

**ERIE COUNTY LEGISLATURE
MEETING NO. 31
DECEMBER 1, 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. Weinstein.

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

Item 2 – No tabled items.

Item 3 – MS. MARINELLI moved for the approval of the minutes for Sessions 24, 25, 26, 27 and 28 of 2005. MR. SWANICK seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 4 – No Public Hearings.

Item 5 – No items for Reconsideration.

MISCELLANEOUS RESOLUTIONS

Item 6 – SMITH & HOLT presented a resolution Recognizing Delmar and Dr. Shirley Carmack Who Will Be Honored By The Buffalo GNLD Co-Op.

Item 7 - SMITH & HOLT presented a resolution In Memory of Evelyn I. Woods.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for a Suspension of the Rules to include two Miscellaneous Resolutions not on the agenda from MS. CHASE. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. CHASE presented a resolution Congratulating Emergency Services Commissioner Michael Walters upon his retirement.

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Item 9 – MS. CHASE presented a resolution Congratulating Gowanda Middle School Teacher Cindy Ripley for Being Named by USA Today Newspapers for Her Educational Excellence as a Top Teacher in the Curriculums of Music and Theater

MS. MARINELLI moved to amend the above four items by including Et Al Sponsorship.
MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above four items. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 16 – MS. MARINELLI presented the following Local Law and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO NO. 13- 2005
LOCAL LAW NO. ____-2005

A LOCAL LAW amending, Local Law No. 1-1959, constituting the Erie County Charter as amended, in relation to the re-establishment, restructuring and reconvening of the Erie County Charter Revision Commission.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. PURPOSE. On April 7, 2005 the Erie County Legislature approved Local Law Intro. 5-2005, amending Section 1907 of Article 19 of Local Law #1-1959 constituting the Erie County Charter, as amended, and concerning the re-establishment of the Erie County Charter Revision Commission. On May 3, 2005, the Erie County Executive approved said Local Law, which became known as Local Law No. 4-2005. The Charter Revision Commission has requested that the date by which they must report to the Legislature and Executive with their findings, advisory recommendations and report be extended from April 15, 2006 as indicated in Local Law No. 4-2005 to July 16, 2006. Accordingly, the purpose of this Local Law is to change the date by which the Erie County Charter Revision Commission reports to the Erie County Legislature and Erie County Executive with its recommendations and report.

Section 2. CHARTER REVISION COMMISSION REPORT. The Charter Revision Commission shall submit a final report, which shall include its findings, conclusions, and advisory recommendations for appropriate action to the County Legislature and the County Executive on or before the 15th day of July, 2006.

Section 3. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

LYNN M. MARINELLI

GEORGE A. HOLT, JR.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 312

RE: Erie County Tax Act (Intro 31-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR CHASE**

WHEREAS, the Erie County Tax Receivers & Collectors by letter dated June 8, 2005 have expressed an interest to amend the Erie County Tax Act to allow Towns to collect partial payments in any dollar amount, and

WHEREAS, Chapter Law 131 amended Article 5 Section 15.0 allows the County of Erie to accept partial payments in any dollar amount, and

WHEREAS, the Towns in Erie County ask that similar legislation be introduced to allow Towns to collect partial payments in any dollars amount on current Town and County taxes, and

WHEREAS, it will have no fiscal or staffing impact on Erie County government.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Attorney is directed to draft the necessary legislation to amend the Erie County Tax Act to allow Towns in Erie County to accept partial payments in any dollar amount and be it further

RESOLVED, that certified copies of the this resolution be sent to the Erie County Executive, the Erie County Attorney, Budget Director, Comptroller, Director of Real Property Tax, and Town Supervisors and Towns Receivers and Collectors.

JEANNE Z. CHASE

FISCAL IMPACT TO COUNTY: None.

FISCAL IMPACT TO TOWNS: Increase in cash flow. Reduction of interest and penalties to taxpayers who need to pay in installments.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 313

RE: Designation of Provider for Erie County
Audit Services for 2005-2010 (Intro 31-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR HOLT**

WHEREAS, the contract for the audit of Erie County expired with the completion of the audit for the fiscal year ended December 31, 2004; and

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WHEREAS, the Audit Committee for Erie County prepared and forwarded requests for proposal (RFP) to national and regional certified public accounting firms requesting proposals for the audits of the County for fiscal years 2005 through 2010; and

WHEREAS, the Audit Committee's RFP and evaluation of the responses was in full compliance with paragraph C, Section 1813 of the Erie County Charter; and

WHEREAS, in order to comply with requirements of the Erie County Fiscal Stability Authority Act, and in consideration of staff reductions in the Comptroller's Office, the RFP sent to the audit firms requested fee pricing for four scenarios summarized in the fee chart below; and

	Financials prepared by Audit Firm within		Financials prepared by Erie County within	
	120 Days	180 Days	120 Days	180 Days
2005	\$284,800	\$246,000	\$259,720	\$232,800
2006	299,000	258,300	272,700	244,500
2007	313,950	271,150	286,300	256,690
2008	329,700	284,800	300,625	269,525
2009	333,850	262,750	305,100	269,475
2010	349,545	275,800	320,350	282,900

WHEREAS, the firm Deloitte & Touche, LLP was the only firm responding to the RFP; and

WHEREAS, Deloitte & Touche's response complied with all aspects of the Audit Committee's RFP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract for the audit of Erie County's financial statements, to include the federal single audit for fiscal years 2005 through 2010; and be it further

RESOLVED, the contract for the audit of Erie County's financial statements shall be paid from the Comptroller's dues and fees account and will be negotiated to select the lowest possible cost for each audit year; and be it further

RESOLVED, that the independent accountant will audit the state required reports of the Mental Health and Health Departments at a per report cost as follows: 2005 - \$7,200, 2006 - \$7,300, 2007 - \$7,400, 2008 - \$7,500, 2009 - \$7,600, and 2010 - \$7,700, and that such fees will also apply in

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the event New York State assigns special reporting requirements to other County departments; and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, Budget Director, Comptroller and County Attorney.

GEORGE A. HOLT, JR.

Fiscal Impact: As indicated.

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

GRANTED.

INTRO 31-3 from LEGISLATOR HOLT Re: Legislature Personnel Adjustments in 2006

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 20 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 28E-17. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 314

RE: Departmental Year-End Budget Transfers

MS. MARINELLI moved to amend the item by adding the following amendment. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 28E-17
 TO BE SUBMITTED BY LEGISLATOR HOLT

RE: YEAR END BUDGET TRANSFERS

ADD the following:

WHEREAS, on July 13, 2000 the County Legislature passed resolution No. 332-2000, Enabling Resolution of the County of Erie, New York, Establishing a Tobacco Asset Securitization Trust Fund, Determining the Terms and Conditions of Such Fund, and

WHEREAS, the resolution specified five purposes: economic development; regionalism; Medicaid; Erie County Medical Center Corporation and debt service for which Tobacco funding placed in the Trust Fund may be used, and

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WHEREAS, the proceeds of the first tobacco asset securitization financing in 2000 were only available for capital project financing purposes or payment of capital project debt service in accordance with applicable federal tax law, and

WHEREAS, the County incurred a substantial 2005 projected budget deficit and on August 12, 2005 The Erie Tobacco Asset Securitization Corporation ("ETASC") refinanced the original 2000 ETASC tobacco bond issue resulting in \$52,098,761.39 in the Trust Fund being available to the County for funding of 2005 budget appropriations as well as \$56,563,601.40 in new money also being made available to the County for funding of 2005 budget appropriations in accordance with federal tax law applicable because of such projected budget deficit, and

WHEREAS, the 2005 projected budget deficit was declared to be approximately \$105.6 million out of balance as detailed in the four-year financial plan, a .25% sales tax was enacted effective July 1, 2005, estimated to generate \$15,000,000 and the proceeds of the refinanced Tobacco bonds and the Trust Fund were to be used to balance the 2005 budget, and

WHEREAS, the County Attorney and County's Bond Counsel have opined that the five purposes established in the July 13, 2000 resolution as it relates to the Trust Fund proceeds must still be followed, and

WHEREAS, the County Legislature has in the past through various capital budgets and resolutions appropriated \$12,586,060.70 of such remaining proceeds for previously authorized Tobacco funded capital projects from the Trust Fund, and

WHEREAS, on August 12, 2005 there was a balance of \$5,845,597.58 in the Trust Fund budgeted for 2005 debt service, leaving a balance of \$33,667,103.11 to balance the 2005 County Budget, and

WHEREAS, the County Administration will be forwarding to the County Legislature various resolutions to balance the 2005 Budget, and

WHEREAS, Erie County, in order to continue providing certain services to its citizens, needs crucial year end departmental budget transfers to be made, and

WHEREAS, the departments of Central Police Services, Social Services, Sheriff, Public Works, Countywide Comptroller, Mental Health, County Clerk and Youth Detention require year end transfers of funds to complete necessary obligations pertaining to the closing of fiscal year 2005;

NOW, THEREFORE, BE IT

RESOLVED, that the MMIS Medicaid Local Share account 525000 is hereby increased by \$33,667,103.11, the source of funds being Interfund Tobacco account 486010 in the same amount, and be it further

RESOLVED, that the Budget Director and Comptroller shall complete any and all paperwork and bank transfers necessary to transfer the funds from the Trust Fund to the General Fund to fund the Medicaid appropriation, and be it further

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RESOLVED, that the following budget transfer is made on behalf of the Department of Central Police Services Fund Center 16500:

Increase SAP Account 516020 Professional Service Contracts and Fees \$26,500

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share \$26,500

And be it further

RESOLVED, that the following budget transfer is made on behalf of the Department of Social Services Fund Center 12000:

Increase SAP Account 505000 Office Supplies	\$27,500
Increase SAP Account 510200 Training and Education	\$13,000
Increase SAP Account 516020 Professional Service Contracts and Fees	\$10,000
Increase SAP Account 530000 Other Expenses	\$250,500
Increase SAP Account 545000 Rental Charges	\$57,000

Source of Funds: Department of Social Services Fund Center 12090

Decrease SAP Account 525130 State Training Schools \$358,000

And be it further

RESOLVED, that the following budget transfer is made on behalf of the Department of Social Services Fund Center 12080:

Increase SAP Account 510000 Local Mileage Reimbursement \$30,000

Source of Funds: Department of Social Services Fund Center 12090

Decrease SAP Account 525130 State Training Schools \$30,000

And be it further

RESOLVED, that the following budget transfer is made on behalf of the Erie County Sheriff's Office Fund Center 11510:

Increase SAP Account 505600 Automotive Supplies	\$24,000
Increase SAP Account 506200 Maintenance & Repairs	\$10,000
Increase SAP Account 510000 Local Mileage Reimbursement	\$2,000
Increase SAP Account 516020 Professional Service Contracts and Fees	\$3,000
Increase SAP Account 530000 Other Expenses	\$5,000

Source of Funds: Office of Erie County Sheriff Fund Center 11510

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Decrease SAP Account 505200 Clothing Supplies	\$21,000
Decrease SAP Account 516030 Maintenance Contracts	\$1,900
Decrease SAP Account 545000 Rental Charges	\$1,800

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$19,300
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the Health Department Fund Center 12700:

Increase SAP Account 516020 Professional Service Contracts and Fees	\$150,000
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Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$150,000
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the Department of Public Works Buildings and Grounds Fund Center 12220:

Increase SAP Account 561410 Lab & Technical Equipment	\$8,000
Increase SAP Account 506200 Maintenance & Repairs	\$60,000
Increase SAP Account 515000 Utility Charges	\$125,000
Increase SAP Account 555050 Insurance	\$73,780
Increase SAP Account 505200 Clothing Supplies	\$1,800

Source of Funds: Department of Public Works Buildings & Grounds Fund Center 12220

Decrease SAP Account 545000 Rental Charges	\$1,800
Decrease SAP Account 516020 Professional Service Contracts and Fees	\$8,000

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$258,780
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the Utility Fund, Fund Center 12110:

Increase SAP Account 515000 Utility Charges	\$6,000,000
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Source of Funds: Utility Fund, Fund Center 12110

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Increase SAP Account 420190 Other General Services/Other Governments \$6,000,000

And be it further

RESOLVED, that the following budget transfer is made on behalf of the Highway Fund, Fund Center 12320:

Increase SAP Account 505600 Automotive Supplies	\$75,000
Increase SAP Account 506400 Highway Supplies	\$250,000
Increase SAP Account 515000 Utility Charges	\$44,500

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$369,500
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And be it further

RESOLVED, that the following budget transfer is made on behalf of ECC Payments Fund Center 14030:

Increase SAP Account 520020 County Resident Enrolled Comm. College \$800,000

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$800,000
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the Department of Youth Detention Fund Center 12620:

Increase SAP Account 516020 Professional Service Contracts & Fees	\$215,535
Increase SAP Account 515000 Utility Charges	\$13,300

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$228,835
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the Department of Law Risk Retention Fund Center 16020:

Increase SAP Account 555050 Insurance Charges	\$3,000,000
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Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$3,000,000
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the Department of Mental Health Fund Center 12410:

Increase SAP Account 516010 Contractual Payments	\$226,203
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Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$226,203
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And be it further

RESOLVED, that the following budget transfer is made on behalf of The Erie County Sheriff's Office – Jail Management Division Fund Center 11610:

Increase SAP Account 505400 Food & Kitchen Supplies	\$125,000
Increase SAP Account 506200 Maintenance & Repair	\$20,000
Increase SAP Account 516020 Professional Services and Fees	\$15,000
Increase SAP Account 530000 Other Expenses	\$10,000

Source of Funds:

Decrease SAP Account 505200 Clothing Supplies	\$30,000
Decrease SAP Account 505800 Medical & Health Supplies	\$40,000
Decrease SAP Account 516030 Maintenance Contracts	\$3,300
Decrease SAP Account 545000 Rental Charges	\$1,900
Decrease SAP Account 561410 Lab & Technical Equipment	\$1,350

Source of Funds: Dept of Social Services Fund Center 12090

Decrease SAP Account 525000 MMIS Medicaid Local Share	\$93,450
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And be it further

RESOLVED, that the following budget transfer is made on behalf of the County Clerk – Auto Bureau Fund Center 11320:

Increase SAP Account 575040 Interfund Utility Expense	\$10,500
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Source of Funds: County Clerk – Auto Bureau Fund Center 11320

Decrease SAP Account 530000 Other	\$10,500
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And be it further

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RESOLVED, that the Budget Director is hereby authorized to make budget revisions to the SAP account 980000 Interdepartmental Billings, DISS Services or other interdepartmental and interfund billing accounts as required, with the Legislature informed in writing of such revisions,

And be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the County Attorney, the County Executive and all relevant Departments.

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

CARRIED.

Item 21 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 31E-43 from the SHERIFF Re: Erie County Sheriff's Office – 2006 Technical Budget Amendments

CHAIRMAN HOLT directed the item to be referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 22 – (Comm. 31E-1) County of Erie Federal Financial Assistant Audit For Year Ending 12/31/04

Received and filed.

FROM LEGISLATOR WEINSTEIN

Item 23 – (Comm. 31E-2) Budgetary Work-Product

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 24 – (Comm. 31E-3) BMR for Period Ending 9/30/05

Received and filed.

FROM THE COMPTROLLER

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Item 25 – (Comm. 31E-4) Notice that Comptroller's Office is Planning to sell \$87.76 Million in Public Improvement Bonds for General Capital Projects, and \$12.24 Million in Bonds for Various Sewer District Purposes

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 26 – (Comm. 31E-5) 2006 Budget Adoption and Levy and Apportion of the Erie County Real Property Tax – 2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 27 (Comm. 31E-6) 2005 Year End Budget Transfer - Jail Management Division

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 28 – (Comm. 31E-7) Appointment to Erie County Charter Review Commission

Received, Filed and Printed.

November 29, 2005

The Honorable
Erie County Legislature
25 Delaware Avenue.
Buffalo, New York 14202

RE: Appointment to Erie County Charter Review Commission

Dear Members:

In accordance with Section 1907 of the Erie County Charter, I hereby nominate the following appointee to replace Rev. Michael Chapman who has resigned.

Conway Porter
147 Linwood Avenue
Buffalo, New York 14209

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

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JAG;jdl
Cc: Appointee

Item 29 –MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315 RE: Health - Prevention of Type 2 Diabetes in Children - 10/1/05 - 3/31/06 (Comm. 31E-8)

WHEREAS, diabetes is a major cause of death and disability for Western New Yorkers, and

WHEREAS, the Erie County Department of Health has been a leader, through the Western New York Public Health Alliance, in addressing regional public health concerns, and

WHEREAS, the Erie County Department of Health received a grant award from the New York State Health Department in the amount of \$25,000 on behalf of the Western New York Public Health Alliance, and

WHEREAS, it is necessary to enter into subcontracts with Healthy Community Alliance in the amount of \$20,750 and St. Bonaventure University in the amount of \$3,000 to implement the Fit and Fun diabetes prevention program in elementary schools in the seven WNY counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award from the New York State Health Department to be budgeted as follows:

**Prevention of Type 2 Diabetes in Children
10/1/05 – 3/31/06
SAP Title: 127DIABCHILD0506**

SAP	REVENUE	BUDGET
420499	Other Local Source Revenue	<u>\$25,000</u>
	TOTAL	<u>\$25,000</u>
	EXPENSES	
510100	Out of Area Travel	\$ 250
516020	Professional Service & Contracts	23,750
912700	ID – Health	<u>1,000</u>
	TOTAL	<u>\$25,000</u>

HEALTH DEPARTMENT

Increase Account 516020 – Professional Service & Contracts	\$1,000
Increase Account 912700 – ID Health	\$1,000

and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with Healthy Community Alliance in the amount of \$20,750 and St. Bonaventure University in the amount of \$3,000 to implement the Fit and Fun Diabetes Prevention program in elementary schools in the seven WNY counties, and be it further

RESOLVED, that the subcontracts with, Healthy Community Alliance and St. Bonaventure University are special services which must be provided immediately and were originally proposed to the granting agency and are now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, 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.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

RE: Health - Public Preparedness/Response to Bioterrorism 8/31/05 - 8/30/06 (Comm. 31E-9)

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$ 950,265 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

WHEREAS, the eight (8) Counties of Western New York comprised of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming have joined together as the Western New York Public Health Alliance (WNYPHA) for the purpose of protecting the public health through regional planning and cooperation, and

WHEREAS, the eight (8) Counties of the WNYPHA have designated Erie County as the lead county for the purpose of coordination of the Bioterrorism Plan and are desirous of contracting to provide certain deliverables which are required by the HRI contract, and will pay Erie County a portion of their State grant for these services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is hereby designated as the lead agency for the WNYPHA for the purposes of coordinating the provision of certain deliverables required by the HRI contract, and be it further

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RESOLVED, that the Erie County Executive is hereby authorized to enter into agreements with the following counties for the purpose of coordinating the regional plan at the following rates to be paid by the said counties to Erie County:

Allegany County	\$3,750.00
Cattaraugus County	\$9,895.50
Chautauqua County	\$23,212.50
Genesee County	\$17,000.00
Niagara County	\$21,984.60
Orleans County	\$11,250.00
Wyoming County	\$7,500.00

and be it further

RESOLVED, that the County Executive is authorized to accept the continuation grant award from HRI in the amount of \$950,265, 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.

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

CARRIED UNANIMOUSLY.

AMENDMENT TO COMM. 31E-9

PLEASE ADD THE FOLLOWING AS THE FIFTH WHEREAS CLAUSE:

WHEREAS, the New York State Health Research, Inc. has approved the transfer of one Regular Part Time filled position of Jr. Accountant, JG VII, position number 5272, from the LEAP Grant, SAP Title 127LEAP0305, to the Public Health Preparedness/Response to Bioterrorism Grant, and

PLEASE ADD THE FOLLOWING AS THE FIRST RESOLVED CLAUSE:

RESOLVED, that one Regular Part Time filled position of Jr. Accountant, JG , and that one Regular Part Time position of Jr. Accountant, JG VII, position number 5272, is hereby created on the B100 control number #1482, in the Public Health Preparedness/Response to Bioterrorism Grant, and

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

CARRIED UNANIMOUSLY.

Item 31 – (Comm. 31E-10) Notice of Adoption - Erie County Sewer Districts - 2006 Assessment Rolls

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Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 32 – (Comm. 31E-11) Appointment to Erie County Traffic Safety Advisory Board

Received, Filed and Printed.

November 29, 2005

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: Appointment to Erie County Traffic Safety Advisory Board

Dear Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individual to the Traffic Safety Advisory Board, for the term stated.

NAME AND ADDRESS

TERM EXPIRATION

Chief Cindy Young
City of Tonawanda Police
200 Niagara Street
Tonawanda, New York 14150

December 31, 2006

Chief Cind Young will replace Chief Samuel Camilleri, Jr. who has resigned.

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jdl

Cc: Appointee
John Sullivan, Director, Erie County Stop DWI

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

RE: Reappointments to ECSD #6 Board of
Managers (Comm. 31E-12)

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RESOLVED, the Erie County Legislature does hereby approve the Reappointments of the following individuals to the Board of Managers for Erie County Sewer District #6 effective January 1, 2006:

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. Norman Polanski Mayor, City of Lackawanna 714 Ridge Road Lackawanna, NY 14218	December 31, 2007
Mr. Anthony Collareno 93 Cloverleaf Avenue Lackawanna, New York 14218	December 31, 2007
Mr. Thomas J. Whetham, P.E. 95 Franklin Street Buffalo, New York 14202	December 31, 2007

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

RE: Reappointments to ECSD #5 Board of Managers (Comm. 31E-13)

RESOLVED, the Erie County Legislature does hereby approve the Reappointments of the following individuals to the Board of Managers for Erie County Sewer District #5 effective January 1, 2006:

<u>Name and Address</u>	<u>Term Expiration</u>
Mr. Thomas J. Kane 436 Shetland Williamsville, New York 14221	December 31, 2007
Mr. Daniel A. Herberger 8280 County Road East Amherst, New York 14051	December 31, 2007
Hon. Ian McPherson Councilman, Town of Clarence 5840 Creekview Drive Clarence Center, New York 14032	December 31, 2007
Hon. Michael McGuire Deputy Supervisor, Town of Amherst	December 31, 2007

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5583 Main Street
 Williamsville, New York 14221

Mr. Charles J. Alessi, P.E.
 204 Pleasant Avenue
 Hamburg, New York 14221

December 31, 2007

Item 35 – (Comm. 31E-14) Reappointment to BECPL

Item 36 – (Comm. 31E-15) Appointment to BECPL

Item 37 – (Comm. 31E-16) Social Services - Request for Position Vacancy Fills

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

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 319

RE: Appointment to EC Fire Advisory Board
 (Comm. 31E-17)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Fire Advisory Board to replace Anthony Schueckler who will be resigning effective January 1, 2006:

Name

Term Expires

Mr. Stephen W. Matisz
 341 North Ivyhurst Road
 Amherst, New York 14221

December 31, 2007

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

RE: Reappointment to EC Fire Advisory Board
 (Comm. 31E-18)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Fire Advisory Board effective January 1, 2006:

Name and Address

Term Expires

Mr. James Lawida

December 31, 2007

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149 Amherston Drive
 Williamsville, New York 14221

Item 40 - MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 321

RE: Reappointment to ECSD #1 Board of
 Managers (Comm. 31E-19)

RESOLVED, the Erie County Legislature does hereby approve the Reappointments of the following individuals to the Board of Managers for Erie County Sewer District #1 effective January 1, 2006:

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. Paul T. Clark Supervisor, Town of West Seneca 1325 Union Road West Seneca, New York 14224	December 31, 2007
Hon. Dennis H. Gabryszak Supervisor, Town of Cheektowaga 36 Ely Road Depew, New York 14043	December 31, 2007
Edward Paolini 17 Canfield Terrace Orchard Park, New York 14127	December 31, 2007

Item 41 - MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 322

RE: Reappointment to ECSD #2 Board of
 Managers (Comm. 31E-20)

RESOLVED, the Erie County Legislature does hereby approve the Reappointments of the following individuals to the Board of Managers for Erie County Sewer District #2 effective January 1, 2006:

<u>Name and Address</u>	<u>Term Expiration</u>
Mr. James A. Carr, PE 60 George Urban Boulevard	December 31, 2007

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Cheektowaga, New York 14225

Mr. John H. Crosta 1430 North Creek Road Lakeview, New York 14085	December 31, 2007
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Ms. Anna M. Knack Town of Eden 2795 East Church Road Eden, New York 14057	December 31, 2007
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Mr. Gifford M. Swyers 50 Terrylynn Road Angola, New York 14006	December 31, 2007
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Mr. Michael V. Walters 995 Milestrip Road Irving, New York 14081	December 31, 2007
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Item 42 - MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 323

RE: Appointment & Reappointment to ECSD
#3 Board of Managers (Comm. 31E-21)

RESOLVED, the Erie County Legislature does hereby approve the appointment and/or reappointment of the following individuals to the Board of Managers for Erie County Sewer District #3 effective January 1, 2006:

Appointment

<u>Name and Address</u>	<u>Term Expiration</u>
Michael Kasprzyk Town of Holland 12367 Church Road Holland, New York 14080	December 31, 2007

Reappointment

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. James F. Connolly Councilman, Town of Hamburg 5256 Woodrich Court Hamburg, New York 14075	December 31, 2007

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Hon. David R. Kaczor Councilman, Town of Orchard Park 23 Silent Meadow Orchard Park, New York 14127	December 31, 2007
David Millar, P.E. Sanitary Engineer 95 Franklin Street Buffalo, New York 14202	December 31, 2007
John J. Mills 80 Highland Avenue Orchard Park, New York 14127	December 31, 2007
Martin Moot 182 George Street Hamburg, New York 14075	December 31, 2007
Hon. Glenn R. Nellis Supervisor, Town of Eden 2795 East Church Street Eden, New York 14075	December 31, 2007
Damian Wiktor 7206 Tricia Lane Boston New York 14025	December 31, 2007

Item 43 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 324

RE: Reappointment to ECSD #4 Board of
Managers (Comm. 31E-22)

RESOLVED, the Erie County Legislature does hereby approve the appointments of the following individuals to the Board of Managers for Erie County Sewer District #4 effective January 1, 2006:

<u>Name and Address</u>	<u>Term Expiration</u>
Robert Labenski, P.E. Engineer, Town of Lancaster 21 Central Avenue Lancaster, New York 14086	December 31, 2007
Hon. Robert H. Giza	December 31, 2007

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Town of Lancaster Supervisor
 21 Central Avenue
 Lancaster, New York 14086

Mr. Robert M. Kucewicz
 Administrator, Village of Depew
 85 Manitou Street
 Depew, New York 14043

December 31, 2007

Thomas M. Batt, P.E.
 Sr. Sanitary Engineer
 95 Franklin Street
 Buffalo, New York 14202

December 31, 2007

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 325

RE: DEP - Non-Drilling Oil and Gas Lease on
 EC Forestry Lands in the Town of Sardinia
 (Comm. 31E-23)

WHEREAS, Erie County owns in excess of 1,956 acres of forestry lands in the Town of Sardinia; and

WHEREAS, Ardent Resources Incorporated, an oil and gas exploration company, has identified the Sardinia area as having high natural gas development potential; and

WHEREAS, Ardent Resources Incorporated has proposed its intent to drill for natural gas on private properties adjacent to the Erie County forestry lands with no effect on County lands; and

WHEREAS, Ardent Resources Incorporated has proposed entering into an agreement with Erie County to include the forestry lands in its land assemblage; and

WHEREAS, Ardent Resources Incorporated will be provided a three-year term to explore and prospect for natural gas, and, in the event natural gas is discovered during this period, the agreement will allow Ardent Resources Incorporated the right to extract that gas through the economic life of the gas well(s) or twenty (20) years, whichever occurs first; and

WHEREAS, New York State law allows such mineral extraction to take place under a proportional method of royalty compensation to affected property owners; and

WHEREAS, Erie County has 1,956 acres that would be eligible for such royalty compensation over the life of the gas well,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Ardent Resources Incorporated for a three-year exploration period, and be it further

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RESOLVED, that, should natural gas be discovered during this period, the agreement would allow for the extraction of the gas through the economic life of the gas well(s) or twenty (20) years, whichever occurs first, and be it further

RESOLVED, that the County is authorized to accept lease and royalty payments under the proportional distribution methodology with other affected property owners, and such other benefits as may be negotiated, provided, however, that such agreement shall not allow for placement of wells on County property, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the Commissioner of Parks and Recreation; the County Comptroller; and the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 326

RE: ECSSTA - ECSD #3 - EC Sewer Agency
Report - Increase & Improvements of Facility
(Comm. 31E-24)

WHEREAS, the Erie County Sewer Agency and the Erie County Department of Environment and Planning (DEP) have prepared an Erie County Sewer Agency Report for consideration by the Erie County/Southtowns Sewage Treatment Agency (SSTA) Board calling for an Increase and Improvement of Facilities (2005) in the amount of \$1.0 million; and

WHEREAS, the aforementioned Sewer Agency Report has identified various improvements needed by the SSTA to improve the fuel oil tanks of the Southtowns Sewage Treatment Plant, which includes but is not limited to the replacement of the three 20,000 gallons fuel oil tanks and related necessary appurtenances; and

WHEREAS, the DEP has provided information relative to the costs and the project's impact on the unit charge structure for properties serviced by the SSTA and its members.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County/SSTA Board does hereby accept and adopt this subject Sewer Agency Report and, further recommends this report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A, County Law; and be it further

RESOLVED, that the Erie County Sewer Agency be directed to pursue an Increase and Improvement of Facilities in the amount of \$1.0 million pursuant to Article 5A of County Law; and be it further

RESOLVED, that the Erie County Sewer Agency be directed to pursue an Increase and Improvement of Facilities in the amount of \$1.0 million pursuant to Article 5A of County Law.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 327

RE: Health - HIV Partner Notification 10/1/04 - 9/30/05 (Comm. 31E-25)

WHEREAS, the Erie County Department of Health currently operates an HIV Partner Notification program, and

WHEREAS, the purpose of this grant is to provide HIV surveillance and partner assistance services in conjunction with the New York State Health Department disease control staff, and

WHEREAS, in order to maximize revenue balance of \$4,407 it is necessary create an indirect expense budget line, and

WHEREAS, the New York State Department of Health has approved of the budget modification.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant award from the New York State Department of Health which is budgeted as follows:

**HIV Partner Notification
10/1/04 – 9/30/05
SAP Title: 127HIVPARTNOT0405 Cost Center: 1271230**

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409000	State Aid Revenue	\$ 211,787	\$ 0	\$ 211,787
	TOTAL	\$ 211,787	\$ 0	\$ 211,787
	EXPENSES			
500000	Personal Services	\$ 159,453	\$ 2,518	\$ 161,971
501000	Overtime	0	622	622
502000	Fringe Benefits	49,131	-6,334	42,797
506200	Repairs & Maintenance	1,500	-1,500	0
510000	Travel & Mileage	900	-210	690
530000	Other Expenses	220	0	220
912700	* ID Health Services	0	4,407	4,407
980000	ID DISS	583	497	1,080
	TOTAL	\$ 211,787	\$ 0	\$ 211,787

*FUND 110

Increase Account 912700 – ID Health Services	\$4,407
Increase Account 516020 – Professional Services and Fees	\$4,407

and be it further

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

Item 47 – (Comm. 31E-26) ECSD Nos. 1-6 - User Charge Rates

Received and filed.

Item 48 – (Comm. 31E-27) ECSD No. 6 - SSTA - Disinfection Improvements - Contract No. 6ST-A - Change Order No. 2 - Summit Construction Group

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 - MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 328

RE: Private Sale of 2005 County Tax Sale
 Certificates (COMM. 31E-28)

WHEREAS, twice in 2003 and again in 2004 the Erie County Legislature adopted resolutions [Comm. 16E-5, adopted October 2, 2003; Comm. 24E-12, adopted December 11, 2003; Comm. 26E-7, adopted December 2, 2004 [Comm. 26E-7], authorizing the Commissioner of Finance to sell, transfer and convey to the Erie Tax Certificate Corporation [“ETCC”], a local development corporation [“LDC”] incorporated pursuant to Section 1411 of the Not-For-Profit Corporation Law, County-owned tax sale certificates representing delinquent real property taxes from 2002 and prior tax years, the 2003 tax year and the 2004 tax year, respectively; and

WHEREAS, on November 28, 2005, the County of Erie acquired new tax sale certificates, namely, those representing delinquent real property taxes from 2005, the current tax year; and WHEREAS, in order to lessen the burdens of County government and acting in the public interest, the Erie County Legislature has again determined that it should authorize the sale of County-owned tax sale certificates to the ETCC, this time representing delinquencies from the 2005 tax year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Budget Director/Commissioner of Finance to sell, transfer and convey to the ETCC whatever County-owned tax sale certificates from 2005 may be jointly selected by the ETCC and the Budget Director/Commissioner of Finance, provided that, except as set forth below relative to tax sale certificates affecting properties whose owner is bankrupt or which have identified environmental issues, the consideration to be paid for such sale shall include an initial cash payment equal to at least 70% of the redemption value of all tax sale certificates sold (less amounts sufficient to fund a working capital reserve fund and to pay the reasonable legal and other costs of the County to complete said sale) together with the beneficial interest in a Delaware Statutory Trust to be formed by the ETCC for the purpose of receiving the net proceeds of collection on the tax sale certificates

sold (after payment of principal and interest on a note to be issued by the ETCC LDC, to finance the initial cash payment, payments into a working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon); and be it further

RESOLVED, that the consideration to be paid to the County by the ETCC for tax sale certificates affecting properties whose owner is bankrupt or which have identified environmental issues shall not include any initial cash payment but shall consist entirely of the County's beneficial interest in the Delaware Statutory Trust to be formed by the ETCC for the purpose of receiving net proceeds of collection on the tax sale certificates sold (after payment of principal and interest on a note issued by the ETCC to finance the initial cash payment, payments into a working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon); and be it further

RESOLVED, that the Erie County Legislature hereby empowers and authorizes the County Executive, the Budget Director/Commissioner of Finance, the County Comptroller and the County Attorney (collectively the "Authorized Officers"), and each of them, to execute and deliver the instruments necessary to transfer, assign and convey all of Erie County's right, title and interest in any tax sale certificates sold, together with any other agreements, documents and instruments as any of the Authorized Officers may deem necessary or advisable to carry out the purpose and intent of this resolution and to mail or otherwise forward any notices or other communications deemed necessary or desirable by any Authorized Officers to the owners of the real properties affected by the tax sale certificates being sold or to any other persons in connection with the sale thereof; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Budget Director/Commissioner of Finance, the County Comptroller and the County Attorney.

Item 50 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 329

RE: DEP - Clean Air/Clean Water Bond Act of 1996 Application to NYS Sept. of Environmental Conservation for Spaulding Fibre (COMM. 31E-29)

WHEREAS, the Spaulding Fibre Site in the City of Tonawanda is an abandoned factory and brownfield site that presents a blighting influence on the neighborhood and a health and safety risk to the community; and

WHEREAS, the City of Tonawanda, the County of Erie and the Erie County Industrial Development Agency have been working to develop information on the condition of buildings and costs of remediation for asbestos at the 900,000 square foot facility; and

WHEREAS, after thorough consideration of the various aspects of the Spaulding Fibre site and study of available data, the County of Erie, the City of Tonawanda and the Erie County Industrial Development Agency have determined that certain work, as described in their application

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and attachments is desirable, is in the public interest and is required in order to implement the project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the municipalities deem it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the County, the City, or the Erie County Industrial Development Agency, together or separately, may take title to the Spaulding site or portions thereof in order to carry out the anticipated investigation, remediation, and redevelopment activities; and

WHEREAS, pursuant to New York State Department of Environmental Conservation memorandum dated August 19, 2005, one of the applicants in a joint application must be identified as the lead agent in matters of reimbursement,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act on behalf of the County in all matters related to State assistance under Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that the Erie County Industrial Development Agency is authorized to be the lead in matters of reimbursement under the New York State Bond Act Program for this project; and be it further

RESOLVED, that one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation; and be it further

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

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

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 330

RE: DEP - Niagara Mohawk (National Grid)
Grant Award for the Spaulding Fibre Site
(COMM. 31E-30)

WHEREAS, the Spaulding Fibre Site in the City of Tonawanda is an abandoned factory and brownfield site that presents a blighting influence on the neighborhood, and a health and safety risk to the community; and

WHEREAS, the City of Tonawanda, the County of Erie, and the Erie County Industrial Development Agency have been working to develop information on the condition of buildings, costs of remediation for asbestos, and demolition at the 900,000 square foot facility; and

WHEREAS, after thorough consideration of the various aspects of the Spaulding Fibre site and study of available data, the County of Erie, the City of Tonawanda, and the Erie County Industrial Development Agency have determined that certain work, as described in their application and attachments is desirable, is in the public interest and is required in order to implement the project; and

WHEREAS, Erie County prepared and submitted an application to Niagara Mohawk (National Grid) and was subsequently awarded a grant application of up to \$300,000; and

WHEREAS, the County, the City or the Erie County Industrial Development Agency, together or separately, may take title to the Spaulding site or portions thereof in order to carry out the anticipated investigation, remediation, and redevelopment activities,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute contracts with Niagara Mohawk (National Grid) to accept the grant award; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the City of Tonawanda and the Erie County Industrial Development Agency to act as pass through agencies and authorized to enter contracts with engineering and construction firms for the demolition and remediation of the Spaulding Fibre Site; and be it further

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

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

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 331

RE: CPS Forensic Services Forensic Laboratory
- Forensic DNA Backlog Reduction Program
Formula Grant - Transfer of Funds (COMM.
31E-31)

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, a transfer of available funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 120 additional, unsolved forensic DNA cases, and

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

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to transfer funds as follows:

**Grant Fund – SAP #165DNABACKLOG0405
Central Police Services
09/01/2004 to 12/31/2005**

<u>Appropriation</u>	<u>Decrease</u>
Acct. 502000 Fringe Benefits	\$ 12,000
<u>Appropriation</u>	<u>Increase</u>
Acct. 505800 Med & Health Supplies	\$ 12,000
Net Appropriations	-0-

And be it further,

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

RE: Senior Services - Authorization to Amend
the PSA, Senior HEAP and WRAP-DSS
Budgets (COMM. 31E-32)

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WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Caregiver Support (III-E) and the Elder Abuse Prevention (VII) grants for the period January 1, 2005 through December 31, 2005; and the Performance Output Measurements Project (POMP) and the Partnership for Fall Prevention (PFP) grants for the period September 30, 2004 through September 29, 2005, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of an additional \$3,000 supplemental allocation for the VII grant program for the purchase of an ombudsman software package, and

WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Title VII grant, and

WHEREAS, the Department desires to amend the contract with the American Red Cross for the additional \$3,000, and

WHEREAS, the grantor has extended the POMP grant period though September 29, 2006, and

WHEREAS, the grantor has extended the PFP grant period though December 31, 2005, and

WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Title VII grant, and

WHEREAS, the Department desires to extend the PFP contract periods to December 31, 2005 with Independent Health Assoc., Inc., Tender Loving Care Health Care Services, Inc. and the Center for Assistive Technology, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the grant programs through the end of the year, and

WHEREAS, the grant budgets need to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the Title VII contract with the American Red Cross, Greater Buffalo Chapter by the amounts detailed herein, and to extend the contracts with Independent Health Assoc., Inc., Tender Loving Care Health Care Services, Inc. and the Center for Assistive Technology through December 31, 2005, and be it further

RESOLVED, that the III-E grant, 163III-E2005, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
510000	Local Mileage Reimbursement	\$6,500	\$3,500	\$10,000
510100	Out of Area Travel	1,500	-1,100	400

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516020	Home Care Services	50,000	<u>-2,400</u>	47,600
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the VII grant, 163VII2005, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$55,932	<u>\$3,000</u>	\$58,932
	TOTAL CHANGE		<u><u>\$3,000</u></u>	
APPROPRIATIONS				
516010	American Red Cross	\$55,932	<u>\$3,000</u>	\$58,932
	TOTAL CHANGE		<u><u>\$3,000</u></u>	

and be it further

RESOLVED, that the POMP grant, 163POMP0405, be extended to September 29, 2006 and be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time - Salaries	\$8,000	-\$3,000	\$5,000
505000	Office Supplies	\$200	-\$200	0
510100	Out of Area Travel	\$1,500	\$1,500	3,000
516020	Software Support & Modifications	0	2,000	2,000
980000	ID DISS Services	800	<u>-300</u>	500
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

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

Item 54 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 333

RE: Senior Services - Authorization to Amend the III-E, VII, POMP and PFP Grants (COMM. 51E-33)

WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services for Adults (PSA), the Senior Home Energy Assistance Program (HEAP) and the Weatherization Referral, Assistance and Packaging (WRAP-DSS) programs for the period January 1, 2005 to December 31, 2005, and

WHEREAS, the Department of Senior Services (Department) has reviewed the budgets and actual costs of carrying out the programs through year-end, and

WHEREAS, the County budgets for these programs are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the PSA program, cost center 1632030, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$320,317	-\$3,100	\$317,217
980000	ID DISS Services	21,000	3,100	24,100
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the Senior HEAP program, cost center 1632040, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full time Salaries	\$246,028	-\$7,000	\$239,028
500010	Part Time Wages	\$80,006	-\$18,000	62,006
500030	Seasonal Employee Wages	\$103,290	-\$6,725	96,565
502000	Fringe Benefits	\$92,814	\$34,725	127,539
505000	Office Supplies	9,467	-3,000	6,467
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-DSS program, cost center 1632050, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full time Salaries	\$27,893	-\$441	\$27,452
500010	Part Time Wages	10,176	-86	10,090
502000	Fringe Benefits	9,844	7,296	17,140
505000	Office Supplies	500	-500	0
530000	Other Expenses	18,193	-6,269	11,924
TOTAL CHANGE			\$0	

and be it further

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

Item 55 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

RE: CPS Forensic Laboratory - 2005-2006
Forensic Casework DNA Backlog Reduction
Program Formula Grant (COMM. 31E-34)

WHEREAS, the Erie County CPS Forensic Laboratory has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 80 additional, unsolved forensic DNA cases,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$30,727.00 with the Federal National Institute of Justice, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP #165DNABACKLOG0506
Central Police Services
Forensic Laboratory

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10/01/2005 to 09/30/2006

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 - Federal Aid	<u>\$30,727</u>
Total Revenue	\$30,727

<u>Appropriation</u>	<u>Increase</u>
Acct. 501000 Overtime	\$28,451
Acct. 502000 Fringe Benefits	<u>\$2,276</u>
Total Appropriation	\$30,727

and be it further,

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 56 – (Comm. 31E-35) CPS Forensic Laboratory - 2005-06 Forensic DNA Capacity Enhancement Program Formula Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

RE: DEP - No-Cost Budget Revision for the State Indoor Radon Grant (SIRG) 11 Program (COMM.31E-36)

WHEREAS, The United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

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WHEREAS, the New York State Department of Health (NYSDOH) has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County received notice of award of \$110,000 in grant funding through the State Indoor Radon Grant Program (SIRG 11); and

WHEREAS, through Legislative resolution (Comm. 13E-32) dated July 10, 2003, Erie County accepted from the NYSDOH grant resources to continue the SIRG 11 Program; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the County to most efficiently utilize the remaining grant resources.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Erie County SIRG 11 Program will be revised as follows:

REVENUES:

407500	State Aid – New York State Department of Health	\$110,000
422010	Minor Sales – Radon Testing Kits	<u>11,600</u>
	TOTAL REVENUE	\$121,600

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Salaries	\$84,000	(\$3,000)	\$81,000
502000	Fringe Benefits	26,000	10,700	36,700
505800	Medical and Health	1,000	125	1,125
510100	Out of Area Travel	0	1,075	1,075
516020	Professional Service	0	750	750
545000	Rental	0	250	250
561410	Lab & Technical Equipment	0	700	700
	Unallocated Revenue	10,600	(10,600)	0
TOTAL APPROPRIATIONS:		\$121,600	0	\$121,600

and be it further

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

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

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Item 58 – (Comm. 31E-37) Notice of Adoption - Erie County Sewer Districts - 2006 Assessment Rolls

Received and filed.

Item 59 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 336

RE: Health - Western Regional Training Grant -
7/1/04 - 6/30/05 (COMM. 31E-38)

WHEREAS, the Erie County Department of Health's HIV/AIDS Regional Training Center, is a grant fully funded by the New York State Department of Health/AIDS Institute, and

WHEREAS, the New York State Department of Health has awarded the Erie County Department of Health a revised grant award in the amount of \$110,000 which authorizes budgetary adjustments in order to balance the accounts in the grant and maximize award use.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Department of Health which authorizes the following budgetary adjustments:

Western Regional Training Grant
7/1/04 – 6/30/05

SAP Title: 127WSTREGTRAIN0405 Cost Center: 1271230

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409000	State Aid Revenues	\$110,000.00	\$0	\$110,000.00
	TOTAL	\$110,000.00	\$0	\$110,000.00
	EXPENSES			
500000	Personal Services	\$ 58,691.00	\$-480.53	\$ 58,210.47
502000	Fringe Benefits	20,157.00	-105.02	20,051.98
505000	Office Supplies	5,779.41	0	5,779.41
505800	Medical Supplies	7,817.00	-246.55	7,570.45
506200	Maintenance & Repairs	59.00	0	59.00
510000	Travel & Mileage	163.13	0	163.13
501100	Out Of Area Travel	3,004.29	-373.88	2,630.41
516020	Dues & Fees	10,168.03	-49.30	10,118.73
530000	Other Expenses	1,390.94	-32.83	1,358.11
545000	Rental	82.00	0	82.00
912700	Interfund-ECHD	2,500.00	1,288.11	3,788.11
980000	Interfund-DISS	188.20	0	188.20

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RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the County Clerk, and the County Executive.

Item 61 – (Comm. 31E-40) ECSD Nos. 1-6 - User Charges 2006

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 338

RE: DPW - Ralph Wilson Stadium - 2005
 Capital Rehabilitation Projects (COMM. 31E
 -41)

WHEREAS, the 2005 capital budget contains \$2.6M for Rehabilitation Work at Ralph Wilson Stadium in accordance with the terms of the Lease Agreement between the Buffalo Bills and Erie County, and

WHEREAS, the Buffalo Bills have requested that the County proceed with the 2005 work, and

WHEREAS, in order to comply, DiDonato Associates, P.E., P.C. has completed some design work for these projects, and

WHEREAS, DiDonato Associates, P.E., P.C. has a General Architectural/Engineering Agreement with Erie County, and

WHEREAS, DiDonato Associates, P.E., P.C. has designed and constructed various projects at the stadium in the past,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates, P.E., P.C. to prepare contract documents and provide design and inspection services for the 2005 Ralph Wilson Stadium Capital Rehabilitation Projects, for a fee not to exceed \$203,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 2001 Stadium Renovations account, Project A.09004, 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.

FROM THE COMPTROLLER

Item 63 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. SWANICK seconded. MS. MARSHALL, MS. CUSACK, MR. McCARVILLE, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED.

RESOLUTION NO. 339

RE: Tobacco Refinancing Opportunity
(COMM. 31E-42)

RESOLUTION NO. 339-2005

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE SALE BY THE COUNTY TO THE ERIE TOBACCO ASSET SECURITIZATION CORPORATION OF THE COUNTY’S UNDIVIDED BENEFICIAL INTEREST IN THE RESIDUAL TRUST EVIDENCING THE COUNTY’S RIGHTS TO RECEIVE CERTAIN PAYMENTS PURSUANT TO THE INDENTURE DATED AS OF SEPTEMBER 1, 2000 (AS AMENDED AND RESTATED AS OF AUGUST 1, 2005) AND OTHER MATTERS IN CONNECTION THEREWITH.

(Introduced) _____, 2005

(Adopted) _____, 2005

WHEREAS, in October 2000 the County of Erie sold its rights, title and interest in and to all of the monies to become payable to the County (the “Tobacco Asset”) under the Master Settlement Agreement entered into on November 23, 1998 among the attorneys general of 46 states and six other United States jurisdictions and the four largest United States tobacco manufacturers (hereinafter, the “MSA”) and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the “Decree”) in the class action entitled State of New York et al. v. Philip Morris Incorporated, et.al. (Index No. 400361/97) to a local development corporation created by the County pursuant to the New York Not-For-Profit Corporation Law (the “Erie Tobacco Asset Securitization Corporation” or “ETASC”), in order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree, and thereby provide a source of financing for financial support payments by the County to the Erie County Medical Center Corporation (“ECMCC”) and for medicaid, debt service, regionalism and economic development purposes and certain other County purposes; and

WHEREAS, ETASC was created with the powers to acquire such rights, title and interest, to issue bonds, notes and other evidence of indebtedness and incur other obligations, to create a business trust under the laws of the State of Delaware (the “2000 Residual Trust”) and assign and deliver to the 2000 Residual Trust the monies to become payable to the County under the MSA and

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the Decree in excess of the amounts necessary to pay debt service on such bonds, notes and other evidence of indebtedness, the expenses of ETASC, the expenses of the trustee which is a party to the indenture of trust with ETASC dated as of September 1, 2000 (as Amended and Restated as of August 1, 2005) authorizing the issuance of such bonds, notes and other evidence of indebtedness (the "Indenture"), any amounts necessary to maintain the reserve funds required by the Indenture to be maintained, and certain other ancillary pecuniary obligations, and to take all other actions as may be necessary, convenient or desirable in furtherance of its powers, in exchange for the net proceeds of the securitization of the Tobacco Asset; and

WHEREAS, the sale of the Tobacco Asset was authorized by this Legislature in exchange for the delivery, to or upon the order of the County, of (i) the net proceeds of the initial issuance of bonds by ETASC in conjunction with such sale (the "2000 ETASC Bonds") after (A) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of ETASC and (B) the funding of all reserves funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the 2000 ETASC Bonds and (ii) the undivided beneficial interest in the 2000 Residual Trust, and upon such other terms and conditions as were set forth in the Purchase and Sale Agreement dated as of September 1, 2000 between ETASC, as purchaser, and the County, as seller; and

WHEREAS, pursuant to the Indenture a second issue of bonds was authorized by ETASC and were sold in August 2005 (the "2005 ETASC Bonds") in order to defease the 2000 ETASC Bonds and provide additional proceeds from securitization of the Tobacco Asset and financing for certain present and future County purposes; and

WHEREAS, in order to provide the financing structure for a third issue of bonds to be authorized by ETASC (the "2006 ETASC Bonds") to provide additional proceeds from securitization of the Tobacco Asset and financing for certain present and future County purposes, it is necessary for the County to sell its undivided beneficial interest in the 2000 Residual Trust to ETASC;

NOW, THEREFORE, BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

SECTION 1. The sale by the County to ETASC of the County's undivided beneficial interest in the 2000 Residual Trust, without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the net proceeds of the 2006 ETASC Bonds after (A) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of ETASC and (B) the funding of all reserves funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the 2006 ETASC Bonds and (ii) the undivided beneficial interest in a business trust under the laws of the State of Delaware (the "2006 Residual Trust") to which ETASC will assign and deliver the monies to become payable to the County under the MSA and the Decree in excess of the amounts necessary to pay debt service on the 2005 ETASC Bonds and the 2006 ETASC Bonds, the expenses of ETASC, the expenses of the trustee which is a party to the Indenture and the indenture of trust with ETASC authorizing the 2006 ETASC Bonds, any amounts necessary to

maintain the reserve funds required by such indentures to be maintained, and certain other ancillary pecuniary obligations, and upon such other terms and conditions as are set forth in the proposed Purchase and Sale Agreement between ETASC, as purchaser, and the County, as seller, in substantially the form presented to the Legislature (the "Sale Agreement").

SECTION 2. The form and substance of the Sale Agreement, substantially in the form presented to the members of the Legislature at this meeting, is hereby approved.

SECTION 3. The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Sale Agreement, substantially in the form presented to the members of the Legislature at this meeting, is hereby authorized and directed, with such changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such agreement shall be conclusive evidence of his approval of any such changes and of the authorization and direction thereof by this Legislature.

SECTION 4. The County Executive and/or his designee(s) are hereby further authorized to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Sale Agreement and this Resolution, and which are deemed necessary or desirable to effectuate the transactions contemplated by the Sale Agreement and this Resolution, and to perform all acts and do all things required or contemplated to be performed or done by the Sale Agreement or by this Resolution or by any agreement, instrument or authorization approved, contemplated or authorized hereby.

SECTION 5. This resolution shall take effect immediately upon approval by the County Executive.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BECPL

Item 64 – (Comm. 31D-1) Proposed Agenda for Board of Trustees Meeting Held 11/17/05

Received and filed.

FROM ECMCC

Item 65 – (Comm. 31D-2) Letter to Legislator Smith Re: Cuts to ECMCC Subsidy

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 66 – (Comm. 31D-3) Minutes of Board of Trustees Meeting Held 10/26/05

Item 67 – (Comm. 31D-4) Minutes of Board of Trustees Meeting Held 11/16/05

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The above two items were received and filed.

FROM PERSONNEL

Item 68 – (Comm. 31D-5) EC Hires/Separations October 2005

Received and filed.

FROM THE COUNTY ATTORNEY

Item 69 – (Comm. 31D-6) Transmittal of New Claims Against Erie County

Received and filed.

FROM SENIOR SERVICES

Item 70 – (Comm. 31D-7) Copy of Memo to Budget Dept. Re: 2006 Legislative Budget Additions for the Dept. of Senior Services

Received and referred to the COMMUNITY SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE EC ENVIRONMENTAL COUNCIL

Item 71 – (Comm. 31M-1) Minutes for EC Environmental Management Council Meeting Held 10/18/05

Received and filed.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 72 – (Comm. 31M-2) Copy of Letter to DPW Commissioner Re: Condition of Buffalo Niagara Convention Center Roof

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DIOCESE OF BUFFALO

Item 73 – (Comm. 31M-3) Letter to Smith Re: 2006 DSS Budget

Received and filed.

FROM THE WNY HOTEL-MOTEL ASSN.

Item 74 – (Comm. 31M-4) Convention and Tourism Funding

Received and filed.

FROM THE BUFFALO MUSEUM OF SCIENCE

Item 75 – (Comm. 31M-5) Copy of Letter to Legislator Smith Re: Funding

Received and filed.

FROM THE TONAWANDA TOWN BOARD

Item 76 – (Comm. 31M-6) Certified Resolution Re: Assessment Roll

Received and filed.

FROM THE COLDEN TOWN BOARD

Item 77 – (Comm. 31M-7) Certified Resolution Re: Opposition to Proposed Change in EC Community Development Block Grant Administration Change

Received and filed.

FROM THE ORCHARD PARK TOWN BOARD

Item 78 – (Comm. 31M-8) Certified Resolution Re: Opposition to Proposed Change in EC Community Development Block Grant Administration Change

Received and filed.

FROM THE ELMA TOWN BOARD

Item 79 – (Comm. 31M-9) Certified Resolution Re: Opposition to Proposed Change in EC Community Development Block Grant Administration Change

Received and filed.

FROM THE BRANT TOWN BOARD

Item 80 – (Comm. 31M-10) Certified Resolution Re: Opposition to Proposed Change in EC Community Development Block Grant Administration Change

Received and filed.

FROM THE NFTA

Item 81 – (Comm. 31M-11) 17A Report and Capital Expenditure Reports for 2nd Quarter of FY Ending 3/31/06

Received and filed.

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FROM THE NORTH COLLINS VILLAGE BOARD

Item 82 – (Comm. 31M-12) Certified Resolution Re: Opposition to Proposed Change in EC Community Development Block Grant Administration Change

Received and filed.

FROM THE NEWSTEAD TOWN BOARD

Item 83 – (Comm. 31M-13) Certified Resolution Re: Opposition to Proposed Change in EC Community Development Block Grant Administration Change

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 84 – (Comm. 31M-14) Region 9 FWMA Board Minutes

Received and filed.

MEMORIAL RESOLUTIONS

Item 85 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Patricia A. Kane.

Item 86 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Yolaine Staffehl.

ADJOURNMENT

Item 87 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until Thursday, December 15, 2005 at 2 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, December 15, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**