purpose of holding a public hearing on the aforesaid establishment of Erie County Sewer District No. 8, in accordance with the aforesaid map, plan and report and said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on August 18, 2005; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on August 18, 2005, and after due consideration of the map, plan and report, and other recommendations and other data, if any, heretofore provided to the Legislature, it is hereby found and determined that:

- (a) the proposed facilities are satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed District are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed District;
- (d) it is in the public interest to establish said Erie County Sewer District No. 8.

Section 2. The establishment of Erie County Sewer District No. 8 is hereby approved and said District shall comprise an area described as follows:

All that tract or parcel of land situate in the Town of Aurora and the Village of East Aurora, County of Erie, State of New York, and lying within Township 9, Range 6, Lots 14, 15, 16, 20, 21, 22, 24, 28, 29, 30, 31, 32, 38, 39 and 40 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point in the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way, said point being 521 feet northwesterly from the centerline of Bowen Road as measured along the centerline of said Buffalo Road, said point also being the northwest corner of SBL 164.00-1-31 as described in Liber 11065 page 58; thence easterly along the northerly line of said SBL 164.00-1-31 a distance of 250 feet to a point; thence southeasterly along the easterly line of said SBL 164.00-1-31 and continuing southeasterly on an extension thereof a distance of 241 feet to a point on the northerly line of SBL 164.00-1-33 as described in Liber 9286 page 635, said point being 250 feet east of the centerline of Buffalo Road as measured along said northerly line; thence easterly along said northerly line a distance of 157 feet to a point, said point being the most northerly corner of said SBL 164.00-1-33; thence southerly along the easterly line of said SBL 164.00-1-33 a distance of 280 feet to a point in the centerline of Bowen Road as a 66 foot wide County right-of-way, said point being the southeast corner of said SBL 164.00-1-33 and also being on the boundary line between the Town of Aurora and the Village of East Aurora, as annexed November 26, 1984; thence easterly along the said centerline of Bowen Road and said boundary line, the following (2) distances (1) 144.10 feet, (2) 259.07 feet to a point at the most northerly corner of SBL 164.65-1-1 as described in Liber 9417 page 651; thence continuing to follow said Town and Village boundary line the following (4) courses, (1) southeasterly 495± feet, (2) easterly 1013± feet to a point at the southwest corner of SBL 164.15-2-41.1 as described in Liber 10644 page 2, (3) north 298.35± to a point at the southwest corner of SBL 164.15-4-9 as described in Liber 10961 page 5005, (4) easterly 257.66± feet to a point at the southwest corner of SBL 164.15-4-11.12 as described in Liber 11010 page 4215; thence northerly along the west line of said SBL 164.15-4-11.12 a distance of 130.0± feet to a point at the northwest corner of said SBL 164.15-4-11.12; thence easterly along the north line of said SBL 164.15-4-11.12 a distance of 266.36± feet to a point on the centerline of Hamlin Avenue as a 50 foot wide Town right-of-way; thence northerly along the said centerline of Hamlin Avenue a distance of 51± feet to the point of intersection with the centerline of Beechwood Ave as a 50 foot wide Town right-of-way; thence easterly along said

centerline of Beechwood Ave a distance of 327± feet to a point on the east right-of-way of Willow Street as a 50 foot wide right-of-way, said point being 25 feet south of the north right-of-way of Beechwood Ave; thence northerly along said east right-of-way of said Willow Street a distance of 25 feet to a point at the northwest corner of SBL 164.15-3-22 as described in Liber 10904 page 2706, said point also being on the north right-of-way of said Beechwood Ave; thence easterly along the north line of said SBL 164.15-3-22 a distance of 185.3± feet to a point at the northeast corner of said SBL 164.15-3-22; thence southerly along the east line of said SBL 164.15-3-22 a distance of 195.01± feet to a point at the southeast corner of said SBL 164.15-3-22; thence easterly a distance of 1166± feet to a point at the northeast corner of SBL 164.15-3-11 as described in Liber 10911 page 1701, said point also being on the centerline of Maple Road as a 60 foot wide County right-of-way; thence northerly along the said centerline of Maple Road a distance of 24± feet to a point at the southwest corner of SBL 164.16-4-41.1 as described in Liber 6645 page 589; thence easterly along the south line of said SBL 164.16-4-41.1 the following distances, 248.5 feet and 422.5± feet to a point at the most northeasterly corner of SBL 164.16-4-40.12 as described in Liber 10637 page 46; thence following the boundary line of said SBL 164.16-4-40.12 southerly a distance 40.2 feet and easterly a distance of 40± feet to a point at the northwest corner of SBL 164.16-4-36.1 as described in Liber 10960 page 3319; thence easterly along the north line of said SBL 164.16-4-36.1 a distance of 346.19± feet to a point on the centerline of Ruskin Ave as a 60 foot wide Town right-of-way; thence northerly along the said centerline of Ruskin Ave a distance of 136± feet to a point on the south line of Map Cover 2013; thence easterly along the south line of said Map Cover 2013 a distance of 825± feet to a point at the southeast corner of said Map Cover, said point also being the westerly line of lands of Conrail, (formerly Penn Central Railroad); thence southerly along said westerly line of said lands of Conrail a distance of 570± feet to a point on the north line of the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north, said point also being the southeast corner of SBL 164.16-4-32.1 as described in Liber 10995 page 2135; thence along the boundary line between the Village of East Aurora and the Town of Aurora the following (15) courses: (1) easterly 127± feet, (2) northerly 122.6± feet, (3) northerly 446.57 feet, (4) easterly 20± feet, (5) northerly 1132.6± feet, (6) northerly 632.9± feet, (7) easterly 1643± feet to the west line of Farm Lot 16, (8) northerly 73.8± feet along the west line of said Farm Lot 16, (9) northeast 328.9± feet, (10) northeast 441.9± feet to the boundary line between the Town of Aurora and the Town of Elma, (11) easterly 229.5± feet along said boundary line, (12) southerly 974.9± feet, (13) westerly 102.59± feet, (14) southerly 813.8± feet, (15) westerly 706.8± feet to a point on the center line of Pine Street as a 66 foot wide County right-of-way; thence northerly along said center line a distance of 187± feet to a point at the northeast corner of SBL 165.13-3-1.2 as described in Liber 11073 page 6695; thence westerly along the north line of said SBL 165.13-3-1.2 also being the boundary line between the Village of East Aurora and the Town of Aurora a distance of 608.88 feet to a point; thence southerly continuing along said boundary line a distance of 1332.68 feet to a point; thence easterly along said boundary line a distance of 639.98 feet to the centerline of Pine Street as a 66 foot wide County right-of-way; thence southerly along said centerline of Pine Street a distance of 62± feet to a point; thence easterly along the boundary line between the Village of East Aurora and the Town of Aurora a distance of 731± feet to the centerline of Dorchester Road as a 49.5 foot wide Town right-of-way; thence northerly along the said centerline of Dorchester Road a distance of 100± feet to a point at the northwest corner of SBL 165.13-4-32 as described in Liber 7612 page 291; thence easterly along the north line of said SBL 165.13-4-32 a distance of 307.5± feet to a point at the northeast corner of said SBL; thence southerly along the east line of said SBL a distance of 100± feet to a point on the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north; thence along said boundary line between the Village of East Aurora and the Town of Aurora the following (14) courses: (1) easterly 608± feet to the

easterly line of SBL 165.17-3-1 as described in Liber 10458 page 59, (2) northeasterly 139± feet to the centerline of Martin Drive as a 50 foot wide Town right-of-way, (3) northwesterly along said centerline of Martin Drive 178± feet to its intersection with the centerline of Lawrence Avenue as a 49.5 foot wide Town right-of-way, (4) northeasterly along said centerline of Lawrence Avenue 95± feet to the southwest corner of SBL 165.14-4-7 as described in Liber 10374 page 484, (5) easterly 537.33± feet to the southeast corner of SBL 165.14-4-10 as described in Liber 10889 page 4001, (6) northerly 235.25 feet along said east line of said SBL 165.14-4-10, (7) easterly 1710.52± to the east line of Farm Lot 16 and also being the southeast corner of SBL 165.14-4-32 as described in Liber 10980 page 7866, (8) southerly 1776.0± feet along said east Farm Lot line to the southeast corner of sub lot 21 of Map Cover 2402 and also being the west line of the Aurora Expressway (Route 400), (9) southwesterly 271.49± feet along the west line of the Aurora Expressway to the southeast corner of Map Cover 2402, (10) westerly 675.59± feet to the northwest corner of SBL 165.18-4-2.11 as described in Liber 9007 page 453, (11) south 164.33 feet, (12) west 58.72 feet, (13) south 491.04± feet along the west line of said SBL 165.18-4-2.11 and an extension thereof to a point on the centerline of Main Street (Route 20A) as a 66 foot wide State right-of-way; (14) westerly 326± feet along said centerline of Main Street to a point, said point being the northwest corner of SBL 176.06-2-5 as described in Liber 10356 page 159; thence southerly leaving the said Town and Village boundary line along the west line of said SBL 176.06-2-5 a distance of 236± feet to a point at the southwest corner of said SBL; thence easterly a distance of 101.3± feet to a point at the southeast corner of said SBL 176.06-2-5, said point also being on the west line of SBL 176.06-2-6 as described in Liber 10929 page 8368; thence southerly along said west line a distance of 40± feet to the northwest corner of SBL 176.00-1-21.111 as described in Liber 11076 page 31; thence southerly following the west line of said SBL 176.00-1-21.11 the following (3) distances, (1) 235.50, (2) 719.65, (3) 1164.50 to a point at the northwest corner of SBL 176.10-3-50.11 as described in Liber 10964 page 1418 Schedule A; thence southerly along the west line of said SBL 176.10-3-50.11 a distance of 221.55 feet to a point on the north line of a parcel labeled "B" "exception to subdivision" on Map Cover 2588, said point described in Liber 10964 page 1401 and being part of said SBL 176.10-3-50.11; thence westerly following along said parcel "B", a distance of 226.62 feet to the easterly right-of-way of Victoria Heights as a 60 foot wide road; thence southerly along said easterly right-of-way of said road a distance of 1.17 feet and 50.48 feet to a point at the southwest corner of said parcel "B"; thence easterly along said south line of Parcel "B" as distance of 278.93 feet; thence northerly 36.46 feet to a point at the northwest corner of sub lot 23 as shown on said Map Cover 2588; thence easterly along said north line of said Map Cover a distance of 509.26 feet to a point, said point being the northeast corner of sub lot 22 of said Map Cover 2588, said point also being on the west line of the Aurora Expressway (Rt. 400); thence southerly along the east line of said Map Cover 2588 and the west line of said Aurora Expressway a distance of 978.74 feet and 299.15 feet to a point on the north line of Farm Lot 14, said point also being the southeast corner of Map Cover 2588; thence westerly along the north line of said Farm Lot 14 a distance of 3428± feet to a point on the westerly line of lands of Conrail, (formerly Penn Central Railroad), said point also being on the east line of SBL 176.00-1-31.1 as described in Liber 10240 page 521; thence southeasterly along the westerly line of lands of Conrail a distance of 1460± feet to a point on the centerline of Lapham Road as a 66 foot wide County right-of-way; thence westerly along said centerline of Lapham Rd a distance of 668± feet to a point on the centerline of Olean Road (Route 16) as a 66 foot wide State right-of-way; thence southerly along the said centerline of Olean Road a distance of 44± feet to a point on the easterly extension of the southerly line of SBL 175.00-2-27.31 as described in Liber 11016 page 9368; thence westerly along said easterly extension and the southerly line of said SBL 175.00-2-27.31 the following (3) courses: (1) westerly 275± feet, (2) northerly 125.26 feet, (3)

westerly 231.75 feet to a point at the most westerly corner of said SBL 175.00-2-27.31, said point also being on the easterly line of SBL 175.00-2-27.12 as described in Liber 10956 page 1708; thence following along the boundary line of said SBL 175.00-2-27.12 the following (5) courses: (1) northeasterly 55.44 feet to a point at the southwest corner of SBL 175.00-2-19.2 as described in Liber 11068 page 1385 as parcel "D", (2) northerly 521.92 feet along the westerly line of said SBL 175.00-2-19.2 to a point at the northwest corner of said SBL 175.00-2-19.2, (3) easterly a distance of 472.02 feet to a point on the east line of Farm Lot 22, said point also being the northeast corner of SBL 175.00-2-19.1 as described in Liber 11068 page 1385 as Parcel "C" (4) northerly 60 feet along said Farm Lot line to the southeast corner of SBL 176.13-1-13.1 as described in Liber 11018 page 6833, (5) westerly 269.15 feet to the southeast corner of SBL 175.00-2-20.12 as described in Liber 8985 page 253; thence northerly along the east line of said SBL 175.00-2-20.12 a distance of 408.76 feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL 175.00-2-20.12 and its extension westerly a distance of 791 feet to a point at the northwest corner of SBL 175.00-2-27.2 as described in Liber 10956 page 1719, said point also being the southwest corner of SBL 176.13-1-1 as described in Liber 11055 page 731; thence northerly along the west line of said SBL 176.13-1-1 a distance of 250.2 feet to a point on the north line of Farm Lot 22, said line is also the center line of South Street as a 49.5 foot wide right of way, said point is the northwest corner of said SBL 176.13-1-1; thence westerly along the north line of said Farm Lot 22 and the centerline of South Street a distance of 26 feet to a point, said point being the northeast corner of SBL 175.16-1-17.2 as described in Liber 10909 page 9530; thence southerly following the east line of said SBL 175.16-1-17.2 and its extension a distance of 695.17 feet to a point, said point being the southeast corner of sub lot No. 9 under Map Cover No. 2193; thence westerly along the south line of said sub lot No. 9 a distance of 160.08 feet to a point where the south line of sub lot No. 9 intersects the east line of sub lot No. 10 under said Map Cover No. 2193; thence southeasterly along said east line of sub lot No. 10 a distance of 238.16 feet to the southeast corner of said sub lot; thence westerly following the south line of Map Cover 2193 a distance of 786.22 feet to a point at the southwest corner of sub lot No. 16 of said Map Cover 2193, said point also being on the east line of sub lot No. 5 under Map Cover No. 2161; thence southerly along said east line of said sub lot No. 5 a distance of 128.31 feet to the southerly corner of said sub lot; thence westerly along the south line of said sub lot No. 5 a distance of 143.41 feet to a point, said point being on the west line of SBL 175.00-2-27.12; as described in Liber 10956 page 1708; thence southerly along the west line of said SBL 175.00-2-27.12 a distance of 355.04 feet to a point; thence easterly along said SBL a distance of 230.0 feet to a point in the centerline line of Cazenovia Creek, said point also being on the west line of said SBL 175.00-2-27.12, said point also being the northeast corner of SBL 175.00-2-18 as described in Liber 10957 page 6286; thence southerly along the east line of said SBL a distance of 939± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.00-2-18 a distance of 1725.0± feet to a point at the northwest corner of SBL 175.04-1-19.13 as described in Liber 9496 page 225; thence southerly along the west line of said SBL 175.04-1-19.13 a distance of 471.74± feet to a point at the southwest corner of said SBL; thence easterly along the southerly line of said SBL 175.04-1-19.13 and its extension easterly a distance of 837.28 feet to a point at the northeast corner of SBL 175.04-1-19.2 as described in Liber 10420 page 98; thence southerly along the east line of said SBL 175.04-1-19.2 a distance of 445± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.04-1-19.2 a distance of 519± feet to a point at the northwest corner of SBL 175.04-1-12 as described in Liber 10988 page 5132; thence southerly along the west line of said SBL 175.04-1-12 a distance of 228.39 feet to a point on the centerline of Hubbard Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 21; thence westerly along the said centerline of said Hubbard Road a distance of 217.7± feet to a point at the northwest corner of SBL 187.02-1-42 as

described in Liber 10984 page 3353; thence southerly along the west line of said SBL 187.02-1-42 a distance of 582.8 feet to a point at the southwest corner of said SBL 187.02-1-42, said point also being the southeast corner of SBL 187.00-1-41.1 as described in Liber 8369 page 347; thence easterly along the south line of said SBL 187.02-1-42 a distance of 250± feet to a point at the southeast corner of said SBL, said point also being on the west line of SBL 187.02-1-40 as described in Liber 10970 page 9829; thence following along the property line of said SBL 187.02-1-40 the following (10) courses: (1) north 332.8± feet, (2) east 631.4± feet, (3) north 26.0± feet, (4) east 200.0± feet, (5) south 26.0± feet, (6) east 228.40± feet, (7) north 217.0± feet to the south right-of-way of said Hubbard Road, (8) east along said south right-of-way 60± feet, (9) south 217.0± feet, (10) east 250± feet to a point at the northeast corner of said SBL 187.02-1-40; thence southerly along east line of said SBL 187.02-1-40 and its continuation southerly a distance of 2905± feet to a point at the southeast corner of SBL 175.00-3-21.1 as described in Liber 10883 page 1208; thence westerly along the south line of said SBL 175.00-3-21.1 a distance of 1211.43± to a point at the southeast corner to SBL 175.00-3-21.21 as described in Liber 10892 page 470 and Liber 10873 page 7845; thence northerly along the easterly line of said SBL 175.00-3-21.21 a distance of 150 feet to a point at the northeast corner of said SBL 175.00-3-21.21; thence westerly along the north line of said SBL 175.00-3-21.21 a distance of 803 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way and also being on the west line of Farm Lot 21; thence southerly along said centerline and said Farm Lot line a distance of 52 feet to a point at the northwest corner of SBL 175.00-3-20.1 as described in Liber 7717 page 423; thence easterly along the north line of said SBL a distance of 250 feet to the northeast corner of said SBL 175.00-3-20.1; thence southerly on a line parallel with the west line of Farm Lot 21 a distance of 723.03 feet to a point at the southwest corner of SBL 175.00-3-19.21 as described in Liber 11044 page 9957, said point also being in the centerline of Sweet Road as a 66 foot wide County right-of-way and also being the south line of Farm Lot 21; thence westerly along said line a distance of 62.97 feet to a point, said point being 187.03 feet east of the west line of Farm Lot 20, said line also being the centerline of Center Street; thence southerly parallel with the west line of Farm Lot 20 a distance of 273.03 feet to a point at the southwest corner of SBL 187.00-3-1.22 as described in Liber 11018 page 4011; thence easterly along the south line of said SBL a distance of 154 feet to a point at the southeast corner of said SBL 187.00-3-1.22; thence southerly parallel with the west line of Farm Lot 20 a distance of 551.32 feet to a point at the southwest corner of SBL 187.00-3-53.121 as described in Liber 10975 page 6862, said point also being on the northerly line of SBL 187.00-3-30 as described in Liber 7619 page 289; thence following along the boundary line of said SBL 187.00-3-30 the following (7) courses: (1) easterly 659± feet, (2) southerly 200 feet, (3) easterly 1100± feet, (4) southerly 795.78 feet, (5) westerly 232.86 feet, (6) southerly 14.12 feet, (7) westerly 1594.14± feet along the south property line of said SBL 187.00-3-30 to a point at the southeast corner of SBL 187.00-3-28 as described in Liber 9555 page 498, said point being 273 feet east of the west line of Farm Lot 20; thence northerly on a line parallel to the west line of Farm Lot 20 a distance of 250 feet to a point at the northeast corner of SBL 187.00-3-29 as described in Liber 8634 page 77; thence westerly along the north line of said SBL 187.00-3-29 a distance of 273 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said point also being on the west line of Farm Lot 20, and also being the northwest corner of said SBL 187.00-3-29; thence southerly along said centerline of Center Street and west line of Farm Lot 20 a distance of 870± feet to a point at the southeast corner of SBL 187.00-2-4 as described in Liber 7522 page 495; thence along the boundary line of said SBL 187.00-2-4 the following (8) courses: (1) westerly 460± feet to a point, said point being the northwest corner of SBL 187.00-2-5 as described in Liber 6512 page 417, (2) southerly 125± feet to a point at the southwest corner of said SBL 187.00-2-5, (3) westerly 1507± feet to a point at the southwest corner of said SBL 187.00-2-4, (4) northerly 1295± feet, (5) easterly 353.1± feet, (6) northerly 915± feet to

a point at the southwest corner of SBL 187.00-2-3 as described in Liber 11009 page 2377, (7) easterly 490.69± feet, (8) northerly 450± feet to a point on the center line of Sweet Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 28 and also being the northeast corner of said SBL 187.00-2-3; thence easterly along said center line of Sweet Road a distance of 226± feet a point at the southeast corner of SBL 187.02-1-17.11 as described in Liber 10924 page 7578; thence northerly along the easterly line of said SBL 187.02-1-17.11 a distance of 1959.85± feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 425± feet to a point at the southwest corner of SBL 187.02-1-9 as described in Liber 10926 page 6868; thence northerly along the west line of said SBL a distance of 182± feet to the northwest corner of said SBL 187.02-1-9; thence easterly along the north line of said SBL 187.02-1-9 a distance of 920 feet to a point at the southeast corner of SBL 87.02-1-3.2 as described in Liber 9162 page 140; thence northerly along the east line of said SBL 187.02-1-3.2 a distance of 622.80 feet to a point on the south line of SBL 187.02-1-3.4 as described in Liber 9162 page 140; thence easterly along the south line of said SBL 187.02-1-3.4 a distance of 400 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said line also being the east line of Farm Lot 29; thence northerly along said line a distance of 40 feet to the northeast corner of said SBL 187.02-1-3.4; thence westerly a distance of 1320 feet to a point at the northwest corner of SBL 187.02-1-3.3 as described in Liber 9162 page 138; thence northerly a distance of 990± feet to a point on the north line of Farm Lot 29, said point being 1330 feet west of the northeast corner of said Farm Lot 29; thence easterly along said Farm Lot 29 a distance of 34± feet to the southwest corner of SBL 175.00-2-12 as described in Liber 7945 page 315; thence northerly along the west line of said SBL 175.00-2-12 a distance of 366.3± feet to the northwest corner of said SBL; thence easterly along the north line of said SBL 175.00-2-12 a distance of 630.0± feet to a point at the southwest corner of SBL 175.00-2-10.122 as described in Liber 10985 page 7857; thence northerly along the west line of said SBL 175.00-2-10.122 a distance of 1244± feet to a point at the northwest corner of said SBL, said point also being on the south line of SBL 175.00-2-29.1 as described in Liber 9064 page 656; thence westerly along the south line of said SBL 175.00-2-29.1 a distance of 167.0± feet to a point at the southwest corner of said SBL; thence northerly along the west line of said SBL 175.00-2-29.1 a distance of 273.06 feet to a point at the southeast corner of SBL 175.00-2-10.2 as described in Liber 10904 page 5996; thence northerly along the east line of said SBL 175.00-2-10.2 a distance of 876.38± feet to the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 247± feet to a point at the southwest corner of SBL 175.00-2-8 as described in Liber 11033 page 8281; thence northerly along the west line of said SBL 175.00-2-8 a distance of 791.9± feet to a point on the centerline of Mill Street as a 66 foot wide right-of-way, said line also being the north line of Farm Lot 30, said point being the northwest corner of SBL 175.00-2-8 and also being the boundary line between the Town of Aurora on the south and the Village of East Aurora on the north; thence westerly along the said north line of Farm Lot 30 a distance of 600± to a point where the Farm Lot intersects the centerline of the section of Mill road that runs north and south; thence southerly along said centerline of Mill Road a distance of 526± feet to a point at the southeast corner of SBL 175.11-3-1 as described in Liber 10893 page 2013, said point also being the boundary line between the Town of Aurora and the Village of East Aurora; thence along the said boundary line the following (6) courses: (1) westerly 840.0 feet, (2) northerly 260 feet, (3) northwesterly 160 feet, (4) westerly 355 feet, (5) northwesterly 118± feet to a point on the north line of Farm Lot 30, (6) westerly 211± feet along said Farm Lot line to a point on the top of bank on the north side of Cazenovia Creek, said point being the southeast corner of a portion of land annexed to the Village of East Aurora in Liber 9775 page 34; thence along the said annexed land the following (5) courses: (1) southwest 711± feet to a point on the west line of Farm Lot 30, said point being 486.42 feet southerly from the northwest corner of said Farm Lot 30, (2) west 73.26 feet, (3)

northwest 1723.14 feet to the southwest corner of SBL 175.00-1-4 as described in Liber 10869 page 8168, (4) northeast 150± feet to southeast corner of said SBL 175.00-1-4, (5) northwest 375± feet to a point on the centerline of Quaker Road, as a State right-of-way with width varying, said point also being the northwest corner of said annexed land and also being the northeast corner of said SBL 175.00-1-4; thence northeasterly along the centerline of said Quaker Road a distance of 419± feet to a point at the southwest corner of SBL 164.00-2-31 as described in Liber 10903 page 9021; thence northwesterly along the west line of said SBL 164.00-2-31 a distance of 1490.50 feet to a point at the northwest corner of said SBL; thence easterly along the north line of said SBL 164.00-2-31 and its extension easterly a distance of 949± feet to a point on the boundary line between the Town of Aurora on the west and the Village of East Aurora on the east, said point being the northeast corner of SBL 175.06-1-4 as described in Liber 5159 page 115 and also being on the west line of Farm Lot 31; thence northerly along the said boundary line a distance of 2825± feet to a point at the northwest corner of the Village of East Aurora, said point also being the northwest corner of SBL 164.19-1-1; thence easterly along the said boundary line between the Town of Aurora on the north and the Village of East Aurora on the south a distance of 126± feet to a point on the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way; thence northwesterly following along said centerline of Buffalo Road a distance of 309± feet to the point or place of beginning.

Section 3. The maximum amount to be expended in connection with the establishment of the Erie County Sewer District No. 8, including acquisition of wastewater facilities and the improvements included with the establishment of the Proposed Sewer District, is expected to be \$4,000,000. The expense of establishing the District, and of providing improvements therein, shall be assessed, levied and collected from the several lots and parcels of land within the District to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the Proposed District, (ii) applicable flat charges, (iii) user charges; and (iv) assessments against a benefited area which consists of the entire area of the Proposed Sewer District.

Section 4. The County is authorized to prepare an application to the State Comptroller for permission to establish such district, as and to the extent required by law. Such application shall be executed and verified by the County Executive.

Section 5. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, in "*The Amherst Bee*" and "*The Front Page*" the official newspapers of the County for such publication, and "*The East Aurora Pennysaver*", a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(3-0)

3. COMM. 24E-15 (2005)
COUNTY EXECUTIVE

WHEREAS, the Town of Clarence has requested the County consolidate the existing sanitary sewer service agreements into one Agreement; and

WHEREAS, the Department of Environment and Planning has evaluated the request and concurs that a consolidated agreement is in the best interest of both parties.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute a consolidation of sanitary sewer service agreement with the Town of Clarence, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; James Hartman, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Director of Budget and Management; and Kathleen Hallock, Supervisor, Town of Clarence.

(3-0)

4. COMM. 25E-6 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), awarded the ECDEP \$500,000 in financial support for Phase II Stormwater Implementation Projects in Western New York; and

WHEREAS, a resolution passed by the Erie County legislature, dated September 23, 2004, appropriated the NYSDEC grant resources in 2004 Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements; and

WHEREAS, the Research Foundation of SUNY at Buffalo State College has provided \$5,000 to the ECDEP to develop a time series of GIS coverages depicting industrial composition and distribution from 1930 to present in the Niagara River watershed.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for an amount not to exceed \$5,000 to develop a time series of GIS coverages depicting industrial composition and distribution from 1930 to present in the Niagara River watershed, and be it further

RESOLVED, that Capital Project A.00251 entitled Stormwater Outfall Mapping/GIS Enhancements is hereby amended to increase revenue and appropriations by \$5,000 to accept additional funding from the Research Foundation of SUNY at Buffalo State College; and be it further

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

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(3-0)

5. COMM. 25E-9 (2005)

COUNTY EXECUTIVE

WHEREAS, The County of Erie desires to improve public recreational access to the County waterfront; and

WHEREAS, The Town of Evans and New York State have requested that Erie County serve as the grant recipient and contracting agent for an amount not to exceed \$754,300 in Federal grant funds to undertake construction and construction inspection services for the Lakeshore Shoreline Trail – Phase I Project extending along Old Lake Shore Road in the Town of Evans from Evans Town Park to Wendt Beach County Park; and

WHEREAS, Erie County desires to advance the above Project by making a commitment of 100% of the non-federal share of the construction and construction inspection phases of the project, PIN #s5756.75, and 5757.49 and has allocated \$350,000 in the 2003 County Capital Budget for said purpose,

NOW, THEREFORE, BE IT

RESOLVED, To request an increase in Revenue (Funding) and Appropriations from the previously approved amount of \$350,000 to \$1,104,300 due to Erie County being designated as the Lead Agency for a Federal TEA-21 Enhancement Program Grant in the amount of \$754,300; and be it further

RESOLVED, That the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications and reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That the Erie County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the federal and non-federal share of the cost of the construction and construction inspection phases of the Project or portions thereof; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into all necessary agreements with the State of New York in an amount not to exceed \$1,104,300 for the purpose of undertaking construction and construction inspection services associated with the Lakeshore Shoreline Trail – Phase I Project; and be it further

RESOLVED, That Capital Project A.00213 will be increased to \$1,104,300; and be it further

RESOLVED, That the County Executive is authorized to enter into all necessary agreements with the Town of Evans as pertains to, but not limited to

1. Trail maintenance
2. Construction management
3. Transfer of any Town-owned land parcels required for trail development to Erie County, subject to Erie County Attorney approval of land transfer agreement;

and be it further

RESOLVED, That in the event the amount required to pay in the first instance 100% of the federal and non-federal shares of the cost of the project's construction and construction inspection phases exceeds the amount appropriated above 100% of the full federal and non-federal shares of the cost of the construction and construction inspection phases, the County of Erie shall convene its Legislature as soon as possible to consider appropriating said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, That certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Commissioner of the Department of Parks, Recreation, and Forestry; and the County Attorney.
(3-0)

6. COMM. 27E-12 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 6, Bethlehem Park Phase II/Village of Hamburg Phase IV, Contract 32SA on October 28, 2005.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 32SA	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$661,385.20

WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that Bethlehem Park Phase II/Village of Hamburg Phase IV, Contract No. 32SA be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 32SA	Kandey Company, Inc. 19 Ransier Drive	\$661,385.20

West Seneca, New York 14224

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office, and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$661,385.20 from Sewer Capital, Erie County Sewer District No.6, Account C.00001, for Contract 32SAi and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra two (2) certified copies to Thomas J. Whetham, P.E., Department' of Environment and Planning one certified copy to Gregory Gach, Erie County Comptroller's Office and one certified copy to Gregory Dudek, Assistant County Attorney.
(3-0)

**RAYMOND K. DUSZA
CHAIRMAN**

Item 18 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

NOVEMBER 3, 2005

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATORS SWANICK AND MARSHALL.

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

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

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

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

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

NOW, THEREFORE, BE IT,

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

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

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

(3-0)

2. COMM. 27E-2 (2005)

COUNTY EXECUTIVE

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

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

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

NOW, THEREFORE, BE IT,

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

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

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

(3-0)

3. COMM. 27E-15 (2005)

COUNTY EXECUTIVE

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

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

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

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

NOW, THEREFORE, BE IT,

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

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

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

(3-0)

4. COMM. 27E-17 (2005)

COUNTY EXECUTIVE

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

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

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

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

NOW, THEREFORE, BE IT,

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

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

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

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

RESOLVED, that the remainder is to be added to Account A.00049, and be it further,

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

(3-0)

TIMOTHY M. WROBLEWSKI
CHAIRMAN

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 295

NOVEMBER 3, 2005

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27D-4 (2005)
PERSONNEL: EC Hires/Separations July 2005
 (4-0)
 - b. COMM. 27D-5 (2005)
PERSONNEL: EC Hires/Separations August 2005
 (4-0)
 - c. COMM. 27D-6 (2005)
PERSONNEL: EC Hires/Separations September 2005
 (4-0)
2. INTRO 14-2 (2005) **AS AMENDED**
MARINELLI

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

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

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

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

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

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

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

and

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

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

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that this Honorable Body requests that the County Executive and his administration produce a detailed plan to potentially sell the above-mentioned properties to private interests for revenue in 2005 and to expeditiously provide that report and plan to the Legislature for review and potential approval as soon as possible, and be it further

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

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

(3-1) Legislator Kennedy in the negative.

3. COMM. 27E-18 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$3,000,000 for implementing the "LEADSAFE Erie County" grant, and

WHEREAS, the Department of Housing and Urban Development requires partnerships as part of the grant application package, and

WHEREAS, the Erie County Department of Health, Independent Health Foundation, Inc., Belmont Shelter Corp., Environmental Education Associates, Inc. and Sheehan Memorial Hospital "Navigators" Community Health Advocacy Group have joined together in a LEADSAFE Erie County partnership for the purposes of providing services under this grant, and

WHEREAS, the purpose of the LEADSAFE Erie County program is to reduce the number of housing units that present a lead hazard to the young children of Erie County, and

WHEREAS, this will be accomplished through home paint inspections and lead risk assessments, provision of services for hazard control and implementation of a training /education curriculum for contractors in Erie County, and

WHEREAS, in order to meet the requirements of this program it will be necessary to create one full-time position of Administrative Clerk, JG VII and three full-time positions of Investigating Public Health Sanitarian, JG VIII, and

WHEREAS, the County desires to subcontract with the Independent Health Foundation, Inc. for an amount not to exceed \$165,300 for the period 11/1/05 – 10/31/08 for the purpose of providing "the Wellness Van," materials and publicity at outreach events and "safe haven" day care management relocation, and

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

WHEREAS, the County desires to subcontract with Belmont Shelter Corp. for an amount not to exceed \$1,065,000 for the period 11/1/05 – 10/31/08 for the purpose of preparing Environmental Impact Statements and work and bid specifications in homes to receive lead hazard control work, and awarding competitive bids for hazard control work to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids, and

WHEREAS, the County desires to subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$100,000 for the period 11/1/05 – 10/31/08 for the purpose of providing periodic training courses for contractors on hazard control and lead safe work practices and for clearance sampling and reporting, and copyrighted Lead Risk Assessment Report and Occupant Protection plan, and

WHEREAS, the County desires to subcontract with Sheehan Memorial Hospital “Navigators” Community Health Advocacy Group for an amount not to exceed \$62,700 for the period 11/1/05 – 10/31/08 for the purpose of providing community health outreach to recruit contractors, plan outreach events, and facilitate access to urban neighborhoods.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with United States Department of Housing & Urban Development (HUD), to accept the grant budgeted as follows:

LEAD HAZARD CONTROL
11/01/05-10/31/08
PROJECT #127LeadHAZARD0507

SAP CODE	REVENUE	BUDGET
414000	Federal Aid	<u>\$ 3,000,000</u>
	TOTAL REVENUE	<u><u>\$ 3,000,000</u></u>
	APPROPRIATIONS	
500000	Personal Services	\$ 637,506
501000	Overtime	12,000
502000	Fringe Benefits	201,022
505000	Office Supplies	7,200
505200	Clothing Supplies	1,000
505600	Auto Truck Supplies	1,500
506200	Maintenance & Repair Supplies	500
510000	Local Mileage	16,350
510100	Travel-Out Of Area	10,000
510200	Training And Education	3,500
516010	Contractual Payments-Nonprofit Purchase of Services	1,393,000
516020	Professional Services Contracts & Fees	3,500
516030	Maintenance Contracts	1,000
530000	Other Expenses	647,122
561410	Lab & Technical Equipment	23,000
561420	Office Equipment	3,000

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

912730	ID Health Lab Services	<u>38,800</u>
	TOTAL APPROPRIATIONS	<u><u>\$ 3,000,000</u></u>

and be it further

RESOLVED, that one full-time position of Administrative Clerk JG VII and three full-time positions of Investigating Public Health Sanitarian JG VIII are hereby created on B-100 control numbers 1366 and 1367.

The following personnel detail is hereby submitted:

TITLE: Administrative Clerk JG VII STEP: 1 ANNUAL SALARY: \$31,898 ANNUAL BENEFITS: \$12,760	FUNDING: 100% Federally Funded CIVIL SERVICE: Yes CIVIL SERVICE LIST: Pending
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TITLE: Investigating Public Health Sanitarian JG VIII STEP: 1 ANNUAL SALARY: \$34,254 ANNUAL BENEFITS: \$13,702	FUNDING: 100% Federally Funded CIVIL SERVICE: Yes CIVIL SERVICE LIST: Yes
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and be it further

RESOLVED, that the Erie County Department of Health, Independent Health Foundation, Inc., Belmont Shelter Corp., Environmental Education Associates, Inc. and Sheehan Memorial Hospital "Navigators" Community Health Advocacy Group have joined together in a LEADSAFE Erie County partnership for the purposes of providing services under this grant, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with the Independent Health Foundation, Inc. for an amount not to exceed \$165,300 for the period 11/1/05 – 10/31/08 for the purpose of providing "the Wellness Van," materials and publicity at outreach events and 'safe haven' day care management relocation, and be it further,

RESOLVED., that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Belmont Shelter Corp. for an amount not to exceed \$1,065,000 for the period 11/1/05 – 10/31/08 for the purpose of preparing Environmental Impact Statements and work and bid specifications in homes to receive lead hazard control work, and awarding competitive bids for hazard control work to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$100,000 for the period 11/1/05 – 10/31/08 for the purpose of providing periodic training courses for

contractors on hazard control and lead safe work practices and for clearance sampling and reporting, and copyrighted Lead Risk Assessment Report and Occupant Protection plan, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Sheehan Memorial Hospital ‘Navigators’ Community Health Advocacy Group for an amount not to exceed \$62,700 for the period 11/1/05 – 10/31/08 for the purpose of providing community health outreach to recruit contractors, plan outreach events, and facilitate access to urban neighborhoods, and be it further,

RESOLVED, that the subcontracts with the Independent Health Foundation, Inc., Belmont Shelter Corp., Environmental Education Associates, Inc., and Sheehan Memorial Hospital ‘Navigators’ Community Health Advocacy Group are special services which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived, and be it further,

RESOLVED, that certified copies of this resolution will be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
 (4-0)

4. **COMM. 27E-19 (2005)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$500,000 for implementing the “LEADSAFE Outreach” Grant program, and

WHEREAS, the Department of Housing and Urban Development requires partnerships as part of the grant application package, and

WHEREAS, the Independent Health Foundation, Inc, Family Medicine Research Institute SUNY at Buffalo, and Sheehan Memorial Hospital “Navigators” Community Health Advocacy Group have joined together in a LEADSAFE Outreach partnership for the purposes of providing services under this grant, and

WHEREAS, the purpose of the LEADSAFE Outreach program is to increase participation in the lead based paint hazard control program “LEADSAFE Erie County” and to provide community training and education regarding lead poisoning in Erie County, and

WHEREAS, this will be accomplished through community outreach events, in-home visits and distribution of intervention supplies for residents in Erie County, and

WHEREAS, to efficiently meet the needs of this program it will be necessary to create one full-time position of Jr. Education Specialist – Environmental Health, JG VII and one full-time position of Investigating Public Health Sanitarian, JG VIII, and

WHEREAS, the County desires to subcontract with the Independent Health Foundation, Inc. for the amount of \$123,000 for the period 11/1/05 – 10/31/07 for the purpose of providing the

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Wellness Van, education and publicity materials, publicity for outreach events and a marketing campaign, and

WHEREAS, the County desires to subcontract with Family Medicine Research Institute SUNY at Buffalo for the amount \$40,000 for the period 11/1/05 – 10/31/07 for the purpose of providing statistical analysis of project data and assistance with project evaluation, and

WHEREAS, the County desires to subcontract with Sheehan Memorial Hospital ‘Navigators’ Community Health Advocacy Group for the amount of \$87,000 for the period 11/1/05 – 10/31/07 for the purpose of providing community health outreach, performing in-home visits, plan outreach events, and facilitate access to urban neighborhoods.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the United States Department of Housing & Urban Development (HUD) to accept the grant budgeted as follows:

LEAD OUTREACH
11/01/05-10/31/07
PROJECT #127Leadoutreach0506

SAP CODE	REVENUE	BUDGET
414000	Federal Aid	\$ 500,000
	TOTAL REVENUE	<u>\$ 500,000</u>
APPROPRIATIONS		
500000	Personal Services	\$ 151,682
501000	Overtime	6,500
502000	Fringe Benefits	48,958
505000	Office Supplies	3,600
505200	Clothing Supplies	1,000
506200	Maintenance & Repair Supplies	500
510000	Local Mileage	9,000
510100	Travel-Out Of Area	3,500
510200	Training And Education	1,500
	Contractual Payments-Nonprofit Purchase of	
516010	Services	250,000
516020	Professional Services Contracts & Fees	1,000
530000	Other Expenses	18,260
561410	Lab & Technical Equipment	4,000
561420	Office Equipment	<u>500</u>

TOTAL APPROPRIATIONS\$ 500,000

and be it further

RESOLVED, that one full-time position of Investigating Public Health Sanitarian, JG VIII, and one full-time position of Junior Education Specialist – Environmental Health, JG VII, are hereby created as reflected on B-100 control numbers 1364 and 1365.

The following personnel detail is hereby submitted:

TITLE: Junior Education Specialist- Environmental Health	
JG VII	FUNDING: 100% Federally Funded
STEP: 1	CIVIL SERVICE: Yes
ANNUAL SALARY: \$31,898	CIVIL SERVICE LIST: Yes
ANNUAL BENEFITS: \$12,760	

TITLE: Investigating Public Health Sanitarian	FUNDING: 100% Federally Funded
JG VIII	CIVIL SERVICE: Yes
STEP: 1	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$34,254	
ANNUAL BENEFITS: \$13,702	

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with the Independent Health Foundation, Inc. for the amount of \$123,000 for the period 11/1/05 – 10/31/07 for the purpose of providing the Wellness Van, education and publicity materials, publicity for outreach events and a marketing campaign, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Family Medicine Research Institute SUNY at Buffalo for the amount of \$40,000 for the period 11/1/05 – 10/31/07 for the purpose of providing statistical analysis of project data and assistance with project evaluation, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Sheehan Memorial Hospital ‘Navigators’ Community Health Advocacy Group for the amount of \$87,000 for the period 11/1/05 – 10/31/07 for the purpose of providing community health outreach, performing in-home visits, plan outreach events, and facilitate access to urban neighborhoods, and be it further,

RESOLVED, that the subcontracts with the Independent Health Foundation, Inc., Family Medicine Research Institute, SUNY at Buffalo, and Sheehan Memorial Hospital “Navigators” Community Health Advocacy Group are special services which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived, and be it further,

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution will be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
(4-0)

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved to separate number two and move the balance of the report. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of number two. MR. DUSZA seconded. Legislators Chase, Kennedy and Smith voted in the negative.

CARRIED.

LEGISLATOR RESOLUTIONS

Item 20 – Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 28-1 from HOLT Re: Home Rule Message to NYS Legislature - Sales and Compensating Use Tax

Item 21 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 28-2 from HOLT Re: 2006 Erie County Budget

***Mr. Swanick returned to the Legislative Chambers and is now present.

Item 22 – MR. SWANICK moved for reconsideration of Intro 28-2. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SWANICK moved to amend the item with the Budget/Finance & Management Committee Report No. 1. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

NOVEMBER 10, 2005

BUDGET/FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the Erie County Legislature does hereby approve Comm. 26E-1 (Copies available in the office of the Clerk of the Legislature) with the following attached amendment.

Whereas, the Erie County Legislature is looking to adjust the 2006 Executive Recommended Budget to reflect policy decisions made by its honorable members;

Whereas, these adjustments do not materially impact Erie County's 2006 four-year financial plan;

Therefore be it resolved that,

The attached amendments to the 2006 County Executive Recommended budget be made which:

- Reduce Personal Service Accounts by \$488,595 – per attached schedule
- Reduce parking fees by \$500,000
- Reduce Public Lab Fees by \$650,000
- Reduce the Risk Retention Fund by \$2,000,000
- Reduce Tourism, Visitors & Convention Services by \$450,000
- Reduce Sheriff's Motor Vehicle Equipment by \$175,000
- Reduce Highways – Other Expenses by \$500,000
- Reduce Fleet Services – Auto Supplies by \$700,000

Further, that certified copies of this resolution be sent to the Clerk of the Legislature, the Erie County Executive and the Director of the Division of Budget, Management & Finance.

Fund Center 100	Legislature			
Cost Center 1004040 Minority				Reduction
Position	Job Group	2006 Executive Request	Leg-Adopt	
Counsel (Legislature) PT	56	\$46,792	\$22,000	\$24,792
Fund Center 105	Division of Information and Support Services			

**MEETING NO. 28
NOVEMBER 10, 2005**

ERIE COUNTY LEGISLATURE

Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker PT	6	\$13,780	\$0	\$13,780
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Youth Detention Worker RPT	6	\$23,496	\$0	\$23,496
Fund Center 163	Senior Services			
Cost Center 1631010 Administration & Support				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Transportation Director	10	\$0	\$49,150	(\$49,150)
Truck Driver	4	\$0	\$28,702	(\$28,702)
Truck Driver	4	\$0	\$28,702	(\$28,702)
Truck Driver	4	\$0	\$28,702	(\$28,702)
Truck Driver	4	\$0	\$28,702	(\$28,702)
Truck Driver	4	\$0	\$28,702	(\$28,702)
Truck Driver	4	\$0	\$28,702	(\$28,702)
Fund Center 12610	Probation			
Cost Center 126010 Administrative Operations - Probation				
Position	Job Group	2006 Executive Request	Leg-Adopt	

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Principal Probation Officer	13	\$72,817	\$0	\$72,817
Senior Budget Examiner	13	\$67,952	\$0	\$67,952
Cost Center 1261020 Probation Services - Adult				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Probation Officer	11	\$0	\$54,945	(\$54,945)
Probation Officer	11	\$0	\$54,945	(\$54,945)
Fund Center 11510 Sheriff Division				
Cost Center 115010 Administration and Professional Services				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Executive Assistant-Public Relations Sheriff	10	\$54,076	\$0	\$54,076
Special Assistant to Sheriff	10	\$57,718	\$0	\$57,718
Junior Equal Employment Opportunity Specialist Sheriff	9	\$50,488	\$0	\$50,488
Fund Center 16410 Parks				
Cost Center 1641010 Administration - Parks				
Cost Center 1641015 Akron Falls Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641020 Chestnut Ridge Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641025 Como Lake Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230

**MEETING NO. 28
NOVEMBER 10, 2005**

ERIE COUNTY LEGISLATURE

Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641030 Ellicott Creek Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641035 Elma Meadows Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	42	\$6,331	\$0	\$6,331
Cost Center 1641040 Emery Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641045 Isle View Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641050 Sprague Brook Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641055 Wendt Beach Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
				\$488,595

Fund	Department	Fund Center	Account	Appropriations	2006 Executive Recommended	2006 Leg Adopt	Reduction
110	Risk Retention	16020	555050	Insurance Charges	\$3,500,000	\$1,500,000	\$2,000,000
110	Bureau of Fleet Services	10710	505600	Auto Supplies	\$1,700,000	\$1,000,000	\$700,000
110	Countywide		516000	Tourism, Visitors and Convention Services	\$1,450,000	\$1,000,000	\$450,000
110	Sheriff Division	11510	561440	Motor Vehicle Equipment	\$225,000	\$50,000	\$175,000
210	Highways (DPW)		530000	Other Expenses	\$3,100,000	\$2,600,000	\$500,000
					\$9,975,000	\$6,150,000	
					TOTAL SAVINGS:	\$3,825,000	\$3,825,000

(6-1) Legislator Wroblewski voted in the negative.

DEMONE SMITH
CHAIRMAN

MR. SWANICK moved to put the item on the table. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

***Mr. Swanick left the Legislative Chambers and is no longer available.

Item 23 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 24E-8. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 296

Re: Dept. of Parks, Recreation and Forestry -
 Authorization for Designation of Developer for
 Wendt Beach

WHEREAS, the Erie County Parks Department has suspended the majority of operations at Wendt Beach Park due to a reduction in the 2005 Budget, and

WHEREAS, the Erie County Master Plan call for substantial renovation of the Wendt Beach Mansion and other park buildings cannot proceed in the current budgeting environment, and

WHEREAS, the Erie County Parks Department solicited requests for proposals (RFPs) for qualified professional firms to establish, expand, manage and maintain concession operations at Wendt Beach, and

WHEREAS, the RFP requires that the selective respondent renovate the historic Wendt Mansion and operate the facility consistent with public usage, and

WHEREAS, the Erie County Parks Department requests to designate as developer, for Wendt Beach, the company of Precision Park Services LLC, and

WHEREAS, Precision Park Services will renovate, at no cost to the County, the Wendt Beach Mansion to contemporary standards, and

WHEREAS, Precision Park Services will expand, manage and maintain all concession operations at Wendt Beach Park pertaining to the following buildings:

Wendt Beach Mansion
Carriage House
Garden Cottage
Large Concession Stand
Stable Building
Superintendent House

and,

WHEREAS, the Parks Department will retain operation and maintenance of the beach, public restrooms and soccer fields, and

WHEREAS, the Parks Department will receive a percentage of concession revenue from Precision Park Services, and

WHEREAS, the Parks Department will include in contract negotiations with Precision Park Services, a plan to reopen the beach for swimming by funding the cost of lifeguard salaries through the use of parking and concession fees.

NOW, THEREFORE, BE IT

RESOLVED, that Precision Park Services be the designated developer of the concession operations at Wendt Beach for a period no longer than six months while a Term Sheet and full concession agreement is developed, and be it further

RESOLVED, that the Department of Parks, Recreation and Forestry is authorized to negotiate a Term Sheet with Precision Park Services and to submit the same as soon as possible to the Erie County Legislature, and be it further

RESOLVED, that the County Executive be authorized to enter into a concession agreement with Precision Park Services pursuant to said Term Sheet, and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE the 10th WHEREAS in its entirety and **REPLACE** with the following:

WHEREAS, the Parks Department will include in contract negotiations with Precision Park Services, a plan to reopen the beach for swimming by funding the cost of lifeguard salaries through the use of concession fees,

MS. MARINELLI moved to approve the item as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 24 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS from further consideration of COMM. 27E-22. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 297

RE: Partial Renewal of Lease with DePaul Properties, Inc.

WHEREAS, pursuant to Erie County Local Law No. 4-2001 and a resolution of the Legislature dated July 12, 2001 (Comm. 13E-21), the County leased 3.5 acres of land on Kensington Avenue to DePaul Properties, Inc. ("DePaul") a non-profit corporation, and a residential facility for persons with psychiatric disabilities was constructed by DePaul on the site; and

WHEREAS, the term of this lease was twenty-five years, commencing September 1, 2001, with an option by DePaul to exercise a renewal of the lease for one additional twenty-five year term; and

WHEREAS, DePaul now desires to refinance the tax-exempt bonds that were used to finance construction of the residential facility; and

WHEREAS, the New York State Dormitory Authority, which will refinance the bonds on behalf of DePaul, requires as security for the bonds a twenty-five year lease corresponding with the bond payback period, which will commence on or about November 1, 2005 and terminate on or about October 30, 2030; and

WHEREAS, since the Dormitory Authority requires that a twenty-five year lease shall terminate on or about October 30, 2030, and since the initial lease with the County is scheduled to terminate several years earlier on August 31, 2026, DePaul desires to exercise an early renewal of the lease to cover this gap in time, with the remainder of the twenty-five year renewal term being exercised at the end of the bond maturity date in 2030; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the lease between the County and DePaul, and ancillary documents, which permit the lease renewal option to be exercised by DePaul in one or more periods not to exceed five years each, and such renewal periods shall not exceed a cumulative total of twenty-five years from the original lease expiration term; and be it further

RESOLVED, that the lease amendment and ancillary documents shall be subject to County Attorney Approval; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget, Management & Finance, County Attorney, and Christopher Syracuse, Vice-President, DePaul Community Services, 2240 Old Union Road, Cheektowaga, NY 14227.

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

CARRIED.

Item 25 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 27E-20. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 298

RE: Mental Health - Authorization to Restore One Position of One Forensic Mental Health Specialist III and One Forensic Mental Health Specialist II w/ NYS Dollars

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health Forensic Mental Health Service is responsible for the provision of behavioral health services to the Erie County Holding Center and the Erie County Correctional Facility, and

WHEREAS, the loss of clinical positions in the Erie County Department of Mental Health Forensic Mental Health Service has resulted in the loss of critical daily supervision and sufficient screening and risk assessment capacity to ensure quality services and the safety of incarcerated individuals at the Erie County Holding Center and the Erie County Correctional Facility, and

WHEREAS, the New York State Office of Mental Health Bureau of Forensic Services Quality Assurance audit identified a variety of staffing deficiencies including supervision and the deployment of staff for weekend and evening hours, and

WHEREAS, additional funds of \$26,340 in New York State Office of Mental Health State Aid dollars are available to provide the restoration of a Forensic Mental Health Specialist III and a Forensic Mental Health Specialist II in 2005.

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the following two positions be restored in the Erie County Department of Mental Health Forensic Mental Health Service, effective November 1, 2005:

Forensic Mental Health Specialist II	Job Grade 12	(B-100 Control #1263)
Forensic Mental Health Specialist III	Job Grade 13	(B-100 Control #1262)

and be it further

RESOLVED, that the following appropriations are increased in the accounts of the Department of Mental Health Forensic Mental Health Service, the source of such additional funds being New York State Office of Mental Health State Aid dollars:

Account:	Increase:
Personal Services	\$19,511
Fringe Benefits	\$ 6,829

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, the Division of Budget, Management and Finance and the Commissioner of Personnel.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 26 – (Comm. 28E-1) Sept. 2005 - Month-End Closing

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 27 – (Comm. 28E-2) Letter to Legislators Re: Veterans' Affairs

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 28 – (Comm. 28E-3) Letter to Legislature Re: PFM

Item 29 – (Comm. 28E-4) Interim Financial Statements for the Nine-Months Ended 9/30/05

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Item 30 – (Comm. 28E-5) Letter to Legislature Re: 2006 Executive Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 30 – (Comm. 28E-6) Revenue Initiatives to Implement FY2005 and FY2006 Four Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 31 – (Comm. 28E-7) Letter to Chairman Holt Re: Changing the Sales Tax Vote To Before Election Day

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 32 – (Comm. 28E-8) Erie County Executive Summary Recommended 2006 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 33 – (Comm. 28E-9) Refunding Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 34 – (Comm. 28E-10) Systems Accountant Position

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 299

RE: Transfer of Funds (Comm. 28E-11)

WHEREAS, the District Attorney's Office incurs maintenance and repair costs on various equipment and vehicles within a given year, and

WHEREAS, the actual expenses to be incurred in 2005 for Commitment Item 506200,

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Maintenance and Repair, are expected to exceed estimated budgeted amounts approved in the 2005 appropriations.

NOW, THEREFORE, BE IT

RESOLVED, that within Fund 110, Fund Center 11400, the Erie County Legislature does hereby provide authorization to reallocate funds within the District Attorney's General Fund, to be adjusted as follows:

Appropriations

506200 Maintenance & Repair	\$ 4,000
510100 Out of Area Travel	(1,000)
530000 Other Expenses	(2,000)
545000 Rental Charges	<u>(1,000)</u>
	<u>\$ -0-</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR RANZENHOFER

Item 36 – (Comm. 28E-12) Appointment to Budget Committee

Received, Filed and Printed.

October 28, 2005

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

Dear Mr. Kelley:

Please be advised that I am appointing Legislator Jeanne Z. Chase to serve as a member of the Finance & Management/Budget Committee.

Thank you.

Very Truly Yours,

Michael Ranzenhofer

FROM THE COUNTY EXECUTIVE

Item 37 – (Comm. 28E-13) ECSD No. 6 - Engineer Term Agreement - Work Order :DA-4

Item 38 (Comm. 28E-14) PILOT Agreement for East Side Housing Opportunities Apartment

Item 39 – (Comm. 28E-15) Open Item - Sewer District Bond Authorization

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

RE: National Forensic Sciences Improvement Act Grant - Transfer of Funds (Comm. 28E-16)

WHEREAS, the Erie County CPS Forensic Lab has been awarded a National Forensic Sciences Improvement Act Grant by the New York State Division of Criminal Justice Services, and

WHEREAS, available balances must be utilized by the end of December, and

WHEREAS, a transfer of available funds will enable the Central Police Services Forensic Laboratory to improve the laboratory method used for blood alcohol testing,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the New York State Division of Criminal Justice Services and transfer available funds as follows:

Grant Fund-SAP #165NFSIA0405
 Central Police Services
 01/01/2005 to 12/31/2005

<u>Appropriation</u>	<u>Decrease</u>
Acct. 501000 Overtime	\$17,120
Acct. 502000 Fringe Benefits	7,763
Appropriation	Increase
Acct. 561410 Lab Equipment	\$24,883
Net Appropriations	- 0 -

and be it further,

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

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

Item 41 – (Comm. 28E-17) Departmental Year-End Budget Transfers

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 – (Comm. 28E-18) Southtowns Rural Preservation Company, Inc - First Amendatory Agreement - Boston School Apartments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – (Comm. 28E-19) 2005 STOP-DWI PLP/Probation Revision

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 301

RE: Downtown Pedestrian/Transit Mall Special
 District: Adoption of Mall District Service
 Charge Roll for 2006 (Comm. 28E-20)

WHEREAS, after a public hearing, held on September 20, 2005 by Buffalo Place Inc., and upon adoption of Intro25-4, October 12, 2005, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2006 for the downtown pedestrian/transit mall special district shall be the sum of \$ 1,212,293.00, and

WHEREAS, the 2006 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2006 for the downtown pedestrian/transit mall special district shall be the sum of \$ 18,000.00, and

WHEREAS, the Director of Budget, Management and Finance has established the 2006 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Budget, Management and Finance for the purpose of assessing 2006 service charges for the downtown pedestrian/transit mall special district, and be it further

RESOLVED, that 2006 mall district service charges and payment in lieu shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on

and as of January 1, 2006 and shall be payable to the Director of Budget, Management and Finance as provided in Erie County Local Law No. 8-1984, and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$ 10,000.00 shall be added to the Mall Budget for collection of these late fees, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make adjustments and modifications as he deems appropriate, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Executive, Joel A. Giambra, the Erie County Budget Director, Erie County Attorney, Erie County Comptroller and the Director of Real Property Tax Services.

Item 45 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 302

RE: Authorization for Empire Zone Sales Tax Exemptions (Comm. 28E-21)

PROPOSED RESOLUTION

of the

Legislature of the County of Erie, providing exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York.

Be it enacted by the Legislature of the County of Erie, as follows:

SECTION 1. Subdivision (h) of section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

- (h) For the period beginning March 1, 2001, and ending February 28, 2007, receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from state sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

SECTION 2. This resolution shall take effect March 1, 2006, and shall apply to sales made, services rendered and uses occurring during the period commencing March 1, 2006, and ending

**MEETING NO. 28
NOVEMBER 10, 2005**

ERIE COUNTY LEGISLATURE

February 28, 2007, in accordance with the applicable transitional provisions in sections 1106, 1216 and 1217 of the New York Tax Law.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 303

RE: Social Services - Catholic Charities
Supervised Visitation (Comm. 28E-22)

WHEREAS, the Department of Social Services requests authorization to transfer 2005 Adopted Budget funds and to enter into a contract with Catholic Charities for a program entitled Supervised Therapeutic Visitation, and

WHEREAS, this contract is needed to fulfill the mandate of parental visits with children in foster care placement as the Department is subject to fiscal sanction when visits are not completed in a timely manner, and

WHEREAS, Catholic Charities has a greater ability to schedule visitation sessions outside of normal business hours, and

WHEREAS, the Catholic Charities Supervised Visitation contract was eliminated in response to the 2005 budget crisis, and

WHEREAS, the source of funds for this transfer will be an existing appropriation with Hispanics United of Buffalo as that agency is presently undergoing administrative leadership changes and is not prepared to establish a preventive services program at this time, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Hispanics United of Buffalo	(\$49,000)
516010	Catholic Charities Supervised Visitation	<u>49,000</u>
	Total Expenditures	<u>-0-</u>

and be it further,

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

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

Item 47 – (Comm. 28E-23) Purchase of 2005 Tax Sale Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (Comm. 28E-24) ECSD No. 3 - Construction Inspection Service Agreement -
 Work Order: DG-1, Legislative Comm. 25E-32

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (Comm. 28E-25) Supplemental Agreement with NYSDOT - Vaughn Street Bridge
 (CR 198) - NY Route 240 Bridge over Cattaraugus Creek

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMUNITY COLLEGE

Item 50 – (Comm. 28D-1) Agenda for Board of Trustees Meeting Held 10/26/2005

Item 51 – (Comm. 28D-2) Agenda for Special Meeting of Board of Trustees Held 11/14/05

The above two items were received and filed.

FROM THE COUNTY ATTORNEY

Item 52 – (Comm. 28D-3) Erie County FY2005-2008 Four Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO NIAGARA PARTNERSHIP

Item 53 – (Comm. 28M-1) "A Plan for Moving On" Omissions from Erie County's F&2006
 Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 54 – (Comm. 28M-2) Cash Flow Statement

Item 55 – (Comm. 28M-3) NFTA Board Minutes

Received and filed.

FROM THE ECIDA

Item 56 – (Comm. 28M-4) Notice of Board of Directors Meeting

Received and filed.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 57 – (Comm. 28M-5) Proposed Resolution Authorizing County Executive Giambra to Enter Into a Contract with Deloitte and Touche, LLP

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 58 – (Comm. 28M-6) Request for Comment of Proposed Legislation Re: Transfer of Erie Co.-Bflo. Div. Of Forestry Back to COB DPW

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF BRANT

Item 59 – (Comm. 28M-7) Proposed Erie County Community Development Block Grant Administrative Change

Received and filed.

FROM THE STUDIO ARENA THEATRE

Item 60 – (Comm. 28M-8) Petitions Requesting Legislature Restore County Funding

Received and referred to the COMMUNITY SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

Item 61 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Luis F. Kahl.

Item 62 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Betty A. Patton.

Item 63 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Florence S. Sinclair.

MEETING NO. 28
NOVEMBER 10, 2005

ERIE COUNTY LEGISLATURE

Item 64 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of John D. DiPasquale.

Item 65 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Kenneth Holman.

Item 66 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Sylvester Bowen.

ADJOURNMENT

Item 67 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until Wednesday, November 23, 2005 at 2 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Wednesday, November 23, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK