

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 11**  
**APRIL 21, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present except Legislators McCarville and Swanick.

An Invocation was led by Catherine Rieley Goodard of Concered Ecumenical Ministries

The Pledge of Allegiance was led by Ms. Chase.

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 5, 6, 7, 8, 9, and 10 of 2005. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MS. CHASE and the REPUBLICAN CAUCUS presented a resolution Honoring The Life of NYS Senator Patricia K. McGee, First Woman Legislator To Represent The Southern Tier. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. MARINELLI presented a resolution Recognizing April 19, 2005 As Equal Pay Day For Women In Erie County. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. DUSZA presented a resolution Honoring The 2005 SERTOMA Contest Winners. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 9 - SMITH & HOLT presented a resolution Honoring Boys & Girls Clubs of America Youth of the Year Recipients. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

Item 10 - HOLT & SMITH presented a resolution In Memory of Barbara Moore. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 11 - MR. RANZENHOFER presented a resolution Honoring The 2005 Akron Chamber of Commerce Award Recipients. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. RANZENHOFER presented a resolution Honoring The 2005 Amherst Chamber of Commerce Award Recipients. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. McCARVILLE presented a resolution Honoring Hon. John Mills For Receiving The Orchard Park Republican of the Year Award. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. DUSZA presented a resolution Honoring Department of Senior Services 50th Wedding Anniversary Recipients. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 15 - SMITH & HOLT presented a resolution In Memory of Elizabeth G. Flood. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above ten items to included Et Al Sponsorship. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the above ten items as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 16 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

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GRANTED.

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.

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 the following Local Law and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**COUNTY OF ERIE**  
**Local Law No. \_\_-2005**  
**Local Law Intro. No. 6-2005**

**TO BE ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:**

**SECTION 1.** Short title.

This Local Law shall be known as the “Erie County Local Law to prohibit the Sale, Purchase and use of Alcohol Without Liquid (AWOL) Machines or Alcohol Vapor Devices within Erie County.”

**SECTION 2.** Legislative Intent.

This Legislature hereby finds and determines that AWOL, and acronym for Alcohol With Out Liquid, is a machine that mixes spirits with pure oxygen. A cloudy alcohol vapor is created by pouring spirit with pure oxygen. A cloudy alcohol vapor is created by pouring a spirit into a “diffuser capsule” connected to an oxygen pipe, which can then be inhaled or snorted.

This Legislature also finds and determines that AWOL machine enables people to “snort” drinks such as vodka or absinthe through a tube into the nose or mouth, rather than drinking through the

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mouth. This Legislature further finds and determines that by bypassing the stomach and the filter of the liver, the alcohol vapor is absorbed through the blood vessels in the nose or lungs, creating a quicker and more intense hit on the brain.

This Legislature finds that experts have claimed that the practice of inhaling alcohol vapor is linked to causing brain damage.

The Legislature determines that the popularity of these AWOL machines is increasing in the nightclub and bar businesses throughout the county. It is being marketed as a way to get high without the hangover as well as a “dieter’s dream” way of drinking since there are no calories derived from inhaling alcohol.

This Legislature further finds and determines that during the past two decades five major studies have estimated the economic cost of alcohol abuse in the United States at approximately \$185 billion for 1998.

This Legislature further finds that more than 70 percent of the estimated cost of alcohol abuse for 1998 were attributed to lost productivity (134.2 billion), including losses from alcohol-related illness (\$87.6 billion), premature death (\$36.5 billion), and crime (\$10.1 billion). The remaining estimated cost include health care expenditures (\$26.3 billion), as well as property and administrative cost of alcohol related motor vehicle crashes (\$16.7 billion), and criminal justice system cost of alcohol relates crime (\$6.3 billion).

This Legislature further determines that by the time they reach the eighth grade nearly 50 percent of adolescents have had at least one drink, and over 20 percent report having been “drunk”. Approximately 20 percent of eighth graders and almost 50 percent of twelfth graders have consumed alcohol in the past 30 days. Approximately 30 percent of twelfth graders engage in heavy episodic drinking, now popularity termed “binge” drinking- that is, having at least five or more drinks on one occasion within the past 2 weeks –and it is estimated that 20 percent do so on more than one occasion. Apart from being illegal, underage drinking poses a high risk both the individual and society. For example, the rate of alcohol-related traffic crashes is greater for drivers ages 16 to 20 than for drivers 21 and older.

This Legislature further finds and determines that underage alcohol use is more likely to kill young people than all illegal drugs combined.

The Legislature further finds that AWOL machines have been banned in parts of Britain and Australia, but are gaining more popularity in the United States. They are available for sale and distribution through the internet and dealerships are in the process of being established in Florida, California, and New York.

Therefore, the purpose of this law is to ban the sale, purchase, and use of Alcohol With Out Liquid (AWOL) machines and alcohol vapor devices in Erie County.

**SECTION 3. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

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A.) "AWOL" shall mean a device which mixes spirits with pure oxygen to produce a cloudy vapor which can be inhaled or snorted.

B.) "Person" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

**SECTION 4. Prohibitions.**

Pursuant to Article 9, Section 2(C) 10 of the New York State Constitution, governing protection, health, safety, and well-being of persons, no person shall purchase, offer for sale of use an AWOL machine or alcohol vapor device within the County of Erie.

**SECTION 5. Penalties**

Any person who intentionally violates any provision of Section 3 of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to One Thousand Dollars (\$1,000.00). Each violation shall constitute a separate and distinct offense.

**SECTION 6. Applicability.**

This law shall apply to any action occurring on or after the effective date of this law.

**SECTION 7. Reverse Preemption.**

This law shall be null and void on the day that Statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Erie. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggered the provisions of this section.

**SECTION 8. Severability.**

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

**SECTION 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(C)(20),(21),

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and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATION (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Erie County Department of Environment and Planning (DEP) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**SECTION 10.** Effective Date.

This law shall take effect immediately upon filing in the Office of Secretary of State.

DEMONE SMITH

TIMOTHY KENNEDY

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, RANZENHOFER, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, WROBLEWSKI. (AYES 13, NOES 0).

CARRIED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

**COMMITTEE REPORTS**

Item 23 – MR. WROBLEWSKI presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

APRIL 13, 2005

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 16E-24 (2004)

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**COUNTY EXECUTIVE:** Botanical Gardens - Main Dome Hardscaping  
(5-0)

b. COMM. 1M-5 (2005)

**EMPIRE STATE DEVELOPMENT:** Supplemental Final Environmental Impact Statement for the Erie Canal Harbor Project  
(5-0)

c. COMM. 6E-31 (2005)

**COUNTY EXECUTIVE:** DPW - Ralph Wilson Stadium - 2005 - Replacement of Field House Artificial Grass Playing Field  
(5-0)

d. COMM. 8E-20 (2005)

**COUNTY EXECUTIVE:** DPW - Homeland Security Enhancements - Rath/City Hall Security Systems  
(5-0)

e. COMM. 10D-16 (2005)

**DPW:** Accomplishments of the Custodial Department  
(5-0)

f. COMM. 10M-18 (2005)

**NFTA:** 5-Year Capital Plan For FYs ending 3/31/06 - 3/31/10  
(5-0)

2. COMM. 4E-11 (2005)

**COUNTY EXECUTIVE**

WHEREAS, Laura K. Baehre of 5015 Salt Road, Clarence, wishes to purchase 0.4 acre of Highway property adjoining her property to have a sufficient amount of land to construct a garage next to her house, and

WHEREAS, it has been determined the County of Erie will receive \$1,750.00 in consideration for the sale of 0.4 acre of vacant land as shown on survey map 58123-1 as Parcel 5C with an accompanying description.

NOW, THEREFORE, BE IT ,

RESOLVED, that the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein, as listed below, and be it further,

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

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(5-0)

3. COMM. 6E-15 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, a project for the Reconstruction of North Forest Road, CR 294, from NY Rte.263, Millersport Highway to Dodge Road, CR 45, Town of Amherst, PIN 5753.74, Erie County, is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping), Preliminary Engineering (Design I-VI), Right-of-Way Incidentals Phases of the Project, PIN 5753.74, and

WHEREAS, the project cost has increased in the amount of \$231,000 from \$468,000 to \$699,000

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further,

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay the full non-Federal share of the cost of Preliminary Engineering (Scoping) Phase and in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes an increase of \$231,000 in appropriations to SAP B.00007 for the purposes of executing the agreement, and be it further,

RESOLVED, that the sum of \$46,000 is hereby appropriated from the 1999 Various Federal Aid Road and Bridge Design Program (SFG 134 - SAP B.00007) for the increase in the non-Federal share (In addition to \$10,000 previously appropriated for the Project's Preliminary Engineering (Scoping) Phase via Erie County Resolution No. 10D-16 adopted on the 6<sup>th</sup> day of May, 1993; \$74,400 previously appropriated for the project's Preliminary Engineering (Design I-VI) and ROW Incidentals Phases via County Resolution No. 3D-10 adopted on the 18<sup>th</sup> day of February, 1999); and \$10,000 previously appropriated for the Project's Preliminary Engineering (Design I-VI) Phase via Resolution No. 13E-18 adopted on the 21<sup>st</sup> day of June 2001) and made available to cover the cost of participation in the above phases of the Project, and be it further,

RESOLVED, that in the event that the amount required to pay the full non-Federal share of the cost of the Project's Preliminary Engineering (Scoping) phase and in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated, \$140,400, and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering



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(Scoping), Preliminary Engineering (Design I-VI) and Right-of-Way Incidental Phases exceeds \$699,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the County Comptroller.

(5-0)

4. COMM. 8E-37 (2005)

**COUNTY EXECUTIVE**

WHEREAS, Quaker Crossing, LLC has requested the transfer of 0.097 acre of highway right-of-way on the north side of Milestrip Road SH 9537 (formerly CR 460-A) for the purpose of providing them with more green-space and to straighten the existing highway boundary for simplicity, and

WHEREAS, the County of Erie will receive \$2,500.00 in consideration for the transfer of 0.097 acre of vacant land as shown on survey map no. 10-C as Parcel 252 with an accompanying description.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein, as listed below, and be it further,

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

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(5-0)

5. COMM. 10E-50

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has been authorized to enter into an agreement with the New York State Canal Corporation to coordinate design and construction of the Erie Canalway Trail through parts of the Towns of Amherst and Tonawanda in accordance with Resolution Comm. 2E-39 adopted February 15, 2001; and

WHEREAS, the County of Erie has been further authorized to enter into a first amendment to said agreement increasing the New York State reimbursable amount from \$292,000 to \$1,500,000 in accordance with Resolution Comm. 8E-9 adopted May 22, 2003; and

WHEREAS, a revision to the first amendatory agreement is necessary extending the project completion date to September 26, 2006,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to revise the first amendatory agreement with the New York State Canal Corporation to extend the project completion date to September 26, 2006; and be it further

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

(5-0)

**TIMOTHY M. WROBLEWSKI**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 24 – MR. KENNEDY presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

April 13, 2005

COMMUNITY SERVICES COMMITTEE  
REPORT NO. 4

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ALL MEMBERS PRESENT EXCEPT LEGISLATOR MARINELLI. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 6E-28 (2005)  
**COUNTY EXECUTIVE:** Social Services - Prevention of Gang Violence  
(5-0)
  - b. COMM. 9M-2 (2005)  
**MAYOR OF BUFFALO:** Letter to Chairman Holt Re: Nominations for Appointment to the Board of Trustees of the BECPL  
(5-0)
  - c. COMM. 9M-4 (2005)  
**MAYOR OF BUFFALO:** Letter to Chairman Holt Re: Nominations for Appointment to the Board of Trustees of the BECPL  
(5-0)
  - d. COMM. 10D-10 (2005)  
**ECMCC:** Annual Report 2004  
(5-0)
2. COMM. 8E-46 (2005)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Health Department operates public health clinics at various locations throughout Erie County, and

WHEREAS, the Erie County Department of Health wishes to contract with Breastfeeding Peer Counselors to improve the successful breastfeeding rate of mothers in low income or minority communities, and

WHEREAS, funds are available in Account 516020, Professional Services Contract and Fees, in the WIC grant 2004-2005 adopted budget, and

WHEREAS, to efficiently meet the needs of the WIC Program, it is necessary to create one-full time position of Chief Account Clerk, JG VII, and

WHEREAS, funds were previously allocated in the 2004-2005 WIC grant budget, and

WHEREAS, the creation of this position is reflected on B-100 Position Authorization Form, control #651, in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition by

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the Erie County Department of Health of such necessary services from qualified individuals within the bounds of the appropriations stated above for those categories as are listed in Exhibit A, incorporated herein, and be it further

RESOLVED, inasmuch as it is impractical to follow the request for proposal (RFP) procedure in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives the procedure for these categories of service as provided for in Local Law No. 6, Section 19.08.

Exhibit A  
Erie County Department of Health  
Contractual Service Rate for Fee-For-Service Personnel  
Annual Compensation Will Be Less Than \$10,000

TITLE	RATE
Breastfeeding Peer Counselor	\$6.50 per hour
Breastfeeding Peer Counselor Coordinator	\$7.00 per hour

and be it further

RESOLVED, that one full-time position of Chief Account Clerk, JG VII, is hereby created in the WIC Grant, and be it further

The following personnel detail is hereby submitted:

TITLE: Chief Account Clerk	CIVIL SERVICE: Competitive
JG: VII	CIVIL SERVICE LIST: Yes
STEP: A	FUNDING: 100% Grant Funded
ANNUAL SALARY: \$38,648	
ANNUAL BENEFITS: \$11,977	

and be it further

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

(5-0)

3. **COMM. 10E-26 (2005)**  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby approve the appointment of Richard L. Berger of 79 Chapin Parkway, Buffalo, New York 14209 to the Buffalo & Erie County Public Library Board of Trustees for a Term to Expire on December 31, 2008.

(5-0)

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4. COMM. 10E-27 (2005)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby approve the appointment of Phyllis Horton of 10 Hertel Avenue, Watergate Apt. 1001, Buffalo, New York 14207 to the Buffalo & Erie County Public Library Board of Trustees for a term to expire on December 31, 2009.

(5-0)

5. COMM. 10E-36 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department provides Public Health Laboratory and Medical Examiner services to various departments in Erie County, and other counties, government agencies, area hospitals, and local health care providers, and

WHEREAS, the Erie County Public Health Laboratory and the Medical Examiner's Office have become regional centers for other agencies throughout the State, and

WHEREAS, each participating county Health Department is responsible for delivery of a comprehensive program of health services to the residents of its county pursuant to the New York Public Health Law and further each such municipal corporation in New York is authorized to enter into cooperative agreements such as this under Article 5G of New York General Municipal Law, and

WHEREAS, other counties and other agencies pay the Erie County Public Health Laboratory and the Medical Examiner's Office to render public health services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Executive to enter into Public Health Regional Agreements with other counties and agencies that wish to contract with the Erie County Public Health Laboratory and Medical Examiner's Office for public health services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Attorney and the County Comptroller as well as the heads of all affected departments, including the Department of Health, the Division of Budget, Management and Finance.

(5-0)

6. COMM. 10E-37 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health operates a Public Health Preparedness Laboratory Response Network through funding from New York State Health Research, Inc. for the development of a high containment emergency preparedness laboratory, and

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WHEREAS, the Erie County Department of Health has received an amended grant award in the amount of \$225,000 from New York State Health Research, Inc. (HRI).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept the amended grant award from HRI which is budgeted as follows:

**Department of Health**  
**Public Health Lab Response Network Grant**  
**08/31/04 – 08/30/05**  
**SAP TITLE: HS127LRN0405, COST CENTER #1273010**

<b>SAP</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>REVISED BUDGET</b>
<b>409000</b>	State Aid	<u>\$225,000</u>	<u>\$0</u>	<u>\$225,000</u>
	Total	<u>\$225,000</u>	<u>\$0</u>	<u>\$225,000</u>
<b>SAP</b>	<b>EXPENSES</b>			
<b>500000</b>	Personnel/Salaries	\$90,000	\$3,947	\$93,947
<b>501000</b>	Overtime	10,000	-10,000	0
<b>502000</b>	Fringe Benefits	35,000	-809	0
<b>505800</b>	Supplies (Medical & Health)	50,000	0	50,000
<b>506200</b>	Repairs & Maintenance	5,000	-5,000	0
<b>510100</b>	Travel (Out of Area)	10,000	0	10,000
<b>516030</b>	Maintenance Contracts	25,000	-25,000	0
<b>530000</b>	Other Expenses	0	15,000	15,000
<b>561410</b>	Equipment (Lab & Technical)	<u>0</u>	<u>21,862</u>	<u>21,862</u>
	<b>TOTAL</b>	<u>\$225,000</u>	<u>\$0</u>	<u>\$225,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to 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)

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7. COMM. 10E-38 (2005)

**COUNTY EXECUTIVE**

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

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$952,267 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

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

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

WHEREAS, in order to efficiently meet the requirements of this award, it is necessary to create one full time position of Laboratory Technician (Public Health), JG 7, one full time position of Principal Clerk, JG 6, one full time position of SNS Coordinator, JG 10, and full time position of Nurse Coordinator, JG N5, and

WHEREAS, it is necessary to recruit in JG 10, Step 3, for the position of SNS Coordinator, in order to secure and retain a qualified and experienced candidate.

NOW, THEREFORE, BE IT

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

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

Allegany County	\$15,000
Cattaraugus County	\$19,791
Chautauqua County	\$30,950
Genesee County	\$17,000
Niagara County	\$43,969
Orleans County	\$15,000
Wyoming County	\$15,000

and be it further

RESOLVED, that the County Executive is authorized to accept the continuation grant award from HRI which is budgeted as follows:

Public Health Preparedness Response to Bioterrorism

8/31/04 – 8/30/05

SAP TITLE: HS127BT0405 Cost Center: 1272010

SAP	Revenue	Current Budget	Changes	Revised Budget
				\$
409000	State Revenue	\$ 1,049,364	\$ -97,097	952,267
479100	Other Sponsor Revenue	263,023	-106,313	156,710
416500	Trans-Pr Grant Program	0	82,000	82,000
418080	Bioterro Rev-OT Coun	0	40,000	40,000
		\$		\$
	Total	1,312,387	\$ -81,410	1,230,977
<b>Expense</b>				
500000	Personnel/Salaries	\$ 356,557	\$ 42,663	\$ 399,220
501000	Overtime	20,000	20,000	40,000
502000	Fringe Benefits	138,535	2,286	136,249
505000	Supplies (Office)	1,700	58,425	60,125
505200	Supplies (Clothing)	55,000	-52,000	3,000
505400	Supplies (Food & Kitchen)	20,000	-223	19,777
	Supplies (Medical &			
505800	Health)	10,000	44,842	54,842
506200	Repairs & Maintenance	1,900	1,900	3,800
510000	Travel (Local Mileage)	5,000	5,000	10,000
510100	Travel (Out of Area)	26,500	16,500	43,000
510200	Training & Education	0	20,000	20,000
516010	Contractual	350,000	-206,767	143,233
516020	Prof Services Dues/Fees	88,000	-88,000	0
530000	Other Expenses	34,500	113,276	147,776
561410	Equipment (Lab & Tech)	50,000	23,958	73,958
561420	Equipment (Office)	2,500	-2,500	0
980000	DISS Charges	4,760	14,240	19,000
912700	Interdept Health Serv EMS	119,030	-100,030	19,000
912720	Interdept Serv	6,787	12,213	19,000
912730	Interdept Lab Serv	21,618	-2,622	18,996
	Total	\$	\$ -81,410	\$ 1,230,977



1,312,387

and be it further

RESOLVED, that one full time position of Laboratory Technician, JG 7, one full time position of Principal Clerk, JG 6, and one full time position of Nurse Coordinator, JG N5 and one position of SNS Coordinator, JG 10, are hereby created, and be it

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum in JG 10, Step 3 for the position of SNS Coordinator.

The following personnel detail is hereby submitted:

TITLE: Laboratory Technician (Public Health)	FUNDING: 100 % State Funded
JG: 7	CIVIL SERVICE: Yes
STEP: 1	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$31,989	

TITLE: Principal Clerk	FUNDING: 100% State Funded
JG: VI	CIVIL SERVICE: Yes
STEP: 1	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$29,724	

TITLE: SNS Coordinator	FUNDING: 100 % State Funded
JG: 10	CIVIL SERVICE: Pending
STEP: 3	Jurisdictional Classification
ANNUAL SALARY: \$44,223	CIVIL SERVICE LIST: No

TITLE: Nurse Coordinator	FUNDING: 100 % State Funded
JG: N5	CIVIL SERVICE: Yes
STEP: 1	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$46,366	

and be it further

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

(5-0)

8. COMM. 10E-41 (2005)  
**COUNTY EXECUTIVE**

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Employment grant for the period July 1, 2004 to June 30, 2005, and the Community Services for the Elderly (CSE) grant for the period April 1, 2004 to March 31, 2005, and

WHEREAS, the New York State Office for the Aging has allocated additional Senior Employment funds to Erie County, and

WHEREAS, the Department of Senior Services contracts with Supportive Services Corp. to administer this program, and

WHEREAS, the County budget for this grant is in need of revision and the contract with Supportive Services Corp. needs to be amended, and

WHEREAS, no additional County funds will be needed, and

WHEREAS, one of the CSE Cluster agencies has identified \$4,500 in CSE funds that the agency will be unable to use prior to March 31, 2005, and

WHEREAS, the Department desires to allocate these funds to cover home care costs, and

WHEREAS, the CSE grant budget is in need of revision, and

WHEREAS, one of the authorized home care providers, TLC has just undergone a change of ownership and has requested that the contracts be executed with Tender Loving Care Health Care Services of Western New York, LLC, and

WHEREAS, the Department wishes to revise the list of authorized home care providers to include Tender Loving Care Health Care Services of Western New York, LLC.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to add Tender Loving Care Health Care Services of Western New York, LLC to the Department's list of authorized home care providers, and be it further

RESOLVED, that the County Executive is authorized to amend the existing contract with Supportive Services Corp. for the period July 1, 2004 to June 30, 2005 to reflect the additional grant funds, and be it further

RESOLVED, that the Senior Employment grant budget, Project 163SREMP0405, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$258,519	\$10,709	\$269,228

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

466100	Other Rev-Grant Program	9,318	<u>-4,064</u>	5,254
TOTAL CHANGE			\$6,645	

## APPROPRIATIONS

516010	Supportive Services Corp.	\$292,498	\$6,645	\$299,143
TOTAL CHANGE			\$6,645	

and be it further

RESOLVED, that the CSE grant budget, Project 163CSE0405, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516010	Bailey Delevan	\$154,325	-\$4,500	\$149,825
516020	Home Care Services	51,978	<u>4,500</u>	56,478
TOTAL CHANGE			\$0	

and be it further

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

(5-0)

9. COMM. 10E-49 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the fiscal year 2005 proposed Budget for the Department of Health includes the elimination of approximately 230 positions across five divisions which amounts to over 40% of County funded positions, and

WHEREAS, one of the positions deleted in the Emergency Medical Services Division was a full time MERS Coordinator, position number #6465, and

WHEREAS, Medical Emergency Radio System (MERS) coordinators provide 24 hour/day 7 day/week emergency response services in conjunction with the 911 Emergency System, and

WHEREAS, loss of this position will result in a significant increase in overtime expenses which will put an undue strain on the remaining staff and will exceed the costs of restoring this position.

NOW, THEREFORE, BE IT

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature hereby authorizes the following budgetary adjustments in the 2005 Budget of the Department of Health in order to meet the requirements for providing MERS coverage to be budgeted as follows:

Increase SAP Account 500000 Personal Services	\$25,765
Increase SAP Account 405540 State Aid Article 6	\$7,730
Decrease SAP Account 516010 ECMCC Contractual	\$18,035

and be it further

RESOLVED, that the full time MERS Coordinator position number #6465 is hereby restored in the 2005 adopted budget of the Division of Emergency Medical Services, and be it further

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

(5-0)

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

MR. KENNEDY moved to separate Item 1a (Comm. 6E-28) and return it back to the COMMUNITY SERVICES COMMITTEE for further consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved for the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. SMITH presented the following report and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

APRIL 13, 2005

FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK. CHAIRMAN HOLT  
 PRESENT AS EX-OFFICIO MEMBER.













**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

**FISCAL YEAR 2003      Petition # 2005132**

Refund:      \$ 177.16      142289 Amherst

S-B-L 80.06-6-4

Acct No. 112 \$      County  
 Acct No. 132 \$ 177.16      Town/Special District/School

Special district error. Charged 2 garbage units only 1.

**FISCAL YEAR 2004      Petition # 2005133**

Refund:      \$ 184.56      142289 Amherst

S-B-L 80.06-6-4

Acct No. 112 \$      County  
 Acct No. 132 \$ 184.56      Town/Special District/School

Special district error. Charged 2 garbage units only 1.

**FISCAL YEAR 2005      Petition # 2005134**

Refund:      \$ 194.70      142289 Amherst

S-B-L 80.06-6-4

Acct No. 112 \$      County  
 Acct No. 132 \$ 194.70      Town/Special District/School

Special district error. Charged 2 garbage units only 1.

**FISCAL YEAR 2005      Petition # 2005135**

Refund:      \$ 2720.86      142089 Alden

S-B-L Various

Acct No. 112 \$      County  
 Acct No. 132 \$ 2720.86      Town/Special District/School

Multiple parcel error. Agricultural Exemption.

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

**FISCAL YEAR 2005      Petition # 2005136**

Cancel:      \$ 1864.33      142089 Alden

S-B-L Various

Acct No. 112 \$      County  
 Acct No. 132 \$ 1864.33      Town/Special District/School

Multiple parcel error. Agricultural Exemption.

**FISCAL YEAR 2005      Petition # 2005137**

Refund:      \$ 486.91      142489 Aurora

S-B-L 201.15-1-12

Acct No. 112 \$      County  
 Acct No. 132 \$ 486.91      Town/Special District/School

Unlawful entry. Parcel in Town of Wales.

**FISCAL YEAR 2005      Petition # 2005138**

Refund:      \$ 17.12      142889 Brant

S-B-L 283.00-2-14

Acct No. 112 \$      County  
 Acct No. 132 \$ 17.12      Town/Special District/School

Vol Fire exemption omitted.

**FISCAL YEAR 2005      Petition # 2005139**

Cancel:      \$ 30,187.58      143089 Cheektowaga

S-B-L 103.14-2-1.1

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

Acct No. 112 \$ County  
 Acct No. 132 \$ 30187.58 Town/Special District/School

Clerical error on the RPTL 520.

**FISCAL YEAR 2005      Petition # 2005140**

Refund:      \$ 175.69      143089 Cheektowaga

S-B-L 92.18-7-7

Acct No. 112 \$ 63.48 County  
 Acct No. 132 \$ 112.21 Town/Special District/School

Veteran exemption omitted.

**FISCAL YEAR 2004      Petition # 2005141**

Refund:      \$ 240.28      143089 Cheektowaga

S-B-L 114.07-2-5

Acct No. 112 \$ 86.81 County  
 Acct No. 132 \$ 153.47 Town/Special District/School

Veteran exemption omitted.

**FISCAL YEAR 2004      Petition # 2005142**

Refund:      \$ 846.61      143089 Concord

S-B-L 289.00-1-19.221

Acct No. 112 \$ County  
 Acct No. 132 \$ 846.61 Town/Special District/School

Agricultural exemption omitted. Charge to: CNC1 – Springville Griffith.

**FISCAL YEAR 2005      Petition # 2005143**

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

Refund:       \$ 368.82                               143089 Concord

S-B-L 289.00-1-19.221

Acct No. 112 \$ 201.05     County  
 Acct No. 132 \$ 167.77     Town/Special District/School

Agricultural exemption omitted.

**FISCAL YEAR 2004            Petition # 2005144**

Refund:       \$ 6177.31                            143200 Clarence

S-B-L 43.18-2-12.1

Acct No. 112 \$             County  
 Acct No. 132 \$ 6177.31    Town/Special District/School

Error in units Clarence Sewer six edu.

**FISCAL YEAR 2002            Petition # 2005145**

Refund:       \$ 235.00                            144489 Evans

S-B-L 235.15-4-36

Acct No. 112 \$             County  
 Acct No. 132 \$ 235.00    Town/Special District/School

Erie County sewer unit billed for 2 unit, only 1 unit.

**FISCAL YEAR 2005            Petition # 2005146**

Refund:       \$ 235.00                            144489 Evans

S-B-L 192.20-7-5

Acct No. 112 \$             County  
 Acct No. 132 \$ 235.00    Town/Special District/School

Erie County sewer unit billed for 2 unit, only 1 unit.



**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

Transcription error on assessment roll.

**FISCAL YEAR 2004          Petition # 2005151**

Refund:          133.75                                  145289 Lancaster

S-B-L 95.80-4-45.12

Acct No. 112 \$                  County  
 Acct No. 132 \$ 133.75 Town/Special District/School

Frontage error ECSD.

**FISCAL YEAR 2005          Petition # 2005152**

Refund:          133.75                                  145289 Lancaster

S-B-L 95.80-4-45.12

Acct No. 112 \$                  County  
 Acct No. 132 \$ 133.75 Town/Special District/School

Frontage error ECSD.

**FISCAL YEAR 2005          Petition # 2005153**

Cancel: 464.67                                  145689 Newstead

S-B-L 73.00-4-1.231

Acct No. 112 \$ 342.97          County  
 Acct No. 132 \$ 121.70          Town/Special District/School

Acreage duplicated on parcel.

**FISCAL YEAR 2004          Petition # 2005154**

Refund: 466.79                                  145689 Newstead

S-B-L 73.00-5-16

Acct No. 112 \$                  County





**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

S-B-L 33.00-1-20.122

Acct No. 112 \$ County  
 Acct No. 132 \$ 1745.00 Town/Special District/School

Special district error, water #10 units incorrect.

**FISCAL YEAR 2005      Petition # 2005159**

Cancel: 101.28      145889 North Collins

S-B-L 304.00-3-2.11

Acct No. 112 \$ 35.66 County  
 Acct No. 132 \$ 65.62 Town/Special District/School

Ag exemption omitted.

**FISCAL YEAR 2005      Petition # 2005160**

Refund: 170.00      146001 Orchard Park

S-B-L 173.05-1-19

Acct No. 112 \$ County  
 Acct No. 132 \$ 170.00 Town/Special District/School

ECSD unit error, billed for 3 corrected unit is 2.

**FISCAL YEAR 2005      Petition # 2005161**

Refund: 569.01      146200 Sardinia

S-B-L 312.00-1-4

Acct No. 112 \$ 569.01 County  
 Acct No. 132 \$ Town/Special District/School

Aged exemption omitted.





**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

Acct No. 132 \$ 2180.69 Town/Special District/School

Special districts billed in error. Disabled Vet. Sec 458(3)  
Charge to Kenmore Union Free School.**FISCAL YEAR 2003      Petition # 2005170**

Refund: 1267.85      146489 Tonawanda

S-B-L 66.57-6-26

Acct No. 112 \$ 225.98 County  
Acct No. 132 \$ 1041.87 Town/Special District/School

Special districts billed in error. Disabled Vet. Sec 458(3)

**FISCAL YEAR 2003      Petition # 2005171**

Refund: 2298.52      146489 Tonawanda

S-B-L 66.57-6-26

Acct No. 112 \$ County  
Acct No. 132 \$ 2298.52 Town/Special District/SchoolSpecial districts billed in error. Disabled Vet. Sec 458(3)  
Charge to Kenmore Union Free School.**FISCAL YEAR 2004      Petition # 2005172**

Refund: 1398.97      146489 Tonawanda

S-B-L 66.57-6-26

Acct No. 112 \$ 264.82 County  
Acct No. 132 \$ 1134.15 Town/Special District/School

Special districts billed in error. Disabled Vet. Sec 458(3)

**FISCAL YEAR 2004      Petition # 2005173**

Refund: 2438.26      146489 Tonawanda













**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

Cancel: 261.42 146800 West Seneca

S-B-L 143.12-8-26

Acct No. 112 \$ 85.37 County  
 Acct No. 132 \$ 176.05 Town/Special District/School

Veteran exemption omitted.

**FISCAL YEAR 2005      Petition # 2005193**

Cancel: 644.73 146800 West Seneca

S-B-L 125.13-6-11

Acct No. 112 \$ 210.57 County  
 Acct No. 132 \$ 434.16 Town/Special District/School

Veteran exemption omitted.

**FISCAL YEAR 2005      Petition # 2005194**

Cancel: 110.06 144000 Eden

S-B-L Various

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

Charge back 110.06. Subsea Oil & Gas Inc.

**FISCAL YEAR 2005      Petition # 2005195**

Cancel: 224.25 144000 Eden

S-B-L Various

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

Charge back 224.25 Symbol Oil & Gas Inc.

(5-0)

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

2. COMM. 8E-34

**COUNTY EXECUTIVE**

WHEREAS, the following grant programs are included in Book B of the 2005 Adopted Budget, and

WHEREAS, the 2005 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on April 1, 2005:

<u>Department</u>	<u>Grant Program</u>	<b>2005 Budget Book B Page No.</b>
Law	Aid to Localities – Indigent Defense	7
Law	Anti-Drug Abuse Grant	7
Environment & Planning – Community Development Fund	Community Development Block Grant	10
Social Services	Medicaid Managed Care	109
Central Police Services	Aid to Localities – Laboratory Accreditation Grant	122
Central Police Services	Aid to Crime Labs Program	122
District Attorney	Aid to Prosecution	135
District Attorney	Operation Impact	135
District Attorney	Family Violence Prevention Program*	136
Probation	School Based Formula Grant**	156

\* Begins 03/31/05

\*\*Begins 06/01/05

and be it further

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, Central Police Services, District Attorney, Probation, Social Services, Law, Environment and Planning, the Office of the Comptroller and the Division of Budget, Management and Finance.

(5-0)

**DEMONE A. SMITH  
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 26 – MR. DUSZA presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

APRIL 18, 2005

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 4

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

1. RESOLVED, that the following item is received, filed and referred to the GOVERNMENT AFFAIRS COMMITTEE.
  - a. COMM. 10M-6 (2005)  
**DAVE CORDERO:** E-Mail sent to Legislators Re: Deputy Parks Commissioners  
(6-0)
2. RESOLVED, that the following items are hereby received and filed.
  - a. COMM. 26E-12 (2004)  
**COUNTY EXECUTIVE:** ECSD No. 1 - Eminent Domain Proceeding - Mineral Springs Road Flow Chamber & Control Building Installation Contract  
(6-0)
  - b. COMM. 8E-1 (2005)

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

- COMPTROLLER:** Certificate of Determination By The Comptroller Relative To The Terms, Form, And Details of Sale And Issuance of \$3,435,784 EFC Sewer System Serial Bonds  
(6-0)
- c. COMM. 8E-45 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 4 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-2, Legislative Comm. 21E-33  
(6-0)
- d. COMM. 8E-51 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 4 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-3, Legislative Comm. 21E-33  
(6-0)
- e. COMM. 8E-53 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 1 - Engineering Service Agreements - Work Order: URS-2, Legislative Comm. 21E-33  
(6-0)
- f. COMM. 8E-54 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 1 - Engineering Services Agreements - Work Order: URS-1, Legislative Comm. 21E-33  
(6-0)
- g. COMM. 8E-55 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 5 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-1, Legislative Comm. 21E-33  
(6-0)
- h. COMM. 8E-58 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 1 - Interdepartmental Agreement Between DPW & DEP - Closeout  
(6-0)
- i. COMM. 8E-59 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 6 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-4, Legislative Comm. 21E-33  
(6-0)
- j. COMM. 8D-12 (2005)  
**DEP:** SEQR - Solicitation for Lead Agency Status - Utica and Quebec Streets, West Taft Avenue, & Pt. Breeze Dr. - Town of Evans  
(6-0)
- k. COMM. 8D-31 (2005)  
**DEP:** SEQR - Negative Declaration - Evans Town Park to EC Bennett Beach Park

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

- (6-0)
- l. COMM. 8M-8 (2005)  
**ERIE CANAL HARBOR PROJECT: SEQR Findings Statement**  
(6-0)
- m. COMM. 8M-29 (2005)  
**TOWN OF ELMA: Letter to Legislator Marinelli Re: Meadows Park & Public Golf Course**  
(6-0)
- n. COMM. 9M-5 (2005)  
**CITY OF BUFFALO COMMON COUNCIL: Seeking Comments And/Or Recommendations on Common Affairs Council Item "Special Events Permits"**  
(6-0)
- o. COMM. 9M-8 (2005)  
**TOWN OF ELMA: Certified Resolution Re: Elma Meadows**  
(6-0)
- P. COMM. 10E-42 (2005)  
**COUNTY EXECUTIVE: ECSD No. 6 - Engineer Term Agreement - Work Order: DA-1**  
(6-0)
- q. COMM. 10D-5 (2005)  
**DEP: SEQR - Solicitation for Lead Agency Status - Rush Creek Interceptor & Elimination of Pumping Stations & Blasdell Wastewater Treatment Plant**  
(6-0)
- r. COMM. 10M-15 (2005)  
**NYS ENVIRONMENTAL FACILITIES CORPORATION: Summer Pool Conference Call Notice**  
(6-0)
- s. COMM. 10M-20 (2005)  
**NYSDEC: Fact Sheet: Urban Brownfields - Site Investigation of Six Lots on Ridge Rd. in Lackawanna**  
(6-0)
- t. COMM. 10M-22 (2005)  
**ECWA: Audited Financial Statements for Year Ending 12/31/04**  
(6-0)
- 3a. COMM. 23E-30 **AS AMENDED**  
**COUNTY EXECUTIVE**

RESOLUTION NO. 88 -2005

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE****A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 6 IN THE COUNTY OF ERIE, NEW YORK.**

(Introduced) \_\_\_\_\_, 2005.

(Adopted) \_\_\_\_\_, 2005.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 6 of the County of Erie, New York, has heretofore been established and

WHEREAS, the Board of Managers of Erie County Sewer District No. 6 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 6 on January 18, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction of approximately 422,400 linear feet of sanitary sewer; the reconstruction of approximately 248,160 linear feet of storm sewer; the construction of various improvements to pumping stations; and the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary to develop the plan to discharge to the Buffalo Sewer Authority, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$6.28; and

WHEREAS, said County Legislature duly adopted Resolution 43 on March 14, 2005, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on April 7, 2005, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

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

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Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 6, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,000,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6.

Section 3. This resolution shall take effect immediately.

(6-0)

3b. COMM. 23E-30

**AS AMENDED****COUNTY EXECUTIVE**

RESOLUTION NO. 89

RESOLUTION DATED \_\_\_\_\_, 2005

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) \_\_\_\_\_, 2005.

(Adopted) \_\_\_\_\_, 2005.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 2 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated February 17, 2005, which has also been filed with said County Legislature on January 14, 2005; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting of the replacement of variable frequency drives at various pumping stations, and the replacement of equipment and additional reconstruction of the Big Sister Treatment Plant and sewer rehabilitation, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$480,000, to be assessed against a benefited area which consists of the entire area of the District; and

WHEREAS, said County Legislature duly adopted Resolution 44 on the 14<sup>th</sup> day of March, 2005, calling a meeting of the County Legislature for the purpose of holding a public hearing to



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consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 7<sup>th</sup> day of April, 2005, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$480,000.

Section 2. The cost of the proposed modification expenditure is to be assessed against a benefited area which consists of the entire area of the District, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.

(6-0)

3c. COMM. 23E-30 **AS AMENDED**  
**COUNTY EXECUTIVE**

RESOLUTION NO. 90

RESOLUTION DATED \_\_\_\_\_, 2005

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK

(Introduced) \_\_\_\_\_, 2005.  
(Adopted) \_\_\_\_\_, 2005.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer Southtowns Sewer Treatment Agency

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which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated January 27, 2005, which has also been filed with said County Legislature on January 14, 2005; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County-Southtowns Sewer Treatment Agency in said County, consisting of the reconstruction of the Milestrip Pumping Station to pump directly to the Agency's Overflow Retention Facility and the discharging of dry weather flows from the Blasdell Plant directly into the Northeast Interceptor, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$9,100,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, said County Legislature duly adopted Resolution 45 on the 14<sup>th</sup> day of March, 2005, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 7<sup>th</sup> day of April, 2005, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County-Southtowns Sewer Treatment Agency in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$9,100,000.

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Section 2. The cost of the proposed modification expenditure is to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.

(6-0)

4. COMM. 1E-11 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Town of Cheektowaga desires to lease the buffer property that surrounds the Erie County Sewer District No. 1 Overflow Retention Facility on Cayuga Creek Road for passive recreation and open space preservation, and

WHEREAS, the Erie County Sewer District No. 1 buffer property of approximately 55 acres has been previously leased by the Town of Cheektowaga since 1996 but the original lease is expiring, and

WHEREAS, Erie County Sewer District No. 1 is agreeable to lease the buffer property, reserving exclusive use by the County for the existing Overflow Retention Facility, an area for possible future expansion of the Overflow Retention Facility and an area for a proposed Walleye Fish Restocking Pond, along with access thereto.

NOW, THEREFORE, BE IT,

RESOLVED, that a five year lease with a five year renewal clause is approved for properties known as SBL Nos. 113.19-2-7, 113.19-2-8, 113.19-2-9, 113.19-2-12, 113.19-2-13.2 and 124.00-5-29, reserving land needed for the ORF and possible future ORF expansion, the future Walleye Restocking Pond and appurtenant sewer lines, utility lines, and sewer outfall lines, such land to be leased to the Town of Cheektowaga to provide open, green space for the residents of the Town of Cheektowaga and a storm drain outlet for an annual rent of \$500 plus the cost of any special assessments on the demised parcels, and be it further

RESOLVED, that the County Executive is authorized to sign such Lease Agreement subject to the County Attorney's approval, and be it further

RESOLVED, that certified copies of this resolution be sent to the Cheektowaga Town Board; Joel A. Giambra, County Executive; Laurence K. Rubin, Commissioner of the Department of Environment and Planning; Charles J. Alessi, P.E., Deputy Commissioner of the Department of

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Sewerage Management; Nancy A. Naples, County Comptroller and Gregory Dudek, Assistant County Attorney.

(6-0)

5. COMM. 8E-14 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 31SA to C. Destro Development Co., Inc. for the Erie County Sewer District No. 6 Bethlehem Park Rehabilitation, Phase 1; and

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

WHEREAS, the Erie County Department of Environment and Planning recommends the acceptance of Contract No. 31SA in the final contract amount of \$650,322.15 which includes Change Order No. 4 (final), an increase of \$25,058.45, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 31SA between the County of Erie and C. Destro Development Co., Inc., 2255 Bailey Avenue, Buffalo, New York 14211 is accepted in the amount of \$650,322.15, which includes Change Order No. 4(final), an increase of \$25,058.45, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 31SA between the County of Erie and C. Destro Development Co., Inc. in the amount of \$650,322.15 and release all retention and make final payment from Erie County Sewer District No. 6 Bond Account C.00001 (430-111); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(6-0)

6. COMM. 8E-15 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Town of Amherst and the County have existing sanitary sewer agreements in place between the parties; and

WHEREAS, the existing agreements do not include the latest federal and state regulatory provisions; and

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WHEREAS, the billing and development process that has evolved over time and as a result of the various agreements is ambiguous and convoluted; and

WHEREAS, the parties have identified the need to develop an amended agreement to address the shortcomings that exist in the existing agreements between the parties.

NOW, THEREFORE, BE IT

RESOLVED, that the execution of an amended intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 5, and the Town of Amherst for the purpose of sanitary sewer service, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said amended agreement 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 Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Susan Grelick, Supervisor, Town of Amherst.

(6-0)

7. COMM. 8E-16 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Village of Hamburg has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Village's sanitary sewer system; and

WHEREAS, an intermunicipal agreement was executed between the parties to effectuate the transfer of ownership and operation of the Village of Hamburg's sewerage system to the County and Erie County Sewer District No. 3; and

WHEREAS, the parties have identified the need to amend the agreement to streamline the process of raising revenue from the ratepayers within the Village.

NOW, THEREFORE, BE IT

RESOLVED, that the execution of an amended intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Hamburg for the purpose of sanitary sewer service, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said amended agreement 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

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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 Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Curt S. Hermann, Mayor, Village of Hamburg.

(6-0)

8. COMM. 8E-17 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the Variable Speed Drive Replacement Program in County Sewer Districts and the Southtowns Sewage Treatment Facility; and

WHEREAS, the Department of Environment and Planning has recommended the firm of O'Brien & Gere Engineers, Inc., 5500 Main Street, Suite 301, Williamsville, New York 14221; and

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of O'Brien & Gere Engineers, Inc. be retained at a cost not to exceed \$234,406.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of O'Brien & Gere Engineers, Inc., 5500 Main Street, Suite 301, Williamsville, New York 14221, to provide the needed engineering services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$234,406.00 for the Agreement with \$77,978.02 for ECSD #2 from Sewer Capital Account C.00028 (430-533), \$41,282.97 for ECSD #4 from Sewer Capital Account C.00030 (430-535), \$17,380.89 for ECSD #6 from Sewer Capital Account C. 00037 (430-914), and \$97,764.12 from the Southtowns Sewage Treatment Agency from the Sewer Capital Account C.00038 (430-915) as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive, Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance.

(6-0)

9. COMM. 10E-34 (2005)

**COUNTY EXECUTIVE**

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

WHEREAS, the U. S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the National Association of Counties (NACo) has awarded Erie County a grant in the amount of \$2,000 to perform radon awareness activities for the citizens of Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$2,000 from the National Association of Counties (NACo) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the 2005 NACo Indoor Air Quality Coalition and Model County Grant Program is hereby established as follows:

**REVENUES:**

<u>Account</u>	<u>Description</u>	
479100	<u>Other Sponsor Revenue (NACo)</u>	\$2,000
<b>Total</b>		<b>\$2,000</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	
516020	<u>Professional Services Dues/Fees</u>	\$1,250
505800	<u>Supplies (Medical and Health)</u>	<u>750</u>
<b>Total</b>		<b>\$2,000</b>

and be it further

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

(6-0)

10. COMM. 10E-35 (2005)  
**COUNTY EXECUTIVE**

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

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WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the New York State Association of Counties (NYSAC) would like to partner with the Erie County Department of Environment and Planning (DEP) to provide a Radon Outreach Program; and

WHEREAS, the National Association of Counties (NACo) has awarded Erie County a grant in the amount of \$10,000 to partner with NYSAC to provide program, project, and organizational information for use by other interested New York State counties.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$10,000 from the National Association of Counties (NACo) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the National Association of Counties/New York State Association of Counties Indoor Air Quality Program is hereby established as follows:

**REVENUES:**

<u>Account</u>	<u>Description</u>	
479100	<b><u>Other Sponsor Revenue (NACo)</u></b>	\$10,000
<b>Total</b>		<b>\$10,000</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	
500000	<b><u>Personnel</u></b>	\$3,500
502000	<b><u>Fringe</u></b>	1,500
510100	<b><u>Out-of-Area Travel</u></b>	2,000
561410	<b><u>Equipment (Lab and Tech)</u></b>	1,000
505800	<b><u>Supplies (Medical and Health)</u></b>	<u>2,000</u>
<b>Total</b>		<b>\$10,000</b>

and be it further

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

(6-0)

11. COMM. 10E-43 (2005)  
**COUNTY EXECUTIVE**



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WHEREAS, the Division of Sewerage Management has requested the deletion of one Chief Account Clerk, JG7 and the creation of one Sr. Account Clerk, JG 6; and

WHEREAS, the position adjustments are reflected on the B-100 position authorization Form 506 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the deletion of one Chief Account Clerk, JG7 and creation of one Sr. Account Clerk, JG6 in the Division of Sewerage Management is hereby approved; and be it further

RESOLVED, that the funding for the position adjustments is available in unexpected salaries in the Division of Sewerage Management 2005 Budget; and be it further

RESOLVED, that certified copies of the approved resolution is sent to Joel A. Giambra, County Executive, Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(6-0)

12. COMM. 10E-44 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, corrections are needed in various SAP Accounts in each of the Sewer District Cost Centers due to incorrect placement in the 2005 Budget; and

WHEREAS, these item must be corrected and assigned to the proper account that aligns with the correct material grouping to enable access for purchase and various payment processing in the 2005 Budget Year.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred to from each respective account into their proper SAP account in each Sewer District Cost Center as follows:

<u>Cost Center</u>	<u>Amount</u>	From	To
		<u>G/L Account</u>	<u>G/L Account</u>
1811010	\$80,000	561430	561410
1821010	100,000	561430	561410
	11,000	561420	561410
	22,600	570040	516020
1831010	70,000	561430	561410
	85,500	570040	516020
1861010	50,000	561430	561410

as well as any adjustments that may be needed in the ID SAP Accounts in the County General Fund 110 and/or Debt Service Fund 310; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller.

(6-0)

13. COMM. 10E-45 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works and Erie County Department of Environment and Planning has consolidated the resurfacing of French Road and the Sanitary Sewer improvements along French Road in the Town of Cheektowaga, bid under Project MF-01-03, in an interdepartmental joint agreement dated November 13, 2003 to alleviate inconvenience to the public and reduce costs to rate payers and,

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of the interdepartmental joint agreement in the final amount of \$234,699.10 which includes Change Order No. 1 (final), a decrease of \$38,966.50, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the interdepartmental joint agreement between the Department of Public Works and the Department of Environment and Planning for the French Road Sanitary Sewer Improvements be formally closed out in the final amount of \$234,699.10, which includes Change Order No. 1 (final), a decrease of \$38,966.50, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the interdepartmental joint agreement between the Department of Environment and Planning and the Department of Public Works in the amount of \$234,699.10 and release all retention and make final payment to Diamond "D" Construction Corp. for the sewer portion of Erie County Department of Public Works Project MF-01-03 from Erie County Sewer District No. 1 Bond Account C.00032 (430-694); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Nancy Naples, Comptroller; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

14. COMM. 10E-46  
**COUNTY EXECUTIVE**

WHEREAS, the Town of Hamburg has requested Erie County Sewer District No. 3 provide service to the southwest sector of the Highland Acres Sewer District; and

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WHEREAS, the Erie County Sewer District No. 3 Board of Managers has approved their request; and

WHEREAS, an intermunicipal agreement is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Hamburg for the purpose of providing sewer service to the Town of Hamburg's southwest corner of their Highland Acres Sewer District be approved; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive, Joel Giambra; 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 Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Patrick H. Hoak, Supervisor, Town of Hamburg.

(6-0)

15. COMM. 10E-48

**COUNTY EXECUTIVE**

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,243,449 for fiscal year 2004 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs),

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with People Community Housing Development Corporation (People) to develop Birchfield Manor in the Town of West Seneca; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not exceed \$220,000 to People; and be it further

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RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing projects.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

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

*ATTACHMENT A*

NAME OF PROJECT: HOME/Community Housing Development Organizations  
(CHDO) Funding for Program Years 2004 and 2005

SKILL REQUIRED: Funds Available Only to Qualified CHDOs as Required by HUD

## COMMITTEE MEMBERS PROJECT RANKING:

People Community Housing  
Development Corporation

Committee Members

Approved	Thomas J. Dearing, Community Planning Coordinator Erie County Dept. of Environment & Planning
Approved	Christopher Hull, Director of Community Development Town of Hamburg
Approved	Louisa Frazier Merritt, Housing Director Buffalo Urban League
Approved	Bradley Dossinger, CRA, Regional Officer M & T Bank

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Two CHDOs responded to the request for proposals. The second CHDO that responded withdrew their proposal after the review process.

In my opinion in recommending People Community Housing Development Corporation to develop housing for senior citizens in the Town of West Seneca, the Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code.

Scoring sheets and other material related to this matter are available for review at the DEP offices during regular business hours.

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LAURENCE K. RUBIN, Commissioner  
Department of Environment and Planning

(6-0)

16. COMM. 10E-51 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Division of Sewerage Management has requested revision to the 2005 Budget to transfer funds in the total amount of \$55,200 from the ID-Highways Account 912300 to Maintenance and Repair Accounts, 506200; and

WHEREAS, it is necessary to transfer said amounts as outlined below in each of the Sewer Districts to allow the Sewer Districts and the Southtowns Sewage Treatment Agency to access the proper account for needed Maintenance and Repair items of Sewer District vehicles.

NOW, THEREFORE, BE IT

RESOLVED, that 2005 budget revisions be made to transfer each of the following budgeted amounts in the 2005 Budget from SAP Account 912300 – ID Highways to SAP Account 506200, Maintenance and Repair:

<u>Fund</u>	<u>Cost Center</u>	<u>Amt. To be transferred from 912300 to 506200</u>
220	1811010	\$26,000
220	1821010	\$14,000
220	1831010	\$10,200
220	1861010	\$ 5,000

and any other adjustments required to the ID Accounts in the General Fund 110.

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RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller.

(6-0)

17. COMM. 10E-52

**COUNTY EXECUTIVE**

WHEREAS, the Heise-Brookhaven Sewage Works Corporation, the Town of Clarence and Erie County Sewer District No. 5 have identified the need to develop agreements to address the environmental concerns and to reduce operating costs of County District No. 5's and Spaulding Lakes treatment plants.

NOW, THEREFORE, BE IT

RESOLVED, that the execution of agreements between the County, on behalf of Erie County Sewer District No. 5, and the Heise-Brookhaven Sewage Works Corporation and the Town of Clarence for the purpose of sanitary sewer service, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement 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 Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management.

(6-0)

**RAYMOND K. DUSZA**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RE: Support For NYS Medicaid Fair Share  
Legislation (Intro. 11-1)

**A RESOLUTION TO BE INTRODUCED BY  
LEGISLATOR DUSZA**

RE: SUPPORT FOR NYS MEDICAID FAIR SHARE LEGISLATION

WHEREAS, the 2005 Erie County Budget includes the layoffs of over one thousand hard-working men and women, and the loss of many vital services provided to the residents of Erie County, and

WHEREAS, at least part of the blame of the layoffs and loss of services is the New York State Medicaid program that cost Erie County taxpayers over \$200 million last year, and

WHEREAS, one reason for the “run-away Medicaid costs” are businesses, usually large retailers who pay low wages, who use Medicaid as its primary source of providing health insurance to its employees, and

WHEREAS, these businesses are able to do this by paying their employees wages low enough to qualify for Medicaid, while making their own health insurance program, through high deductibles and not covering items such as eye exams and contraceptives, unattractive to its employees, and

WHEREAS, each business that uses this business model of encouraging employees to enter into a government-run health insurance program instead of an employer-based program is actually using it as an indirect government subsidy that costs taxpayers millions of dollars each year, and

WHEREAS, in the case of retailers who use this business model, it pushes other retailers, who offer higher wages and more attractive health insurance programs, either out of business or to adopt similar business practices of low wages and inadequate health insurance in order to compete and stay in business, and

WHEREAS, it falls upon the Medicaid program, and thus the Federal, State, and County taxpayers, to provide health insurance for these workers who are either out of work or their employers no longer provide adequate health insurance, leading into a cycle of ever increasing costs for government provided health insurance programs, and

WHEREAS, in Maryland, a bill was introduced, entitled the Fair Share Health Care Act, which would require companies who employ more than 10,000 workers and pay wages below the State median income to provide at least 8 percent of its payroll on health benefits or pay the difference into a state fund, and

WHEREAS, if a similar bill was introduced and passed by New York State lawmakers, it would save State and County taxpayers millions of dollars in Medicaid costs and which would lower taxes and save the vital services residents demand.

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NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature supports a living wage be provided for and adequate health insurance be offered to all full-time employees in all fields of work, including large retailers, and be it further

RESOLVED, the Erie County Legislature supports legislation similar to Maryland's Fair Share Health Care Act be introduced and passed by the New York State Legislature and signed into law by Governor Pataki, with large businesses, who pay wages below the State median, to either pay at least 8 percent of their payroll on health benefits, or to pay the difference into a State fund designated to lower NYS Counties' Medicaid share, and be it further

RESOLVED, the Clerk of the Legislature is instructed to send certified copies of this resolution to the WNY delegation of the NYS Legislature, NYS Assembly Leader Sheldon Silver, NYS Senate Majority Leader Joseph Bruno, Governor George Pataki, and NYSAC.

**FISCAL IMPACT: POSITIVE FOR ALL TAXPAYERS**

RAYMOND K. DUSZA

MS. CHASE moved to send the item to the GOVERNMENT AFFAIRS COMMITTEE. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 28 – CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

MR. RANZENHOFER moved to challenge the chair. MS. MARSHALL seconded.

AYES: CUSACK, MARSHALL, RANZENHOFER, AND WEINSTEIN. NOES: CHASE, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, AND WROBLEWSKI. (AYES – 4, NOES – 9)

FAILED.

INTRO 11-2 from LEGISLATOR MARSHALL Re: Opposition To Media Restrictions In ECL Chamber

Item 29 – CHAIRMAN HOLT directed that the following resolution be directed to the COMMUNITY SERVICES COMMITTEE.

GRANTED.

INTRO 11-3 from LEGISLATOR SMITH Re: Support For Strengthening The NYS Sex Offenders Registry Act To Protect The Community



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Item 30 – CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 11-4 from LEGISLATOR HOLT Re: A Plan For Reductions In The Workforce In The Erie County Legislature

Item 31 - CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

MR. RANZENHOFER moved to challenge the chair. MS. MARSHALL seconded.

AYES: CHASE, CUSACK, MARSHALL, RANZENHOFER, AND WEINSTEIN. NOES: DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, AND WROBLEWSKI. (AYES – 5, NOES – 8)

FAILED.

INTRO 11-5 from LEGISLATORS RANZENHOFER, MARSHALL, CUSACK, & WEINSTEIN Re: Report Of Monthly Expenditures And Balances

Item 32 - CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 11-6 from LEGISLATORS RANZENHOFER, MARSHALL, CUSACK, & WEINSTEIN Re: 2005 Minority Staff Adjustments

Item 33 – CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-7 from LEGISLATOR WEINSTEIN Re: Funding A Position In The Office Of Veteran's Services

Item 34 – CHAIRMAN HOLT directed that the following resolution be directed to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 11-8 from LEGISLATOR WEINSTEIN Re: Funding 6 Probation Officer Positions

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Item 35 – CHAIRMAN HOLT directed that the following resolution be directed to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 11-9 from LEGISLATOR WEINSTEIN Re: Opposition To Merged Police Forces

Item 36 - CHAIRMAN HOLT directed that the following resolution be directed to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 11-10 from LEGISLATOR WEINSTEIN Re: Assessing Legality of Parks Closure

Item 37 - CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-11 from LEGISLATOR WEINSTEIN Re: Immediate Opening of Second Department of Motor Vehicles (DMV) Bureau

Item 38 - CHAIRMAN HOLT directed that the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-12 from LEGISLATOR WEINSTEIN Re: Addressing Delays in Registrar's Office

Item 39 - CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

MR. WEINSTEIN moved to challenge the chair. MR. RANZENHOFER seconded.

AYES: CUSACK, MARSHALL, RANZENHOFER, AND WEINSTEIN. NOES: CHASE, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, AND WROBLEWSKI. (AYES – 4, NOES – 9)

FAILED.

INTRO 11-13 from LEGISLATOR WEINSTEIN Re: 2005 District Office Adjustments

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

CARRIED UNANIMOUSLY

RESOLUTION NO. 91

RE: Support For Securing State Funding For  
Graycliff Conservancy

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

WHEREAS, the Graycliff Estate was Frank Lloyd Wright's only commission in 1927 and one of only five completed in the period 1925-1935, making the property an important milestone in Mr. Wright's overall career, and

WHEREAS Graycliff has similarities to Mr. Wright's own home (Taliesin, Spring Green) and 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 already come to Graycliff since tours began in 1998, and

WHEREAS the Graycliff Conservancy has requested \$278,000 in New York State funds, including \$72,600 for non-staff related operational expenses, \$150,000 toward the design and implementation of a period furnishings plan for the Main house and Foster House, and \$56,000 for visitor improvements and services, and

WHEREAS, the Frank Lloyd Wright designed Graycliff Estate which is located 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, New York State's only National Scenic Byway, and

WHEREAS, the Graycliff Conservancy, Inc. is 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 in acquiring and restoring the Graycliff Estate is to preserve an important architectural treasure in the Town of Evans as well as Western New York community, and

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

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

WHEREAS, Graycliff's restoration supports a community-wide initiative to promote tourism in the Town of Evans as a tool for economic development as well as the fact that the "Year of the

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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, the impact of restoring Graycliff will supplement New York State's priority of public access for lakefront property in the Town of Evans; support current plans to promote Lake Erie waterfront as a natural resource for public enjoyment and tourism; increase the number of attractions that the Town of Evans can market to attract and extend regional tourism in Western New York; and protect this historic property from threats due to past negligence and inappropriate treatment, and

WHEREAS, the Graycliff Conservancy has 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 the Town of Evans has continued to support the Conservancy's efforts as a historic restoration project that helps to increase travel within our community,

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 State funding for their historic restoration project, and be it further

RESOLVED, that the Erie County Legislature calls upon the members of the Western New York Assembly and Senate Delegation to support the Graycliff Conservancy's request for state funds in the amount of \$278,000, which includes \$72,600 for non-staff related operational expenses, \$150,000 toward the design and implementation of a period furnishings plan for the Main house and Foster House, and \$56,000 for visitor improvements and services for this historic Frank Lloyd Wright designed landmark in the Town of Evans, and be it further

RESOLVED, that a certified copy of this Resolution shall be forwarded to the members of the Western New York Assembly and Senate Delegation.

**JEANNE Z. CHASE**

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI presented the following resolution and moved for it to be received and filed. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

INTRO 11-15 from LEGISLATOR SMITH Re: 2005 Opposition To The New Federal Bankruptcy Legislation

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Item 42 - CHAIRMAN HOLT directed that the following resolution be directed to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 11-16 from LEGISLATORS RANZENHOFER, WEINSTEIN, SWANICK, McCARVILLE, & CHASE Re: Appointment To The Erie County Water Authority

Item 43 – CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 11-17 from LEGISLATOR HOLT Re: Erie County Underwriting & Issuance of Bonds and Notes

Item 44 – CHAIRMAN HOLT directed that the following resolution be directed to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 11-18 from LEGISLATOR DUSZA Re: Erie County Division of Weights & Measures

Item 45 – CHAIRMAN HOLT directed that the following resolution be directed to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 11-19 from LEGISLATOR HOLT Re: Appointment To The Erie County Water Authority

**DISCHARGED FROM COMMITTEE**

Item 46 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 10E-24. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

RE: 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

WHEREAS, bids were taken for the Replacement of Glen Avenue Bridges 702 & 704, over Ellicott Creek, in the Village of Williamsville, on February 3, 2005, the low bidder was CATCO

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(Concrete Applied Technologies Corporation) of Alden, New York, at a low bid amount of \$1,499,789.10, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Pratt & Huth Associates (currently d/b/a Greenman Pedersen Inc.) and it has been determined that the contract must be increased to include additional Engineering Services and construction inspection services, and

WHEREAS, the Village of Williamsville, in accordance with Village Certified Resolution dated November 8, 2004, has agreed to reimburse the project in the amount of \$142,000.00 for additional work not included in the original project scope,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 704-05 for the Replacement of Glen Avenue Bridges 702&704, over Ellicott Creek, in the Village of Williamsville, between the County of Erie and the low bidder, CATCO (Concrete Applied Technologies Corporation) of Alden, New York, at a low bid amount of \$1,499,789.10, and be it further,

RESOLVED, that a amount of \$1,499,789.10 be allocated from the 2001 Glen Avenue Bridge Reconstruction Program (SAP B.00135.5.1.1), and an additional amount of \$168,000.00 be allocated for a Department of Public Works, Division of Highways, construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$168,000.00 to be allocated from the 2001 Glen Avenue Bridge Reconstruction Program (SAP B.00135.5.1.2), and be it further

RESOLVED, that upon receipt of payment from the Village of Williamsville in the amount of \$142,000.00, it reimburse Project B.00135, and be it further

RESOLVED, that an amount of \$90,000.00 be allocated from the 2001 Glen Avenue Bridget Reconstruction Program (SAP B.00135.5.2.2) for a change order to the contract for engineering services with Pratt & Huth Associates (currently d/b/a Greenman Pedersen, Inc.), and be it further

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

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

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 10E-33. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 93

RE: Private Company Payroll Slot Charges

WHEREAS, positions in the Erie County Personnel Department have been eliminated that handle third party payroll deductions, and

WHEREAS, Erie County is required by our Collective Bargaining Agreements to provide payroll deduction slots to various third parties, and

WHEREAS, there is no employee to perform this task,

NOW THEREFORE, BE IT

RESOLVED, the Erie County Personnel Department is authorized to charge third party vendors an amount not to exceed \$6,000 per payroll deduction slot to for-profit outside vendors, and be it further

RESOLVED, that the funds generated from third party payroll deduction shall be used to fund the creation of a JG 5 RPT position in the Erie County Personnel Department, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, County Executive and Budget Director.

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

CARRIED UNANIMOUSLY.

DELETE the Second (2<sup>nd</sup>) RESOLVED clause in its entirety and REPLACE with the following:

RESOLVED, that the funds generated from third party payroll deduction shall be used to fund the creation of a Senior Payroll & Roster Clerk RPT position in the Erie County Personnel Department, and be it further

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

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 6E-19. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

RE: Parks, Rec., &amp; Forestry - State Aid for Snowmobile Development, 2004-5

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WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2004-2005 snowmobile season in an amount not to exceed \$224,600.00, and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2005 Adopted Budget of the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$224,600.00 as pertains to snowmobile trail maintenance performed during the 2004-2005 snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$213,500.00 for the purpose of snowmobile trail maintenance on club trails during the 2004-2005 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$18,375.00
Eden Trail Blazers Inc.	\$18,550.00
Grand Island Snowmobile Club Inc.	\$ 8,500.00
Hamburg Snowmobile Club Inc.	\$25,500.00
Holland Sno-Rascals Inc.	\$22,887.50
Marilla Sno-Mob Inc.	\$20,425.00
Northern Erie Snowseekers Inc.	\$29,500.00
Pioneer Sno-Surfers Inc.	\$14,375.00
Southern Tier Snowdrifters Inc.	\$25,037.50
WNY Snowmobile Club of Boston Inc.	\$30,350.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$213,500.00, and an increase in appropriations in the amount of \$213,500.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget,



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Management and Finance, the Commissioner of the Department of Environment and Planning, and Assistant County Attorney, Greg Dudek, of the Law Department.

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

CARRIED UNANIMOUSLY.

Item 49 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 6E-29. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Health currently leases space at 85 Manitou Street, in the Village of Depew, for the purpose of providing public health services, and serves as a Women's Infants and Children's (WIC) check distribution site, and

WHEREAS, the Division of Real Property has negotiated with the Village of Depew for a lease renewal for the period as follows:

November 1, 2003 – October 31, 2004 for 3,880 sq. ft. of space \$47,644.92  
 November 1, 2004 – October 31, 2005 for 3,458 sq. ft. of space \$43,328.74  
 November 1, 2005 – October 31, 2006 for 3,458 sq. ft. of space \$44,193.24  
 November 1, 2006 – October 31, 2007 for 3,458 sq. ft. of space \$45,057.74

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a lease renewal agreement with the Village of Depew for the period November 1, 2003 through October 31, 2007 at rates negotiated by the Division of Real Property for space utilized as the Lancaster District Office, located at 85 Manitou Street, Depew, New York, as follows:

November 1, 2003 – October 31, 2004 for 3,880 sq. ft. of space \$47,644.92  
 November 1, 2004 – October 31, 2005 for 3,458 sq. ft. of space \$43,328.74  
 November 1, 2005 – October 31, 2006 for 3,458 sq. ft. of space \$44,193.24  
 November 1, 2006 – October 31, 2007 for 3,458 sq. ft. of space \$45,057.74

and be it further

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

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

CARRIED UNANIMOUSLY.

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Item 50 – MS. MARINELLI moved to reconsider Comm. 6E-29. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 6E-29. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

RE: Health - Lease Agreement Renewal - 85  
Manitou, Depew, NY - Lancaster District Office

WHEREAS, the Erie County Department of Health currently leases space at 85 Manitou Street, in the Village of Depew, for the purpose of providing public health services, and serves as a Women's Infants and Children's (WIC) check distribution site, and

WHEREAS, the Division of Real Property has negotiated with the Village of Depew for a lease renewal for the period as follows:

November 1, 2003 – October 31, 2004 for 3,880 sq. ft. of space \$47,644.92  
November 1, 2004 – October 31, 2005 for 3,458 sq. ft. of space \$43,328.74  
November 1, 2005 – October 31, 2006 for 3,458 sq. ft. of space \$44,193.24  
November 1, 2006 – October 31, 2007 for 3,458 sq. ft. of space \$45,057.74

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a lease renewal agreement with the Village of Depew for the period November 1, 2003 through October 31, 2007 at rates negotiated by the Division of Real Property for space utilized as the Lancaster District Office, located at 85 Manitou Street, Depew, New York, as follows:

November 1, 2003 – October 31, 2004 for 3,880 sq. ft. of space \$47,644.92  
November 1, 2004 – October 31, 2005 for 3,458 sq. ft. of space \$43,328.74  
November 1, 2005 – October 31, 2006 for 3,458 sq. ft. of space \$44,193.24  
November 1, 2006 – October 31, 2007 for 3,458 sq. ft. of space \$45,057.74

and be it further

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

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

CARRIED UNANIMOUSLY.

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Item 51 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 10E-57. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

RE: Health - Emergency Double Fill -  
Supervising Accountant

WHEREAS, the Erie County Department of Health is requesting an emergency double fill for the position of Supervising Accountant, and

WHEREAS, the Erie County Department of Health's Accounting Office is charged with maintaining all mandatory accounting functions including revenue generation, and

WHEREAS, due to the lay off and retirement of the Department's Supervising Accountants, and the resulting bumping process, the accounting office would be unable to meet its mandatory responsibilities, and

WHEREAS, the emergency double fill will enable the Department to make an orderly transition to the new staffing configuration.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Health be authorized to double fill the position of Supervising Accountant, beginning March 16, 2005 and ending April 29, 2005, and be it further

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

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 52 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 11E-30 from the COMPTROLLER Re: Letter to ECL Re: Comm. 10E-23 - Creation of Division of Billing and Receivables Management

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

Item 53 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 11E-31 from the COMPTROLLER Re: Letter to ECL Re: Accounts Payable Backlog

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 54 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Comm. 11E-32 from RANZENHOFER Re: Request to Change Vote on Minutes for Meeting 28 (2004)

Received, Filed, and Printed.

April 21, 2005

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

Re: Request to Change Vote on Minutes for Meeting 28 (2004)

Dear Clerk:

I hereby change my vote on the above referenced item to “no,” pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2005 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Michael H. Ranzenhofer  
Erie County Legislator  
4<sup>th</sup> District

Item 55 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

Comm. 11E-33 from CUSACK Re: Request to Change Vote on Minutes for Meeting 28  
(2004)

Received, Filed, and Printed.

April 21, 2005

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

Re: Request to Change Vote on Minutes for Meeting 28 (2004)

Dear Clerk:

I hereby change my vote on the above referenced item to “no,” pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2005 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Elise M. Cusack  
Erie County Legislator  
14<sup>th</sup> District

Item 56 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Comm. 11E-34 from MARSHALL Re: Request to Change Vote on Minutes for Meeting 28  
(2004)

Received, Filed, and Printed.

April 21, 2005

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

Re: Request to Change Vote on Minutes for Meeting 28 (2004)

Dear Clerk:

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

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I hereby change my vote on the above referenced item to “no,” pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2005 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Denise E. Marshall  
Erie County Legislator  
5<sup>th</sup> District

Item 57 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Comm. 11E-35 from WEINSTEIN Re: Request to Change Vote on Minutes for Meeting 28 (2004)

Received, Filed, and Printed.

April 21, 2005

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

Re: Request to Change Vote on Minutes for Meeting 28 (2004)

Dear Clerk:

I hereby change my vote on the above referenced item to “no,” pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2005 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Barry A. Weinstein, M.D.  
Erie County Legislator  
15<sup>th</sup> District

Item 58 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

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CARRIED UNANIMOUSLY.

Comm. 11E-36 from McCARVILLE Re: Absence from Session on April 21, 2005

Received, Filed, and Printed.

April 21, 2005

Hon. Kevin M. Kelly  
Clerk, Erie County Legislature  
Old County Hall  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Absence from Session on April 21, 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 21, 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,

Steven P. McCarville  
Erie County Legislator  
13<sup>th</sup> District

Item 59 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Comm. 11E-37 from SWANICK Re: Absence from Session on April 21, 2005

Received, Filed, and Printed.

April 21, 2005

Hon. Kevin M. Kelly  
Clerk, Erie County Legislature  
Old County Hall

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

92 Franklin Street – 4<sup>th</sup> Floor  
 Buffalo, NY 14202

Re: Absence from Session on April 21, 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 21, 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  
 10<sup>th</sup> District

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY CLERK**

Item 60 – (11E-1) Letter to Holt Re: Restoration of Staff In Clerk's Office

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 61 – (11E-2) Appointment to the Citizens' Budget Review Commission

Received, filed, and printed.

April 4, 2005

Mr. Kevin Kelley, Clerk  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

RE: Appointment to Citizen's Budget Review Commission of Erie County of Erie

Dear Legislators:



**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

I hereby make the following appointment to the Citizen's Budget Review Commission of Erie County of Erie

Carl Falletta  
 360 Mill Road  
 Williamsville, New York 14221

Respectfully submitted,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

**Carl Falletta**

1175 William St., Buffalo, NY 14206 (716) 893-XXXX XXXXXX@XXXXXXXX

**Education:**

<b><u>Canisius College:</u></b>	<b>Buffalo, NY</b>
☒ MBA Business Management	1992
☒ BS Finance	1986
<b><u>SUNY at Buffalo:</u></b>	<b>Buffalo, NY</b>
☒ Fellow Center for Entrepreneurial Leadership	1996
<b><u>University of Dayton:</u></b>	<b>Dayton, OH</b>
☒ License World Class Operations Management	1994

**Experience: CEO/Founder**

<b>Company:</b>	<b>ddmdirect.com</b>	
<b>Locations:</b>	1175 Williams Street Buffalo, NY 14206	4612 LB McCloud Orlando, Florida 32811
<b>Date Founded:</b>	1998 in Orlando, Florida	
<b>Type of Business:</b>	ddmdirect provides direct mail services, variable printing, programming and marketing services for commercial and nonprofit customers throughout the United States.	

Commercial clients include RR Donnelly, Quebecor, CitiBank, NFL, and many midsize printing and marketing clients.

Nonprofit clients include Catholic and Protestant churches throughout the country, schools, universities and religious publishing companies.

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

- Ownership:** Carl Falletta, President/Founder
- Philosophy:** The corporate philosophy of ddmdirect is to offer their clients the best value in the marketplace by providing innovative solutions, current technology and aggressive pricing.
- Recognitions:** In 2003 and 2004 ddmdirect was recognized as one the 100 fastest growing "Inner City" businesses in the country. In 2004 INC Magazine also selected ddmdirect as one of the 500 fastest growing "private" businesses in the country.

**FROM THE COMPTROLLER**

Item 62 – (Comm. 11E-3) Invitation to Meet With ECL Members At Comptrollers Office On 4/13/05

Received and filed.

Item 63 – (Comm. 11E-4) Copy of Letter To ECL & County Executive Re: Month-End Closing Dates

Item 64 – (Comm. 11E-5) Notice of County's Bond Rating Being Downgraded to Baa1

Item 65 – (Comm. 11E-6) Letter to ECL Re: Request to issue RAN In Late June

Item 66 – (Comm. 11E-7) Expenditures Of The County's Tobacco Securitization Proceeds

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

**FROM CHAIRMAN HOLT**

Item 67 – (Comm. 11E-8) Appointment to the Citizens' Budget Review Commission

Received, filed, and printed.

April 13, 2005

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

Dear Mr. Kelley:

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

Please be advised that I appoint Mr. Kenneth W. Peterson, President/CEO of Signal Construction, LLC as my representative to the Citizens Budget Review Commission.

If you have any questions or need additional information do not hesitate to contact me.

Sincerely,

George A. Holt Jr.  
 Chairman – Erie County Legislature

**FROM THE COUNTY CLERK**

Item 68 – (Comm. 11E-9) Erie County Clerk's Office 2004 Financial Report

**FROM THE COMPTROLLER**

Item 69 – (Comm. 11E-10) Copy of Letter to DeBenedetti Re: Comm. 10E-16

Item 70 – (Comm. 11E-11) Letter to ECL Re: March 2005 Month-End Closings Have Been Completed on SAP By Comptroller's Office

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

**FROM THE SHERIFF**

Item 71 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

RE: Personnel Adjustments (Comm. 11E-12)

WHEREAS, the Erie County Sheriff's Office has identified the need to make a number of personnel adjustments in order to maintain proper staffing of the Sheriff's Office and,

WHEREAS, funding for these new positions will be offset by the positions deleted and downgraded, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create two (2) Receptionist, Job Group 3 and to delete one Executive Assistant to the Sheriff, Job Group 9, in the Sheriff's Division, and be it further,

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Sheriff's Office be authorized to downgrade one (1) Secretary to the Superintendent from a Job Group 8 to a Job Group 6 in the Jail Management Division and be it further,

RESOLVED, that the following budget amendments are hereby authorized:

<b><u>Appropriation</u></b>	<b><u>Increase</u></b>
<b>Business Area 115 – Sheriff's Division</b>	
Commitment Item 500000 – Full Time Salaries	\$ <u>6,749</u>
<b><u>Appropriation</u></b>	<b><u>Decrease</u></b>
<b>Business Area 116 – Jail Management Division</b>	
Commitment Item 500000 – Full Time Salaries	\$ <u>6,749</u>
<b>NET IMPACT</b>	<b><u>\$ 0</u></b>

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

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

CARRIED UNANIMOUSLY.

**FROM CHAIRMAN HOLT**

Item 72 – (Comm. 11E-13) Letter to Ranzenhofer Re: Reappointment of Commissioners of ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

**FROM THE COUNTY EXECUTIVE**

Item 73 – (Comm. 11E-14) Employee Leave Caps

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

Item 74 – (Comm. 11E-15) Senior Services - Authorization to Contract With Stay Fit Dining Site Sponsor

Received and referred to the COMMUNITY SERVICES COMMITTEE

Item 75 – (Comm. 11E-16) ECSD No. 3 - Village of Blasdell - Proposed Agreement

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

Item 76 – (Comm. 11E-17) ECSD No. 2 - Eminent Domain Proceedings - Utica Trunk - Contract No. 60EV

Item 77 – (Comm. 11E-18) ECSD No. 1 - Eminent Domain Proceeding - Broadway West Pump Station Elimination - Contract No. 32

Item 78 – (Comm. 11E-19) ECSD No. 3 - NYS DOT - Proposed Agreement

Item 79 – (Comm. 11E-20) ECSD & Southtowns Sewage Treatment Agency - 2005 Budget Revision

Item 80 – (Comm. 11E-21) ECSD/WNY Council On Occupational Safety & Health - Proposed Agreement

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

Item 81 – (Comm. 11E-22) Health - Bathing Beach Water Quality Monitoring & Notification Program - 10/1/04 - 9/30/05

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 82 – (Comm. 11E-23) Opening The Public Safety Campus After Completion Of Construction

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 83 – (Comm. 11E-24) Contract Agreement - Erie County Diesel School Bus Education Initiative

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 84 – (Comm. 11E-25) 2005 Budget Adjustments – DISS

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

Item 85 – (Comm. 11E-26) EC Probation Department - Establishment of Administrative Fees

Received and referred to the PUBLIC SAFETY COMMITTEE

Item 86 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Personnel Department is in need of additional personnel to input time into the payroll system, and

WHEREAS, failure to add staff to input payroll will prevent Erie County from properly paying employees,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Personnel Department is hereby authorized to create one position of Payroll Clerk RPT, and be it further

RESOLVED, that the sum of \$30,000 is hereby transferred from Professional Fees & Services (516020) to Personnel Services account (500000), and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel and the Budget Director.

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

CARRIED UNANIMOUSLY.

DELETE the second (2<sup>nd</sup>) and third (3<sup>rd</sup>) RESOLVED clausd in their entirety and replace with the following:

RESOLVED, that the sum of \$30,000 is hereby transferred from Professional Fees & Services (516020), as it becomes available from health insurance savings, to PERSONNEL Services account (500000), and be it further

RESOLVED, that certified copies of the resolution be forwarded to the Commissioner of Personnel, County Comptroller, and the Budget Director.

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

CARRIED UNANIMOUSLY.

Item 87 – (Comm. 11E-28) Parks, Recreation, & Forestry -Golf Courses - Amendment to Comm. 9E-15

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

Item 88 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

RE: Parks Dept. - 2005 Amended Budget  
 (Comm. 11E-29)

WHEREAS, the 2005 Budget for the Erie County Parks Department is not sufficient for operation of the County Parks or the continuation of projects on the Erie County Parks Master Plan, and

WHEREAS, personnel adjustments are required to re-open County Parks.

NOW, THEREFORE, BE IT

RESOLVED, that the following positions are hereby restored in the 2005 Adopted Budget in the Department of Parks, Recreation & Forestry for the period of May 1, 2005, through October 31, 2005:

29 Full Time positions of Parks Maintenance Worker I JG3  
 11 Full Time positions of Parks Maintenance Worker II JG5  
 2 Full Time positions of Parks Maintenance Worker III JG7  
 2 Full Time positions of Automotive Mechanic-Parks JG9  
 1 Full Time position of Chief Parks Ranger JG8  
 1 Full Time position of Recreation Assistant JG5  
 1 Full Time position of Parks Superintendent JG11  
 1 Full Time position of Receptionist JG3  
 1 Full Time position of Secretary to Commissioner of Parks JG8  
 15 Seasonal Park Attendants JG42

RESOLVED, that 2005 Budget Appropriations be increased in the Parks Department, Parks Division 16410, as follows:

500000	Personal Services	\$811,730
500300	Shift Differential	\$ 9,000
501000	OT(Holiday,Premium)	\$ 38,522
502000	Fringe Benefits	\$265,938
500030	Seasonal Wages	\$ 47,610
505000	Office Supplies	\$ 3,000
505200	Clothing Supplies	\$ 2,000
505600	Vehicle Maintenance	\$ 66,000
505800	Medical Supplies	\$ 400
545000	Rental Expense	\$ 3,000
516030	Maint.Contract(garbage)	\$ 20,000
516020	Professional Services	\$ 5,000
506400	Highway Supplies	\$ 500
506200	Bldngs & Grnds.Maint.	<u>\$122,300</u>
	Total Appropriations	\$1,395,000

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that 2005 Budget Revenues be increased in the Parks Department, Parks Division 16410, as follows:

418500	Camping Fees	\$ 55,000	2004 Fee Schedule
418510	Shelter Fees	\$190,000	2004 Fee Schedule

RESOLVED, the amount of \$1,000,000 be transferred from the Department of Environment and Planning, Division 134010, account 516000-Public Benefits, to the Erie County Parks Department.

RESOLVED, the amount of \$150,000 be utilized from the 2004 Master Plan to cover the salaries of seven Parks employees working exclusively on Master Plan Tobacco projects.

RESOLVED, that in the event technical adjustments are needed to the Parks Division the Department of Budget has the authorization to make such changes.

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

MS. MARINELLI moved to have the item sent to the ENERGY & ENVIRONMENT COMMITTEE. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE BECPL**

Item 89 – (Comm. 11D-1) Copy of Letter to Budget Director Re: Securing Bonding Authorization for 2005 Capital Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM PERSONNEL**

Item 90 – (Comm. 11D-2) Copy of Letter to NYS Dept. of Civil Service Re: Cancellation of Civil Service Exams

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 91 – (Comm. 11D-3) Notice of Public Hearing - Local Law Intro. No. 14-2004; Local Law Intro. No. 4-2005; and Local Law Intro. No. 5-2005

Received, filed, and printed.



**MEETING NO. 11**  
**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

April 11, 2005

Kevin M. Kelley, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

**Re: Notice of Public Hearing**  
**Local Law Intro. No. 14-2004; Local Law Intro. No. 4-2005;**  
**and Local Law Intro. No. 5-2005**

Dear Mr. Kelley:

Enclosed herein are copies of the Public Hearing Notices for the above-captioned Local Law Intros. which were approved by the Erie County Legislature on April 7, 2005.

Please post the enclosed for the information of anyone who may be interested in attending the hearings.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

By: GREGORY J. DUDEK  
Assistant County Attorney

GJD/crj  
Encs.

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday April 26, 2005, at 9:30 a.m. concerning:

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.

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On April 7, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 14 of 2004. Copies of the proposed local law are available for public inspection in the office of the

**MEETING NO. 11**

**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

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JOEL A. GIAMBRA  
Erie County Executive

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**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday April 26, 2005, at 10 a.m. concerning:

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..

The hearing will be held in the County Executive Conference Room, 95 Franklin Street. 16th Floor. in .the City of Buffalo, New York.

On April 7, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No 4 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

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JOEL A. GIAMBRA  
Erie County Executive

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**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday April 26, 2005, at 10:30 a.m. concerning:

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

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

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On April 7, 2005, the Erie County Legislature adopted Erie County Local Law Intro No 5 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, In the City of Buffalo, New York.

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JOEL A. GIAMBRA  
Erie County Executive

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**FROM THE COMPTROLLER'S OFFICE**

Item 92 – (Comm. 11D-4) Copy of Memo From Deputy Comptroller to Budget Department  
Re: Vendor Payment to Lawrence W. Smith & Associates. Inc.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

**FROM THE DEPT. OF ENVIRONMENT & PLANNING**

Item 93 – (Comm. 11D-5) Sign Off For Comm. 10E-40

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES****FROM THE BUFFALO NIAGARA PARTNERSHIP**

Item 94 – (Comm. 11M-1) Letter to Holt Re: BNP's Recommendation to Citizens' Budget Review Commission

Received, filed, and printed.

April 4, 2005

Hon. George A. Holt, Jr.  
Chairman, Erie County Legislature  
25 Delaware Avenue, Room 550  
Buffalo, NY 14202

**MEETING NO. 11**

**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

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Dear Chairman Holt:

Thank you for your letter of March 23 regarding the Legislature's Citizens Budget Review Commission for Erie County.

The Buffalo Niagara Partnership recommends one candidate to join the commission, Robert Gioia. Mr. Gioia is chairing the Partnership's Erie County Stabilization Project and is the logical person to serve as a liaison between the two efforts.

Your March 23 letter makes reference to a "number of candidates" we had recommended.

I apologize for any confusion, but my February 22 letter was not intended to enumerate candidates. Instead, it delineated the draft composition of our Erie County Stabilization Project oversight committee.

I look forward to continuing working with you on behalf of Erie County. If you have any questions, please call John Maggiore, staff director for the Erie County Stabilization Project or me at 852-7100.

Sincerely Yours,

Andrew J. Rudnick

/jev

cc: John Maggiore

FROM THE BELLA VISTA GROUP

Item 95 – (Comm. 11M-2) Urbandale Development Company - Urbandale Plaze - George Urban Blvd. - Auto Bureau - Public Safety Issues

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 96 – (Comm. 11M-3) Region 9 FWMA Board Minutes - 3/24/2005

Received and filed.

FROM PATRICIA A. BYLEWSKI

Item 97 – (Comm. 11M-4) Letter to Holt Re: Resignation as Chairperson and Member of the Erie County Home Health Care Advisory Board

Received and filed.

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**April 21, 2005**

**ERIE COUNTY LEGISLATURE**

FROM THE TOWN OF ELMA

Item 98 – (Comm. 11M-5) Certified Resolution Re: Opposition To The "Greiner Commission" Recommendation

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 99 – (Comm. 11M-6) Notice & Agenda of Meeting Held 4/20/05

Received and filed.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY BOARD

Item 100 – (Comm. 11M-7) Notice of Meeting To Be Held 4/21/05

Received and filed.

FROM THE EDEN TOWN BOARD

Item 101 – (Comm. 11M-8) Certified Resolution Re: County Allocation of Sales Tax Revenue

Received and filed.

FROM NYSSCPA

Item 102 – (Comm. 11M-9) Nominations For The Citizens' Budget Review Commission

Received, filed, and printed.

April 5, 2005

George A. Holt, Jr.  
Chairman  
Erie County Legislature  
25 Delaware Avenue Room 550  
Buffalo, New York 14202

Dear Mr. Holt:

I am writing in response to your letter dated March 23, 2005. Please let me begin by thanking you and the legislature for including the Buffalo Chapter of the New York State Society of Certified Public Accountants (NYSSCPA) in the Citizen's Budget Review Commission of Erie County.

**MEETING NO. 11****April 21, 2005****ERIE COUNTY LEGISLATURE**

Pursuant to your request I hereby nominate, on behalf of the Buffalo Chapter of

NYSSCP A, the following individuals:

Edward L. Arcara, CPA  
 Joseph M. Falbo, Jr., CPA  
 William E. Mancini, CPA (Tentative, pending his acceptance)

Resumes will be forwarded to you as they become available. Please feel free to contact me should you require additional information on any of the above nominees.

Sincerely,

Joseph M. Falbo, Jr., CPA  
 President  
 NYSSCPA -Buffalo Chapter

**FROM THE NYS OFFICE OF PARKS, RECREATION, & HISTORIC PRESERVATION**

Item 103 – (Comm. 11M-10) Letter to Legislator Weinstein Re: Alienation Guide

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 104 – Mr. Weinstein requested when the Legislature adjourns, it do so in memory of Louis DelCotto Sr.

Item 105 – Mr. Weinstein requested when the Legislature adjourns, it do so in memory of Allen E. Dekdebrun.

**ADJOURNMENT**

Item 106 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until Thursday, May 5, 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**