

**ERIE COUNTY LEGISLATURE
MEETING NO. 10
APRIL 7, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present except Legislator Swanick.

An Invocation was led by Rev. Thomas J. Quinlivan of Queen of Heaven Roman Catholic Church.

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 – No items for reconsideration from previous meetings.

Item 4 – MS. MARINELLI moved for the approval of the Minutes of Meetings No. 28, 29, and 30 of 2004, and Meetings No. 1, 2, 3, and 4 of 2005. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – SMITH & HOLT presented a resolution In the Memory of Defense Lawyer Johnnie Cochran. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – SMITH & HOLT presented a resolution In the Memory of Bishop Edward D. Head. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

Item 8 – SMITH & HOLT presented a resolution Recognizing Metro Community Development & Delavan Grider Community Center 2005 Funders Ball. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. McCARVILLE presented a resolution In Memory of his Excellency Edward D. Head, Bishop and Faithful Leader of the Catholic Diocese of Buffalo From 1973 – 1995. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. McCARVILLE presented a resolution In Thanksgiving for the Life and Service of Pope John Paul II. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 11 – RANZENHOFER, WEINSTEIN, & McCARVILLE presented a resolution Commemorating the 40th Anniversary of Consumer Credit Counseling Service of Buffalo, Inc. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. MARINELLI moved to include a Miscellaneous Resolution not on the agenda. MR. RANZENHOFER SECONDED.

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CARRIED UNANIMOUSLY.

MR. DeBENEDETTI presented a resolution In Memory of Staff Sgt. Christopher Dill. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. MARINELLI moved to include a Miscellaneous Resolution not on the agenda. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE presented a resolution Congratulating Village of Orchard Park Mayor Patricia Dickman Upon Her Retirement. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the previous eight items as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 15 – MS. MARINELLI presented Local Law No. 12 (Print #1) 2004 and moved to receive and file the item. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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Item 16 – MS. MARINNELI presented the following Local Law and moved for immediate consideration. MR. SMITH seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

CARRIED

COUNTY OF ERIE
LOCAL LAW NO. ____-2004
LOCAL LAW INTRO. NO. 14-2004

A LOCAL LAW in relation to regulation of home health care services provided to Erie County residents pursuant to contracts awarded by the County of Erie.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

§1. Scope. This local law imposes staffing, training and experience requirements on providers of home health care services who seek to contract with the County of Erie. It provides for procedures by which the County of Erie shall monitor its contracts, and further provides the wherewithal to accomplish such monitoring. No person shall be eligible to contract with the County of Erie for the provision of home health care services unless such person demonstrates that it meets the minimum criteria established pursuant to this local law. It is the intent of the legislature to act, consistent with state law, to require the highest standards of care to be provided by county contractors. Nothing contained in this local law shall be construed to regulate private, non-contractual or non Erie County government funded services.

§2. Definitions. Unless otherwise provided in this local law, the following terms shall have the meanings provided in this section:

a. "Home health care agency" shall mean a licensed/limited licensed home health care agency who contracts with the County of Erie for the provision of the following services.

(i) private duty nursing;

(ii) personal care services;

(iii) homemaker services;

and which is qualified to operate in New York State by the New York State Department of Health;

b. "Private duty nursing", "personal care services", "homemaker services", and "housekeeper/chore services" shall all be defined pursuant to state law and the rules, regulations and administrative directives issued by the New York State Department of Health;

c. "Home health care services" shall mean services provided by a licensed/limited license home health agency or a home care service agency to individuals or families at their place of

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residence. Home care services may include: private duty nursing; personal care; homemaker; housekeeper/chore;

d. "Department" shall mean the Erie County Department of Social Services;

e. "Commissioner" shall mean the commissioner of the Erie County Department of Social Services;

f. "CASA" shall mean the Community Alternative Systems Agency;

g. "Home health review unit" shall mean the unit within the Erie County Department of Social Services which is charged with the responsibility of implementing and enforcing the mandates of this local law and any rules, regulations and administrative directives governing the services to be rendered.

§3. Minimum standards for operation of a home health care agency. No home health care agency shall be eligible to contract with the County of Erie unless it holds a current license pursuant to regulations for licensed home care services agencies adopted by the New York State Public Health Council and meets the minimum standards established herein. No home health agency shall contract with the County of Erie unless it meets the additional standards established in this local law.

a. Administration.

1. Administrator/executive director. A home health care agency shall have in its employ a paid, full-time administrator/executive director who has overall control and supervision of the provider agency within Erie County. The administrator/executive director shall:

(i) possess at least a bachelor's degree in business administration, health, social services or a related field and have a minimum of two years' work experience in a managerial or supervisory capacity in one of the above fields; or

(ii) have a minimum of six years' combined education and work experience of which the educational component must include at least one of the following:

(a) an associate's degree in nursing;

(b) licensure by the State of New York as a registered professional nurse; or at least an associate's degree in business administration, health, social services or a related field. Work experience must consist of managerial or supervisory duties in at least one of the above listed fields.

2. Director of nursing. A home health care agency shall have in its employ a full-time director of nursing who possesses a current New York State registered nurse's license. The director of nursing must, possess at least one of the following combinations of education and experience:

(i) a bachelor of science degree in nursing and two years' experience as a supervisor in the health care field; or

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(ii) a bachelor's degree in a health related field and four years' work experience in the health care field of which at least two years must be in community health and at least one year must be in a managerial or supervisory capacity; or

(iii) an associates degree in nursing, or a three-year diploma in nursing; and at least four years' work experience in a health care field of which two years must be in community health and two-years must be in a managerial or supervisory capacity.

3. Nursing supervisor. A home health care agency shall have in its employ a sufficient number of nursing supervisors to ensure the quality of patient care services provided by the home health care agency and to ensure adequate supervision and/or evaluation of agency staff delivering services in patient homes. Nursing supervision must be provided by a registered professional nurse who:

- (a) is licensed and currently certified to practice as a registered professional nurse in New York State and;
- (b) meets the health requirements specified in subsection (d)(4)(iv) of NYCCR18 505.14; and
- (c) meets either of the following qualification:
 - (1) has at least two years of satisfactory recent home health care experience; or
 - (2) has a combination of education and experience equivalent to the requirement described in (1) of this clause with at least one year of home health care experience; or
- (d) acts under the direction of a registered professional nurse who meets the qualifications listed in clauses (a) and (b) of this subparagraph and either of the qualifications listed in subclause (1) or (2) of clause (c) of this subparagraph.

The primary functions of the nursing supervisor shall include, but not be limited to, supervision and evaluation of field personnel, monitoring services provided to ensure high quality service delivery, providing on-the-job training, and advising the County of Erie of suggestions for change in existing care plans.

4. Personnel Screening.

a. Each home health care agency under contract with the County of Erie to provide home health care services shall be responsible for: recruitment of appropriate personnel; verification of credentials and references; screening of all prospective personnel; and selection and hiring of personnel necessary to furnish home health care services. The agency shall conduct a review of the home health care employment history of all prospective personnel. Each home health care agency which contracts with the County of Erie is required to participate in, and to have the home health care employment history of all prospective employees checked through a central, county-wide home health care employment data registry. All newly contracted agencies shall conduct a review of the home health care employment history of all current and prospective personnel checked through a

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central, county-wide home health care employment data registry. The screening program shall include, but not be limited too the following requirements:

(i) each applicant for employment in the home health care agency shall be interviewed to assess the applicant's background, maturity, emotional and mental stability, attitude and ability to apply learning skills. A person at the supervisory/managerial level in the home health care agency shall review the application and interview to make the decision whether to hire;

(ii) the home health care agency shall require the applicant to produce photo identification including, but not limited to, driver's license, Social Security number, government issued photo identification, passport etc., for the purpose of obtaining a criminal history. The home health care agency shall be responsible for verifying such identification;

(iii) prior to employment, and as a condition of employment, the home health care agency shall obtain written consent from all current and prospective home health care personnel for a home health employment history to be obtained from a centralized, county-wide home health care employment data registry. Refusal of such consent shall be grounds for dismissal or refusal to hire;

(iv) the home health care agency shall require all applicants for employment to submit references from a minimum of the applicant's two most recent employers. In addition, the applicant shall list all home health care employers for the past five years. If the applicant has been previously employed by a home health care agency, then an additional reference from the home care agency must be submitted. If fewer than two employers, a combination of employer and/or character references from a former or current teacher, clergy member or health, social services or similar profession;

(v) the home health care agency shall conduct reference checks on all applicants, including written or oral contact with references provided by the applicant. In addition, the home health care agency shall contact, in writing or oral, any former or current home health care agency employers in the past five years who may be disclosed through a central registry and were not disclosed by the applicant.

(vi) each newly contracted home health care agency shall review continuing the employment of any current employee, or hiring of any new employee, who fails to disclose past or current employment with another home health care agency.

b. The home health care agency shall conduct a review of the criminal history of all current personnel or prospective personnel.

(i) Each home health care agency contracting with the County of Erie is required to have the records of all current and prospective employees checked for criminal histories by the Erie County Department of Central Police Services.

(ii) Prior to employment, and as a condition of continued employment, the home health care agency shall obtain written consent from all current and prospective personnel for release of a criminal record history by the Erie County Department of Central Police Services. Denial of such request shall be grounds for dismissal or refusal to hire.

(iii) Each home health care agency, shall, in accordance with the standards established by article twenty-three-A of the New York State Corrections Law, review continuing the employment of any present employee, or hiring of any prospective employee, discovered to be convicted of one or more criminal offenses.

c. Any failure to comply with the provisions of paragraphs a and b of this subdivision shall be a material breach of the contract sufficient to cause termination under section seven of this local law.

5. Photo identification cards. A home health care agency shall issue a photo identification card to each of its employees. The card shall show the name and current position or title of the individual and the name of the agency with which the individual is employed. The card shall be the property of the employing agency and the employee shall sign a statement that the card will be returned upon termination of employment.

6. Employee health screening. A home health care agency shall be responsible for complying with the minimum criteria governing physical examination, immunization and testing for employees and applicants for employment as established by rules and regulations of the New York State Department of Health and the Erie County Department of Health.

7. Administrative supervision of agency personnel. A home health care agency shall have a program for providing administrative supervision to all agency personnel who are assigned to provide services to clients pursuant to a County of Erie home health care contract, in conformance with rules, regulations and administrative directives established by the County of Erie or the State of New York and in compliance with 18 NYCRR 505.14.

8. Nursing supervision of agency personnel. Any agency contracting with the County of Erie to provide nursing supervision together with CASA, as the unit of Erie County government designated for this purpose, shall provide nursing supervision to personal care agency aides who are assigned to provide services to clients pursuant to a County of Erie home health care contract in conformance with rules, regulations and administrative directives as established by the County of Erie or the State of New York and in compliance with 18 NYCRR 505.14 which states, "Nursing supervision must assure that the patient's needs are appropriately met by the case manager agency's authorization for the level, amount, frequency and duration of personal care services and that the person providing such services is competently and safely performing the function and tasks specified in the patient's plan of care." Any agency contracting with the County of Erie shall provide nursing supervision to private duty agency nurses who are assigned to provide services to clients pursuant to an County of Erie private duty nursing contract in conformance with rules, regulations and administrative directives as established by the County of Erie or the State of New York and in compliance with 10 NYCRR 766.1 Department of Health Rules and Regulations.

9. Personnel records. A home health care agency shall maintain personnel records for all agency personnel who are assigned to provide services to clients pursuant to a county home health care contract, in conformance with rules, regulations and administrative directives as established by the County of Erie or the State of New York. At a minimum, such records shall include:

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(i) a completed employment application and other satisfactory proof of the date on which the person was hired, and written documentation of the employee interview;

(ii) written documentation of the employee's references and the criminal record check and home health care employment history check which are conducted on each employee;

(iii) documentation that the employee meets orientation, basic training, in-service and on-the-job training requirements as established by the County of Erie and the State of New York;

(iv) where applicable, satisfactory proof that the employee meets competency testing requirements as established by the County of Erie and the State of New York;

(v) copies of any complaints which have been filed against the employee, and written information showing how such complaints were resolved; and

(vi) copies of all performance evaluations of the employee.

10. Employee manual. A home health care agency shall develop a written employee manual which shall be distributed to a new employee upon employment with the agency. The employee manual shall include provisions clearly explaining the agency's personnel policies and existing policies, procedures or requirements with respect to at least the following:

(i) orientation, basic, in-service and on-the-job training;

(ii) description and responsibilities of all positions utilized by the agency;

(iii) initial and periodic physical examinations and other employee health testing requirements;

(iv) supervision and job performance evaluations;

(v) services provided;

(vi) client care, treatment and record keeping;

(vii) client safety and emergency care, including information on after-hours emergency care;

(viii) administrative record keeping;

(ix) client rights;

(x) tardiness, hiring, firing, disciplinary action, employee accidents and injury, employee benefits, and employee counseling procedures;

(xi) dress code;

(xii) photo identification requirements;

(xiii) penalties as they relate to theft, patient abuse and neglect, substance abuse and fraudulent time reporting by any agency employee;

(xiv) assignments and scheduling;

(xv) transportation requirements;

(xvi) any other information as required by the County of Erie or the State of New York.

The manual shall be reviewed at least annually, and any revision thereto shall be distributed to all agency employees. The home health care agency shall be responsible for submitting a copy of its manual and any revisions thereof to the county of Erie.

11. Insurance coverage. A home health care agency shall procure blanket bond insurance, third party fiduciary insurance, general and automobile liability insurance, medical malpractice insurance and workers' compensation insurance in such form and amount as may be prescribed by the County of Erie. Such insurance shall include the County of Erie as an additional named insured, and the agency shall provide the county with certificates of insurance prior to entering into any contract with the County of Erie.

12. Records and reports.

a. A home health care agency shall ensure that copies of all records and reports as required by the State of New York and the County of Erie are retained on file at the agency's principal administrative office in Erie County, or at each branch office of the agency in Erie County.

b. Staff development.

1. Development of training plans. A home health care agency's training plans, including its plans for employee orientation, basic training, in-service training, on-the-job training and evaluation of job performance, shall be developed in accordance with such training and employee evaluation standards as established by the County of Erie and the State of New York.

2. Approval of training plans required. A home health care agency's training plans, including its plans for orientation, basic training, competency testing, in-service training, on-the-job training, and evaluation of overall job performance, shall have been approved by the State of New York. A home health care agency shall ensure that all personnel who are assigned to provide services pursuant to an Erie County home health care contract have successfully completed training or competency testing in conformance with a New York State approved training plan.

3. Orientation. A home health care agency shall directly provide an orientation session to each home health aide, personal care aide, homemaker, or housekeeper/chore aide prior to the start of an individual's employment, and shall, at the minimum, introduce new employees to their responsibilities and to the structure, organization, overall programs, policies and procedures of the home health care agency. The orientation session shall be held in addition to prescribed basic

training and shall also serve as a forum for reviewing the employee orientation manual with new employees.

4. In-service training.

a. Any provider of home health care services shall comply with any in-service training requirements for personal care aides, as required by New York State.

b. In-service training may be furnished directly by the employing home health care agency, another home health care agency, or an independent third party institution whose in-service training programs are consistent with course content required by the appropriate departments of New York State and Erie County.

c. In-service training shall be provided to develop skills or knowledge not included in basic training or to review or expand skills or knowledge included in basic training. Content of the in-service training shall be relevant to the job of the employee delivering personal care or housekeeper/chore services.

5. On-the-job training.

a. A home health care agency shall require all employees who provide personal care or housekeeper/chore services to complete on-the-job training sessions as needed on an annual basis.

b. On-the-job training shall be furnished directly by the employing home health care agency and shall be provided to an employee in a client's home by a licensed registered nurse. On-the-job training shall be used to instruct the employee in a specific skill or technique, or to assist the employee in resolving problems in individual care situations. Notations as to an aide's performance during on-the-job training shall be documented in the aide's personnel file.

6. Evaluation of overall job performance.

a. A home health care agency shall be directly responsible for completing an overall job performance evaluation for each employee providing home health aide, personal care, homemaker or housekeeper/chore services. An evaluation of each employee's overall job performance shall be completed at least annually.

b. Employee evaluations shall be completed by a registered professional nurse employed by a home health care agency to provide nursing or administrative supervision. Such evaluation shall be based upon a minimum of:

(i) on site visitation;

(ii) a private interview with the client or client representative;

(iii) a private interview with the aide;

(iv) certification that on-the-job training was completed as needed;

(v) verification of aide's current compliance with all training and health status requirements;
and

(vi) review of aide activity logs, when available, and review of aide personnel file.

7. Documentation of training.

a. A home health care agency shall issue a dated certificate to each employee who has successfully and fully completed a basic training program and shall maintain the basic training certificate in the employee's personnel record. The basic training certificate issued by a home health care agency shall conform to the uniform basic training certificate regulations pertaining to content and format as established by the County of Erie or appropriate department of the State of New York.

b. A home health care agency shall maintain documentation to support participation of an employee in the required orientation session, in-service training and on-the-job training in each employee's personnel record. Documentation may be a card, letter, or notation on a training record, detailing the orientation, in-service and on-the-job training history.

c. A home health care agency shall maintain attendance records as back-up support for the documentation of an employee's orientation.

d. A home health care agency providing in-service training directly or by arrangement with another home health care agency, a certified home health care agency or an approved independent, third-party institution, shall establish policies and procedures to ensure that attendance records are maintained as back-up support for the documentation of an employee's in-service training.

e. A home health care agency providing basic training directly or by arrangement with an approved independent, third party institution, shall establish policies and procedures to maintain records of an employee's attendance at all scheduled and make-up basic training classes. Attendance records shall be used as back-up support for the documentation of an employee's basic training. An employee's numerical grades and descriptive ratings on:

(i) written examinations and quizzes;

(ii) oral quizzes;

(iii) practical demonstrations of skills;

(iv) instructor observations of overall performance, attitude and work habits;

(v) preparation of assignments of home study materials and on other basic training testing instrument shall also be documented and maintained.

f. A home health care agency shall make all orientation, in-service and basic training records and all scored and basic training testing instruments available to the County of Erie for monitoring and audit purposes.

8. Documentation of competency testing.

a. A home health care agency shall document an employee's related experience or training, competency testing results and participation in necessary remedial or additional basic training in accordance with the uniform competency testing standards as established by the State of New York.

b. A home health care agency shall issue a dated competency testing certificate to each employee who has successfully completed competency testing and shall maintain the competency testing certificate in the employee's personnel record. The competency testing certificate issued by the home health care agency shall conform to the uniform testing certificate regulations pertaining to content, size and format as established by the County of Erie or the State of New York.

c. A home health care agency shall make all competency testing related records, including documentation of the required experience or training, and all scored and dated competency testing instruments available to the County of Erie for monitoring and audit purposes.

9. Other requirements. A home health care agency which provides home care services through a contractual purchase of services shall insure that those services are provided by qualified personnel who meet the applicable orientation, basic training, in-service training and on-the-job training criteria established by the appropriate department of New York State or the County of Erie.

a. Provision of services.

1. Services provided. A home health care agency shall provide all services required to complete its obligations under any and all contracts entered into with the County of Erie.

2. Service requirements. A home health care agency shall:

(i) be able to provide services twenty-four hours per day, seven days per week, including holidays;

(ii) have a written plan which insures essential service and back-up when the usual worker is not available;

(iii) have current written procedures and a plan to be followed by workers and other staff in case of an emergency to assure the health care needs of patients continue to be met in emergencies which interfere with the delivery of service. The home health care agency shall orient employees to the emergency plan and their responsibilities in carrying out such plan. Said emergency plan shall be developed in conformance with any administrative directives, rules and regulations as established by New York State or the County of Erie.

3. Medical orders. A home health care agency and CASA, to the extent appropriate, shall comply with any requirements pertaining to medical orders as established by New York State and the County of Erie.

4. Care plans.

a. A home health care agency, appropriate county departments or their contract agencies, and CASA, to the extent appropriate, shall be responsible for complying with the minimum criteria with respect to client assessment reviews, client care plans, and discharges which are established by the rules, regulations and directives of the New York State Department of Health or the New York State Department of Social Services.

b. CASA, to the extent appropriate, shall have a licensed registered nurse who is an employee of the agency prepare a written assessment for each client of said agency who receives in-home private duty nursing services, personal care services, and/or housekeeper/chore services.

Said assessment shall, at minimum, include a review of the physician orders, if applicable, an evaluation of the specific needs of the client, development of a plan of care and recommendations for the summary of service requirements. The client care plan prepared by such agency shall, at minimum, include an outline of the service needs of the client, including the type of services needed, frequency and duration of services, and a regimen that will be followed in supervising the care provided to the client.

c. For personal care clients, a client care plan is developed by CASA and shall serve as the working document for delivery of personal care services and shall be updated as often as the client's condition indicates, but at such regular frequency as required by New York State or the County of Erie. For private duty nursing clients, CASA and the home health care agency shall develop the care plan which shall be updated as often as the client's condition indicates, but at such regular frequency as required by New York State or the County of Erie. The care plan shall be posted in a conspicuous place in the client's home upon the initiation of services.

d. A home health care agency shall report to the appropriate county contract agency case manager any change in the client's condition or family situation which might affect the client's approved plan of care.

5. Client records.

a. A home health care agency shall establish and maintain a confidential record for each client it serves. In addition to any information which may be required by the State of New York for inclusion in a client's records, the record shall contain: appropriate identifying information concerning the client; documentation of the client's receipt of the client home care manual, including a comprehensive bill of rights; conditions or reasons for which care is offered; written evidence of any complaints or grievances which a client filed with the home health care agency; and other information as required by the County of Erie.

b. A home health care agency and CASA, to the extent appropriate, shall be responsible for complying with the minimum criteria with respect to the establishment and maintenance of client records which are established by the rules, regulations and administrative directives of the New York State Department of Health or the County of Erie.

c. Each client's record shall be kept on file in the home health care agency office, or CASA office for at least six years from the date of discharge from the home health care agency or for such longer period as may be required by state regulation.

§4. Contract requirements and procedures.

a. The County of Erie shall contract only with home health care agencies which are licensed to operate in New York State by the New York State Department of Health.

b. The County of Erie shall contract only with those home health care agencies which have provided home health care services over at least a two-year period on a private or other pay basis within the geographic boundaries of Erie County, New York;

c. Before contracting with any home health care agency for home health care related services, the Home Health Review Unit of the County of Erie shall:

(i) establish and complete a checklist to assure itself that the home health care agency has met each of the requirements in section three of this local law;

(ii) conduct an on-site visit to the office facilities of the prospective contracting home health care agency and observe the procedures used by the agency for implementation of the administrative, training and service requirements of section three of this local law;

(iii) furnish the home health care agency with a complete set of all pertinent rules, regulations and administrative directives governing the services to be rendered;

(iv) furnish the home health care agency with the name and telephone number of a contact person and back-up who will be available to answer home health care questions on a regular basis;

(v) obtain a representative sample of clients for purpose of interviewing them.

d. Nothing in this local law shall be construed to require the discharge or reassignment of the administrator/executive director or the director of nursing of a home health care agency for failure to meet the education requirements set out in section three of this local law where the home health agency was under contract with the County of Erie on the third day of September nineteen hundred eighty-six, and such administrator/executive director or director of nursing was regularly employed by such home health care agency in that same position on and before the third day of September nineteen hundred eighty-six.

§5. Contract administration. During the term of any contract entered into between the County of Erie and a home health care agency to furnish home health care related services, the home health review unit of the County of Erie shall:

a. establish and carry out a monitoring system to assure continuing compliance with all federal, state and county laws, rules, regulations and administrative directives as they are issued;

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b. furnish to contractors, on a continuous and regular basis, all amendments to federal, state and county rules, regulations, and administrative directives as they are issued;

c. at least once annually conduct an on-site visit to the office facilities of each contractor to monitor, conduct home visits, and audit the procedures used by the agency to assure compliance as set forth in subdivision a of this section.

§6. Role of CASA. The Community Alternative Systems Agency shall: a. provide assessment, care plan development, and case management of personal care services to persons of all ages who need services;

b. when appropriate, furnish nursing supervision, directly or by contract, both in the area of orientation and in ongoing supervision as required by all federal, state and county laws, rules, regulations and administrative directives;

c. forward a client's care plan worksheet to the client and to the appropriate nursing personnel of the home health care agency prior to or upon the initiation of home health care services;

d. advise eligible recipients of their right to choose the provider agency of their choice;

e. to the extent that eligible recipients do not elect to choose any specific provider agency, assign cases on a fair and equitable basis to all provider agencies then under contract by using a rotational system for new case referrals.

§7. Penalties. In the event of a finding of non-compliance with this local law, the commissioner shall have the right to:

a. order immediate compliance;

b. suspend client referrals;

c. commence formal proceedings to terminate services;

d. take such other immediate or temporary action as under the circumstances seems appropriate for maintenance of client service.

§8. Coordination. The commissioner shall be responsible for the implementation of this local law and any regulations promulgated under it. All departments and administrative units of the county shall coordinate the administration of this local law so as to reduce to the greatest extent possible any duplication of administrative activities and expense.

§9. Additional functions of the home health review unit. In addition to the requirements imposed upon it in sections four and five of this local law, the home health review unit of the County of Erie shall:

a. cooperate with CASA as it relates to the requirements of section six of this local law;

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

b. report to the commissioner its findings with respect to any evaluation or investigation it performs of any home health care agency, CASA, client of Erie County, or any other person or agency, which affects the delivery of services provided for under this local law;

c. make recommendations to the commissioner of any penalties it seeks to impose for non-compliance with any federal or state laws, rules, regulations or administrative directives;

d. formulate, promulgate and amend from time to time as necessary, for the approval of the commissioner, regulations which implement the provisions of this local law and which will govern the provision of home health care services by the home health care agencies which contract with the County of Erie. Nothing herein shall preclude the promulgation of County of Erie regulations covering the subjects of basic training, competency testing or any relevant area not specifically referred to in this local law. Before approving a regulation or an amendment thereto, the commissioner shall cause to be held a public hearing on the proposed regulation or amendment. A notice of public hearing shall be published in the official newspapers of the county at least thirty days prior to such public hearing. At the same time a copy of said proposed regulation or amendment shall be filed with the clerk of the Erie County Legislature. Within thirty days of such public hearing, a final regulation containing any amendments shall be published in the same manner and filed with the clerk of the Erie County Legislature. Said regulation shall be effective ten days following publication.

e. Issue a written comprehensive Bill of Rights and Responsibilities and ensure distribution to each client or the client's representative prior to initiation of care. The Client's Bill of Rights and Responsibilities shall contain at least the following:

(i) right to be informed of the name of the person supervising the client's care and of the manner in which that person may be contacted;

(ii) client's or client's representative's responsibility for participation in the development and implementation of the home health care plan;

(iii) explanation of confidential treatment of all client information retained in the agency and the requirement for written consent for releases of information to persons not otherwise authorized under law to receive it;

(iv) policy regarding client access to the clinical record;

(v) explanation of grievance procedure and right to file grievances with the agency without discrimination or reprisal from the agency or its employees;

(vi) procedures for registering complaints with the County of Erie;

(vii) right of the client to be notified as to who will be providing services and their replacements thereafter;

(viii) right of the client to be informed of all treatments and when and how services will be provided;

- (ix) right of the client to demand photo identification of agency personnel;
 - (x) the necessity of keeping the care plan posted in a conspicuous place in the home and the need to notify the home health care agency in the event their aide does not report to work;
 - (xi) right to recommend changes in policies and services to agency staff, county and state representatives or any outside representative of the patient's choice, free from restraint, interference, coercion, discrimination or reprisal;
 - (xii) right to be treated with consideration, respect and full recognition of their dignity and individuality;
 - (xiii) any other information as required by the County of Erie and the State of New York.
- f. Establish procedures to promptly review and process any complaint which has been filed against a home health care agency under contract with the county. The Home Health Review Unit shall:
- (i) formally notify a contract agency of any complaint which has been filed against it;
 - (ii) grant the contract agency seven days to respond in writing to any complaint notice;
 - (iii) conduct an on-site review of agency office, client records or client home, as necessary, to investigate the complaint;
 - (iv) if warranted, recommend sanctions to the commissioner.

§10. Implementation of criminal records check requirement. The Commissioner of Central Police Services shall maintain a system for processing name checks of both current and prospective employees in such manner as will minimize backlogs and delays of service. The Department of Central Police Services shall charge a fee of at least five dollars for each name checked.

§11. Advisory board. The Erie County Home Health Care Advisory Board is hereby continued under the direction of the Erie County Executive, to continually evaluate the in-home health delivery system in Erie County. The advisory board shall consist of eleven members, including: the Erie County Commissioner of Social Services; the Erie County Commissioner of Health; the Erie County Commissioner of Senior Services; the Chairman of the Human Services Committee of the Erie County Legislature, or said chairman's designee; the President of the Erie County Consortium of Home Care Agencies; three persons appointed by the Erie County Executive; and three persons appointed by the Chairman of the Erie County Legislature. Each of the three persons appointed by the Erie County Executive and by the Chairman of the Erie County Legislature shall be appointed to a term of three years. Such appointments shall include health care and social service professionals, home health care providers and community representatives. The chairman of the advisory board shall not be a county officer or employee and shall be appointed by the Chairman of the Erie County Legislature from among the members of the advisory board. The advisory board shall meet at least four times annually. The advisory board shall, among other matters:

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(i) assist in the development of Erie County rules and regulations governing the delivery of home health care services; and

(ii) review and make recommendations with respect to Erie County's implementation of the home health review process.

§13. Construction. If any clause, sentence, paragraph, subdivision or section, or part thereof, of this local law shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§14. Repeals. Erie County Local Law number five of nineteen hundred eighty-six, as amended by Erie County Local Law number six of nineteen hundred eighty-nine, Erie County Local Law number six of nineteen hundred ninety-one, Erie County Local Law number nine of nineteen hundred ninety-three, Erie County Local Law number four of nineteen hundred ninety-six, and Erie County Local Law number two of nineteen hundred ninety-eight are hereby repealed.

§15. Effective date. This local law shall be effective immediately.

DEMONE SMITH

GEORGE A. HOLT, JR.

LYNN M. MARINELLI

ALBERT DEBENEDETTI

MARK J. F. SCHROEDER

EDWARD J. KUWIK

RAYMOND K. DUSZA

TIMOTHY WROBLEWSKI

BARRY A. WEINSTEIN

JEANNE Z. CHASE

MICHAEL H. RANZENHOFER

STEVEN P. MCCARVILLE

CHARLES M. SWANICK

DENISE E. MARSHALL

MS. MARINELLI moved for the approval of the Local Law. MR. SMITH seconded. LEGISLATOR CUSACK voted in the negative.

CARRIED (13-1).

Item 17 - CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 18 - CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

GRANTED.

Item 19 - CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 20 - CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 21 – MS. MARINELLI presented Local Law No. 4 (Print #1) 2005 and moved to receive and file the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 22 - MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. WEINSTEIN seconded.

COUNTY OF ERIE
LOCAL LAW INTRO NO. 4- 2005
LOCAL LAW NO. _____ - 2005

Print # 2

A LOCAL LAW amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.02 Sub. f with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short Title. This Local Law shall be known as the “Erie County Budget Disclosure Act” and shall amend, as hereinafter specified Section 1802 of the Erie County Charter and Section 18.02 Sub. f of the Erie County Administrative Code.

Section 2. Legislative Intent. The Erie County Legislature hereby determines that the people of Erie County have the right to know the contents of and fiscal implication of the County’s adopted annual budget, the County Executive’s tentative budget for the ensuing fiscal year, the County Executive’s budget projections for the two subsequent years, and the extent of the capital program to ensure fiscal accountability.

Section 3. Provisions. The following provisions shall be inserted to amend the Erie County Charter and the Administrative Code to the extent of the provisions hereinafter set forth.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

- (A) On or before the 15th day of October of each year the County Executive shall submit to the County Legislature a tentative budget for the ensuing fiscal year, a financial forecast for the two (2) subsequent years, a capital program for the next six (6) fiscal years, and an accompanying message.
- (B) Henceforth upon the enactment of this Local Law on or before the 15th day of October the County Executive shall submit the tentative budget (including both the operation and maintenance budget, and the capital budget) for the ensuing year, a two-year budget forecast for succeeding years and the capital program for the ensuing six (6) fiscal years, together with an accompanying message to the County Legislature.
- (C) The County Executive, or his appointed director of budget and management, shall prepare a monthly report which shall include a summary of revenues and expenditures for the preceding month. The report shall be detailed as to the appropriations and funds in such manner as to show the current financial condition and financial future of the county by department and shall compare projected revenues and expenditures with actual and accrued revenues and expenditures. Monthly budget reports filed after the month of May shall include year-end forecasts. Monthly budget reports, containing comprehensive fiscal details set forth herein, shall be filed with the County Legislature monthly, on or before the last calendar day of the subsequent calendar month.

Section 4. Publication. The Clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing Local Law to be published in the County's official newspapers.

Section 5. 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

TIMOTHY M. KENNEDY

EDWARD J. KUWIK

RAYMOND K. DUSZA

TIMOTHY M. WROBLEWSKI

GEORGE A. HOLT, JR.

DEMONE SMITH

ALBERT DEBENEDETTI

MICHAEL H. RANZENHOFER

BARRY A. WEINSTEIN

STEVEN P. MCCARVILLE

ELISE M. CUSACK

DENISE E. MARSHALL

MS. MARINELLI moved for the approval of the Local Law. MR. WEINSTEIN seconded.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, & WROBLEWSKI. NOT PRESENT: SWANICK. (AYES: 14, NOES: 0, NOT PRESENT: 1)

Item 23 – MS. MARINELLI presented Local Law No. 5 (Print #1) 2005 and moved to receive and file the item. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 24 - MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. DeBENEDETTI seconded.

COUNTY OF ERIE
LOCAL LAW INTRO NO. 5- 2005
LOCAL LAW NO. ___-2005

Print # 2

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. Section 1907 of Article 19 of Local Law #1-1959 constituting the Erie County Charter, as amended, establishing a Charter Revision Commission is repealed, and a new Section 1907 hereby establishing a Charter Revision Commission for the year 2005 is established as a fully amending Section 1907 of the Erie County Charter.

Section 2. CHARTER REVISION COMMISSION. That upon the adoption of this Local Law the County Legislature hereby creates a Charter Revision Commission to be established on or before April 15, 2005.

Section 3. THE PURVIEW OF THE CHARTER REVISION COMMISSION. The Charter Revision Commission shall study the operations of the County of Erie in their full scope; and shall consider the inter-municipal relations of the County of Erie and the myriad responsibilities that the County of Erie discharges in the course of its broadly defined duties to determine whether the Erie County Charter and the Erie County Administrative Code shall be further amended to render same as an effective framework for County government, and to adopt such amendments as may be necessary to facilitate the delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various Cities, Towns and Villages within the County. The Charter Revision Commission shall submit a final report, which shall include its findings, conclusions, and recommendations for appropriate action to the County Legislature and the County Executive on or before the 15th day of April, 2006.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Section 4. METHODOLOGY OF OPERATION. The Commission shall be provided with adequate resources incident to the discharge of its responsibilities as may be deemed necessary by the Erie County Legislature in the furtherance of its assigned duties.

Section 5. MEMBERSHIP. The Charter Revision Commission shall be composed of 23 members with one (1) member to be appointed by each District Legislator of the Erie County Legislature. The County Executive of the County of Erie shall appoint three (3) members, and the County Clerk, County Comptroller, County Sheriff, and the District Attorney of the County of Erie shall have one appointee each to the Commission. In addition to the other designated appointment, the Chair of the Erie County Legislature shall also appoint the Chairperson of the Charter Revision Commission.

No member of the Commission shall hold public office, be an employee of Erie County nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.

After its establishment and all 23 members are seated, the Commission shall also select a Vice Chairperson and a Secretary through a majority vote.

Section 6. REPORTS AND RECOMMENDATIONS. The County Legislature shall act on all reports and recommendations submitted to it in a timely fashion by the Charter Revision Commission by either approving or disapproving each recommendation separately within three (3) months from the date of the submission of the findings, conclusions and report of the Commission.

Section 7. PUBLICATION. The Clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing Local Law to be published in the County's official newspapers.

Section 8. 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

TIMOTHY M. KENNEDY

EDWARD J. KUWIK

RAYMOND K. DUSZA

TIMOTHY M. WROBLEWSKI

GEORGE A. HOLT, JR.

DEMONE SMITH

ALBERT DEBENEDETTI

MICHAEL H. RANZENHOFER

BARRY A. WEINSTEIN

STEVEN P. MCCARVILLE

ELISE M. CUSACK

DENISE E. MARSHALL

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved for the approval of the Local Law. MR. DeBENEDETTI seconded.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, & WROBLEWSKI. NOT PRESENT: SWANICK. (AYES: 14, NOES: 0, NOT PRESENT: 1)

Item 25 – CHAIRMAN HOLT directed that Local Law No. 6 (Print #1) 2005 remain on the table.

GRANTED.

Item 26 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 27 – MR. DUSZA presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

RESOLUTION NO. 67

APRIL 4, 2005

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 3

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

ALL ITEMS ARE HEREBY TABLED.

**RAYMOND K. DUSZA
CHAIRMAN**

MR. DUSZA moved for the approval of the report. MR. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. SMITH presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

APRIL 4, 2005

FINANCE & MANAGEMENT

**COMMITTEE
REPORT NO. 4**

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed
 - a. COMM. 21E-17 (2004)
DEBENEDETTI: Copy of Letter to Comptroller & Budget Director Re: Unanticipated Revenue Reporting
(5-0)
 - b. COMM. 25E-4 (2004)
COMPTROLLER: Letter to Legislator DeBenedetti Re: Reporting Process for Unanticipated Revenues (Response to COMM. 21E-7)
(5-0)
 - c. COMM. 25D-5 (2004)
BUDGET, MANAGEMENT & FINANCE: Copy of Letter to Comptroller Re: Shortfall in Sales Tax Revenue (Response to Comm. 25E-2)
(5-0)
 - d. COMM. 25D-8 (2004)
COUNTY ATTORNEY: Medicaid Pharmaceutical Overcharge Litigation
(5-0)
 - e. COMM. 25M-1 (2004)
NYSAC: Letter to Chairman Holt Re: Medicaid Pharmaceutical Overcharge Lawsuit
(5-0)
 - f. COMM. 4D-17 (2005)
BUDGET, FINANCE, & MANAGEMENT: Audit of the County's Procurement Process for the 3 Year Period Ending 12/31/03
(5-0)
 - g. COMM. 6E-3 (2005)
COMPTROLLER: Expectance to Close on \$80,000,000 RAN on 2/21/05
(5-0)
 - h. COMM. 8E-11 (2005)
DEBENEDETTI & WEINSTEIN: Letter to NFTA Executive Director Re: Request For Discussions Regarding Reductions In NFTA Funding For FY2005
(5-0)
 - i. COMM. 8E-12 (2005)

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

- DEBENEDETTI & WEINSTEIN:** Letter to Buffalo Bills VP/Operations Re: Request For Discussions For Possible Reductions in County Appropriations For FY2005
(5-0)
- j. COMM. 8E-25 (2005)
COMPTROLLER: Apportionment and Distribution of 4% Sales Tax for February
(5-0)
- k. COMM. 8D-36 (2005)
PURCHASE: Vehicle Purchases QTR4-2004
(5-0)
- l. COMM. 8D-37 (2005)
PURCHASE: Furniture Purchases QTR4-2004
(5-0)
- m. COMM. 8M-24 (2005)
NFTA: Letter to Legislators DeBenedetti & Weinstein Re: Comm. 8E-11
(5-0)
- n. COMM. 9E-1 (2005)
COMPTROLLER: Certificate of Determination - Relative to Authorization, Issuance, Form & Content, Sale and Award of an \$80 Million RAN
(5-0)
- o. COMM. 9E-9 (2005)
HOLT: Copy of Letter to County Attorney Re: Amendment E to Comm. 24E-1
(5-0)
- p. COMM. 9E-10 (2005)
HOLT: Copy of Letter to Budget Director Re: Amendment E to Comm. 24E-1
(5-0)
- q. COMM. 9D-2 (2005)
COUNTY ATTORNEY: Memo to Clerk of the Legislature Re: Legal Opinion Re: Comm. 9E-9
(5-0)
- r. COMM. 9D-3 (2005)
BUDGET, MANAGEMENT, & FINANCE: Letter to Chairman Holt Re: Comm. 9E-10
(5-0)
2. COMM. 1D-21 (2004) **AS AMENDED**
DIRECTOR OF BUDGET, MANAGEMENT, & FINANCE

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

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

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 200564 through 200588 inclusive be hereby approved or denied based upon the recommendation of the Director and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2005 Petition # 200564

Refund : \$ 571.35

S-B-L 142.46-7-8 140900 City of Lackawanna

Acct No.

Overpaid Erie County Sewer 6 charges. Check to Mark S. Reed.

FISCAL YEAR 2005 Petition # 200565

Cancel: \$ 83.08

S-B-L 42.01-4-25 142289 Amherst

Acct No. 112 \$ 37.86 County

Acct No. 132 \$ 45.22 Town/Special District/School

Aged Exemption miscalculated.

FISCAL YEAR 2005 Petition # 200566

Cancel: \$ 199.04

S-B-L 28.08-1-47 142289 Amherst

Acct No. 112 \$ 90.70 County

Acct No. 132 \$ 108.34 Town/Special District/School

Aged Exemption omitted

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Acct No. 132 \$ 0 Town/Special District/School

Aged Exemption omitted.

FISCAL YEAR 2005 Petition # 200579

Cancel: \$ 9365.88

S-B-L 124.00-6-2.4 143089 Cheektowaga

Acct No. 112 \$ 0 County

Acct No. 132 \$ 0 Town/Special District/School

Charge back per 520 report. Error in RPTL 520.

FISCAL YEAR 2005 Petition # 200580

Cancel: \$ 683.04

S-B-L 113.15-3-3.111 143089 Cheektowaga

Acct No. 112 \$ 74.90 County

Acct No. 132 \$ 302.59 Town/Special District/School

Charge to: 143001 Cheektowaga Central School relevy. Cancel 305.55

Duplicate parcel. Merged with another parcel and not deleted from assessment roll.

FISCAL YEAR 2005 Petition # 200581

Cancel: \$ 203.50

S-B-L 103.09-4-13 143089 Cheektowaga

Acct No. 112 \$ 0 County

Acct No. 132 \$ 203.50 Town/Special District/School

Aged Exemption miscalculated.

FISCAL YEAR 2005 Petition # 200582

Cancel: \$ 175.92

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Cancel: \$ 291.95

S-B-L 346.00-1-6.11 143889 Concord

Acct No. 112 \$ 159.15 County
Acct No. 132 \$ 132.80 Town/Special District/School

Transcription Error Assessment

FISCAL YEAR 2005 Petition # 200587

Cancel: \$ 178.08

S-B-L 273.00-4-4.11 143889 Concord

Acct No. 112 \$ 118.89 County
Acct No. 132 \$ 59.19 Town/Special District/School

Agricultural Exemption omitted

FISCAL YEAR 2005 Petition # 200588

Cancel: \$ 1798.29

S-B-L 125.07-4-13 143089 Cheektowaga

Acct No. 112 \$ County
Acct No. 132 \$ Town/Special District/School

School Relevy. Charge to: 143007 Depew Union Free School District. \$ 1798.29

School tax payment misapplied at the Town, cancel school relevy.

(5-0)

**DEMONE A. SMITH
CHAIRMAN**

MR. SMITH moved to separate item #1i and to have it sent back to the Finance & Management Committee for further consideration. MS. MARINELLI seconded.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Charge to: Eden Central Schools

FISCAL YEAR 2005 Petition # 200591

Cancel: \$ 225.49

S-B-L 208.00-4-22.1 144000 Eden

Acct No. 112 \$ 117.06 County

Acct No. 132 \$ 108.43 Town/Special District/School

Veterans Exemption omitted

FISCAL YEAR 2005 Petition # 200592

Cancel: \$ 421.16

S-B-L 252.00-1-22./C 144489 Evans

Acct No. 112 \$ 127.23 County

Acct No. 132 \$ 293.93 Town/Special District/School

Transcription Error Assessment \$21,526.00 should be \$510.00

FISCAL YEAR 2005 Petition # 200593

Cancel: \$ 235.27

S-B-L 251.13-4-19 144489 Evans

Acct No. 112 \$ 32.09 County

Acct No. 132 \$ 58.86 Town/Special District/School

Charge to: \$ 144.32 144401 Lake Shore Evans Brant Central

Parcel New York State Owned. Exemption omitted.

FISCAL YEAR 2005 Petition # 200594

Cancel: \$ 7030.87

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Acct No. 112 \$ 0 County
 Acct No. 132 \$ 520.64 Town/Special District/School

Owned by the State of New York. Per Assessor Cancel Town Special Districts.

FISCAL YEAR 2005 Petition # 200599

Cancel: \$ 380.46

S-B-L 139.00-1-9.121 145400 Marilla

Acct No. 112 \$ 0 County
 Acct No. 132 \$ 380.46 Town/Special District/School

Erroneous School relevy.
 Charge to: Iroquois Central Schools

FISCAL YEAR 2005 Petition # 2005100

Cancel: \$ 140.76

S-B-L 46.00-3-31.111 145689 Newstead

Acct No. 112 \$ 0 County
 Acct No. 132 \$ 140.76 Town/Special District/School

Erroneous refuse charged to parcel.

FISCAL YEAR 2005 Petition # 2005101

Cancel: \$ 362.10

S-B-L 21.00-3-16 145689 Newstead

Acct No. 112 \$ 0 County
 Acct No. 132 \$ 362.10 Town/Special District/School

Erroneous Town Water District 10 charged to parcel.

FISCAL YEAR 2005 Petition # 2005102

Cancel: \$ 236.99

S-B-L 33.00-6-15 145689 Newstead

Acct No. 112 \$ 195.39 County

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Acct No. 132 \$ 41.60 Town/Special District/School

Aged exemption income miscalculated.

FISCAL YEAR 2005 Petition # 2005103

Cancel: \$ 152.82

S-B-L 33.00-6-24./A 145689 Newstead

Acct No. 112 \$ 152.82 County

Acct No. 132 \$ Town/Special District/School

Aged exemption income miscalculated.

FISCAL YEAR 2005 Petition # 2005104

Cancel: \$ 123.05

S-B-L 47.19-3-34 145689 Newstead

Acct No. 112 \$ 82.14 County

Acct No. 132 \$ 40.91 Town/Special District/School

Aged exemption income miscalculated.

FISCAL YEAR 2005 Petition # 2005105

Cancel: \$ 40.85

S-B-L 285.00-8-9.1 145889 North Collins

Acct No. 112 \$ 16.33 County

Acct No. 132 \$ 24.52 Town/Special District/School

Agricultural Exemption omitted.

FISCAL YEAR 2005 Petition # 2005106

Cancel: \$ 40.85

S-B-L 285.00-8-9.2 145889 North Collins

Acct No. 112 \$ 16.33 County

Acct No. 132 \$ 24.52 Town/Special District/School

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Agricultural Exemption omitted.

FISCAL YEAR 2005 Petition # 2005107

Cancel: \$ 34.94

S-B-L 285.00-8-11 145889 North Collins

Acct No. 112 \$ 13.97 County

Acct No. 132 \$ 20.97 Town/Special District/School

Agricultural Exemption omitted.

FISCAL YEAR 2005 Petition # 2005108

Cancel: \$ 244.09

S-B-L 317.00-3-1.2 145889 North Collins

Acct No. 112 \$ County

Acct No. 132 \$ 244.09 Town/Special District/School

Special District error. Charged for refuse on vacant land.

FISCAL YEAR 2005 Petition # 2005109

Cancel: \$ 48.21

S-B-L 269.19-1-28 145889 North Collins

Acct No. 112 \$ 48.21 County

Acct No. 132 \$ Town/Special District/School

Error in computation of Aged Exemption.

FISCAL YEAR 2005 Petition # 2005110

Cancel: \$ 120.05

S-B-L 289.05-1-7 145889 North Collins

Acct No. 112 \$ County

Acct No. 132 \$ 120.05 Town/Special District/School

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Acct No. 112 \$ County
 Acct No. 132 \$ 253.37 Town/Special District/School

Agricultural Exemption omitted on Town district. Cancel Water district charge.

MR. SMITH moved for the approval of item #2. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved for the approval of the balance of the report. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI presented the following report and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

APRIL 4, 2005

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 8D-1 (2005)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (5-0)
 - b. COMM. 8D-6 (2005)
COUNTY ATTORNEY: Notice of Claim Filed Against ECL By Nancy Naples
 (5-0)
 - c. COMM. 8D-10 (2005)
COUNTY ATTORNEY: Justice Makowski's Recent Decision
 (5-0)
 - d. COMM. 8D-13 (2005)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (5-0)
 - e. COMM. 8M-1 (2005)
NYSAC: Copy of Resolution Approved at 2005 Legislative Conference Calling On The Governor & State Legislature To Reach Agreement On A Local Medicaid Cap

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(5-0)

f. COMM. 8M-7 (2005)

CITY OF BUFFALO COMMON COUNCIL: Seeking Comments And/Or
Recommendations on Common Council Item "M. Coppola - City County Parks Agreement
(5-0)

g. COMM. 8M-27 (2005)

NANCY RODRIGUEZ: Suit Against ECL Re: Buffalo School Nurses
(5-0)

h. COMM. 9E-13 (2005)

MARINELLI: Copy of Letter to Orchard Park Town Supervisor Re: Erie County
Association of Governments
(5-0)

2. INTRO 26-5 (2004)

SMITH

WHEREAS, the insurance industry is vast, and touches nearly every segment of the national economy. Insurance companies wrote net total of approximately \$1.1 trillion in premium in 2003, or approximately 10 cents of every dollar of the \$11 trillion Gross Domestic Product, and

WHEREAS, much of this industry, however, operates in subterfuge. Under the McCarran-Ferguson Act of 1945, 15 U.S.C. § 1011 et. seq., the regulation of insurance is delegated almost entirely to the States. Disclosure laws among the States, however, vary. Furthermore, an increasing number of insurers and brokers maintain offshore operations, particularly in Bermuda, and

WHEREAS, in addition, market power in the insurance brokerage market has rapidly consolidated over the past ten years. A market study conducted by Swiss Re found that in 2002 Marsh and AON together comprised of 54 percent of the global brokerage market, and Willis comprised an additional 7 percent. These two or three firms also dominate reinsurance brokerage markets. With so much market power concentrate in two or three brokerage firms, the threat of collusion has become a reality, and

WHEREAS, looking closely at these contingent commissions, not only do insurance brokers receive contingent commissions to steer business, but many brokers, with the assistance of collusion of insurance companies engage in systematic fraud and market manipulation in order to ensure that profitable and high volume business goes to a few selected insurance companies, and

WHEREAS, the "contingent commissions" system works by: The insurance company still pays the broker. But it doesn't just pay the broker a percentage of the policy value. Instead, it pays the broker if the broker achieves some aim that is in the long-term interest of the insurer. For example, the insurance company might agree to pay the broker a "success commission" if the broker brings over \$10 million of business to that insurer in one year, or 50 percent of the clients who by insurance from the insurer never file a claim, and

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WHEREAS, persuaded by the insurance industry's argument, insurance commissioners have held that contingent commissions are permissible as long as the broker discloses their existence to the client, and as long as the clients has access to multiple bids, and

WHEREAS, Spitzer's suit alleges that the insurance brokers and companies have found a way to get around both these protections, and therefore falsely taking the money of companies that buy insurance,

NOW, THEREFORE, BE IT

RESOLVED, that many businesses in Erie County are potentially affected by the current method of operation facilitated by insurance brokerage companies, and be it further,

RESOLVED, by essentially driving up market cost of insurance to businesses by making companies pay more for property and casualty policies, tightens increasing operation cost, and be it further

RESOLVED, that the Erie County Legislature affirms its support for Attorney General Eliot Spitzer in his efforts to equalize the market of insurance brokerage, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Eliot Spitzer, New York State Attorney General, 120 Broadway Avenue, New York, New York 10271.

(5-0)

**LYNN M. MARINELLI
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 30 – MR. KENNEDY presented the following report and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

April 4, 2005

COMMUNITY SERVICES COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. INTRO 8-3 (2005)

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SWANICK, CHASE, & MCCARVILLE: Written Notice Terminating The Intermunicipal Agreement For Operation, Management And Improvement Of City Of Buffalo Parklands (5-0)

b. COMM. 8M-18 (2005)

BUFFALO TEACHER FEDERATION: Letter to Legislature Re: School Nurses (5-0)

c. COMM. 9M-3 (2005)

LEGAL AID BUREAU OF BUFFALO, INC.: Unaudited Financial Statements for 10 Month Period Ending 10/31/04 (5-0)

2. COMM. 6E-27 (2005)

COUNTY EXECUTIVE

WHEREAS, The Department of Social Services is seeking authorization to accept \$367,350 in Temporary Assistance to Needy Families (TANF) funds to supplement contracts with four (4) current service providers, and

WHEREAS, the Department was uncertain as to the amount of Temporary Assistance to Needy Families (TANF) funds to be provided by New York State for these program services at the time of submission of funding recommendations for 2005, and

WHEREAS, specific contracts were reduced in 2005 pending the notice from New York State of TANF funds availability, and a recent allocation notice received enables the restoration of contracts to total amounts equivalent in each case to 2004 appropriations, and

WHEREAS, contracts to be funded are with Child and Adolescent Treatment Services, Catholic Charities, Care Management Corporation and Boys and Girls Clubs of Buffalo, and

WHEREAS, there is no fiscal impact to the 2005 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute or amend contracts as necessary with Child and Adolescent Treatment Services, Care Management Corporation, Catholic Charities and Boys and Girls Clubs of Buffalo, and be it further

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

Department of Social Services, Department 120, Fund 110

ACCOUNT DESCRIPTION

INCREASE/
(DECREASE)

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516010	Catholic Charities – PINS Mediation	\$50,500
516010	Child and Adolescent Treatment Services – Early Intervention	86,400
516010	Care Management Corporation – Early Intervention	90,450
516010	Boys and Girls Clubs of Buffalo – Evening Reporting	<u>140,000</u>
	Total Expenditures	<u>\$367,350</u>
411610	Federal Aid – Service to Recipients	<u>\$367,350</u>
	Total Revenues	<u>\$367,350</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(5-0)

3. COMM. 8E-18 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Operation Restore Trust (ORT) grant for the period July 1, 2004 to June 30, 2005, which provides information and education on Medicare and Medicaid waste, abuse and fraud, and the Congregate Dining (III-C-1) and Home Delivered Meals (III-C-2) grants for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the New York State Office for the Aging decreased the funding for Operation Restore Trust by \$6,000, and

WHEREAS, the Operation Restore Trust contract with the American Red Cross needs to be amended to reflect the decreased funding (\$7,500 federal funds and \$2,500 subcontractor match) for the period July 1, 2004 to June 30, 2005, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out each grant's objectives, and

WHEREAS, the County budgets for these grants are in need of revision, and

WHEREAS, County funds are not impacted.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive be and hereby is authorized to amend the contract with the American Red Cross as specified herein, and be it further

RESOLVED, that the budget for the Operation Restore Trust grant, 163ORT0405, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	Federal Aid-Programs for			
411740	Aging	\$17,000	-\$6,000	\$11,000
	Other Revenue-Grant			
466100	Program	\$5,667	-\$2,000	3,667
	TOTAL CHANGE		<u><u>-\$8,000</u></u>	
APPROPRIATIONS				
500000	Full time Salaries	\$0	\$1,167	\$1,167
516010	Contractual Pmts - ARC	13,600	-3,600	10,000
530000	Other Expenses	9,067	-7,567	1,500
545000	Rental Expense	0	1,400	1,400
980000	ID DISS Services	0	600	600
	TOTAL CHANGE		<u><u>-\$8,000</u></u>	

and be it further

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$173,390	\$4,003	\$177,393
980000	ID DISS Services	54,505	-4,003	50,502
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the budget for the III-C-2 grant, 163III-C-22004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			

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500000	Full Time- Salaries	\$48,122	\$1	\$48,123
502000	Fringe Benefits	\$14,470	\$1,754	16,224
980000	ID DISS Services	3,269	-1,755	1,514
	TOTAL CHANGE		<u>\$0</u>	

and be it further

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

(5-0)

4. COMM. 8E-47 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

WHEREAS, the Erie County Health Department wishes to renew a lease agreement with St. Simon's Episcopal Church for space located at 200 Cazenovia Street, Buffalo, New York, to be utilized as a WIC distribution site.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a lease agreement with St. Simon's Episcopal Church for space located at 200 Cazenovia Street, Buffalo, New York, at a rate of \$600 monthly, commencing November 1, 2004 through October 31, 2005, for a period of one year, there being funds available in the WIC Program budget, and be it further

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

(5-0)

5. COMM. 8E-48 (2005)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates district offices for the provision of Public Health Services in various locations throughout the county, and

WHEREAS, the County wishes to enter into a renewed lease agreement with L.S.W. Limited Enterprises, (L.S.W. Enterprises, Inc., its General Partner), for rental of space at 17 Long Avenue, in the Town of Hamburg to be utilized as a district office comprised of approximately 4,256 square feet of space, and

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WHEREAS, the lease shall be for a one-year period from September 1, 2004 through August 31, 2005, at a rate of \$4,951.86 per month, \$59,422.32 annually, with three one-year extensions, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a renewed lease agreement with L.S.W. Limited Enterprises, (L.S.W. Enterprises, Inc., its General Partner), to be utilized by the Department of Health's Hamburg District Office located at 17 Long Avenue, Hamburg, New York, and be it further

RESOLVED, that the terms of the lease shall be for a one-year period from September 1, 2004 through August 31, 2005, at the rate as specified above, with three one-year extensions, and be it further

RESOLVED, that the source of funds is the appropriation in the Health Department's Division of Public Health , Safety & Wellness, SAP Fund 110, Fund Center 12700, Account 545000 – Rental Charges, and be it further

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

(5-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved for the approval of the report. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: Eden Agricultural Districts (EC #2, 3 & 4)
8-Year Reviews (Intro 10-1)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
CHASE, HOLT, MARINELLI, RANZENHOFER, DeBENEDETTI, DUSZA,
KENNEDY, KUWIK, SMITH, WROBLEWSKI, CUSACK,

MARSHALL, McCARVILLE, SWANICK AND WEINSTEIN

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the three (3) Eden Agricultural Districts (EC #2, 3, & 4), which were created in 1973, and recertified every 8 years thereafter; and

WHEREAS, a copy of an Agricultural District map containing these districts is on file in the County Clerk's office and the Eden, Boston, Hamburg, and Orchard Park Town Halls.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural districts, that notice be posted in at least five conspicuous places within the district, and that notice also be sent to the affected municipalities, being the Towns of Eden, Boston, Hamburg, and Orchard Park; and be it further

RESOLVED, that after this 30-day period, the Legislature hereby directs the Clerk to refer the agricultural districts to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning and the Towns of Eden, Boston, Hamburg, and Orchard Park (Supervisor and Town Clerk of each town).

Fiscal Impact: None

HOLT	MARINELLI
RANZENHOFER	DeBENEDETTI
DUSZA	KENNEDY
KUWIK	SMITH
WROBLEWSKI	CHASE
CUSACK	MARSHALL
McCARVILLE	SWANICK
WEINSTEIN	

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

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: In Support of Federal Funding for Graycliff Conservancy (Intro 10-2)

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

WHEREAS, the Graycliff Conservancy is requesting \$725,000 in FY06 federal funding to help restore the Graycliff Estate to its original condition as designed by renowned American architect Frank Lloyd Wright, and

WHEREAS, the Graycliff Estate is an important milestone in Frank Lloyd Wright's overall career as his only commission in 1927, and one of only five completed in the period between 1925-1935, and.

WHEREAS, the Graycliff Estate has similarities to Mr. Wright's own home (Taliesin, Spring Green), as well as to his most famous design, Fallingwater, and

WHEREAS, due to the market draw of all of Frank Lloyd Wright's works, thousands of worldwide visitors have come to Graycliff since tours began in 1998, and

WHEREAS, the Graycliff Estate in the Town of Evans is a New York State Landmark, listed on the National Register of Historic Places, a sponsored project of the federal Save America's Treasures program, as well as an official site on the Seaway Trail, which is New York State's only National Scenic Byway, and

WHEREAS, Frank Lloyd Wright structures will continue to be significant heritage destinations, generating substantial revenue for the communities fortunate enough to have extant Wright buildings which are publicly accessible, and

WHEREAS, the Wright designed estate is overseen by the Graycliff Conservancy, Inc., a volunteer-based, 501(c)(3) organization, which incorporated in May 1997 for the purpose of ensuring the protection, interpretation and public access of this architectural treasure, in keeping with the objectives of the Save America's Treasures Program, and

WHEREAS, the Graycliff Conservancy's primary goal is to preserve one of Western New York's most important architectural treasures, and

WHEREAS, the Conservancy's second goal is to augment a community-wide initiative to create economic development through heritage tourism, and

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WHEREAS, Graycliff's restoration further supports this community-wide initiative to promote tourism in the Town of Evans as a tool for economic development, and

WHEREAS, the "Year of the Architect" will soon be designated by the Buffalo Niagara Convention and Visitors Bureau in order to advance heritage tourism initiatives throughout Western New York, and

WHEREAS, Graycliff's restoration is essential because it will supplement New York State's priority of public access for lakefront property in the Town of Evans; support current plans to promote the Lake Erie waterfront as a natural resource for public enjoyment and tourism; increase the number of attractions that the Town of Evans can market; extend regional tourism in Western New York; and protect this historic property previously subjected to negligence and inappropriate treatment, and

WHEREAS, the Graycliff Conservancy has already been honored with a Tourism and Economic Development Award by the Evans-Brant Chamber of Commerce for its work in preserving Graycliff as an integral component on the Seaway Trail, and

NOW THEREFORE BE IT,

RESOLVED, with a united voice Erie County joins the Town of Evans in supporting the Graycliff Conservancy's efforts to secure federal funding for their historic restoration project, and be it further

RESOLVED, that the Erie County Legislature hereby calls upon the Western New York Congressional Delegation to support the Graycliff Conservancy's request to identify and secure FY06 federal funds in the amount of \$725,000 toward the further restoration of this historic Frank Lloyd Wright designed landmark in the Town of Evans, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Town of Evans and members of the Western New York Congressional Delegation.

JEANNE Z. CHASE

Fiscal Impact: None

MS. MARINELLI moved for the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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

RE: In Support of Approving Replacement Power Legislation (S. 1136/A. 2715) (Intro. 10-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR WEINSTEIN & MARINELLI**

WHEREAS, on June 7 1956, a rockslide destroyed Federal Power Commission (FPC) Project 16 (the Schoellkopf hydroelectric plant), and

WHEREAS, in 1957 in response to the rockslide, Congress enacted the Niagara Redevelopment Act (NRA), directing the FPC to issue a license to the New York Power Authority ("NYPA") to construct and operate a new power project, and

WHEREAS, the statute requires the sale of 445 megawatts of Niagara Project power, which is equivalent to the amount produced by Project 16, to the industries which purchased power produced by Project 16 prior to such date, or their successors, in order as nearly as possible to restore low power costs to such industries and for the same general purposes for which power from Project 16 was utilized, and

WHEREAS, replacement power is currently sold by NYPA to Niagara Mohawk, which, in turn, sells it to industrial customers that are located within 30 miles of the Niagara switchyard, and

WHEREAS, the contract between NYPA and Niagara Mohawk for the sale of Replacement Power will terminate on August 31, 2007, which is the date that the current NYPA Niagara Project license expires, and

WHEREAS, the statute also provides that 445 megawatts would be sold to industries "for a period ending no later than the final maturity date of the bonds initially issued to finance the {Niagara} project works," and

WHEREAS, the final maturity date of the bonds issued by NYPA is December 31, 2005, which will bring the federal protection for replacement power to an end, and

WHEREAS, legislation was approved by both the Senate and the Assembly in 2004, which contained minor differences that prevented the Governor from signing the legislation into law, and

WHEREAS, new legislation was introduced in 2005, (5. 1136/A.2715), which was subsequently approved by the Senate, but is still in the Assembly's Committee on Energy, and

WHEREAS, if legislation is not passed by the Assembly and signed into law by the Governor, existing industrial recipients could lose current allocations and the state would lose the use of the unallocated replacement power as an economic development tool, which would have a disastrous economic impact on the economy of Western New York, and

WHEREAS, the Western New York Region, united through the Erie Niagara Regional Partnership is on record supporting legislation (5. 1136/A.2715) to extend and protect replacement power for industries in Erie and Niagara Counties,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature joins Niagara County and the Erie Niagara Regional Partnership in supporting legislation extending and protecting replacement power for industries in Western New York, and be it further

RESOLVED, that this Honorable Body calls on the Chairman of the Assembly Committee on Energy to release A.2715 from committee, and be it further

RESOLVED, that this Honorable Body asks the New York State Assembly to Approve and the Governor to sign into Law S.1136/A. 2715, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Western New York Delegation to the New York State Assembly, Chairman of the Committee on Energy, Paul D. Tonko (LOB 713, Albany, NY 12248) and Assembly Speaker Sheldon Silver

BARRY A. WEINSTEIN**LYNN M. MARINELLI**

Fiscal Impact: None

MS. MARINELLI moved to amend the item by attaching a copy of the aforementioned legislation. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Bill Summary - A02715**A02715 Summary:**

SAME AS Same as S 1136

SPONSOR Tokasz

COSPNSR DelMonte, Hoyt, Peoples, Schimminger, Schroeder, Hayes, Wirth, Quinn

MLTSPNSR Weisenberg

Amd S1005, Pub Auth L

Makes provision for the allocation of replacement power, 445 MW of firm hydroelectric power, by the power authority of the state of New York from the Niagara project; sets eligibility criteria.

A02715 Actions:

01/28/2005 referred to energy

A02715 Votes:**A02715 Memo:**

TITLE OF BILL: An act to amend the public authorities law, in relation to the allocation of replacement power

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

PURPOSE: To provide statutory protection for Replacement Power.

SUMMARY OF SPECIFIC PROVISIONS: Amends Subdivision 13 of Section 1005 of the Public Authorities Law to provide state statutory authorization for Replacement Power.

JUSTIFICATION: On June 7, 1956, a rockslide destroyed Federal Power Commission (FPC) Project 16 (the Schoellkopf hydroelectric plant). In 1957 in response to the rockslide, Congress enacted the Niagara Redevelopment Act (NRA), directing the FPC to issue a license to the New York Power Authority ("NYPA") to construct and operate a new power project. The statute requires the sale of 445 megawatts of Niagara Project power, which is equivalent to the amount produced by Project 16:

....to the industries which purchased power produced by Project 16 prior to such date, or their successors, in order as nearly as possible to restore low power costs to such industries and for the same general purposes for which power from Project 16 was utilized....

Replacement power is sold by NYPA to Niagara Mohawk, which, in turn, sells it to industrial customers that are located within 30 miles of the Niagara switchyard. The contract between NYPA and Niagara Mohawk for the sale of Replacement Power will terminate on August 31, 2007, which is the date that the current NYPA Niagara Project license expires.

The statute also provides that 445 megawatts would be sold to industries "for a period ending no later than the final maturity date of the bonds initially issued to finance the {Niagara} project works." The final maturity date of the bonds issued by NYPA is December 31, 2005. Thus, the federal statutory protection for Replacement Power will end on December 31, 2005.

The New York Public Authorities Law created and governs NYPA. A pertinent part of the state law provides that in developing the Niagara and St. Lawrence hydro projects:

....such projects shall be considered primarily for the benefit of the people of the state as a whole...and accordingly that sale to and use by industry shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue returns to permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity.

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When the Public Authorities Law was enacted in the 1930's, sale of hydropower to industry were contemplated as a means to subsidize rural and domestic rates to encourage rural electrification beginning in the 1930's. The state statute gives priority to domestic and rural consumers for the allocation of NYPA hydropower.

As federal statutory protection ends in 2005 and the contract between NYPA and Niagara Mohawk for the sale of Replacement Power terminates in mid 2007, state law dating from the 1930's would preclude the use of this block of power by industry. Existing industrial recipients could lose current allocations and the state would lose the use of the unallocated Replacement Power as an economic development tool. The loss of current industrial allocations would have disastrous economic impact on the economy of Western New York.

PRIOR LEGISLATIVE HISTORY: A.9633/S.7791 (2003-2004); passed Assembly

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: This act shall take effect immediately.

Bill Text - A02715

S T A T E O F N E W Y O R K

2715

2005-2006 Regular Sessions

I N A S S E M B L Y

January 28, 2005

Introduced by M. of A. TOKASZ, DelMONTE, HOYT, PEOPLES, SCHIMMINGER,
SCHROEDER, HAYES, WIRTH, QUINN -- read once and referred to the
Committee on Energy

AN ACT to amend the public authorities law, in relation to the allo-
cation of replacement power

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declarations. The legislature
2 finds and declares that energy costs have a significant impact on
3 economic development, job creation, and the location and expansion of
4 businesses in the state. The legislature further finds and declares that
5 the availability of low cost power can maintain and facilitate economic
6 development, including both the retention of existing jobs and busi-
7 nesses as well as the creation of new investment and jobs.
8 The legislature further finds and determines that the development of
9 the Niagara hydroelectric project has been an outstanding success, both
10 in harnessing the extraordinary energy potential of the Niagara Falls

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11 site and in applying that energy to achieve greater prosperity and well
 12 being for people of the state and its commerce and industry. Since the
 13 inception of power production at the Niagara Project in 1961, the power
 14 authority of the state of New York has provided four hundred forty-five
 15 megawatts of replacement power for resale to businesses and industry in
 16 the Niagara Frontier area. Furthermore, in recent years, the economy of
 17 the Niagara region has been weakened by major changes and dislocations
 18 in United States` manufacturing activity, and industry and businesses
 19 there have become critically dependent on these replacement power allo-
 20 cations to remain competitive.

21 The legislature further finds that any lapse of replacement power
 22 allocations would lead to a devastating loss of businesses and industry
 23 in the western New York area, with major adverse effects to employment
 24 and the tax base in that area. Furthermore, without legislation, such a

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
 { } is old law to be omitted.

LBD03986-03-5

A. 2715

2

1 lapse may occur at the conclusion of the initial license for the Niagara
 2 Project.

3 The legislature, therefore, finds it to be in the public interest to
 4 provide a statutory base for replacement power sales independent of the
 5 Niagara Redevelopment Act.

6 S 2. Subdivision 13 of section 1005 of the public authorities law, as
 7 amended by chapter 161 of the laws of 1992, is amended to read as
 8 follows:

9 13. Notwithstanding any other provision of law to the contrary but
 10 subject to the terms and conditions of federal energy regulatory commis-
 11 sion licenses, to allocate or reallocate directly or by sale for resale,
 12 two hundred fifty megawatts of firm hydroelectric power as "expansion
 13 power" AND FOUR HUNDRED FORTY-FIVE MEGAWATTS OF FIRM HYDROELECTRIC POWER
 14 AS "REPLACEMENT POWER" to businesses within the state located within
 15 thirty miles of the Niagara project provided that the amount of power
 16 allocated to businesses in Chautauqua county on January first, nineteen
 17 hundred eighty-seven shall continue to be allocated in such county.
 18 Provided, however, the authority shall negotiate contracts on reasonable
 19 terms and conditions to renew or extend every permanent contract allo-
 20 cation of expansion power in effect on the effective date of this subdi-
 21 vision and provided further, to the extent consistent with such
 22 contracts, the authority shall negotiate contracts on reasonable terms
 23 and conditions to extend or renew all other allocations or allotments of
 24 such power in effect on such date. THE AUTHORITY SHALL NEGOTIATE
 25 CONTRACTS ON REASONABLE TERMS AND CONDITIONS TO RENEW OR EXTEND FOR A
 26 PERIOD OF AT LEAST FIVE YEARS EVERY PERMANENT CONTRACT ALLOCATION OF
 27 REPLACEMENT POWER IN EFFECT ON THE EFFECTIVE DATE OF THE CHAPTER OF THE
 28 LAWS OF TWO THOUSAND FIVE ADDING THIS SENTENCE AND THAT WOULD EXPIRE BY
 29 ITS TERMS ON OR BEFORE THE END OF THE INITIAL FEDERAL ENERGY REGULATORY
 30 COMMISSION LICENSE FOR THE NIAGARA PROJECT; PROVIDED THAT, IN NEGOTIAT-
 31 ING THE TERMS AND CONDITIONS OF SUCH CONTRACTS, THE AUTHORITY MAY
 32 CONSIDER A BUSINESS` COMPLIANCE WITH ALL CURRENT CONTRACTUAL OBLI-
 33 GATIONS, INCLUDING EMPLOYMENT AND POWER USAGE COMMITMENTS. Contracts
 34 entered into pursuant to this subdivision shall {be long-term and shall}
 35 contain reasonable provisions providing for the partial or complete
 36 withdrawal of the power in the event the recipient fails to maintain
 37 mutually agreed levels of employment, INVESTMENT, and power utilization.
 38 Expansion OR REPLACEMENT power relinquished or withdrawn {after the
 39 effective date of this subdivision} BY THE AUTHORITY shall be allocated
 40 directly or by sale for resale by the authority to businesses within the
 41 state located within thirty miles of the Niagara project provided, that
 42 the amount of power allocated to businesses in Chautauqua county on
 43 January first, nineteen hundred eighty-seven shall be allocated in such
 44 county. These allocations shall be made in accordance with criteria
 45 established by the trustees. Such criteria shall address the expansion
 46 of industry and employment pursuant to paragraph (a) of this subdivision
 47 and the revitalization of existing industry pursuant to paragraph (b) of
 48 this subdivision.

49 (a) Criteria for eligibility for expansion AND REPLACEMENT power. Each
 50 application for an allocation for expansion OR REPLACEMENT power shall

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

51 be evaluated by the trustees under criteria which shall include but need
52 not be limited to:

53 (1) the number of jobs created as a result of {an expansion} A power
54 allocation;

A. 2715

3

1 (2) the business` long term commitment to the region as evidenced by
2 the current and/or planned capital investment in business` facilities in
3 the region;

4 (3) the ratio of the number of jobs to be created to the amount of
5 {expansion} power requested;

6 (4) the types of jobs created, as measured by wage and benefit levels,
7 security and stability of employment;

8 (5) the AMOUNT OF CAPITAL INVESTMENT, INCLUDING THE type and cost of
9 buildings, equipment, and facilities to be constructed, enlarged, or
10 installed;

11 (6) the extent to which {expansion} A power ALLOCATION will affect the
12 overall productivity or competitiveness of the business and its existing
13 employment;

14 (7) the extent to which an allocation of {expansion} power may result
15 in a competitive disadvantage for other business IN THE STATE;

16 (8) the growth potential of the business facility and the contribution
17 of economic strength to the area in which the business facility is or
18 would be located;

19 (9) the extent of the business` willingness to make jobs available to
20 persons defined as eligible for services under the federal job training
21 partnership act of nineteen hundred eighty-two and the extent of the
22 business` willingness to satisfy affirmative action goals;

23 (10) the extent to which an allocation of {expansion} power is
24 consistent with state, regional and local economic development strate-
25 gies and priorities and supported by local units of government in the
26 area in which the business is located; and

27 (11) the impact of the allocation on the operation of any other facil-
28 ities of the business, on other businesses within the region, and upon
29 other electric ratepayers.

30 (b) Revitalization. In addition to the criteria provided in paragraph
31 (a) of this subdivision the trustees shall establish special criteria
32 for the evaluation of applications for power allocated for the revitali-
33 zation of industry. Such criteria shall include, but need not be limited
34 to:

35 (1) that the business is likely to close, partially close or relocate
36 resulting in the loss of a substantial number of jobs;

37 (2) that the business is an important employer in the community and
38 efforts to revitalize the business are in long-term interests of both
39 employers and the community;

40 (3) that a reasonable prospect exists that the proposed allocation of
41 {expansion} power will enable the business to remain competitive and
42 become profitable and preserve jobs for a substantial period of time;

43 (4) that the applicant demonstrates cooperation with the local elec-
44 tricity distributor and other available sources of assistance to reduce
45 energy costs to the maximum extent practicable, through conservation and
46 load management; and

47 (5) that the allocation will not unduly affect the cost of electric
48 service to customers of the local electricity distributor.

49 S 3. Nothing contained in this act shall affect the validity of any
50 contract or agreement for the sale or disposition of power produced by
51 the power authority of the state of New York in effect on the effective
52 date of this act during the remaining term thereof. Implementation of
53 the provisions of this act shall be consistent with provisions of
54 contracts between the authority and the holders of its obligations.

55 S 4. This act shall take effect immediately.

.SO DOC A 2715

END

BTXT

2005

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE****S01136 Summary:**

SAME AS Same as A 2715

SPONSOR MAZIARZ

COSPNSR MCGEE, RATH, VOLKER, BROWN, STACHOWSKI, BROWN, STACHOWSKI

MLTSPNSR

Amd S1005, Pub Auth L

Makes provision for the allocation of replacement power, 445 MW of firm hydroelectric power, by the power authority of the state of New York from the Niagara project; sets eligibility criteria.

S01136 Actions:

01/25/2005 REFERRED TO ENERGY AND TELECOMMUNICATIONS

02/15/2005 1ST REPORT CAL.125

02/16/2005 2ND REPORT CAL.

02/28/2005 ADVANCED TO THIRD READING

03/07/2005 PASSED SENATE

03/07/2005 DELIVERED TO ASSEMBLY

03/07/2005 referred to energy

S01136 Votes:**S01136 Memo:****Bill Text - S01136**

S T A T E O F N E W Y O R K

1136

2005-2006 Regular Sessions

I N S E N A T E

January 25, 2005

Introduced by Sens. MAZIARZ, MCGEE, RATH, VOLKER, BROWN, STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to the allocation of replacement power

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declarations. The legislature
2 finds and declares that energy costs have a significant impact on
3 economic development, job creation, and the location and expansion of
4 businesses in the state. The legislature further finds and declares that

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

5 the availability of low cost power can maintain and facilitate economic
6 development, including both the retention of existing jobs and busi-
7 nesses as well as the creation of new investment and jobs.

8 The legislature further finds and determines that the development of
9 the Niagara hydroelectric project has been an outstanding success, both
10 in harnessing the extraordinary energy potential of the Niagara Falls
11 site and in applying that energy to achieve greater prosperity and well
12 being for people of the state and its commerce and industry. Since the
13 inception of power production at the Niagara Project in 1961, the power
14 authority of the state of New York has provided four hundred forty-five
15 megawatts of replacement power for resale to businesses and industry in
16 the Niagara Frontier area. Furthermore, in recent years, the economy of
17 the Niagara region has been weakened by major changes and dislocations
18 in United States` manufacturing activity, and industry and businesses
19 there have become critically dependent on these replacement power allo-
20 cations to remain competitive.

21 The legislature further finds that any lapse of replacement power
22 allocations would lead to a devastating loss of businesses and industry
23 in the western New York area, with major adverse effects to employment
24 and the tax base in that area. Furthermore, without legislation, such a

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
{ } is old law to be omitted.

LBD03986-03-5

S. 1136

2

1 lapse may occur at the conclusion of the initial license for the Niagara
2 Project.

3 The legislature, therefore, finds it to be in the public interest to
4 provide a statutory base for replacement power sales independent of the
5 Niagara Redevelopment Act.

6 S 2. Subdivision 13 of section 1005 of the public authorities law, as
7 amended by chapter 161 of the laws of 1992, is amended to read as
8 follows:

9 13. Notwithstanding any other provision of law to the contrary but
10 subject to the terms and conditions of federal energy regulatory commis-
11 sion licenses, to allocate or reallocate directly or by sale for resale,
12 two hundred fifty megawatts of firm hydroelectric power as "expansion
13 power" AND FOUR HUNDRED FORTY-FIVE MEGAWATTS OF FIRM HYDROELECTRIC POWER
14 AS "REPLACEMENT POWER" to businesses within the state located within
15 thirty miles of the Niagara project provided that the amount of power
16 allocated to businesses in Chautauqua county on January first, nineteen
17 hundred eighty-seven shall continue to be allocated in such county.
18 Provided, however, the authority shall negotiate contracts on reasonable
19 terms and conditions to renew or extend every permanent contract allo-
20 cation of expansion power in effect on the effective date of this subdi-
21 vision and provided further, to the extent consistent with such
22 contracts, the authority shall negotiate contracts on reasonable terms
23 and conditions to extend or renew all other allocations or allotments of
24 such power in effect on such date. THE AUTHORITY SHALL NEGOTIATE
25 CONTRACTS ON REASONABLE TERMS AND CONDITIONS TO RENEW OR EXTEND FOR A
26 PERIOD OF AT LEAST FIVE YEARS EVERY PERMANENT CONTRACT ALLOCATION OF
27 REPLACEMENT POWER IN EFFECT ON THE EFFECTIVE DATE OF THE CHAPTER OF THE
28 LAWS OF TWO THOUSAND FIVE ADDING THIS SENTENCE AND THAT WOULD EXPIRE BY
29 ITS TERMS ON OR BEFORE THE END OF THE INITIAL FEDERAL ENERGY REGULATORY
30 COMMISSION LICENSE FOR THE NIAGARA PROJECT; PROVIDED THAT, IN NEGOTIAT-
31 ING THE TERMS AND CONDITIONS OF SUCH CONTRACTS, THE AUTHORITY MAY
32 CONSIDER A BUSINESS` COMPLIANCE WITH ALL CURRENT CONTRACTUAL OBLI-
33 GATIONS, INCLUDING EMPLOYMENT AND POWER USAGE COMMITMENTS. Contracts
34 entered into pursuant to this subdivision shall {be long-term and shall}
35 contain reasonable provisions providing for the partial or complete
36 withdrawal of the power in the event the recipient fails to maintain
37 mutually agreed levels of employment, INVESTMENT, and power utilization.
38 Expansion OR REPLACEMENT power relinquished or withdrawn {after the
39 effective date of this subdivision} BY THE AUTHORITY shall be allocated
40 directly or by sale for resale by the authority to businesses within the
41 state located within thirty miles of the Niagara project provided, that
42 the amount of power allocated to businesses in Chautauqua county on
43 January first, nineteen hundred eighty-seven shall be allocated in such
44 county. These allocations shall be made in accordance with criteria

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45 established by the trustees. Such criteria shall address the expansion
 46 of industry and employment pursuant to paragraph (a) of this subdivision
 47 and the revitalization of existing industry pursuant to paragraph (b) of
 48 this subdivision.

49 (a) Criteria for eligibility for expansion AND REPLACEMENT power. Each
 50 application for an allocation for expansion OR REPLACEMENT power shall
 51 be evaluated by the trustees under criteria which shall include but need
 52 not be limited to:

53 (1) the number of jobs created as a result of {an expansion} A power
 54 allocation;

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3

1 (2) the business` long term commitment to the region as evidenced by
 2 the current and/or planned capital investment in business` facilities in
 3 the region;

4 (3) the ratio of the number of jobs to be created to the amount of
 5 {expansion} power requested;

6 (4) the types of jobs created, as measured by wage and benefit levels,
 7 security and stability of employment;

8 (5) the AMOUNT OF CAPITAL INVESTMENT, INCLUDING THE type and cost of
 9 buildings, equipment, and facilities to be constructed, enlarged, or
 10 installed;

11 (6) the extent to which {expansion} A power ALLOCATION will affect the
 12 overall productivity or competitiveness of the business and its existing
 13 employment;

14 (7) the extent to which an allocation of {expansion} power may result
 15 in a competitive disadvantage for other business IN THE STATE;

16 (8) the growth potential of the business facility and the contribution
 17 of economic strength to the area in which the business facility is or
 18 would be located;

19 (9) the extent of the business` willingness to make jobs available to
 20 persons defined as eligible for services under the federal job training
 21 partnership act of nineteen hundred eighty-two and the extent of the
 22 business` willingness to satisfy affirmative action goals;

23 (10) the extent to which an allocation of {expansion} power is
 24 consistent with state, regional and local economic development strate-
 25 gies and priorities and supported by local units of government in the
 26 area in which the business is located; and

27 (11) the impact of the allocation on the operation of any other facil-
 28 ities of the business, on other businesses within the region, and upon
 29 other electric ratepayers.

30 (b) Revitalization. In addition to the criteria provided in paragraph
 31 (a) of this subdivision the trustees shall establish special criteria
 32 for the evaluation of applications for power allocated for the revitali-
 33 zation of industry. Such criteria shall include, but need not be limited
 34 to:

35 (1) that the business is likely to close, partially close or relocate
 36 resulting in the loss of a substantial number of jobs;

37 (2) that the business is an important employer in the community and
 38 efforts to revitalize the business are in long-term interests of both
 39 employers and the community;

40 (3) that a reasonable prospect exists that the proposed allocation of
 41 {expansion} power will enable the business to remain competitive and
 42 become profitable and preserve jobs for a substantial period of time;

43 (4) that the applicant demonstrates cooperation with the local elec-
 44 tricity distributor and other available sources of assistance to reduce
 45 energy costs to the maximum extent practicable, through conservation and
 46 load management; and

47 (5) that the allocation will not unduly affect the cost of electric
 48 service to customers of the local electricity distributor.

49 S 3. Nothing contained in this act shall affect the validity of any
 50 contract or agreement for the sale or disposition of power produced by
 51 the power authority of the state of New York in effect on the effective
 52 date of this act during the remaining term thereof. Implementation of
 53 the provisions of this act shall be consistent with provisions of
 54 contracts between the authority and the holders of its obligations.

55 S 4. This act shall take effect immediately.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved to send the item as amended to the ENERGY & ENVIRONMENT COMMITTEE. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 34 – CHAIRMAN HOLT directed the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 10-4 from LEGISLATORS RANZENHOFER & CUSACK Re: Request that Federal Government And/Or State of New York Assume Erie County and City of Buffalo Share of Financing for Bass Pro Superstore.

Item 35 – CHAIRMAN HOLT directed the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 10-5 from LEGISLATORS RANZENHOFER & CUSACK Re: The Forthcoming Bass Pro Superstore.

GRANTED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 8E-19. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: DPW - Botanical Gardens Reconstruction -
Main Dome Hardscaping - Comm. No. 16E-
24

WHEREAS, the Department of Public Works received bids on January 27, 2005 for the Botanical Gardens – Main Dome Hardscaping, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Botanical Gardens – Main Dome Hardscaping as follows:

C.H. Byron Co., Inc. 465 Creekside Drive, Amherst NY 14228

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Base & Total Bid: \$314,000.00

and be it further,

RESOLVED, that the sum of \$32,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOVLED, that the Comptroller's Office be authorized to make payment from Project A.00234, 2004 Botanical Gardens Master Plan Reconstruction in the amount of \$346,000, 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 Office of the County Executive; one copy to the Division of Budget, Management & Finance; one copy to the Office of the Comptroller; and one copy to the Botanical Gardens Society.

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

CARRIED UNANIMOUSLY.

Item 37 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 8E-42. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74 RE: DPW - Settlement of Principal Stores Clerk Grievance

WHEREAS, an out-of-title grievance was filed by the Department of Public Works' Senior Stores Clerk, and,

WHEREAS, following all proper Erie County procedures, after a desk audit was performed, it was determined that the Senior Stores Clerk (JG 5) was working out-of-title as a Principal Stores Clerk (JG 7), and,

WHEREAS, a proposed settlement agreement has been drafted that involves putting the incumbent in a Principal Stores Clerk (JG 7) position, and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, control number 667, in the SAP system,

NOW THEREFORE, BE IT,

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature authorizes the creation of one Principal Stores Clerk position (JG 7) to fulfill the requirements of the grievance settlement, and be it further,

RESOLVED, that after the incumbent passes probation in this new position, the existing Senior Stores Clerk position will be deleted, and be it further,

RESOLVED, that two (2) certified copies of this resolution shall be forwarded to the Department of Public Works, Commissioner's Office, one (1) certified copy to the Office of the County Executive; two (2) certified copies to the Director of Budget and Management, two (2) certified copies to the Personnel Department, and two (2) certified copies to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, an out-of-title grievance was filed by the Department of Public Works' Senior Stores Clerk, and,

WHEREAS, following all proper Erie County procedures, after a desk audit was performed, it was determined that the Senior Stores Clerk (JG 5) was working out-of-title as a Principal Stores Clerk (JG 7), and,

WHEREAS, a proposed settlement agreement has been drafted that involves putting the incumbent in a Principal Stores Clerk (JG 7) position, and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, control number 667, in the SAP system, and

WHEREAS, in a resolution dated March 17, 2005, being Communication No. 9E-16, twenty-six (26) Laborers PT (JG 3) and ten (10) Laborers RPT (JG3) were deleted and fifteen (15) Laborer FT created, and

WHEREAS, it has been determined that two (2) additional Laborers PT remain that cannot be filled as long as full-time Laborers remain laid off, and

WHEREAS, it would be advantageous to cut these two Laborer PT (JG3) positions and add one Laborer RT (JG3), and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, control number 795, in the SAP system,

NOW THEREFORE, BE IT,

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature authorizes the creation of one Principal Stores Clerk position (JG 7) to fulfill the requirements of the grievance settlement, and be it further,

RESOLVED, that after the incumbent passes probation in this new position, the existing Senior Stores Clerk position will be deleted, and be it further,

RESOLVED, that the Erie County Legislature authorizes the deletion of two Laborer PT (JG3) positions (position number 51001137 and 51001138) and add one Laborer RPT (JG3) position, and be it further

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

MS. MARINELLI moved for the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 8E-57. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

RE: ECSD No. 3 - Town of Hamburg - Sanitary Sewer Services Agreement

WHEREAS, the Town of Hamburg has requested the use of County-owned monitoring and telemetry equipment for the purposes of improving response to system emergencies; and

WHEREAS, the Department of Environment and Planning has evaluated the request and concurs that the use of the monitoring and telemetry equipment by the Town will improve the Town's response time to emergency calls and as a result will improve service to County residents in the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with the Town of Hamburg for the Town's use of County-owned monitoring and telemetry equipment, 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 copies 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; Nancy Naples, Erie County

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Patrick Hoak, Supervisor, Town of Hamburg.

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

CARRIED UNANIMOUSLY.

Item 39 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 8E-52. MS. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: ECSD No. 3/Southtowns Sewage Treatment Agency - Proposed 2005 Amended Budget - Village of East Aurora/Town of Aurora & Village of Hamburg

WHEREAS, the County, Erie County Southtowns Sewage Treatment Agency and Erie County Sewer District No. 3 (ECSD #3) desire to amend the ECSD #3/Southtowns Sewage Treatment Agency Budget; so that, sanitary sewer service can be provided to the Village of East Aurora/Town of Aurora and Village of Hamburg effective June 1, 2005; and

WHEREAS, discussions have been held over the past two years with representatives of the communities identifying the cost effectiveness of consolidating ECSD #3/Southtowns Sewage Treatment Agency with the Village of East Aurora/Town of Aurora and Village of Hamburg and preparing an amended 2005 Budget; and

WHEREAS, agreements have been approved by the County Legislature and executed between the County on behalf of ECSD #3 and the Erie County Southtowns Sewage Treatment Agency, and the Village of East Aurora/Town of Aurora and Village of Hamburg to consolidate sanitary sewer operations; and

WHEREAS, an amendment to the 2005 Budget is necessary to apportion costs and offsetting revenues for seven months of 2005; and

WHEREAS, included in the costs is the creation of additional personnel positions, two of which will be assigned to the Division of Sewerage Management. The costs for these two positions will be allocated proportionately from Operating Fund Balance Accounts in each of the Sewer Districts. The positions are required to take over the additional job duties as a result of the consolidation; and

WHEREAS, these positions are reflected in B-100 authorization forms, Control Numbers 655, 656, 657, 658, 659, 660, 662, 663, 665, 666, in the SAP system; and

WHEREAS, the Budget in the pertinent SAP Codes must be revised accordingly.

NOW, THEREFORE, BE IT

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that amending the ECSD #3/Southtowns Sewage Treatment Agency Budget to include sanitary sewer service to the Village of East Aurora/Town of Aurora and Village of Hamburg with an overall increase in appropriations and revenues of \$657,656 as shown on the attached Amended Budget sheets is hereby approved; and be it further

RESOLVED, that the creation of seventeen new positions be approved as follows:

- 1 - Electronic Technician Wastewater Facilities – JG 9
- 1 - Sewer Facility Mechanic, JG 7
- 2 - Sewer Maintenance Workers, JG 7
- 1 - Wastewater Treat. Plant Operator II, JG
- 2 - Wastewater Treat. Plant Operator II – PT, JG 7
- 1 - Wastewater Treat. Plant Operator Trainee, JG 6
- 1 - Jr. Maintenance Worker, JG 4
- 6 - Seasonal Laborers – Hourly
- 1 - Sewer District Manager, JG 13
- 1 - Asst. Project Engineer, JG 12

to allow for continual cost effective, efficiently run operations and to provide sewage treatment and maintain the sanitary sewers for the Village of East Aurora/Town of Aurora and Village of Hamburg; and be it further

RESOLVED, that the total increase in the budget of \$657,656 for seven months of 2005 be placed and distributed among pertinent Expense and Revenue SAP Codes for Fund 220, Cost Center 1831010 and 1831030 as recommended below:

<u>Commitment Item</u>	<u>Original Budget</u>	<u>Revised Budget</u>
500000 Personnel	\$2,636,371	\$2,806,637
500300 Shift Differential	19,500	21,054
501000 Overtime	193,300	204,967
502000 Fringe Benefits	\$1,140,812	\$1,218,942
505000 Office Supplies	12,200	14,242
505200 Clothing Supplies	8,525	11,442
505600 Auto, Truck & Heavy Eq	22,000	27,833
505800 Medical & Health Supp.	29,900	32,292
506200 Maint & Repair Supp.	826,383	936,470
506400 Highway Supplies	8,350	27,017
510000 Local Mileage	1,000	1,500
510100 Out of Area Travel	7,700	8,867
510200 Training & Education	10,600	12,434
515000 Utility Chgs.	35,000	44,042
516020 Profess. Svcs. & Fees	445,433	466,287
516030 Maintenance Contracts	301,850	333,933
530000 Other Expenses	2,100	2,975
545000 Rental Charges	8,000	13,250
550000 Insurance Premiums	104,187	120,520

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575040 ID-Utilities	1,780,700	1,850,700
912300 ID-Road	10,200	10,842
914000 ID-CW Accts. Budget	11,343	19,014
916000 ID-County Atty	24,563	30,396
918000 ID-Sewer Man.Svcs.	1,807,843	1,876,093
980000 ID-DISS Svcs.	<u>105,002</u>	<u>118,769</u>
	\$9,552,862	\$10,210,518
Total Revised Appropriation Increase		+ \$657,656
4XXXXX* V. of East Aurora/ Town of Aurora		\$444,740
4XXXXX* Village of Hamburg		\$212,916
Total Revised Revenue Increase		+\$657,656

*** SAP Codes to be assigned**

and be it further,

RESOLVED, that the following expense adjustments be made to the Division of Sewerage Management Budget, Fund 220, Cost Center 1801010, and Use of Fund Balance be distributed among Fund 220, Cost Centers 1811010, 1811040, 1811050, 1821010, 1831010, 1831030 and 1861010 to offset these additional costs as follows:

500000 Personal Services	\$126,418
502000 Fringe Benefits	\$ 49,704
402190 Use of Fund Balance	
Cost Center 1811010	\$ 15,101
Cost Center 1811040	\$ 22,869
Cost Center 1811050	\$ 5,179
Cost Center 1821010	\$ 9,708
Cost Center 1831010	\$34,735
Cost Center 1831030	\$14,886
Cost Center 1861010	\$ 5,394
918000 Cost Center 1801010	\$(68,250)

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved resolution to Joel A. Giambra, County Executive; Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning; the Erie County Personnel Department; Nancy Naples, Erie County Comptroller and Joseph Passafiume, Erie County Budget Office.

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

CARRIED UNANIMOUSLY.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 40 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 9E-15. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Parks - Operating & Generating Revenue for Grover Cleveland & Elma Meadows Golf Courses

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

RESOLVED, that in order to protect the taxpayers' significant financial investment in the Grover Cleveland and Elma Meadows Golf Courses, the County of Erie desires to effectuate the following appropriation and revenue adjustments to the 2005 Erie County Adopted Budget, and be it further

RESOLVED, that the following 15 positions are hereby restored in the 2005 Adopted Budget in the Department of Parks, Recreation & Forestry:

- 6 Full Time positions of Parks Maintenance Worker I
- 4 Full Time positions of Parks Maintenance Worker III JG 7
- 1 Full Time position of Greens Keeper JG 10
- 2 Full Time positions of Automotive Mechanics – Parks JG 9
- 1 Full Time position of Park Superintendent JG 11
- 1 Full Time position of Youth Recreation Coordinator JG 9

and be it further

RESOLVED, that the following appropriation and revenue adjustments are made to the Parks Division:

Fund	Department	Account		2005 CAAB Budget	Legislative Adjustments	Total 2005 CAAB Budget Amended	4-7-05 Legislative Adjustments	Total 2005 CAAB Budget as Amended
	Parks	500000	PERSONAL SERVICES	3,299,593	(2,511,216)	788,377	630,712	1,419,089
		500010	PART-TIME WAGES	176,940	(142,917)	34,023		34,023
		500030	SEASONAL EMP WAGES	266,262	(215,082)	51,180	80,000	131,180
		500300	SHIFT DIFFERENTIAL				2,476	2,476
		500350	OTHER EMPLOYEE PAYMENTS				1,650	1,650
		501000	OVERTIME	172,389	(140,000)	32,389	5,500	37,889
		502000	FRINGE BENEFITS				207,274	207,274
		505000	OFFICE SUPPLIES	3,308	(3,000)	308		308
		505200	CLOTHING SUPPLIES	2,520	(2,500)	20		20
		505600	AUTO SUPPLIES	42,886	(40,000)	2,886	31,144	34,030
		505800	MEDICAL SUPPLIES	477	(477)	0		0
		506200	REPAIRS & MAINTENANCE	184,775	(175,000)	9,775	56,000	65,775
		506400	HIGHWAY SUPPLIES	22,428	(19,800)	2,628		2,628
		510000	LOCAL MILEAGE	90		90		90

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

		REIMBURSEMENT					
	516020	BUFFALO AND ERIE COUNTY BOTANICAL GARDENS	450,000		450,000		450,000
		PRO SER CNT AND FEES	15,106	(10,000)	5,106	106,926	112,032
	516030	MAINTENANCE CONTRACTS	26,000	(12,000)	14,000		14,000
	530000	OTHER EXPENSES	5,736	(5,000)	736	1,000	1,736
	545000	RENTAL CHARGES	53,225	(25,000)	28,225	51,100	79,325
	911200	ID COMPTROLLER'S SERVICES	30,536		30,536		30,536
	916390	ID SENIOR SRVS GRANTS	3,000		3,000		3,000
	980000	ID DISS SERVICES	204,580		204,580		204,580
Parks Sum			4,959,851		1,657,859	1,173,782	2,831,641
Parks	408000	STATE AID-YOUTH PROGRAMS	111,125	(111,125)	0		0
	409010	STATE AID-OTHER	1,000		1,000		1,000
	418500	PARKS & REC CHARGES CAMPING	72,506	(72,506)	0		0
	418510	PARKS & REC CHARGES SHELTERS	254,275	(254,275)	0	10,300	10,300
	418520	CHGS FOR PARK EMPLYS SUBSIST	35,640		35,640		35,640
	418530	GOLF CHARGES	949,001	(949,001)	0	1,153,094	1,153,094
	420500	RENT RL PROP-CONCESS	32,417	(32,417)	0	18,200	18,200
	422030	OTHER COMP FOR LOSS	100		100		100
	466010	NSF CHECK FEES	200		200		200
Parks Sum			1,456,264		36,940	1,181,594	1,218,534

and be it further

RESOLVED, that the Budget Director or Commissioner of Parks, Recreation and Forestry shall submit bi-weekly reports to the Legislature detailing revenues and expenses and reporting any variances from the above revenue and appropriations, and be it further

RESOLVED, that in the event technical adjustments are needed to the Park Division to effectuate these changes, such adjustments must be approved by the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, Comptroller, County Attorney, Personnel Commissioner, Commissioner of Parks, Recreation and Forestry, and AFSCME President John Orlando.

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

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, & WROBLEWSKI. NOT PRESENT: SWANICK. (AYES: 14, NOES: 0, NOT PRESENT: 1)

CARRIED.

SUSPENSION OF THE RULES

Item 41 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

GRANTED.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Comm. 10D-17 from the COUNTY ATTORNEY Re: Legal Representation of Erie County Legislature for Lawsuits Related to 2005 County Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. CHASE seconded.

GRANTED.

Comm. 10E-58 from LEGISLATOR SWANICK Re: Absence from Session on April 7, 2005.

Received, Filed, & Printed.

April 7, 2005

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
Old County Hall
92 Franklin Street -4th Floor
Buffalo, NY 14202

Re: Absence from Session on April 7, 2005.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's Rules of Order, this will serve as notification of my absence from the Session on April 7, 2005 due to previously scheduled personal obligations.

If you have any questions, please contact the Republican Chief of Staff, Harry Wahl.
Thank you.

Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

COMMUNICATIONS FROM ELECTED OFFICIALS**FROM THE COMPTROLLER**

Item 43 – (Comm. 10E-1) Preparation of the 2005 Erie County Budget Monitoring Report (BMR)

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 44 – (Comm. 10E-2) Bond Resolution - Amending Bond Resolution Adopted 4/28/04 - Vaughn Street Bridget Project

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 45 – (Comm. 10E-3) Copy of Letter to DISS Director Re: SAP Ownership/Proprietary Information

Item 46 – (Comm. 10E-4) Copy of Letter to DISS Director Re: Comm. 10D-9

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

FROM THE COUNTY CLERK

Item 47 – MS. MARINELLI presented Comm. 10E-5 (Letter to Chairman Holt Re: DMV Closings) and moved for it to be received and filed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI presented Comm. 10E-6 (Letter to Chairman Holt Re: Request for Law Enforcement Presence Within DMV) and moved for it to be received and filed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

FROM CHAIRMAN HOLT

Item 49 – (Comm. 10E-7) Letter to Legislators, Comptroller, County Attorney, & Budget Director Re: Citizen's Budget Review Commission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM MINORITY LEADER RANZENHOFER

Item 50 – (Comm. 10E-8) Minority Caucus Appointment to the Citizens Budget Review Commission of Erie County

Received, Filed, and Printed.

March 24, 2005

Kevin M. Kelley
Clerk -Erie County Legislature

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

92 Franklin Street, 4th Floor
Buffalo, New York 14202

**RE: MINORITY CAUCUS APPOINTMENT TO THE CITIZEN'S BUDGET
REVIEW COMMISSION OF ERIE COUNTY**

Dear Clerk:

Pursuant to Erie County Local Law 2-2005, which created the Citizen's Budget Review Commission of Erie County, the Minority Caucus of the Erie County Legislature wishes to notify you of its appointment to the Commission. The name of the appointee is set forth herein:

James A. Gately
M& T Bank
Lafayette Court
465 Main Street, 5th Floor
Buffalo, New York 14203

Very truly yours,

Michael H. Ranzenhofer
Minority Leader, Erie County Legislator -4th District

Cc: Hon George A. Holt, Jr., Erie County Legislature Chairman
Hon. Lynn M. Marinelli, Erie County Legislature Majority Leader
Hon. Timothy M. Kennedy, Erie County Legislator -2nd District
Mr. James A. Gately

FROM LEGISLATOR DeBENEDETTI

Item 51 – (Comm. 10E-9) Copy of Letter to Interim Chief Financial Officer of ECMCC Re: Freedom of Information Law Request

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 52 – (Comm. 10E-10) Parks, Recreation, & Forestry Review of Cash Collections for the Period 3/1/04 - 6/30/04

Item 53 – (Comm. 10E-11) Copy of Letter to Budget Director Re: Pension Accounting Prescription for 2004

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – (Comm. 10E-12) Letter to Legislature Re: Finance Division Cashier Operations

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 55 – (Comm. 10E-13) Letter to Legislature Re: Quarterly Distribution of Sales Tax to Cities, Towns, Villages, & School Districts

Item 56 – (Comm. 10E-14) Letter to Legislature Re: Notice of Closure of \$80 Million RAN

Item 57 – (Comm. 10E-15) Letter to Legislature Re: 2004 Investment Earnings

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 58 – (Comm. 10E-16) Letter to Comptroller Re: 2004 Investment Earnings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (Comm. 10E-17) Letter to County Legislature Re: Bond Rating Downgrades

Item 60 – (Comm. 10E-18) Apportionment & Distribution of 4% Sales Tax for 3/05

Item 61 – (Comm. 10E-19) State Authorization to Arrange for the Underwriting and Private Sale of Bonds

Item 62 – (Comm. 10E-20) Letter to Legislator Smith Re: Questions Regarding RANs

The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

RE: Double Fill Retirement Issue (Comm. 10E-21)

WHEREAS, on March 4, 2005 the County Legislature, as an amendment to Comm. 70-1, eliminated all of the Grade 9 Accountants in the Office of the Comptroller effective March 18, 2005, and

WHEREAS, one of the Grade 9 Accountants if terminated as of March 18, 2005 will be less than four weeks short of full retirement, and

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

WHEREAS, sufficient vacation time is in this employees vacation bank to pay for a double-fill until April 14, 2005 in a grade 8 Secretary-Comptroller position and, therefore, will not result in any additional expense against the 2005 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the following position, Grade 8 Secretary-Comptroller is authorized to be double filled effective March 18, 2005 until April 14, 2005, and be it further

RESOLVED, that the double filling of the position be filled by the grade 9 Accountant eliminated effective March 18, 2005 who was less then four weeks short of retirement, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; Commissioner of Personnel; the Erie County Comptroller and the Erie County Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

- **ADD** the following **RESOLVE** CLAUSES as the new third (3rd) and fourth (4th)
RESOLVES:

RESOLVED, that according to the Office of the Comptroller, the following describes the potential cash-out costs to the County:

Grade 9-C	471.5 Hours Vacation at \$23.418/Hr	Total Cash out \$11,041.59
Grade 8-C	471.5 Hours Vacation at \$21.614/Hr	Total Cash out \$10,191.00

and be it further

RESOLVED, that according to the Office of the Comptroller, through the temporary double-fill, the county achieves a savings during the cash-out of \$850.59, and be it further

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

CARRIED UNANIMOUSLY.

Item 64 – (Comm. 10E-22) Letter to Legislature Re: Delays in Vendor Payments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 65 – (Comm. 10E-23) Establishment of a New Division of Billing & Receivables Management

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 66 – (Comm. 10E-24) Award of Contract and Supplemental for Construction Inspection Services - Replacement of Glen Ave. Bridges 702& 704 - Erie County Project FA 704-5, NYS PIN 5755.26

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

RE: Appointment to the EC Fire Advisory Board (Comm. 10E-25)

RESOLVED, the Erie County Legislature does hereby approve the appointment of Mr. Michael J. Gates of 4744 Kennison Parkway, Hamburg, NY 14074 to the Erie County Fire Advisory Board for a term to expire on December 31, 2005.

MS. MARINELLI moved for the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 71 – (Comm. 10E-26) Appointment to the Buffalo & Erie County Public Library Board of Trustees

Item 72 – (Comm. 10E-27) Reappointment to the Buffalo & Erie County Public Library Board of Trustees

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

Item 73 – (Comm. 10E-28) Appointments to the Equal Employment Opportunity Advisory Committee

Received, Filed, and Printed.

April 5, 2005

The Honorable
Erie County Legislature
25 Delaware Avenue

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Buffalo, New York 14202

Re: Appointments to Equal Employment Opportunity Advisory Committee

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to the Equal Employment Opportunity Act of 1972, do hereby appoint the following individuals to the Equal Employment Opportunity Advisory Committee for the terms stated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Lorraine Clemente 57 Ketchum Place Buffalo, New York 14213	December 31, 2006
Uzochukwu Ihenko 347 Minnesota Avenue Buffalo, New York 14207	December 31, 2006
William Leisck 459 Amherst Street Buffalo, New York 14207	December 31, 2006
Michael Rivera 268 Crescent Avenue Buffalo, New York 14214	December 31, 2006
Ali H. Beile 329 Potomac Avenue, Lower Buffalo, New York 14202	December 31, 2006
Audrey J. Czesak-Kennedy 605 Admirals Walk . Buffalo, New York 14202	December 31, 2006
Judith Einach 19 Penfield Street Buffalo, New York 14213	December 31, 2006
Gilbert Hernandez 128 Carmel Road Buffalo, New York 14214	December 31, 2006
Mohamed A. Mohamed 56 Empress Avenue	December 31, 2006

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Amherst, New York 14226

Adrian Rodriguez, Coordinator
 Minority Business Enterprise
 95 Franklin Street, 16th Floor
 Buffalo, New York 14202

December 31, 2006

Miguel Santos
 535 Washington Street
 Buffalo, New York 14203

December 31, 2006

Reverend Roderick Hennings
 92 Beresford Court
 Williamsville, New York 14221

December 31, 2006

Noemi Fernandez
 69 Delaware Avenue
 Buffalo, New York 14202

December 31, 2006

Reverend William Gillison
 701 East Delevan Avenue
 Buffalo, New York 14215

December 31, 2006

Respectfully submitted,

JOEL GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jdl

cc: Appointees
 Jacqueline Stover, Director, Division of Equal Employment Opportunity

Item 71 – (Comm. 10E-29) Probation & Youth Detention Services - Adjustment in Personnel Budget

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 72 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Emergency Services - Request for Authorization for EC to Enter into an Agreement With the NYS Office of Technology for the Enhancement of Public Safety Communication for First Responders (Comm. 10E-30)

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

WHEREAS, reliable communications is a critical component in the delivery of Police and Emergency Services and,

WHEREAS, since September 11, 2001 equipping public safety with the tools necessary to perform their jobs on a daily basis and when a disaster occurs it is the top priority for Erie County and the state of New York and,

WHEREAS, many components of the existing public safety communications system in Erie County are aged and fail to meet the current needs of public safety service providers and ,

WHEREAS, following an extensive study and system design by a broad base of public safety users and technical experts, a recommendation has been made to construct a new public safety communications system in Erie County and,

WHEREAS, the proposed 800MHz system will provide state of the art communications for police, fire and EMS personnel, thus enhancing their communications capability on a daily basis, and during potential or actual disasters and,

WHEREAS, since November 2000, Erie County has been working with the New York State Office of Technology to partner with them on the Statewide Wireless Network (SWN) and,

WHEREAS, Erie County has determined that the development of an agreement with the New York State Office of Technology will provide us a path to a solution, and at the same time provides the New York State Wireless Network (NYSWN) the opportunity to begin implantation of their project in the Western part of New York State. By sharing access to the system, New York State can leverage the significant investment and capabilities of the Erie County trunked network and significantly shorten the implementation time and,

WHEREAS, Erie County seeks authorization to enter into an agreement with New York State Office of Technology

NOW, THEREFORE BE IT

RESOLVED, in the interest of moving forward on rebuilding Erie County's Public Safety Communications Network, the County Executive is authorized to enter into an agreement and sign the Preliminary Planning Agreement with New York State Office for Technology that will be the beginning of a partnership to rebuild this system together, and be it further

RESOLVED, that this agreement will set forth parameters for the partnership between the State of New York and Erie County that may be used as a basis for development of any agreement between the parties for the County's participation in the Statewide Wireless Network (SWN) as an authorized entity, and be it further

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

MS. MARINELLI moved to amend the item by attaching a copy of the aforementioned agreement. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**PRELIMINARY PLANNING AGREEMENT
BETWEEN
THE NEW YORK STATE OFFICE FOR TECHNOLOGY
AND
ERIE COUNTY
IN CONNECTION WITH
THE STATEWIDE WIRELESS NETWORK**

This **PRELIMINARY PLANNING AGREEMENT** (hereinafter "Agreement") is made to establish a partnership by and between the State of New York (hereinafter "the State"), acting by and through the New York State Office for Technology (hereinafter "OFT") with offices located at the State Capitol, Empire State Plaza, Post Office Box 2062, Albany, New York 12220-0062, and Erie County, (hereinafter "the County"), with its principal place of business located at 95 Franklin St., Buffalo, NY 14202, its successor and assigns,

WITNESSETH:

WHEREAS, under the provisions of Article 10-A of the Executive Law, OFT is responsible for: planning and coordinating the use of technology to improve governmental efficiency and effectiveness; designing and implementing the State's common technology networks; and facilitating and coordinating the improvement of program delivery services through technology with and among other departments, divisions, and agencies of the State, and local governments in the State; and

WHEREAS, OFT, in furtherance of its statutory responsibilities, has, on behalf of the State, undertaken a program to provide an integrated, land mobile radio communications network for use by public safety and public service agencies throughout the State; and

WHEREAS, the principle goal of the Statewide Wireless Network (hereinafter "SWN") is to plan the deployment and implementation of a statewide network infrastructure sufficient to meet the needs of state agencies and Authorized SWN Entities, as defined in the RFP; and

WHEREAS, OFT is committed to exploring partnership arrangements with other governmental entities to provide basic SWN services, promote maximum interoperability, minimize the overall cost to all participants, minimize the proliferation of towers, and reduce the time necessary for the implementation of the SWN; and

WHEREAS, the County is interested in upgrading its public safety communications network; and

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

WHEREAS, the County contacted OFT with the intent of exploring a partnership to obtain basic SWN services to benefit the County; and

WHEREAS, since September 11, 2001, equipping public safety officers with the tools necessary to perform their jobs if disaster occurs is a top priority for the County, New York State and the entire country; and

WHEREAS, police, fire, and emergency medical service agencies need access to current generation voice and data communications technology; and

WHEREAS, the County has determined that the development of an Agreement will further a proper purpose with respect to the County's participation in the SWN as a *Full System Partner* as defined in Exhibit 6, SWN Local Interface Protocols, of the SWN RFP.

NOW, THEREFORE, in consideration of the foregoing, the parties do hereby agree as follows:

I. Purpose

The purpose of this Agreement is to set forth parameters for the partnership between the State and the County that may be used as the basis for development of any agreements between the parties for the County's participation in the SWN as an Authorized SWN Entity.

II. Inventory of Facilities and Other Assets

In order to facilitate the preliminary planning discussed above, the County shall, within sixty (60) days of the effective date of this Agreement, provide OFT with an itemized inventory of all of the County's facilities and other assets that could be useful in and made available for the implementation of the SWN including, but not limited to:

- a. towers;
- b. buildings;
- c. transmission equipment;
- d. antenna support structures;
- e. transmission sites;
- f. spectrum resources (frequencies); and
- g. other available infrastructure

OFT will review these inventories and may share them with approved SWN and contractor engineering staff. The County agrees to provide additional information concerning these inventories upon the request of OFT.

III. Partnership Development Team

As soon as practicable, the State will create a joint Proposal Team to develop a SWN partnership for the County to participate as an Authorized SWN Entity.

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The proposal developed by the Partnership Team will review the inventories provided by the County as part of the detailed preliminary SWN engineering design and determine the extent to which any of the facilities or other assets within the County can be useful in the design of the SWN. If any of the facilities or other assets within the County can be useful in the design of the SWN, the County will cooperate in the development of a preliminary plan for the use of the County's resources.

The Partnership proposal developed by the Partnership Team will also provide a detailed needs analysis relating to the County's participation in the SWN, including, but not limited to:

- technical options;
- estimated costs;
- estimated timeframes; and
- identification of any specific issues related to the proposal (e.g., land ownership, leases, access arrangements).

The Partnership proposal developed by the Partnership Team will cover the term and renewal option(s), if any, of a SWN executed contract and will include agreement on specific issues related to the proposal, including but not limited to, the following:

- 1) Tower Infrastructure, Antenna Support Structures and Other Transmission Backbone Infrastructure
- 2) Spectrum (Frequencies)
- 3) Subscriber Equipment
- 4) Maintenance
- 5) Training
- 6) Optional Equipment and Functionality

Once the Partnership Team has completed the development of a proposal, it will be subject to review and approval by the State. Upon approval, the proposal will form the basis for a formal intergovernmental agreement and contract development between the County and the State.

IV. Contract and Agreement Development

Based on the partnership proposal developed by the Partnership Team the Partnership Team will develop the requisite draft contract and agreement documents.

Any contracts between the County and the prime contractor must include the following terms:

- the term and renewal option(s), if any, of the SWN executed contract.

- language that for the purposes of the contract, shall not exceed the terms of the SWN executed contract.
- language that for purposes of the contract, unless otherwise defined, terms shall have the meanings attributed to them in the RFP.
- a dispute resolution process agreed to by the parties.

Any agreement between the County and the State must include the following terms:

- irrevocable rights of infrastructure access and spectrum use agreements subject to Service Level Agreement(s) entered into by OFT and the County.
- the term and renewal option(s), if any, of the SWN executed contract.
- language that unless otherwise defined, terms shall have the meanings attributed to them in the RFP.
- a dispute resolution process agreed to by the parties.

The State and the County acknowledge that all contracts must be fully executed and that all necessary approvals must be obtained before the Prime Contractor will be authorized to initiate work. Upon execution of all contracts, final approval for the Prime Contractor to proceed with implementation will be within the sole discretion of the State.

The State and the County further acknowledge that any future contracts or agreements as referenced in this section must be in accordance with any applicable provisions of the State Environmental Quality Review Act (SEQRA).

V. Freedom of Information Law

The State and the County acknowledge that the inventories, proposals, contracts, and other records produced in connection with this Agreement are subject to the Freedom of Information Law (Public Officers Law, Article 6; hereinafter "FOIL"). The State and the County further acknowledge that portions of these records should be withheld from access under various provisions of the Freedom of Information Law, including, but not limited to, those portions which, if disclosed, would impair present or imminent contract awards (FOIL, §87[2][c]), endanger the life or safety of any person (see, FOIL, §87[2][f]), or jeopardize an agency's capacity to guarantee the security of its information technology assets (FOIL, §87[2][i]). Prior to responding to a request for records produced in connection with this Agreement pursuant to FOIL, the County will notify OFT of the request and consult with OFT prior to providing any records in response to the request. The County will not respond to requests for records produced in connection with this Agreement that fall outside the scope of FOIL (e.g., a request from another governmental entity) without the prior written approval of OFT.

VI. Disclaimer

The State does not assume, in this Agreement, any risk, liability, or responsibility for the impact on the County of the exercise of any or all of its rights as defined in the RFP and makes no representation in this Agreement that the execution of this Agreement will in any way affect the State's action(s) with respect to the RFP, its evaluation of proposals or any decision(s) on award.

VII. Term of this Agreement; Termination

This Agreement will begin upon execution by both parties and shall continue in full force and effect until the parties have fulfilled their respective responsibilities hereunder, provided however, that this Agreement may be terminated by either party on ninety (90) days written notice to the other party. The notices required by this section shall be delivered to the other party in writing, by certified mail, return receipt requested. The date of notice shall be deemed the date of delivery set forth on the return receipt.

Both parties acknowledge that access to the executed SWN contract is essential to the process by which each party will determine whether it is appropriate to enter into a final contract providing for the County's participation in the SWN. Accordingly, OFT will, as soon as practicable, provide the County with a copy of the executed SWN contract. Upon review of the executed SWN contract, either party may exercise its right to terminate this Agreement under this section.

VIII. Amendments to this Agreement

This Agreement may be amended, modified or superseded, and the terms or conditions hereof may be waived only by a written instrument signed by OFT and the County or, in the case of a waiver, the party waiving compliance.

IX. Definitions

Except as otherwise provided herein, terms shall have the definitions attributed to them in the SWN RFP.

X. Acknowledgement and Agreement

By signing this Agreement, the undersigned represents that he or she is authorized to do so, agrees that he or she has read and understands its contents, and agrees to its terms and conditions.

NEW YORK STATE

OFFICE FOR TECHNOLOGY

By: _____

Name: _____

Title: _____

Date: _____

Erie County

By: _____
Name: _____
Title: _____
Date: _____

Approved as to form

By _____
Name: Kevin R Wolf
Assistant County Attorney

Date: _____

Document No.: 05-24-CP

Approved as to content

By _____
Name: Kevin J. Comerford, Commissioner

Date _____

STATE OF NEW YORK)
) SS.
Metropolitan Transportation Authority)

On this _____ day of _____, 2004, before me personally came _____, to me known, and known to me to be the person who executed the above instrument, who, being duly sworn by me, did for her/himself depose and say that (s)he is the _____ (title) of the COUNTY, with its principal place of business located at 347 Madison Ave. New York, New York 10017, and that (s)he executed the foregoing instrument in the name of the COUNTY, and that (s)he was authorized to execute the same as the act and deed of the COUNTY for the uses and purposes mentioned therein.

Notary Public

APPENDIX A – FULL SYSTEM INTEGRATION

A. Full System Integration:

This type of agreement involves adoption of SWN as the partner's operational radio communications network. The components of this sharing arrangement include:

- Frequencies
- Equipment Procurement/ Maintenance
- Operations
- System Operations Centers
- Software (System Capabilities)
- Upgrades/Technology Refreshment
- Training

If it is agreed that the COUNTY will pursue participation in the SWN as a Full System Partner, the proposal for the COUNTY's potential participation in the SWN will be structured as a Full System Integration Partnership that would include sharing of frequencies, equipment procurement, maintenance, upgrades, technology refreshment, software, and training as defined in the RFP. Interface/Gateway and Infrastructure Partnerships will be structured consistent with their unique requirements

Tower Infrastructure, Antenna Support Structures and Other Transmission Backbone Infrastructure

- The State and the COUNTY will, to the extent practicable, agree to share resources including, but not limited to, towers, transmission sites, and other infrastructure to the maximum extent possible on a quid pro quo basis.
- The proposal will address issues of title ownership to the infrastructure and underlying land; how to handle existing leasehold interests; financial responsibility for tower construction, reconstruction or renovation as may be necessary; and infrastructure maintenance.

Spectrum (Frequencies)

- OFT and the COUNTY will work collaboratively to secure and maintain all frequencies required to complete implementation and continued operation of the SWN.

Subscriber Equipment

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

- OFT and the COUNTY agree that subscriber equipment and services will be made available to the COUNTY as provided under the executed SWN contract as adopted by the NYS OGS, throughout the term of any contract.
- The COUNTY reserves the right to procure subscriber equipment and service through its own competitive procurement process independent of the Executed SWN Contract. The COUNTY agrees that use of such subscriber equipment on the SWN shall be subject to the provisions of the SWN Local Interface Protocols.
- The COUNTY will be solely financially responsible for the purchase and service(s) for any subscriber equipment acquired by it or on its behalf under the executed SWN contract or through its own competitive procurement process.

Maintenance

- The State agrees to make subscriber maintenance support available to the COUNTY as provided in the Executed SWN Contract. The COUNTY will be solely financially responsible for its subscriber maintenance support.

Training

- The State and the COUNTY agree to work collaboratively on development and coordination of training(s) required for implementation and operation of the SWN within the COUNTY.

Optional Equipment and Functionality

- In addition to the basic SWN radio system functionality, the SWN RFP solicits proposals for additional and optional services, which provide enhanced capabilities to Authorized SWN Entities. To the extent that such services are incorporated in the SWN executed contract, the State agrees to make such service(s) available to the COUNTY consistent with the provisions of the executed SWN contract.

Required Documents:

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

CARRIED UNANIMOUSLY.

Item 73 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 81

RE: Social Services - Restoration of Daycare
Funding (Comm. 10E-31)

WHEREAS, a component of 2005 budget amendments adopted on February 14, 2005 reduced the appropriation for low income daycare in the amount of \$4,266,477, and

WHEREAS, low income daycare benefits are provided to employed individuals with income at or below 200% of the Federal Poverty Level, and

WHEREAS, the amount of the funding reduction translates to a potential elimination of low income daycare payments for over 1,300 Erie County children, the removal of the benefit would mean that many working people would lose access to quality daycare, many would not be able to sustain gainful employment and there would be more families that would become recipients of public assistance, and

WHEREAS, this program is 100% Federal share, there is no local share impact to the reduction that was made and there is no local share to the restoration of these critical funds.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
525090	Child Care - DSS	<u>\$4,266,477</u>
	Total Expenditures	<u>\$4,266,477</u>
414000	Federal Aid	<u>\$4,266,477</u>
	Total Revenues	<u>\$4,266,477</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 74 – (Comm. 10E-32) Cooperative Agreement between EC and the FBI, Regional Computer Forensic Laboratory, National Program Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 75 – (Comm. 10E-33) Private Company Payroll Slot Charges

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 76 – (Comm. 10E-34) DEP - 2005 NACO Indoor Air Quality Model County and Coalition Grant Program

Item 77– (Comm. 10E-29) DEP - NACO/NYSAC Indoor Air Quality Program Grant

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

Item 78 – (Comm. 10E-36) Health - Public Health Regional Agreements

Item 79 – (Comm. 10E-37) Health - Public Health Preparedness Laboratory - Response Network 8/31/04 - 8-30/05 - SAP TITLE: HS127LRN0405

Item 80 – (Comm. 10E-38) Health - Public Health Preparedness/Response to Bioterrorism 8/31/04 - 8/30/05 SAP TITLE: HS127BT0405

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

Item 81 – (Comm. 10E-39) CPS - Urban Area Security Initiative (UASI) Grant Acceptance and Authorization FFY05

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 82 – (Comm. 10E-40) DEP - Funding for the Erie Canal Harbor through the Empire State Development Corporation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 83 – (Comm. 10E-41) Senior Services - Authorization to Amend the Senior Employment & CSE Grant Budgets and Related Contracts, and Revise List of Authorized Home Care Providers

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 84 – (Comm. 10E-42) ECSD No. 6 - Engineer Term Agreement - Work Order: DA-1

Item 85 – (Comm. 10E-43) Sewerage Management - Personnel Request

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 86 – (Comm. 10E-44) ECSDs & Southtowns Sewage Treatment Agency - Transfer of Funds - 2005 Budget Corrections to SAP Mapping

Item 87 – (Comm. 10E-45) ECSD No. 1 - DEP/DPW - Interdepartmental Agreement - Dated 11/13/03 - Closeout

Item 88 – (Comm. 10E-46) ECSD No. 3 - Town of Hamburg - Proposed Agreement

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

Item 89 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Emergency Services - Emergency Double Fill (Comm. 10E-47)

WHEREAS, the Department of Emergency Services is requesting an emergency double fill for the position of Radio Technician, and

WHEREAS, the Erie County Department of Emergency Services' Radio Shop is charged with maintaining and repairing the County's emergency radio system, and

WHEREAS, due to the lay off and retirement of the Department's Radio Technicians, there will only be the Senior Radio Technician to cover the system for 8 weeks which would effectively end emergency radio repairs for various County departments, ambulance dispatch and the fire service, and

WHEREAS, the emergency double fill will enable the Department to address emergency situations, prioritize work and keep the backbone of the County's emergency services communications system in operation.

NOW THEREFORE BE IT

RESOLVED, that the Department of Emergency Services be authorized to double fill the position of Radio Technician, and be it further

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

MS. MARINELLI moved to amend the item by attaching the following information. MR. DeBENEDETTI seconded.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

**Savings for the
re-hiring of a laid off Radio Technician to replace a retiring Technician**

Present Annual Salary of the Retiring Radio Technician – 2005		\$46,950.00
Bi-weekly paid out to Date PP's 1-8 + \$1805.76 X 8 Pay Periods =	\$14,446.08	
Buy-out of remaining vacation and other times \$1805.76 X 3.5 PP =	<u>\$6,320.16</u>	
	\$20,766.24	
Salary of re-hired Radio Technician from the time the present Radio Technician leaves: \$1652.96 X 18 PP's	\$29,753.28	
Un-employment that would be paid until the present Radio Technicians time has expired as far as buy-out + 7 weeks @ \$405.00 This would be a savings because it would not be paid out	<u>(\$2,835.00)</u>	
	\$47,684.52	<u>\$47,684.52</u>
By double filling this position the total cost of Double filling this position would be the following amount		<u>\$734.52</u>

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

CARRIED UNANIMOUSLY.

Item 90 – (Comm. 10E-48) DEP - People Community Housing Development Corporation - Birchfield Manor, West Seneca, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 91 – (Comm. 10E-49) Health - Personnel Adjustment

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 92 – (Comm. 10E-50) DEP - MOA: Revised First Amendatory Agreement - Erie Canalway Trail Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 93 – (Comm. 10E-51) ECSDs and Southtowns Sewage Treatment Agency - 2005 Budget Revision

Item 94 – (Comm. 10E-52) ECSD No. 5/Heise-Brookhaven Sewage Works Corporation, and Town of Clarence - Proposed Service Agreements

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

Item 95 – (Comm. 10E-53) DEP - Framework for Regional Growth - Consultant Contract Amendment with Hellmuth, Obata, and Kassabaum, Inc. (HOK)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 96 – (Comm. 10E-54) Resolution Regarding 2005 Budget Appropriations for the Erie County Clerk's Office (Registrar & Auto Bureau)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 97 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Erie County Sheriff's Office - Personnel Adjustment (Comm. 10E-55)

WHEREAS, the New York State Office of Court Administration has requested an increase of thirteen (13) Deputy Sheriff Officers; and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of these positions under the current contract between the parties; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create thirteen (13) Deputy Sheriff Officer, Job Group VIII positions; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized effective April 2, 2005.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

<u>Revenue</u>	<u>Increase</u>
Business Area 116 – Jail Management Division	
Account 408530 – State Aid Criminal Justice Programs	\$ <u>695,929</u>
Total Revenue	\$ <u>695,929</u>
<u>Appropriation</u>	<u>Increase</u>
Business Area 116 – Jail Management Division	
Account 500000 – Personal Services	\$ 473,353
Account 500320 – Uniform Allowance	9,750
Account 500340 – Line-Up	22,194
Account 501000 – Overtime	23,668
Account 502000 – Fringe Benefits	163,714
Account 505200 – Clothing Supplies	<u>3,250</u>
Total Appropriation	\$ <u>695,929</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY CLERK

Item 98 – (Comm. 10E-56) Resolution Regarding 2005 Budget Appropriations for the Erie County Clerk's Office (Registrar & Auto Bureau) and Increase in Cover Fee

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 99 – (Comm. 10E-57) Health - Emergency Double Fill - Supervising Accountant

Received and referred to the COMMUNITY SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM VETERANS' SERVICES

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 100 – (Com. 10D-1) Letter to Chairman Holt Re: Request For Restoration Of Asst. Veterans Services Officer Position

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMCC

Item 101 – (Comm. 10D-2) Copy of Letter to Comptroller Re: Capital Fund Payments for ECMCC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 102 – (Comm. 10D-3) Copy of Letter to Budget Director Re: Void Resolution Reducing 2005 Budget Appropriation for NFTA; NFTA Appropriation Statutorily Required and Fully Encumbered

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 103 – (Comm. 10D-4) Memo To Legislators Re: Meeting with DSS Commissioner on Cell Phones

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 104 – (Comm. 10D-5) SEQR - Solicitation for Lead Agency Status - Rush Creek Interceptor & Elimination of Pumping Stations & Blasdell Wastewater Treatment Plant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

Item 105 – (Comm. 10D-6) Minutes of Board of Trustees Meeting Held 2/23/05

Received and filed.

FROM THE COUNTY ATTORNEY

Item 106 – (Comm. 10D-7) Transmittal of New Claim Against EC

Item 107 – (Comm. 10D-8) Transmittal of New Claims Against EC

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

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

FROM DISS

Item 108 – (Comm. 10D-9) Memo to Comptroller Re: Response to SAP Ownership/Proprietary Information 3/17/2005

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMCC

Item 109 – (Comm. 10D-10) Annual Report 2004

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM PERSONNEL

Item 110 – (Comm. 10D-11) Letter to Legislature Re: Intro 8-4 (2005)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DISS

Item 111 – (Comm. 10D-12) Business Process Reengineering - Phase 2 for Y2005 - Y2007 Communication - No Approval Request at This Time

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 112 – (Comm. 10D-13) Filing Receipt From Dept. of State of LL No. 2 - 2005 - Citizens' Budget Review Commission

Received, Filed, & Printed.

TO: FREDERICK A. WOLF -ERIE COUNTY ATTORNEY
 GREGORY J. DUDEK -ASSISTANT COUNTY ATTORNEY
 BRIAN D. WHITE -ASSISTANT COUNTY ATTORNEY
 NANCY A. NAPLES -ERIE COUNTY COMPTROLLER
 KEVIN M. KELLEY -CLERK, ERIE COUNTY LEGISLATURE
 KATHLEEN GREGOIRE -SECRETARY TO THE ERIE COUNTY EXECUTIVE

FROM: SUSANNAH M. BOCHENEK -2ND ASSISTANT COUNTY ATTORNEY

DATE: MARCH 30, 2005

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

RE: LOCAL LAW NO. 2-2005 -CITIZENS' BUDGET REVIEW COMMISSION FOR
ERIE COUNTY

Ladies and Gentlemen:

Attached for your information is a copy of the filing receipt from the Department of State showing that the above-referenced local law was filed on March 7th.

SMB

Att.

March 22, 2005

County of Erie
Department of Law
69 Delaware Avenue -Suite 300
Buffalo, NY 14202

RE: County of Erie, Local Law 2, 2005, filed on 3/7/2005

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

FROM THE ECMCC

Item 113 – (Comm. 10D-14) Minutes of Board of Directors Meeting Held 3/31/05

Received and filed.

FROM THE COUNTY ATTORNEY

MEETING NO. 10

April 7, 2005

ERIE COUNTY LEGISLATURE

Item 114 – (Comm. 10D-15) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PUBLIC WORKS

Item 115 – (Comm. 10D-16) Accomplishments of the Custodial Department

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYPERSONS HOYT & PEOPLES

Item 116 – (Comm. 10M-1) Letter to Legislature Re: NFTA Sales Tax Share

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS SUPREME COURT

Item 117 – (Comm. 10M-2) Suit against ECL Re: Probation Department Layoffs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE MAYOR OF BUFFALO

Item 118 – (Comm. 10M-3) Copy of Letter to NYPA Chair Re: Regional Cultural Asset
Fund

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM HARTER, SECREST & EMERY, LLP

Item 119 – MS. MARINELLI presented Comm. 10M-4 (Letter to Chairman Holt Re: Naples v. EC, Swarts v. EC, & Gallivan v. EC) and moved for it be received and filed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

FROM NYPA

Item 120 – (Comm. 10M-5) Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DAVE CORDERO

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 121 – (Comm. 10M-6) E-Mail sent to Legislators Re: Deputy Parks Commissioners

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF ELMA SUPERVISOR

Item 122 – MS. MARINELLI presented Comm. 10M-7 (Letter to Legislator Dusza Re: Elma Meadows Park & Golf Course) and moved for it be received and filed. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

FROM WEST SENECA AMERICORPS

Item 123 – (Comm. 10M-8) Letter to Legislator Smith Re: TANF Pass-Through Money

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM WORKING FOR DOWNTOWN

Item 124 – (Comm. 10M-9) Letter to Chairman Holt Re: Public Safety Campus

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM GLOBALQUEST SOLUTIONS INC.

Item 125 – (Comm. 10M-10) Copy of Letter to Comptroller Re: Comm. 10E-3

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 126 – (Comm. 10M-11) Payments Due NFTA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SHARON S. TOWNSEND, EIGHTH JUDICIAL DISTRICT

Item 127 – (Comm. 10M-12) Letter to County Attorney Re: Family Court Positions Within Law Department

Received and filed.

FROM THE NYS SECRETARY OF STATE

Item 128 – (Comm. 10M-13) Receipt of Certificate of Appointment of Member of ECIDA

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE NFTA

Item 129 – (Comm. 10M-14) NFTA Board Minutes for Meeting Held 2/28/05

Received and filed.

FROM THE NYS ENVIRONMENTAL FACILITIES CORPORATION

Item 130 – (Comm. 10M-15) Summer Pool Conference Call Notice

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TRANSIT WORKERS DISCUSSION GROUP

Item 131 – (Comm. 10M-16) Our Challenge to County Government: Freeze the Debt! Hold a Referendum so the People can Decide!

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ASSEMBLYMAN HOYT

Item 132 – (Comm. 10M-17) Copy of Letter to NYPS Chair Re: Support of Regional Cultural Asset Fund

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 133 – (Comm. 10M-18) 5-Year Capital Plan For FYs ending 3/31/06 - 3/31/10

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECIDA

Item 134 – (Comm. 10M-19) Notice of Board of Directors Meeting To Be Held 4/11/05

Received and filed.

FROM NYSDEC

Item 135 – (Comm. 10M-20) Fact Sheet: Urban Brownfields - Site Investigation of Six Lots on Ridge Rd. in Lackawanna

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE****FROM THE BUFFALO COUNCIL AFL-CIO**

Item 136 – MS. MARINELLI presented Comm. 10M-21 (Recommendations for Citizen's Budget Review Commission) and moved for it be received, filed, and printed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

March 29, 2005

Kevin Kelley, Clerk of the Legislature
Erie County Legislature
92 Franklin St-4th floor
Buffalo, NY 14202

Dear Mr. Kelley:

As per Chairman Holt's letter to me, dated March 23, 2005, I am enclosing the names of three (3) recommended candidates for the Buffalo AFL-CIO seat on the Citizen's Budget Review Commission of Erie County.

The three names are:

Michael Drennan, AFSCME Council 35

XXX XXXXXXXX XXX

Buffalo, NY 14222

Tel. XXX-XXXX

See his complete resume (pg. 2)-member AFSCME #650 1988-present,
Secretary/Treasurer Council #35, President -AFSCME #650, certified internal auditor, BS -
management, MBA finance.

Thomas Dzik, Teamsters #264

XX XXXXX XX.

Cheektowaga, NY 14227

Tel. XXX-XXXX

Member, Teamsters 1979-present, former President/Chief Operating Officer of #264,
current Business Agent of #264.

Gerry Skrzeczkowski, OPEIU #212

XXXX XXXXXXXX XX.

Buffalo, NY 14206

Tel. XXX-XXXX

Member, OPEIU #212 1976-present, Business Agent of #212, International Vice President
Emeritus of OPEIU International, member of Cornell University ILR' s 'Champions
Network.'

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

If you have any questions, please contact me on my cell phone-Tel# 866-2424.

Thank you.

Sincerely,

Mark R. Jones
President
Buffalo AFL-CIO Central Labor Council

Michael F. Drennen CIA

XXX XXXXX XXX. Home (XXX) XXX-XXXX

XXXXXXXXXXXXXXXXXXXX@verizon.net

Buffalo, NY 14216-2366 Cell (XXX) XXX-XXXX

Education: University at Buffalo

- MBA Finance June 2000
- BS Business Administration /Registered Accounting Program June 1993

Awards:

- Election to Beta Gamma Sigma
- 2000 Who's Who among students in American Universities & Colleges
- 2nd place in the 2000 Ernst & Young/ Columbus McKinnon MEA Team Case Competition

Professional Licenses, Certifications and Memberships:

- Certified Internal Auditor Institute of Internal Auditors
- Member American Institute of Certified Public Accountants

Passed the Uniform CPA Examination All Parts May 1999

Professional Experience:

AFSCME District Council 35	Secretary-Treasurer	2003 -Present
AFSCME Local 650	President	2002 -Present
City of Buffalo	Supervising Auditor	2001 -Present
	Senior Auditor	1993 -2001
	Assistant Auditor	1991 -1993
	Junior Auditor	1989 -1991
	Account-Clerk	1988 -1989

- Performs Financial Statement, Compliance and Performance Audits of City Departments
- Analyze the operations of City Departments with respect to reengineering processes

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

- Designed and implemented an automated payroll with a team of Data Processing, Accounting and Audit professionals
- Member of team that discovered weaknesses in the employee benefits system that allowed for overpayments in excess of \$500,000 per year, redesigned the process to eliminate fragmented communications and automated many procedures

University Heights Community Development Association Fiscal Officer 1987 -1988

- Responsible for all financial reporting and accounting records
- Performed all purchase tasks, competitive bidding, state contracts

Volunteer Experience:

New York State Society of CPAs Government Accounting & Auditing Committee 2002 -present

Western New York Chapter of the Institute of Internal Auditors President 2001 -02

- Developed organization, communication and people skills

St. Joseph's Federal Credit Union Member of the Board of Directors 1991-1994

- Responsible for establishing corporate policy and strategies
- Chaired the Investment Committee and served as a member of the Supervisory and Steering Committee

Computer Skills: Microsoft Office: Word, Excel, Access and PowerPoint

FROM ECWA

Item 137 – (Comm. 10M-22) Audited Financial Statements for Year Ending 12/31//04

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM TOWN OF TONAWANDA TOWN BOARD

Item 138 – (Comm. 10M-23) Copy of Certified Resolution Re: Opposition to Greiner Commission Recommendations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LAWRENCE W. SMITH & ASSOCIATES, INC.

Item 139 – (Comm. 10M-24) Letter to Legislature Re: Communication #17E-14

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEMORIAL RESOLUTIONS

MEETING NO. 10**April 7, 2005****ERIE COUNTY LEGISLATURE**

Item 140 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Most Reverend Edward D. Head, DD.

Item 141 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Pope John Paul II.

Item 142 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of David E. Mercer.

Item 143 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Staff Sgt. Christopher Dill.

Item 144 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Cornelius Lamar Johnson.

Item 145 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Elizabeth K. Carter.

Item 146 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Mildred Travis.

ADJOURNMENT

Item 52 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday April 21, 2005 at 2 p.m. Eastern Standard Time. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday April 21, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**