

ERIE COUNTY LEGISLATURE
MEETING NO. 13
MAY 19, 2005

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was Held.

The Pledge of Allegiance was led by Mr. Kennedy.

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 Meeting 11. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MS. MARINELLI presented a resolution Recognizing Mayor Jack E. Gallagher of the City of Tonawanda as Democrat of the Year.

Item 7 - SMITH & HOLT presented a resolution Honoring William Satcher Rollison For Being Named Student of the Month For the Month of April 2005.

Item 8 – MR. KENNEDY presented a resolution Honoring Mount Mercy Academy For Celebrating 100 Years of Service to the Western New York Community.

Item 9 - SMITH & HOLT presented a resolution Recognizing Andy Herbert For His Outstanding Community Service Work in Western New York.

Item 10 – MR. DUSZA presented a resolution Recognizing National Police Week That Observes Officers Throughout The Nation Who Have Made The Supreme Sacrifice In The Line Of Duty.

Item 11 – MS. MARINELLI moved to include a Miscellaneous Resolution not on the agenda from MR. KUWIK. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above six items to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. MARINELLI moved for the approval of the above six items as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2005 remain on the table.

GRANTED.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 9 (Print #1) 2005 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2005 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 21 – MR. WROBLEWSKI presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

MAY 12, 2005

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK.

1. RESOLVED, that the following items are hereby received and referred to the ENERGY & ENVIRONMENT COMMITTEE:

- a. COMM. 10M-5 (2005)
NYPA: Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA
 (4-0)
- b. COMM. 12E-39 (2005)
COUNTY EXECUTIVE: Issuance of Fluent Energy A Contract As Utility Technical Services Provider
 (4-0)

2. RESOLVED, that the following items are hereby received and filed.

- a. COMM. 6E-30 (2005)

COUNTY EXECUTIVE: DPW - Ralph Wilson Stadium - 2005 - Electrical Substation
 Main Breaker Replacement
 (4-0)

b. COMM. 8E-41 (2005)

COUNTY EXECUTIVE: DPW - Grover Cleveland Golf Course - Irrigation System -
 Pump House/Storage Building & Elma Meadows Storage Building
 (4-0)

c. COMM. 11D-5 (2005)

DEP: Sign Off For Comm. 10E-40
 (4-0)

d. COMM. 12D-9 (2005)

DPW: Month-End Closings
 (4-0)

e. COMM. 12M-3 (2005)

NFTA: Cashflow Statements
 (4-0)

3. COMM. 8E-36 (2005)

COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the Seneca Street (CR 215) Bridge Over Norfolk Southern Railroad (formerly Conrail), in the Town of West Seneca, Erie County, P.I.N. 5755.25 (the "Project") 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 above project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, and Right-of-Way Acquisition Phases of the Project, PIN 5755.25, and

WHEREAS, the total cost of the project has increased from \$330,000 to \$492,000, or the amount of \$162,000.

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

RESOLVED, 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 in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further,

RESOLVED, that the total project budget be increased from \$330,000 to \$492,000, and be it further,

RESOLVED, that the sum of \$32,400 is hereby appropriated from the 1999 Federal Aid, Various Road and Bridge Projects Program (SAP B.00007) to cover the increase in the local share, in addition to \$66,000 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No.6D-16 adopted on April 29, 1999 and made available to cover the cost of Erie County's share to participate in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$98,400 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$492,000, 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 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 New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that 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.

(4-0)

4. COMM. 10E-40 (2005)

COUNTY EXECUTIVE

WHEREAS, the County of Erie, desires to participate in the final design and construction of the Erie Canal Harbor Project in the City of Buffalo; and

WHEREAS, the Erie Canal Harbor Project seeks to create a first-class waterfront which can be a tourism draw and also a premier attraction to the residents for the City and County; and

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WHEREAS, the City of Buffalo and the State of New York are also contributing to this waterfront development project; and

WHEREAS, the County of Erie, the Empire State Development Corporation, the City of Buffalo, and the Buffalo Sewer Authority have entered into a Memorandum of Understanding dated June 14, 2002 which outlined funding responsibilities for all parties; and

WHEREAS, a project to be funded by bonds was included in the 2003 approved Erie County Capital Budget for Erie Canal Harbor Improvements for up to \$3,000,000; and

WHEREAS, the Erie County Legislature approved a resolution dated March 6, 2003, being item number 4E-30 that authorized the County Executive to enter into contracts with the New York State Urban Development Corporation, doing business as the Empire State Development Corporation for a total amount of \$1,300,000 for design and engineering for the project; and

WHEREAS, the County did enter into an agreement with New York State dated March 12, 2003 and subsequently make a payment of \$1,300,000 to the Empire State Development Corporation; and

WHEREAS, the County of Erie and the Empire State Development Corporation desire to amend the March 12, 2003 agreement to allow for the balance of the 2003 County funding of \$1,700,000 to be used for additional design and engineering services; and

WHEREAS, the \$1,700,000 in approved 2003 Erie County Capital Budget funds was included in a bond sale in August 2004 and is available for this project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contract amendments for an agreement dated March 12, 2003 with the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, to fund an additional \$1,700,000 in design and engineering costs for the Erie Canal Harbor project; and be it further

RESOLVED, that the source of these funds shall be \$1,700,000 from the approved 2003 Capital Budget; and be it further

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

(4-0)

5. COMM. 12E-25 (2005)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovation on May 22, 2002, and

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WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

WHEREAS, unforeseen conditions related to the asbestos buried piping and conduits in walls and floor and structural conditions for 25 Delaware Avenue and Old County Hall continue to have a negative impact on the Construction Contingency Fund, and

WHEREAS, the Unified Court System, Office of Court Administration has requested changes to the scope of the project and will reimburse the project for same, and

WHEREAS, the General Contingency, which includes the following:

Owner's Contingency
 Architect/Engineer's Contracts
 Construction Manager's Contracts
 A/E and CM Contingencies
 Miscellaneous Contingency
 Inspection Contingency
 Department of Public Works' Consultants' Service Agreements
 Salary costs for the Commissioner's Office and
 Commissioning and Testing fees,

has funds which can be used to fund Construction Contingency costs,

NOW, THEREFORE, BE IT,

RESOLVED, that the General Contingency, which includes the following:

Owner's Contingency
 Architect/Engineer's Contracts
 Construction Manager's Contracts
 A/E and CM Contingencies
 Miscellaneous Contingency
 Inspection Contingency
 Department of Public Works' Consultants' Service Agreements
 Salary costs for the Commissioner's Office and
 Commissioning and Testing fees,

be decreased by \$503,523.00 from \$11,826,426 to \$11,322,903.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the General Contingency, and be it further,

RESOLVED, that the construction contingency fund be increased by \$503,523.00 from \$10,727,195.00 to \$11,230,718.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the Construction Contingency, and be it further,

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

RESOLVED, that the Unified Court System, Office of Court Administration requested changes to the scope of the project be authorized and the cost of said changes be reimbursed by the Office of Court Administration in an amount, not to exceed \$1,125,204.00, be received and deposited into the Courts Renovation Project, Project A.00018, and be it further,

RESOLVED, that the Courts Renovation Project, Project A.00018, revenues and appropriation be increased by \$1,125,204.00, and be it further,

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

(4-0)

6. COMM. 12E-38 (2005)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works processed a General Security Consulting Services agreement with the firm of SecuraComm Consulting, Inc. to provide security design, and

WHEREAS, SecuraComm, Inc. designed a security system for the Rath Building and a construction contract has been awarded, and

WHEREAS, consultant services during construction are needed,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to SecuraComm Consulting, Inc. for services during construction in an amount not to exceed \$15,400.00, and be it further,

RESOLVED, that funding for said Supplemental Agreement be from Project A.00067, '03 Security, Rath Building, and be it further,

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

TIMOTHY M. WROBLEWSKI
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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Item 22 – MS. MARINELLI presented the following report and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

MAY 12, 2005

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 8E-50 (2005)
COUNTY EXECUTIVE: Personal Services Contract - County Planning Services
(5-0)
 - b. COMM. 9M-1 (2005)
ROBERT J. LICHTENTHAL, JR.: Letter to Chairman Holt Re: Request For Consideration For Reappointment As Commissioner of ECWA
(5-0)
 - c. INTRO 11-10 (2005)
WEINSTEIN: Assessing Legality of Parks Closure
(5-0)
 - d. INTRO 11-19 (2005)
HOLT: Appointment To The Erie County Water Authority
(5-0)
 - e. COMM. 11E-13 (2005)
HOLT: Letter to Ranzenhofer Re: Reappointment of Commissioner to ECWA
(5-0)
 - f. COMM. 11M-10 (2005)
NYS OFFICE OF PARKS, RECREATION, & HISTORIC PRESERVATION: Letter to Legislator Weinstein Re: Alienation Guide
(5-0)
 - g. COMM. 12E-44 (2005)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency - Southtowns Sand Filter Project - Contract No. 1ST-E - Change Order No. 1 - O'Connell Electric Company
(5-0)
2. COMM. 8E-56 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the New York Power Authority (NYPA) is a state-created public authority under the New York State Public Authorities law, and

WHEREAS, NYPA operates several coal-generated and hydroelectric power plants throughout the state of New York, and

WHEREAS, one such power plant is in Western New York, the Niagara Power Project, which is located in Youngstown, Niagara County, and

WHEREAS, it is generally accepted that the Niagara Power Project generates some of the cleanest, cheapest electricity in the world, and

WHEREAS, the license for operation of the Niagara Power Project by NYPA is set to expire in 2007, at which time NYPA will seek federal authorization to relicense for another 50-year term, and

WHEREAS, one factual complaint lodged against NYPA's stewardship of the Niagara Power Project and its power generating ability is the large percentage of Niagara-generated power that leaves Western New York and is sold on the open market – in some cases beyond other New York regions to other states, and

WHEREAS, many elected and community leaders believe that larger portions of inexpensive NYPA hydropower generated at Niagara can and should be dedicated to job-creating businesses in Western New York, and

WHEREAS, an opportunity to mitigate the damage caused to the region by the exportation of Niagara hydropower would be the relicensing process, and

WHEREAS, in advance of the relicensing process, NYPA is making offers to local governments seeking settlements, and delivering dedicated streams of NYPA revenue for various purposes to local governments throughout the state, and

WHEREAS, one such settlement offer has been made to Erie County and Buffalo by NYPA, and

WHEREAS, aside from a haphazard proposal to set aside \$3 million per year to supplement state parks' activities in Western New York, the settlement offer to the city and county would total \$100 million (or \$2 million per year) over the 50-year life of the settlement, and

WHEREAS, in reports documented by current and former members of the state legislature as well as by the New York State Comptroller, NYPA subsidizes its money-losing facilities in other parts of the state through the sale of cheap hydropower to other regions and states, in a sense exploiting Western New York's natural resources for monetary gain, and

WHEREAS, many believe that the \$100 million settlement offer made to the city and county and submitted to the county for consideration, to be insufficient, and

WHEREAS, the NYPA proposal would require that approved funds for various projects be recommended by a “committee of 4,” comprised, in part, by local leaders, but also by representatives of NYPA itself, with subsequent approval for such projects left in the hands of a state agency, and

WHEREAS, given that NYPA has consistently earned hundreds of millions of dollars in excess revenue derived solely from the sale of inexpensive hydropower, it is insulting to suggest that NYPA would 1) offer our region a very small amount of funding, and 2) seek to control expenditure of the small amount of funds they do deign to allocate for our region’s purposes, and

WHEREAS, an alternative proposal has been put forth by US Representative Brian Higgins, the basis of Rep. Higgins’ proposal would be to allocate funds for the design and construction of physical improvements in areas most particularly necessary for the enhancement and improvement of economic development in Buffalo, Erie County, and Western New York, and

WHEREAS, said alternative proposal would call for a total NYPA contribution of \$500 million (or \$10 million per annum) over the 50-year life of the settlement agreement, to be apportioned as follows:

- \$4 million per year for brownfield remediation and land acquisition to be used by municipalities along the waterfront. In this way, shovel ready sites can be made available for public access and commercial development; and
- \$6 million per year allocated to a locally-controlled Waterfront Development Corporation whose expressed purpose is the enhancement and improvement of public access to Buffalo’s Outer and Inner Harbor waterfront areas, and whose primary objective is the design and construction of physical improvements to Buffalo’s waterfront areas to create private and public sector recreational and commercial development along the Lake Erie shoreline.

and

WHEREAS, allocation of said funds would accomplish two necessary goals: 1) it would provide a new and dedicated funding stream for brownfield remediation and land acquisition, something particularly significant in light of the funding challenges facing city and county government at the present time, and 2) it would provide a dedicated stream of funding to the proposed Waterfront Development Corporation toward the goal of project-managing the various Inner and Outer Harbor construction projects beyond the theoretical, and away from the traditional Western New York process of excessive studies and reviews, and toward the design and construction of real projects that create real job opportunities for real people in Western New York, and

WHEREAS, for a region starved for successful development of its most significant and untapped natural resource – its waterfront – the alternative settlement proposal put forth by Rep. Higgins represents a unique opportunity for Western New York’s business, government and corporate communities to join together, show support, and deliver real results for Western New York’s taxpayers and residents,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the continued enhancement of economic development, tourism and other efforts to create jobs and economic opportunity to the residents and taxpayers of Erie County, and be it further

RESOLVED, that this Honorable Body does hereby commend the New York Power Authority (NYPA) for its efforts in seeking out and negotiating settlement agreements with local governments throughout New York State, toward the goal of returning NYPA revenues to local communities for the purposes of enhancement of economic development in local areas, and be it further

RESOLVED, that notwithstanding such commendation, this Honorable Body does hereby call upon interested parties to offer comment to that effect during NYPA's public comment period, scheduled to conclude at the end of May 2005, and be it further

RESOLVED, that this Honorable Body is strongly opposed to any settlement agreement that would include decision-making authority for persons or entities located outside of Western New York, including but not limited to NYPA itself, as it relates to the allocation of funds set aside for economic development and job creation purposes through the settlement agreement, and be it further

RESOLVED, that this Honorable Body does hereby endorse the proposed settlement agreement put forth by US Representative Brian Higgins, a proposal that 1) would increase NYPA funding to the city and county for economic development and job creation more than five-fold; 2) would seek to make specific, dedicated funding reservations for economic development and other purposes, including development of Buffalo's Inner and Outer Harbor waterfront areas; and 3) would ensure local control of such funds and would not make allocation or expenditure of such funds subject to the authorization of entities located or principally associated outside of Western New York – in sum, ensuring local control – and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor; the Western New York delegation to the US Senate and US House of Representatives, the members of the Western New York delegations to the State Assembly and State Senate, the Erie County Executive, the Mayors of Buffalo and Lackawanna, the Supervisor of Hamburg, and to the New York Power Authority to be included in the public comment to be accepted relative to the proposed settlement.
 (5-0)

3. INTRO 11-1 (2005)
DUSZA

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.

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.

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(3-2) Legislators Ranzenhofer and Chase voted in the negative.

4. COMM. 12E-10 (2005)

COMPTROLLER

RESOLUTION NO. 121-2005

BOND RESOLUTION DATED _____, 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 6; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 6 TO SAID COUNTY.

(Introduced) _____, 2005

(Adopted) _____, 2005

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated April 21, 2005, an increase and improvement of facilities for Sewer District No. 6 has been approved at a estimated maximum cost of \$4,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs,

NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 6, 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, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on January 18, 2005 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and

interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefited area which consists of the entire area of said Sewer District No. 6.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$4,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

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(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

5. COMM. 12E-11 (2005)

COMPTROLLER

RESOLUTION NO. 122-2005

BOND RESOLUTION DATED _____, 2005

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,100,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$9,100,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) _____, 2005

(Adopted) _____, 2005

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly the resolution of this County Legislature dated April 21, 2005, an increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency has been approved at an estimated maximum cost of \$9,100,000, and

WHEREAS, it is now desired to provide for the financing of said cost,

NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$9,100,000 bonds of the County, or so much thereof as may be

necessary, are hereby authorized to be issued to finance the cost of the increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency, 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, as more fully described in a report and estimate of cost approved by the Board of Managers of the Erie County-Southtowns Sewer Treatment Agency on January 27, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and the total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$9,100,000. The plan of financing includes the issuance of \$9,100,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in (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.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$9,100,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$9,100,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which \$9,100,000 bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00 and 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the County Comptroller, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section

52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.
 (5-0)

6. **COMM. 12E-24** **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, The New York State Department of State is seeking applications from local governments under the 2005 Quality Communities Program; and

WHEREAS, Erie County wishes to support the activities of the Local Initiatives Support Corporation to establish a Neighborhood Indicators Program to identify neighborhoods that are in risk of deteriorating, and said project is an eligible activity under the Quality Communities Program,

NOW, THEREFORE BE IT

RESOLVED, That the Erie County Executive is hereby designated as the primary contact on all communications to the New York State Department of State under the provisions of the Quality Communities Program for the proposed Neighborhood Indicators Program; and be it further

RESOLVED, that upon receiving the grant, the County Executive is authorized to execute any and all contracts with the New York State Department of State in an amount not to exceed \$20,000 for the purpose of carrying out the Neighborhood Indicators Program; and be it further

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

(5-0)

7. COMM. 12E-34

COUNTY EXECUTIVE

WHEREAS, New York State Electric and Gas Corporation (NYSEG) provides electrical service to areas of Concord and Sardinia; and

WHEREAS, to provide and maintain electricity to the casino located in Concord requires accessibility to Sprague Brook Park; and

WHEREAS, the Sprague Brook Park is an Erie County property; and

WHEREAS, NYSEG has requested that Erie County enter into an agreement for a revocable permit to extend electrical service at Sprague Brook Park; and

WHEREAS, the Erie County (county-owned lands) Advisory Review Committee (ARC) recommends approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with New York State Electric and Gas Corporation for a revocable permit at Sprague Brook Park, and be it further

RESOLVED, that through the permit electrical service will be made available to the casino, 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; the Commissioner of Parks, Recreation and Forestry; the County Comptroller; and the County Attorney.

(5-0)

8. COMM. 12E-35

COUNTY EXECUTIVE

WHEREAS, local fire companies in areas of Concord, Sardinia, Holland, and Colden require a nearby source of water for the protection of their neighborhoods during an emergency; and

WHEREAS, Sprague Brook Park has a large pond central to the areas in question; and

WHEREAS, Sprague Brook Park is an Erie County property; and

WHEREAS, Erie County has a vested interest in the continued safety of its citizens and firefighters and the welfare of their properties; and

WHEREAS, the County has been requested by 2 fire companies to grant a revocable permit approximately 50 feet in length and 20 feet wide for a dry fire hydrant to be constructed and maintained in Sprague Brook Park which would utilize the waters in said pond during emergencies; and

WHEREAS, the Erie County (county-owned lands) Advisory Review Committee (ARC) has recommended approval of said project.

NOW, THEREFORE, BE IT

RESOLVED, that the County executive is authorized to enter into agreement to allow the construction and maintenance of a dry fire hydrant in Sprague Brook Park through the granting of a revocable permit to the East Concord Fire Company, and be it further

RESOLVED that certified copies of this resolution be sent to the County Executive; Commissioner of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; and the County Attorney.
(5-0)

9. COMM. 12E-40

COUNTY EXECUTIVE

WHEREAS, the Legislature awarded a contract to Parsons Engineering Science, Inc. for various engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer Districts on October 4, 2001, COMM. 18E-41; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Parsons Engineering Science, Inc. dated April 1, 2002 in the amount of \$100,205.12, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 1, 2002 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and Parsons Engineering Science, Inc. be formally closed-out in the final amount of \$100,205.12; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances relating to the Engineering Agreement dated April 1, 2002, between Erie County and Parsons Engineering Science, Inc.; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one copy each to Joseph Passafiume,

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Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.
 (5-0)

10. COMM. 12E-43

COUNTY EXECUTIVE

WHEREAS, the Village of Hamburg's sewer project involves sliplining approximately 1400 linear feet of existing sanitary sewers in Route 391 from Newton Road to the Village line, and

WHEREAS, Erie County is planning to bid a project which includes sewer sliplining, in Erie County Sewer District No. 6-Bethlehem Park Phase II, and

WHEREAS, sliplining is not a common construction practice in the local area and combining the projects will result in lower bid prices together rather than separately, and

WHEREAS, the Village of Hamburg will reimburse the Erie County Sewer District No. 6 for the costs of sliplining the approximately 1400 linear feet of sanitary sewer in Route 391.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the Village of Hamburg to combine the sliplining of the sanitary sewers in Route 391 between Newton Road and the Village line together with the Erie County's Sewer District No. 6 Bethlehem Park Phase II project is hereby 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 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, Management and Finance; and Curt S. Hermann, Mayor, Village of Hamburg.
 (5-0)

11. COMM. 12E-45

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to replace/rehabilitate the sanitary sewers in Boston Town District Nos. 1, 3 and 4; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Parsons, 180 Lawrence Bell Drive, Suite 104, Williamsville, New York 14221.

NOW, THEREFORE, BE IT

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RESOLVED, that the engineering firm of Parsons be retained at a cost not to exceed \$249,585.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Parsons, 180 Lawrence Bell Drive, Suite 104, 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 \$249,585.00 for the Agreement from Sewer Capital Account C.00039, 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; and Joseph Passafiume, Director of Budget, Management and Finance.

(5-0)

12. COMM. 12E-46

COUNTY EXECUTIVE

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

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

(5-0)

RAYMOND K. DUSZA
CHAIRMAN

MS. MARINELLI moved to separate items number 4 and 5, and approve the balance of the report. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of item number 4. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, & WROBLEWSKI. (AYES: 15, NOES: 0)

CARRIED.

MS. MARINELLI moved for the approval of item number 5. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, & WROBLEWSKI. (AYES: 15, NOES: 0)

CARRIED.

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

CARRIED UNANIMOUSLY.

REPORT NO. 123
MAY 12, 2005

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 5

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

1. RESOLVED, that the following item hereby failed:
 - a. COMM. 10E-23 (2005) **AS AMENDED**
COUNTY EXECUTIVE: Establishment of a New Division of Billing & Receivables Management
(3-3) Legislators Wroblewski, Marinelli, and McCarville voted in the negative. Legislators Holt, Chase, and Kennedy voted in the affirmative.
2. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 23-2 (2004)
MCCARVILLE & CHASE: Establishment of a Policy to Investigate Allegations of Wrongdoing in Erie County Government & the Protection of Whistleblowers
(6-0)
 - b. INTRO 23-9 (2004)
MINORITY CAUCUS: Establishing a Formal Policy for Whistle blowing in Erie County
(6-0)
 - c. COMM. 10D-12 (2005)
DISS: Business Process Re-Engineering - Phase 2 for Y2005 - Y2007 Communication - No Approval Request at This Time
(6-0)
 - d. COMM. 10M-11 (2005)
NFTA: Payments Due NFTA
(6-0)
 - e. COMM. 12D-3 (2005)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(6-0)

LYNN M. MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

MAY 12, 2005

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 7

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. 21E-3 (2004)
DEBENEDETTI: Copy of Letter to Budget Director Information Re: Savings from Personnel Reductions
 (5-0)
 - b. COMM. 21E-4 (2004)
DEBENEDETTI: Copy of Letter to Comptroller Re: Request for Audit of County-Issued Credit & Fuel Usage
 (5-0)
 - c. COMM. 25M-12 (2004)
EC HUMAN SERVICES ADVISORY BOARD: 2005 Human Services Public Benefit Funding Request Report
 (5-0)
 - d. COMM. 30E-51 (2004)
COMPTROLLER: Bond Resolution - \$100,000 - 2004 Unanticipated Road & Bridge Costs
 (5-0)
 - e. COMM. 6M-6 (2005)
BUFFALO ARTS COUNCIL: Impact of Arts & Cultural Budget Cuts
 (5-0)
 - f. COMM. 8M-33 (2005)
BUFFALO NIAGARA PARTNERSHIP: Letter to Legislator Smith Re: Erie County Financial Planning Commission
 (5-0)

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- g. COMM. 8M-38 (2005)
NYS DEPARTMENT OF LABOR: Shared Work: The Lay-Off Alternative
(5-0)
- h. COMM. 9E-2 (2005)
COMPTROLLER: Letter to Holt, Swanick, & DeBenedetti Re: Financial Responsibilities
(5-0)
- i. COMM. 9E-6 (2005)
COMPTROLLER: Copy of Memo to Budget Director Re: Pension
(5-0)
- j. COMM. 9E-14 (2005)
COUNTY EXECUTIVE: Preparation of the 2005 Erie County Budget Monitoring Reports
(5-0)
- k. COMM. 9M-7 (2005)
STATE SUPREME COURT JUSTICE JOSEPH MAKOWSKI: Copy of Letters From Various Parties Re: EC 2005 Budget
(5-0)
- l. COMM. 10E-1 (2005)
COMPTROLLER: Preparation of the 2005 Erie County Budget Monitoring Report (BMR)
(2005)
- m. COMM. 10E-7 (2005)
HOLT: Letter to Legislators, Comptroller, County Attorney, & Budget Director Re: Citizen's Budget Review Commission
(5-0)
- n. COMM. 10E-10 (2005)
COMPTROLLER: Parks, Recreation, & Forestry Review of Cash Collections for the Period 3/1/04 - 6/30/04
(5-0)
- o. COMM. 10E-11 (2005)
COMPTROLLER: Letter to Budget Director Re: Pension Accounting Prescription for 2004
(5-0)
- p. COMM. 10E-13 (2005)
COMPTROLLER: Letter to Legislature Re: Quarterly Distribution of Sales Tax to Cities, Towns, Villages, & School Districts
(5-0)
- q. COMM. 10E-14 (2005)
COMPTROLLER: Letter to Legislature Re: Notice of Closure of \$80 Million RAN
(5-0)

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- r. COMM. 10E-15 (2005)
COMPTROLLER: Letter to Legislature Re: 2004 Investment Earnings
(5-0)
- s. COMM. 10E-16 (2005)
DeBENEDETTI: Letter to Comptroller Re: 2004 Investment Earnings
(5-0)
- t. COMM. 10E-17 (2005)
COMPTROLLER: Letter to County Legislature Re: Bond Rating Downgrades
(5-0)
- u. COMM. 10E-18 (2005)
COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 3/05
(5-0)
- v. COMM. 10E-19 (2005)
COMPTROLLER: State Authorization to Arrange for the Underwriting and Private Sale of Bonds
(5-0)
- w. COMM. 10E-20 (2005)
COMPTROLLER: Letter to Legislator Smith Re: Questions Regarding RANs
(5-0)
- x. COMM. 10E-22 (2005)
COMPTROLLER: Letter to Legislature Re: Delays in Vendor Payments
(5-0)
- y. COMM. 10D-17 (2005)
COUNTY ATTORNEY: Legal Representation of Erie County Legislature for Lawsuits Related To 2005 County Budget
- z. COMM. 10M-1 (2005)
ASSEMBLYPERSONS HOYT & PEOPLES: Letter to Legislature Re: NFTA Sales Tax Share
(5-0)
- aa. COMM. 10M-8 (2005)
WEST SENECA AMERICORPS: Letter to Legislator Smith Re: TANF Pass-Through Money
(5-0)
- bb. INTRO 11-5 (2005)
RANZENHOFER, MARSHALL, CUSACK, & WEINSTEIN: Report Of Monthly Expenditures And Balances
(5-0)

- cc. INTRO 11-6 (2005)
RANZENHOFER, MARSHALL, CUSACK, & WEINSTEIN: 2005 Minority Staff Adjustments
(5-0)
- dd. INTRO 11-13 (2005)
WEINSTEIN: 2005 District Office Adjustments
(5-0)
- ee. COMM. 11E-4 (2005)
COMPTROLLER: Copy of Letter To ECL & County Executive Re: Month-End Closing Dates
(5-0)
- ff. COMM. 11E-5 (2005)
COMPTROLLER: Notice of County's Bond Rating Being Downgraded to Baa1
(5-0)
- gg. COMM. 11E-9 (2005)
COUNTY CLERK: Erie County Clerk's Office 2004 Financial Report
(5-0)
- hh. COMM. 11E-10 (2005)
COMPTROLLER: Copy of Letter to DeBenedetti Re: Comm. 10E-16
(5-0)
- ii. COMM. 11E-11 (2005)
COMPTROLLER: Letter to ECL Re: March 2005 Month-End Closings Have Been Completed on SAP By Comptroller's Office
(5-0)
- jj. INTRO 12-10 (2005)
WEINSTEIN: Proposed Amendment to Comm. 10E-56
(5-0)
- kk. COMM. 12E-1 (2005)
COMPTROLLER: Letter To Legislature Re: Bloomberg News Article Published 1/3/05
(5-0)
- ll. COMM. 12E-2 (2005)
COMPTROLLER: Copy of Letter to DSS Commissioner Re: 2004 Year-End Balances
(5-0)
- mm. COMM. 12E-5 (2005)
COMPTROLLER: Copy of Letter to Budget Director Re: Request for Information Regarding Need for 2004 Adjusting Journal Entries

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(5-0)

nn. COMM. 12E-6 (2005)
SMITH: Copy of Letter to Personnel Commissioner - Re: EC Employees earning more than \$100,000
 (5-0)

oo. COMM. 12E-7 (2005)
SMITH: Copy of Letter to Budget Director Re: Budget Monitoring Reports
 (5-0)

pp. COMM. 12E-8 (2005)
SMITH: Copy of Letter to Comptroller & Budget Director Re: 2004 County Deficit
 (5-0)

qq. COMM. 12E-12 (2005)
COMPTROLLER: Letter to Smith Re: Comm. 12E-8
 (5-0)

rr. COMM. 12E-52 (2005)
HOLT: Letter to Department Heads Re: Requesting Attendance to Next Finance & Management Meeting
 (5-0)

ss. COMM. 12D-8 (2005)
PERSONNEL: Letter to Smith Re: Response to Inquiry Regarding Employees that make over \$100,000
 (5-0)

2. COMM. 1D-21 (2004) **AS AMENDED**
DIRECTOR OF BUDGET, MANAGEMENT, & FINANCE

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

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

RESOLVED, that petitions numbered **205201** through **205226** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004	Petition No.	205,201.00
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ASSESSOR	Refund	\$272.23
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S-B-L 47.19-1-12

145689 NEWSTEAD

MEETING NO. 13
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S-B-L 80.12-3-6.1

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$582.44	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$582.44	
	Relevy School	\$582.44	142203 WILLIAMSVILLE CENT

STAR EXEMPTION OMITTED

FISCAL YEAR 2003 Petition No. **205,212.00**

ASSESSOR **Refund** \$587.16

S-B-L 80.12-3-6.1

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$587.16	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$587.16	
	Relevy School	\$587.16	

STAR EXEM OMITTED

FISCAL YEAR 2004 Petition No. **205,213.00**

ASSESSOR **Refund** \$598.20

S-B-L 80.12-3-6.1

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.20	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$598.20	
	Relevy School	\$598.20	142203 WILLIAMSVILLE CENT

STAR EXEM OMITTED

FISCAL YEAR 2004 Petition No. **205,214.00**

ASSESSOR **Refund** \$691.24

S-B-L 67.47-10-2

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$691.24	Town/SpecialDist/School

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Charge To : **142289 AMHERST** **\$691.24**
 Relevy School \$691.24 142207 SWEET HOME CENTRAL

ENCHANCED STAR EXEM OMITTED

FISCAL YEAR 2004 Petition No. **205,215.00**

ASSESSOR **Refund** \$103.47

S-B-L 126.05-1-13.1 **143089 CHEEKTOWAGA**

 Acct. No. 112 \$37.38 County
 Acct. No. 132 \$66.09 Town/SpecialDist/School

Charge To : **143089 CHEEKTOWAGA** **\$66.09**

VETERAN EXEM OMITTED

FISCAL YEAR 2005 Petition No. **205,216.00**

ASSESSOR **Refund** \$92.25

S-B-L 40.06-1-24 **146489 TONAWANDA**

 Acct. No. 112 \$40.74 County
 Acct. No. 132 \$51.51 Town/SpecialDist/School

Charge To : **146489 TONAWANDA** **\$51.51**

COMBAT VETERAN EXEM OMITTED

FISCAL YEAR 2003 Petition No. **205,217.00**

ASSESSOR **Refund** \$54.81

S-B-L 66.72-1-6 **146401 KENMORE**

 Acct. No. 112 \$35.57 County
 Acct. No. 132 \$19.24 Town/SpecialDist/School

Charge To : **146401 KENMORE** **\$19.24**

COMBAT VETERAN EXEM OMITTED

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$84.68	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE		\$84.68

	Relevy Village	\$84.68	Village of KENMORE
COMBAT VETERAN EXEM OMITTED			

FISCAL YEAR 2004	Petition No.	205,222.00
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ASSESSOR	Refund	\$95.01
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S-B-L 66.72-1-6 146401 KENMORE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$95.01	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE		\$95.01

	Relevy Village	\$95.01	Village of KENMORE
COMBAT VETERAN EXEM OMITTED			

FISCAL YEAR 2005	Petition No.	205,223.00
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ASSESSOR	Refund	\$91.25
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S-B-L 93.10-3-27 145289 LANCASTER

	Acct. No. 112	\$43.23	County
	Acct. No. 132	\$48.02	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$48.02

Veterans exemption miscalculated.

FISCAL YEAR 2004	Petition No.	205,224.00
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ASSESSOR	Refund	\$326.29
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S-B-L 104.15.18-10 145201 DEPEW

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$326.29	Town/SpecialDist/School
<u>Charge To :</u>	145201 DEPEW		\$326.29
	Relevy School	\$326.29	145201 LANCASTER CENTRAL

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ERIE COUNTY LEGISLATURE

(Introduced) _____, 2005
 (Adopted) _____, 2005

WHEREAS, the County of Erie is authorized pursuant to applicable provisions of state law to lend its credit to or in aid of the Erie County Medical Center Corporation (“ECMCC”) for the purpose of providing health related facilities or hospital facilities, and for facilities incidental or appurtenant thereto; and

WHEREAS, the County has agreed pursuant to applicable state law and the Sale, Purchase and Operation Agreement dated as of January 1, 2004 between the County and ECMCC, as amended (the “SPO Agreement”) to issue County bonds for the purpose of funding capital projects comprising the 2004-2006 ECMCC Capital Program as authorized in the County's 2003 Capital Budget, upon satisfaction of certain conditions as set forth in the SPO Agreement; and

WHEREAS, ECMCC has provided the County with project descriptions for each of the capital projects comprising ECMCC's 2004 Capital Program and 2005 Capital Program as set forth in the attached schedule (collectively, the “2004-2005 Capital Program”); and

WHEREAS, ECMCC’s Governing Board has requested that this Legislature authorize the issuance of County bonds for the purpose of funding the costs of the 2004-2005 Capital Program together with related costs of issuance;

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to fund the various capital projects comprising the 2004-2005 Capital Program, as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2003 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended.. The respective estimated maximum costs of the classes of objects or purposes set forth in rows 1 through 6 of the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor. The plan of financing includes the issuance of \$15,182,550 aggregate principal amount of bonds of the County to finance said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”) the Public Authorities Law, constituting Chapter 43-A of the Consolidated Laws of the State of New York, the provisions of other laws applicable thereto, and in accordance with the terms and conditions of the SPO Agreement, to finance said appropriations.

Section 3. The respective periods of probable usefulness for said classes of objects or purposes for which said \$15,182,550 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with,
and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.
(5-0)

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved to separate item 1v and return it to the FINANCE & MANAGEMENT COMMITTEE for further consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to separate items 1bb and 1cc to the FINANCE & MANAGEMENT COMMITTEE for further consideration. MR. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to separate item 3 and approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of item 3. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, & WROBLEWSKI. (AYES: 15, NOES: 0)

CARRIED.

LEGISLATOR RESOLUTIONS

Item 25 – CHAIRMAN HOLT directed that the following item 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, McCARVILLE, SWANICK, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. (AYES: 4, NOES: 11)

FAILED.

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ERIE COUNTY LEGISLATURE

INTRO 13-1 from LEGISLATOR WEINSTEIN Re: Changes To The 2004 and 2005 Rules of Order

Item 26 - CHAIRMAN HOLT directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

MR. RANZENHOFER moved to CHALLENGE THE CHAIR. MS. CUSACK seconded.

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and WEINSTEIN.
NOES: CHASE, SWANICK, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. (AYES: 5, NOES: 10)

FAILED.

INTRO 13-2 from LEGISLATOR WEINSTEIN Re: Expanding The Use Of The Buffalo Fiscal Control Board To Benefit Erie County

Item 27 - CHAIRMAN HOLT directed that the following item be directed to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 13-3 from LEGISLATOR WEINSTEIN Re: Erie County Niagara Power Project Relicensing Settlement from the New York Power Authority.

Item 28 - CHAIRMAN HOLT directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 13-4 from LEGISLATOR DUSZA Re: Support For Maintaining Current NYS Sales Tax Levy To Off-Set County Medicaid Costs.

Item 29 - CHAIRMAN HOLT directed that the following item be directed to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 13-5 from LEGISLATOR KENNEDY Re: Concern Over Potential Dangerous Probation Ratios.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Support For Upstate New York Transplant Services (Intro 13-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HOLT, SMITH, WROBLEWSKI, CUSACK AND WEINSTEIN**

WHEREAS, Upstate New York Transplant Services, Inc. (UNYTS) has requested \$3.2 million in state funds and \$500,000 in federal funds for UNYTS' new 54,000 square foot headquarters, research laboratories, tissue recovery facilities, and administrative offices, as well as the proposed innovative center for not-for-profit organizations in downtown Buffalo; and

WHEREAS, since 1997, when UNYTS employed 20 people with an annual budget of \$2 million, UNYTS has grown to 100 employees with a budget of \$10 million; and

WHEREAS, due to this growth and expansion of its services, UNYTS has purchased their new headquarters in downtown Buffalo at a cost of \$3.2 million, plus an estimated \$1 million for Phase I renovations; and

WHEREAS, UNYTS \$4.2 million headquarters and facilities will allow it to expand its services throughout the eight counties of Western New York, as well as its referral services for Center for Donation and Transplant in Albany, The Lions Eye Bank on Long Island, the Central New York Eye Bank in Syracuse and the Connecticut Eye Bank; and

WHEREAS, UNYTS is a not-for-profit organization established in 1981 which is authorized by the federal government to accept anatomical gifts for transplantation and medical research and UNYTS' mission is to enhance and save lives through organ, tissue and eye donation while maintaining respect for those who give the gift of life; and

WHEREAS, UNYTS coordinates donation in the eight counties of Western New York, transplanting patients nationally and locally at Buffalo General Hospital, Women and Children's Hospital of Buffalo and Erie County Medical Center; and

WHEREAS, for the past 5 years, UNYTS has ranked among the nation's top 10 organ procurement organizations in donors per capita and that as a result of its collaboration with UNYTS, Erie County Medical Center has achieved a 92% donation rate, ranking it among the top hospitals in the country; and

WHEREAS, with a consent rate of 65% compared to the national average of 50%, last year 667 Western New Yorkers provided the gift of life; and

WHEREAS, UNYTS is one of only five organ procurement organizations to combine tissue, organ, and eye services under one umbrella, which better serves the community; and

WHEREAS, UNYTS and the University of Buffalo (UB) have a unique and productive partnership and that they have received every one of seven federal grants applied for since 1999, totaling \$4.1 million, for programs to increase donation rates, and through these projects, UNYTS

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has reached out to the minority community and youth, and formed vital relationships with attorneys and funeral directors; and

WHEREAS, UNYTS has many other productive relationships including Kaleida's Renal/Pancreas Transplant Program, the UB School of Medicine and Biomedical Sciences, the UB Department of Biotechnical and Clinical Lab Science, the Pediatric Intensive Care Unit of Children's Hospital, and the Western New York Health Care Proxy Coalition; and

WHEREAS, UNYTS is the largest tissue provider for HIV research in the United States and its clinical laboratory is the sole provider of transplant laboratory services for the Buffalo-Niagara region; and

WHEREAS, UNYTS staff train students from UB's Department of Medical Technology and have provided technical support for the research efforts of the Division of Rheumatology and Immunology at UB's School of Medicine, IMMCO Diagnostics, Buffalo General Hospital, Women and Children's Hospital of Buffalo and the Erie County Medical Center; and

WHEREAS, UNYTS is currently forging relationships with Roswell Park Cancer Institute and the Immunology Division of the UB School of Medicine; and

WHEREAS, UNYTS provides exceptional services to donor families, employing a dedicated staff 24 hours a day to assist families before, during, and after the consent process and in 2004 the UNYTS referral center and nearly 150 volunteers responded to almost 22,000 calls for information or assistance.

NOW, THEREFORE, BE IT

RESOLVED, that due to the important work and contributions made by UNYTS in our region, the Erie County Legislature does hereby respectfully call on the local delegation of the New York State Assembly and Senate, Governor George E. Pataki and the members of the Western New York Congressional Delegation to identify and secure \$3.2 million in state funds and \$500,000 in federal funds respectively for Upstate New York Transplant Services' 54,000 square foot headquarters, research laboratories, tissue recovery facilities, and administrative offices, as well as the proposed innovative center for not-for-profit organizations; and be it further

RESOLVED, that a certified copy of this resolution be sent to the members of the New York State Assembly and Senate Delegation, as well as Governor George E. Pataki, and the members of the Western New York Congressional Delegation for their consideration.

GEORGE A. HOLT, JR.

DEMONE SMITH

TIMOTHY WROBLEWSKI

ELISE M. CUSACK

BARRY A. WEINSTEIN

Fiscal Impact: None for this resolution.

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

CARRIED UNANIMOUSLY.

Item 31 – CHAIRMAN HOLT directed that the following resolution be directed to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 13-7 from LEGISLATOR KENNEDY Re: Support For Fair Work At The Bass Pro Redevelopment Project

Item 32 – LEGISLATOR MARINELLI presented the following item and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

INTRO 13-8 from LEGISLATOR SMITH Re: Establishment of the Erie County Integrated Settings Committee

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

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Legislature recognizes that the people with disabilities are an important part of the diversity of Erie County, and

WHEREAS, the Supreme Court Decision Olmstead vs. LC and EW reinforces that persons with disabilities have the right to be in the community and receive services in the most integrated setting, and

WHEREAS, Erie County has the fifth highest number of disabled persons aged 21-64 currently in Nursing Homes of all counties in New York State, and

WHEREAS, each institutional placement can cost a minimum of \$20,000 above costs for similar service in community-based settings, and

WHEREAS, these costs are a significant part of Medicaid expenses, which represent a significant portion of the County Budget, and

WHEREAS, The placement of persons with disabilities of all ages within the community can provide additional benefits to Erie County by increased employment and increased involvement of persons with disabilities in our community, and

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WHEREAS, Erie County currently has no coordinated plan to facilitate people likely for release under Olmstead from Nursing Homes, Hospitals, Psychiatric Centers, or Group Home facilities,

NOW THEREFORE, BE IT

RESOLVED that the Erie County Legislature shall form the Erie County Integrated Setting Committee, and

RESOLVED, this committee shall be composed of representation from the Departments of Senior Services, Social Services, Health, Office for the Disabled, Mental Health, ECMCC and Commission on the Homeless, and be it further

RESOLVED, in addition, representatives will be requested from Rental Assistance Corporation, Erie County Home and Infirmary, Erie County Community Attendant Services Agency (CASA), the Developmental Disabilities Alliance of Western New York, Living Opportunities of DePaul, the Niagara Frontier Transportation Authority, Restoration Society, and the Western New York Independent Living Project, and other such agencies as designated by the Legislature, and be it finally

RESOLVED that this committee shall be charged with meeting as necessary to create a master plan to best facilitate the implementation of the Olmstead decision in Erie County, and meet at a minimum of four (4) times a year to advise all county departments on all relevant issues on reducing and preventing institutionalization of persons with disabilities and senior citizens in Erie County, and providing a yearly report to the Legislature.

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

CARRIED UNANIMOUSLY.

Item 33 – CHAIRMAN HOLT directed that the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 13-9 from LEGISLATOR HOLT Re: Erie County Budget

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 34 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 12E-32. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Capital Funding For ECMCC

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WHEREAS, the Erie County Medical Center is one of the premier hospitals in Western New York, and

WHEREAS, in order to maintain their standing in the community, continuous renovations and improvements must be made at the medical center, and

WHEREAS, the County of Erie is required by state law and has a contractual agreement with the Erie County Medical Center Corporation to fund capital projects at the Erie County Medical Center from 2004-2006 in the sum of \$23,037,300, and

WHEREAS, the County is also contractually obligated to fund the additional sum of \$3,183,585 for capital projects, and

WHEREAS, Erie County is committed to help put the new public benefit corporation at ECMC in financially favorable position to begin its new endeavor.

NOW, THEREFORE, BE IT

RESOLVED, that the 2005 Erie County capital budget is hereby amended to include the utilization of \$3,183,585 in tobacco settlement funding to finance demolition, abatement, construction and renovation work at the ECMC campus, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel Giambra, County Comptroller Nancy Naples, Director of Budget Management and Finance Joseph Passafiume and Chief Executive Officer of ECMCC Michael Young.

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

CARRIED UNANIMOUSLY.

Item 35 - MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of Intro 9-1. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Corrections and Adjustments to 2005 Erie
County Budget

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WHEREAS, the 2005 Erie County CAAB Budget requires additional adjustments due to the inability to utilize \$14,100,000 of appropriated fund balance,

NOW THEREFORE BE IT

RESOLVED, that the following budgetary transactions are hereby authorized in the 2005 Erie County Budget,

Fund	Department	Account	2005 CAAB Budget	Proposed Adjustments	Final 2005 CAAB Budget
110					
	Expense				
	Board of Elections	501000 OVERTIME	129,008	(29,000)	100,008
		516020 PRO SER CNT AND FEES	128,651	(10,087)	118,564
	Board of Elections Total		257,659	(39,087)	218,572
	Budget, Management and Finance	530000 OTHER EXPENSES	107,965	(26,591)	81,374
	Budget, Management and Finance Total		107,965	(26,591)	81,374
	Buildings and Grounds (DPW)	506200 REPAIRS & MAINTENANCE	700,000	(50,000)	650,000
	Buildings and Grounds (DPW) Total		700,000	(50,000)	650,000
	Comptroller	516020 PRO SER CNT AND FEES	281,775	(42,170)	239,605
	Comptroller Total		281,775	(42,170)	239,605
	County Clerk Auto Bureau Division	500010 PART-TIME WAGES	91,416	(30,000)	61,416
		501000 OVERTIME	20,098	(7,000)	13,098
		530000 OTHER EXPENSES	52,275	(32,348)	19,927
	County Clerk Auto Bureau Division Total		163,789	(69,348)	94,441
	County Clerk Registrar Division	501000 OVERTIME	10,000	(5,000)	5,000
		505000 OFFICE SUPPLIES	15,110	(5,000)	10,110
		515000 UTILITY CHARGES	10,000	(2,000)	8,000
		518030 MAINTENANCE CONTRACTS	11,200	(2,000)	9,200
		530000 OTHER EXPENSES	25,000	(2,000)	23,000
	County Clerk Registrar Division Total		71,310	(16,000)	55,310
	County Executive	500000 PERSONAL SERVICES	845,295	(20,518)	824,777
	County Executive Total		845,295	(20,518)	824,777
	County Wide Budget Accounts	502030 FRINGE BENEFITS-EMPLOYEE HEALTH INS	45,937,786	(608,754)	45,129,002
		516050 CONTRACTUAL-ECMC HEALTHCARE NETWORK	19,000,000	(3,000,000)	16,000,000
		598900 COUNTY CONTINGENCY	1,162,744	(1,000,000)	162,744
	County Wide Budget Accounts Total		66,100,500	(4,808,754)	61,291,746
	District Attorney	510000 LOCAL MILEAGE REIMBURSEMENT	30,000	(5,000)	25,000
		510200 TRAINING & EDUCATION	50,550	(9,000)	41,550
		516020 PRO SER CNT AND FEES	220,300	(42,000)	178,300
		530000 OTHER EXPENSES	26,500	(12,000)	14,500
	District Attorney Total		327,350	(68,000)	259,350
	Division of Information and Support Services	515000 UTILITY CHARGES	1,280,000	(30,409)	1,229,591
		516030 MAINTENANCE CONTRACTS	1,491,663	(39,000)	1,452,663
	Division of Information and Support Services Total		2,751,663	(69,409)	2,682,254
	ECC Payments	570030 INTERFUND-ERIE COMMUNITY COLLEGE	13,570,777	(5,000,000)	8,570,777
	ECC Payments Total		13,570,777	(5,000,000)	8,570,777
	Environment & Planning	516020 CONTRACTUAL	125,500	(30,075)	95,425
	Environment & Planning Total		125,500	(30,075)	95,425
	Health Division	505000 OFFICE SUPPLIES	19,378	(20,000)	(622)
		505800 MEDICAL SUPPLIES	285,685	(20,000)	245,685
		510000 LOCAL MILEAGE REIMBURSEMENT	133,188	(20,000)	113,188
	Health Division Total		418,251	(60,000)	358,251
	Law	516020 PRO SER CNT AND FEES	354,000	(43,885)	310,115
	Law Total		354,000	(43,885)	310,115
	Legislature	505000 OFFICE SUPPLIES	36,248	(5,000)	31,248
		530000 OTHER EXPENSES	226,890	(39,413)	187,477
	Legislature Total		263,138	(44,413)	218,725

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Fund	Department	Account	2005 CAAB Budget	Proposed Adjustments	Final 2005 CAAB Budget
110 Expense					
	Personnel Department	505000 OFFICE SUPPLIES	11,475	(2,000)	9,475
		516020 PRO SER CNT AND FEES	68,000	(12,000)	56,000
	Personnel Department Total		79,475	(14,000)	65,475
	Public Health Lab	505800 MEDICAL SUPPLIES	330,062	(17,898)	312,164
	Public Health Lab Total		330,062	(17,898)	312,164
	Sheriff Division	500000 PERSONAL SERVICES	9,928,002	(2,035,000)	7,893,002
		505200 CLOTHING SUPPLIES	66,300	(15,000)	51,300
		505600 AUTO SUPPLIES	60,600	(20,000)	40,600
		506200 REPAIRS & MAINTENANCE	80,000	(10,000)	70,000
		530000 OTHER EXPENSES	42,800	(20,000)	22,800
	Sheriff Division Total		10,177,702	(2,100,000)	8,077,702
	Social Services	500000 PERSONAL SERVICES	64,723,408	(1,172,171)	63,551,237
		525000 MMIS-MEDICAID LOCAL SHARE	197,780,983	(900,000)	196,880,983
		516010 GREATER BUFFALO WORKS	855,000	(250,000)	605,000
	Social Services Total		263,339,391	(2,322,171)	261,017,220
	Youth Detention	516020 PRO SER CNT AND FEES	2,640,150	(75,957)	2,564,193
	Youth Detention Total		2,640,150	(75,957)	2,564,193
	Expense Total		362,905,762	(14,918,278)	347,987,476
Revenue					
	County Wide Budget Accounts	402190 APPROPRIATED FUND BALANCE	31,960,956	(14,100,000)	17,860,956
	County Wide Budget Accounts Total		31,960,956	(14,100,000)	17,860,956
	Social Services	407690 STATE AID - FAMILY ASSIST EMPLOYMENT	1,661,474	(62,500)	1,598,974
		411540 FEDERAL AID-SOC SERV ADMIN	32,995,803	(630,778)	32,365,027
		411630 FED AID - FAMILY ASSISTANCE EMPLOYMENT	3,332,032	(125,000)	3,207,032
	Social Services Total		37,989,309	(818,278)	37,171,033
	Revenue Total		69,950,265	(14,918,278)	55,031,989

and be it further,

RESOLVED, that the Erie County Sheriff provide the Legislature by March 21, 2005, additional position deletions which achieve a savings of \$2,035,000,

and be it further,

RESOLVED, that the the attached position deletions from the Department of Social Services, which total \$1,172,171, are hereby approved,

and be it further,

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

EE	Fund	Fund Center	Department	Cost Center	Job Title	Group	Budgeted Salary	Adjustment	Comment
FT	110	120 Social Services	1201020	CHIEF SECRETARIAL TYPIST	7	41,221	(29,198)	Delete	
FT	110	120 Social Services	1202040	SYSTEMS SUPPORT DIRECTOR	13	71,390	(50,568)	Delete	
FT	110	120 Social Services	1202040	SYSTEMS SUPPORT SPECIALIST	11	58,972	(41,772)	Delete	
FT	110	120 Social Services	1202050	SENIOR SOCIAL SERVICES PROGRAM SPEC	9	48,709	(34,502)	Delete	
FT	110	120 Social Services	1202050	SENIOR CLERK-TYPIST	4	31,878	(22,580)	Delete	
FT	110	120 Social Services	1202060	PRINCIPAL CLERK	6	36,727	(26,015)	Delete	
FT	110	120 Social Services	1202060	CLERK	1	25,513	(18,072)	Delete	
FT	110	120 Social Services	1202060	CLERK TYPIST	1	25,513	(18,072)	Delete	
FT	110	120 Social Services	1203020	SENIOR SOCIAL WELFARE EXAMINER	7	40,319	(28,559)	Delete	
FT	110	120 Social Services	1203030	SPECIAL INVESTIGATOR	8	44,957	(31,845)	Delete	
FT	110	120 Social Services	1203030	SPECIAL INVESTIGATOR	8	44,957	(31,845)	Delete	
FT	110	120 Social Services	1203030	SPECIAL INVESTIGATOR	8	44,957	(31,845)	Delete	
FT	110	120 Social Services	1203030	SPECIAL INVESTIGATOR	8	44,957	(31,845)	Delete	
FT	110	120 Social Services	1203030	SPECIAL INVESTIGATOR	8	44,957	(31,845)	Delete	
FT	110	120 Social Services	1203030	SENIOR SOCIAL WELFARE EXAMINER	7	40,768	(28,877)	Delete	
FT	110	120 Social Services	1203030	SENIOR SOCIAL WELFARE EXAMINER	7	43,019	(30,472)	Delete	
FT	110	120 Social Services	1203030	SENIOR SOCIAL WELFARE EXAMINER	7	42,116	(29,832)	Delete	
FT	110	120 Social Services	1203030	SENIOR SOCIAL WELFARE EXAMINER	7	42,116	(30,056)	Delete	
FT	110	120 Social Services	1203040	SENIOR SOCIAL WELFARE EXAMINER	7	42,116	(29,832)	Delete	
FT	110	120 Social Services	1203040	SENIOR SOCIAL WELFARE EXAMINER	7	42,116	(29,832)	Delete	
FT	110	120 Social Services	1203050	RESOURCE ADJUSTOR	7	42,116	(29,832)	Delete	
FT	110	120 Social Services	1203080	SENIOR PARALEGAL	7	40,319	(28,559)	Delete	
FT	110	120 Social Services	1203080	SENIOR PARALEGAL	7	39,422	(27,924)	Delete	
FT	110	120 Social Services	1203080	PARALEGAL	5	32,242	(22,838)	Delete	
FT	110	120 Social Services	1203080	SENIOR CLERK-TYPIST	4	30,322	(21,478)	Delete	
FT	110	120 Social Services	1203080	PARALEGAL	5	32,242	(22,838)	Delete	
FT	110	120 Social Services	1203080	CLERK TYPIST	1	25,513	(18,072)	Delete	
FT	110	120 Social Services	1205030	WELFARE TO WORK COORDINATOR	12	59,523	(42,162)	Delete	
FT	110	120 Social Services	1206030	EMPLOYMENT COUNSELOR	9	47,636	(33,742)	Delete	
FT	110	120 Social Services	1206030	PRINCIPAL WORK FOR RELIEF SUPERVISOR	8	36,192	(25,636)	Delete	
FT	110	120 Social Services	1206030	WORK FOR RELIEF SUPERVISOR	4	28,912	(20,479)	Delete	
FT	110	120 Social Services	1206030	WORK FOR RELIEF SUPERVISOR	4	29,729	(21,058)	Delete	
FT	110	120 Social Services	1207030	HEAD SOCIAL WELFARE EXAMINER	10	52,493	(37,183)	Delete	
FT	110	120 Social Services	1207040	CHIEF SOCIAL WELFARE EXAMINER	12	62,348	(44,163)	Delete	
FT	110	120 Social Services	1207070	SENIOR MEDICAID REFORM SPECIALIST	8	41,981	(29,737)	Delete	
FT	110	120 Social Services	1207070	SENIOR SOCIAL WELFARE EXAMINER	7	41,221	(29,198)	Delete	
FT	110	120 Social Services	1207070	SOCIAL WELFARE EXAMINER	6	35,137	(24,889)	Delete	
FT	110	120 Social Services	1207070	CHAP HEALTH AIDE	3	28,904	(20,474)	Delete	
FT	110	120 Social Services	1208030	CHILD PROTECTIVE WORKER	8	36,192	(25,636)	Delete	
FT	110	120 Social Services	1208030	CHILD PROTECTIVE WORKER	7	35,984	(25,489)	Delete	
FT	110	120 Social Services	1208040	SOCIAL CASE SUPERVISOR	12	62,348	(45,165)	Delete	
(1,172,171)									

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and REPLACE with the following:

WHEREAS, the 2005 Erie County CAAB requires additional adjustments due to an announced deficit by the County Executive,

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments are hereby made to the 2005 Erie County Budget:

Expense			
Department	Account		Adjustment
Budget, Management & Finance	530000	Other Expenses	(26,591)
Buildings & Grounds (DPW)	506200	Repairs & Maintenance	(50,000)
Comptroller	516020	Pro Ser Cnt & Fees	(42,170)
County Executive	500000	Personal Services	(20,518)
Countywide Budget Accounts	502030	Fringe Benefits – Employee Health Insurance	(808,754)
	598900	County Contingency	(741,129)
District Attorney	510000	Local Mileage Reimbursement	(5,000)
	510200	Training & Education	(9,000)
	516020	Pro Ser Cnt & Fees	(42,000)
	530000	Other Expenses	(12,000)
Information & Support Services	515000	Utility Charges	(30,409)
	516030	Maintenance Charges	(39,000)
Environment & Planning	516020	Contractual	(30,075)
Law	516020	Pro Ser Cnt & Fees	(43,885)
Personnel	505000	Office Supplies	(2,000)
	516020	Pro Ser Cnt & Fees	(12,000)
Sheriff Division	506200	Repairs & Maintenance	(10,000)
	530000	Other Expenses	(20,000)

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Youth Detention	516020	Pro Ser Cnt & Fees	(75,957)
TOTAL APPROPRIATION REDUCTIONS			(2,015,488)
Revenue			
Countywide Budget Accounts	402190	Appropriated Fund Balance	(14,100,000)

And be it further

RESOLVED, that as per his agreement in the Finance and Management Committee on May 12, 2005, a reduction of \$150,000 is hereby made to the budget of the department of the County Executive, with those funds to be eliminated from accounts in that department as determined by the County Executive and reported to the Legislature for approval and ratification, and be it further

RESOLVED, that the attached two-page schedule of appropriation reductions totaling \$1,824,119 and revenue reductions totaling \$317,180 submitted by the Commissioner of Social Services shall be implemented immediately, with any necessary technical adjustments subject to subsequent approval and ratification by the Erie County Legislature, and be it further

RESOLVED, that any technical or other adjustments necessary to effectuate these budgetary adjustments shall come to the Legislature for approval and ratification, and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 36 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

GRANTED.

COMM. 13E-28 from CHAIRMAN HOLT Re: Letter to ECL Members, Comptroller, County Clerk, District Attorney, and the Sheriff

Received, Filed, and Printed.

May 19, 2005

MEETING NO. 13**May 19, 2005****ERIE COUNTY LEGISLATURE**

Honorable Members
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Nancy A. Naples
Erie County Comptroller
95 Franklin Street
Buffalo, New York 14202

David Swarts
Erie County Clerk
25 Delaware Avenue
Buffalo, New York 14202

Frank Clark
Erie County District Attorney
25 Delaware Avenue
Buffalo, New York 14202

Patrick M. Gallivan
Erie County Sheriff
10 Delaware Avenue
Buffalo, New York 14202

Dear Honorable Members, Comptroller Naples, Clerk Swarts, District Attorney Clark, and Sheriff Gallivan:

As you may be aware, the Erie County Legislature unanimously adopted, and the County Executive has just signed Local Law Intro. 5-2005 into law, reconvening and reestablishing the Erie County Charter Revision Commission.

The re-establishment of the commission is important in our efforts to update and reflect the myriad of changes to county government since the Erie County Charter was first adopted in 1959.

Under the local law, each legislator has the right to appoint one member to the commission, and the Comptroller, Clerk, District Attorney and Sheriff each also have the right to appoint one person to the commission.

The County Executive has already transmitted the names of his three appointees to the Legislature.

I invite and urge you to submit to the Clerk of the Legislature, the name of your respective appointee to the commission as soon as possible.

Please note that under the terms of the local law, “no member of the Commission shall hold public office, be an employee of Erie County, nor serve on any other County boards, commissions or advisory panels during the term of his/her appointment.”

If you have any questions, please contact Kevin Kelley, Clerk of the Legislature, at 858-7045, and thank you in advance for your assistance and cooperation as we undertake this important work.

Sincerely,

George A. Holt, Jr.
Chairman

Attachment: Copy of Local Law

Item 37 – MS. MARINELLI moved for a suspension of the rules to include an item not on the. MS. CHASE seconded.

GRANTED.

RESOLUTION NO. 130

RE: Assistant Veterans Service Officer –
 Restoration of Position (Comm. 13E-29)

WHEREAS, the Erie County Office of Veterans' Services handles on average 70 phone calls per day, processes 60 claims per month for veterans in nursing homes, and processes survivor benefits and death compensation claims for veterans, and

WHEREAS, the County of Erie has traditionally funded the position of "Assistant Veterans Service Officer" in order to assist in the processing of the above-referenced claims and to perform other related tasks in the Office of Veterans' Services; and

WHEREAS, the 2005 Erie County Budget did not fund the position of Assistant Veterans Service Officer; and

WHEREAS, the Office of Veterans' Services requests that the position of Assistant Veterans Service Officer be restored, in order to eliminate understaffing and ensure that veterans' claims are timely processed.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Assistant Veterans Service Officer (Grade 8, Step 5) be restored, effective immediately; with an annual salary of \$41,90; and be it further

RESOLVED, that this position is to be funded from the County Contingency Fund 110, Fund Center 14010, Account 598900; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget, Management, & Finance, and the Director of Veterans' Services.

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

CARRIED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

MEETING NO. 13**May 19, 2005****ERIE COUNTY LEGISLATURE**

Item 38 – (Comm. 13E-1) Travel Reimbursement - Lawrence W. Smith

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 39 – (Comm. 13E-2) Appointments to Charter Revision Commission

Received, Filed, and Printed.

May 3, 2005

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

RE: Appointments to Charter Revision Commission

Dear Mr. Kelley:

Consistent with Local Law No. 5-2005, I hereby act as Erie County Executive to appoint the following individuals to the Erie County Charter Revision Commission:

William Greiner
26 Bentley Court
Amherst, NY 14221

Michael Chapman
St. John Baptist Church
184 Goodell Street
Buffalo, NY 14204

Michael Newman
NOCO Energy Corp
2440 Sheridan Drive
Tonawanda, NY 14150

Very truly yours

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

Item 40 – (Comm. 13E-3) County Executive Veto of Local Law Intro No. 4-2005

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Received, Filed, and Printed.

May 3 2005

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

RE: Local Law Intro. No.4 -2005

Dear Mr. Kelly:

Pursuant to Section 205 of the Erie County Charter, I am writing you to indicate my disapproval of the above-referenced Local Law Intro., a copy of which is attached.

The Local Law attempts to make changes to Section 1802 of the County Charter and Section 18.02 (F) of the County Administrative Code but does not do so correctly.

Inserting paragraphs of text denoted as (A), (B) and (C) in Section 1802 of the Charter without editing or deleting language that is presently found in Section 1802 of the Charter is deficient and incorrect.

Also, this Local Law seeks to amend Section 18.02 (F) of the Administrative Code but no such subparagraph (f) currently exists. I support the concept of adjusting the section of Charter and Code that addresses budget scheduling. By implementing the technical adjustments required we can move forward with an improved document.

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG: kg

cc: Frederick A. Wolf, County Attorney

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

Print # 2

A LOCAL LAW amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.02 Sub. f with

respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

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

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

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

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

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

Section 5. Effective Date. This Local Law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

LYNN M. MARINELLI

TIMOTHY M. KENNEDY

EDWARD J. KUWIK

RAYMOND K. DUSZA

TIMOTHY M. WROBLEWSKI

GEORGE A. HOLT, JR.

DEMONE SMITH

ALBERT DEBENEDETTI

MICHAEL H. RANZENHOFER

BARRY A. WEINSTEIN

STEVEN P. MCCARVILLE

ELISE M. CUSACK

DENISE E. MARSHALL

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2005 on Tuesday, April 26, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this ____ day of April, 2005.

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2005 on Thursday, April 26, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 27 day of April, 2005.



Item 41- (Comm. 13E-4) Notice of Approval of Local Law Intro No. 5-2005

May 3, 2005

Kevin M. Kelly, Clerk

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Erie County Legislature
 92 Franklin Street -4th Floor
 Buffalo, New York 14202

RE: Local Law Intro No. 5-2005

Dear Mr. Kelly:

Notwithstanding technical and substantive concerns, I write to indicate my approval of the above-referenced Local Law introduction, a copy of which is attached.

I fully support a Charter Review Commission whose members are truly representative and proportionate in number to the interests they represent. Their mission is a necessary one and Charter Revision in Erie County is long overdue.

In a separate letter, I will formally make my appointments to the Charter Review Commission.

But I urge the Erie County Legislature to act quickly to amend this Local Law to correct technical and substantive errors, as follows:

1. Technical error: the establishment date of the Charter Review Commission should be a date after the passage of the Local Law Public Hearing, which has already taken place. The establishment date in Section 2 has expired.
2. Substantive error: there is no guarantee of minority or urban representation on this Charter Review Commission. As a matter of fundamental fairness and equity, I urge that the Erie County Legislature amend this Local Law to guarantee minority and urban representation, in percentum consistent with the population of Erie County.

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

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

Print # 2

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

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

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

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

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

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

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

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

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

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

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ERIE COUNTY LEGISLATURE

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

Section 8. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

LYNN M. MARINELLI

TIMOTHY M. KENNEDY

EDWARD J. KUWIK

RAYMOND K. DUSZA

TIMOTHY M. WROBLEWSKI

GEORGE A. HOLT, JR.

DEMONE SMITH

ALBERT DEBENEDETTI

MICHAEL H. RANZENHOFER

BARRY A. WEINSTEIN

STEVEN P. MCCARVILLE

ELISE M. CUSACK

DENISE E. MARSHALL

FROM THE COMPTROLLER

Item 42 – (Comm. 13E-5) List of Possible Initiatives That Could Be Used To Develop Solutions To EC Fiscal Problems

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 43 – (Comm. 13E-6) Majority Caucus Appointment to the 2005 EC Audit Committee

Received, Filed, and Printed.

May 12, 2005

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

Dear Clerk:

In accordance with Section 1813 of the Erie County Charter, I hereby re-appoint Legislator Albert DeBenedetti to serve as the Majority Caucus appointment to the Audit Committee for 2005.

MEETING NO. 13
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ERIE COUNTY LEGISLATURE

Sincerely,

George A. Holt, Jr.
 Chairman
 Erie County Legislator

Cc: Joe Surdyk Jr., Secretary, Erie County Audit Committee

FROM LEGISLATOR RANZENHOFER

Item 44 – (Comm. 13E-7) Minority Caucus Appointment to the 2005 EC Audit Committee

Received, Filed, and Printed.

May 12, 2005

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

Re: Minority Caucus Appointment To The Audit Committee For Erie County

Dear Clerk:

Please be advised, pursuant to Section 1813 of the Erie County Charter, I hereby re-appoint Legislator Denise E. Marshall as the Minority Caucus representative to the Audit Committee for Erie County.

Sincerely,

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

Cc: Joe Surdyk Jr., Secretary, Audit Committee for Erie County

FROM THE COUNTY EXECUTIVE

Item 45 – (Comm. 13E-8) Fees Paid to Fluent Energy For 2004

Item 46 – (Comm. 13E-9) DEP Booth At 2005 Erie County Fair

Item 47 – (Comm. 13E-10) Personal Services Contract - Community Development Block Grant - Accounting Service

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ERIE COUNTY LEGISLATURE

Item 48 – (Comm. 13E-11) ECSD No. 6 - Emergency Repair - Inner Drive/Kennedy Road Sanitary Sewer

Item 49 – (Comm. 13E-12) ECSD No. 2 - Personnel Request - 2005 Budget

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

Item 50 – (Comm. 13E-13) Purchasing Policy & Procedures

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 51 – (Comm. 13E-14) Probation & CPS - Juvenile Accountability Block Grant Contract With NYS Division of Criminal Justice Services

Item 52 – (Comm. 13E-15) Probation and Youth Detention Services - Adjustment in Out-Of-Area Travel Account

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

Item 53 – (Comm. 13E-16) Mental Health - Transfer of Funds - 2005 EC Assessment For Membership in the NYS Conference of Local Mental Hygiene Directors

Item 54 – (Comm. 13E-17) Senior Services - Authorization To Amend The Retired & Senior Volunteer Program (RSVP) & The Expand Home Service For The Elderly Grant Budgets (EISEP)

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

Item 55 – (Comm. 13E-18) Dunn Tire Park, County Lease - Capital Improvements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 56 – (Comm. 13E-19) ECSSTA - Energy Performance Contract - Change Order No. 2

Item 57 – (Comm. 13E-20) ECSSTA - Energy Performance Contract - Change Order No. 1

Item 58 – (Comm. 13E-21) DEP - Sewerage Management - Engineering Agreement Close-out - Agreement Dated 11/02/95 - TVGA Engineering, Surveying, P.C.

Item 59 – (Comm. 13E-22) Diesel School Bus Education Initiative

Item 60 – (Comm. 13E-23) WNY Stormwater Management Implementation Project Consultant Services

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

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Item 61 – (Comm. 13E-24) Child Passenger Safety Grant - Revision for 2004-2005

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: EC Courts Master Plan Implementation
 Renovations Building Project Security
 Enhancements (Comm. 13E-25)

WHEREAS, your Honorable Body has previously awarded contracts and change orders to the lowest responsible bidders for the Erie County Courts Master Plan Implementation Renovation Project, and

WHEREAS, Erie County has received an Urban Areas Security Initiative (UASI) Grant (HS122UAIF030305) for 2003 and (HS122UAIF040305) for 2004 for security enhancements to the Erie County Court Building and Old County Hall in an amount not to exceed \$75,000.00 for 2003 and \$220,000.00 for 2004, and

WHEREAS, the Unified Court System, Office of Court Administration, has requested security enhancements to the Erie County Court Building and Old County Hall and awarded Erie County \$150,000 for these enhancements,

NOW, THEREFORE, BE IT,

RESOLVED, that the \$150,000 Office of Courts Administration grant funds be received and deposited into the Courts Renovations, Project A.00018, and be it further,

RESOLVED, that Project A.00018 revenues and the appropriation be increased by \$150,000, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue change orders to the lowest responsible bidders in an amount not to exceed \$445,000.00, and be it further,

RESOLVED, that the Comptroller's Office make payments from 2003 Urban Areas Security Initiative (UASI) Grant (HS122UASIF030305) in the amount of \$75,000, and an 2004 UASI Grant (HS122UAIF040305), in the amount of \$220,000.00 from the Office of Court Administration funding in the amount of \$150,000.00, and be it further,

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

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

RE: Naples v. Erie County, et al -
 Proposed Settlement (Comm. 13E-26)

WHEREAS, on February 7, 2005 the Erie County Comptroller commenced a legal action against the County of Erie, Erie County Legislature, Joel A. Giambra, John Greenan, and County of Erie/Department of Personnel, and

WHEREAS, it is in the best interest of all parties to put this matter to rest and move on to allow the Erie County Comptroller to meet the mandates of her office with sufficient staff, and

WHEREAS, based on numerous hearings and conferences all sides have come to an agreement on a fair and equitable settlement, that will end all legal proceedings and

WHEREAS, the settlement will be balanced and have no negative impact on the 2005 Adopted Budget, and

WHEREAS, nine positions have been identified to be returned to the Office of the Comptroller, and

WHEREAS, the expense of the positions to be added back to the Comptroller's staff will be offset by reimbursement from Capital projects for work that has been and will be done on behalf of those projects including borrowing and cash management for Bonds as well as Notes, and

WHEREAS, the County's Bond Counsel has been consulted on this matter and is in agreement that it is allowable to charge Capital projects for the work.

NOW, THEREFORE, BE IT

RESOLVED, that effective June 1, 2005, the 2005 County Budget, General Fund is amended by adding the following CSEA positions to the Office of the Comptroller at the salaries that they originally had, the personnel services account in the Office of the Comptroller will be increased by \$195,215,

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Title	Grade	Position Number	2005 Salary	7 Month Add Back
Accounting Analyst	11	115	58,972	34,400
Chief Account Clerk	7	1152	38,522	22,471
Junior Accountant	7	5269	36,878	21,512
Principal Clerk	6	7352	38,287	22,334
Data Proc Ctl Clerk	5	2264	35,048	20,445
Data Proc Ctl Clerk	5	2265	34,424	20,081
Account Clerk Typist	4	50	30,322	17,688
Account Clerk Typist	4	53	31,878	18,596
Senior Clerk Typist	4	8482	30,322	17,688
Total			334,653	195,215

and be it further

RESOLVED, that the Erie County Comptroller will be allowed to fill these positions from the personnel that have been laid off from that department in conformance with CSEA contract procedures and County of Erie Policies and Procedures in a timely manner, and be it further

RESOLVED, that a new revenue will be added in the General Fund Office of the Comptroller, Interfund-Capital Projects in the amount of \$195,215, the source of this revenue will be reimbursement to the General Fund for work done by staff in the Office of the Comptroller on Capital Projects, Bond and Note sales, and be it further

RESOLVED, that this is the legal settlement that will end the lawsuit commenced by the Comptroller of Erie County on February 7, 2005 and all parties have agreed to it, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; Commissioner of Personnel; the Erie County Comptroller; Judge Joseph Makowski; Attorney Dennis Vacco; Attorney Kenneth W. Africano of Harter, Secrest & Emery; the County Attorney and the Erie County Director of Budget, Management and Finance.

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MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded. MR. DeBENEDETTI and MR. WROBLEWSKI in the negative.

CARRIED.

Item 64 – MS. MARINELLI presented the following item and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

RE: Revenue Anticipation Note Resolution
 (Comm. 13E-27)

RESOLUTION NO. 133 -2005

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL \$80,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES. RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$80,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2005 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, (iii) State aid for Court Security and (iv) State aid for Education of Handicapped Children and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted

in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: RANZENHOFER. (AYES: 14, NOES: 1)

CARRIED.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ENVIRONMENT & PLANNING

Item 65 – (Comm. 13D-1) SEQR - Negative Declaration - Utica & Quebec Streets, West Taft Avenue, & Point Breeze Drive, Town of Evans

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUDGET, MANAGEMENT, & FINANCE

Item 66 – (Comm. 13D-2) BMR For Period Ending 3/31/05

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BECPL

Item 67 – (Comm. 13D-3) Copy of Letter to Budget Director Re: Request For Assistance in Securing Bond Authorization

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Item 68 – (Comm. 13D-4) Certified Copy of Local Law No. 3 – 2005

Received, Filed, and Printed.

May 2, 2005

VIA HAND DELIVERY

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

RE: LOCAL LAW No. 3-2005

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,
FREDERICK A. WOLF
Erie County Attorney

SUSANNAH M. BOCHENEK
2nd Assistant County Attorney

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
X City X
X Town X of Erie
X Village X

Local Law No. 3 of the year 2005..

A local law in relation to regulation of home health care
(Insert Title)
service provided to Erie County residents pursuant to
contracts awarded by the County of Erie.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
X City X of Erie
X Town X
X Village X as follows:

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

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

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

- (i) private duty nursing;
- (ii) personal care services;
- (iii) homemaker services;

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

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

c. "Home health care services" shall mean services provided by a licensed/limited license home health agency or a home care service agency to individuals or families at their place of residence. Home care services may include: private duty nursing; personal care; homemaker; housekeeper/chore;

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

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

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

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

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

a. Administration.

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

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

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

(a) an associate's degree in nursing;

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

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

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

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

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

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

(a) is licensed and currently certified to practice as a registered professional nurse in New York State and;

(b) meets the health requirements specified in subsection (d)(4)(iv) of NYCCR18 505.14; and

(c) meets either of the following qualification:

(1) has at least two years of satisfactory recent home health care experience; or

(2) has a combination of education and experience equivalent to the requirement described in (1) of this clause with at least one year of home health care experience; or

(d) acts under the direction of a registered professional nurse who meets the qualifications listed in clauses (a) and (b) of this subparagraph and either of the qualifications listed in subclause (1) or (2) of clause (c) of this subparagraph.

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

4. Personnel Screening.

a. Each home health care agency under contract with the County of Erie to provide home health care services shall be responsible for: recruitment of appropriate personnel; verification of credentials and references; screening of all prospective personnel; and selection and hiring of personnel necessary to furnish home health care services. The agency shall conduct a review of the home health care employment history of all prospective personnel. Each home health care agency which contracts with the County of Erie is required to participate in, and to have the home health care employment history of all prospective employees checked through a central, county-wide home health care employment data registry. All newly contracted agencies shall conduct a review of the home health care employment history of all current and prospective personnel checked through a central, county-wide home health care employment data registry. The screening program shall include, but not be limited too the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

in the patient's plan of care." Any agency contracting with the County of Erie shall provide nursing supervision to private duty agency nurses who are assigned to provide services to clients pursuant to an County of Erie private duty nursing contract in conformance with rules, regulations and administrative directives as established by the County of Erie or the State of New York and in compliance with 10 NYCRR 766.1 Department of Health Rules and Regulations.

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

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

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

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

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

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

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

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

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

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

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

(iv) supervision and job performance evaluations;

(v) services provided;

(vi) client care, treatment and record keeping;

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

- (viii) administrative record keeping;
- (ix) client rights;
- (x) tardiness, hiring, firing, disciplinary action, employee accidents and injury, employee benefits, and employee counseling procedures;
- (xi) dress code;
- (xii) photo identification requirements;
- (xiii) penalties as they relate to theft, patient abuse and neglect, substance abuse and fraudulent time reporting by any agency employee;
- (xiv) assignments and scheduling;
- (xv) transportation requirements;
- (xvi) any other information as required by the County of Erie or the State of New York.

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

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

12. Records and reports.

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

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

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

pursuant to an Erie County home health care contract have successfully completed training or competency testing in conformance with a New York State approved training plan.

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

4. In-service training.

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

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

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

5. On-the-job training.

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

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

6. Evaluation of overall job performance.

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

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

- (i) on site visitation;
 - (ii) a private interview with the client or client representative;
 - (iii) a private interview with the aide;
 - (iv) certification that on-the-job training was completed as needed;
 - (v) verification of aide's current compliance with all training and health status requirements;
- and
- (vi) review of aide activity logs, when available, and review of aide personnel file.

7. Documentation of training.

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

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

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

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

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

- (i) written examinations and quizzes;
- (ii) oral quizzes;
- (iii) practical demonstrations of skills;

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

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

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

8. Documentation of competency testing.

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

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

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

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

a. Provision of services.

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

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

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

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

(iii) have current written procedures and a plan to be followed by workers and other staff in case of an emergency to assure the health care needs of patients continue to be met in emergencies which interfere with the delivery of service. The home health care agency shall orient employees to the emergency plan and their responsibilities in carrying out such plan. Said emergency plan shall be

developed in conformance with any administrative directives, rules and regulations as established by New York State or the County of Erie.

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

4. Care plans.

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

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

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

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

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

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

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

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

§4. Contract requirements and procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. order immediate compliance;

b. suspend client referrals;

c. commence formal proceedings to terminate services;

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

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

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

- a. cooperate with CASA as it relates to the requirements of section six of this local law;
- b. report to the commissioner its findings with respect to any evaluation or investigation it performs of any home health care agency, CASA, client of Erie County, or any other person or agency, which affects the delivery of services provided for under this local law;
- c. make recommendations to the commissioner of any penalties it seeks to impose for non-compliance with any federal or state laws, rules, regulations or administrative directives;
- d. formulate, promulgate and amend from time to time as necessary, for the approval of the commissioner, regulations which implement the provisions of this local law and which will govern the provision of home health care services by the home health care agencies which contract with the County of Erie. Nothing herein shall preclude the promulgation of County of Erie regulations covering the subjects of basic training, competency testing or any relevant area not specifically referred to in this local law. Before approving a regulation or an amendment thereto, the commissioner shall cause to be held a public hearing on the proposed regulation or amendment. A notice of public hearing shall be published in the official newspapers of the county at least thirty days prior to such public hearing. At the same time a copy of said proposed regulation or amendment shall be filed with the clerk of the Erie County Legislature. Within thirty days of such public hearing, a final regulation containing any amendments shall be published in the same manner and filed with the clerk of the Erie County Legislature. Said regulation shall be effective ten days following publication.
- e. Issue a written comprehensive Bill of Rights and Responsibilities and ensure distribution to each client or the client's representative prior to initiation of care. The Client's Bill of Rights and Responsibilities shall contain at least the following:
 - (i) right to be informed of the name of the person supervising the client's care and of the manner in which that person may be contacted;
 - (ii) client's or client's representative's responsibility for participation in the development and implementation of the home health care plan;
 - (iii) explanation of confidential treatment of all client information retained in the agency and the requirement for written consent for releases of information to persons not otherwise authorized under law to receive it;
 - (iv) policy regarding client access to the clinical record;
 - (v) explanation of grievance procedure and right to file grievances with the agency without discrimination or reprisal from the agency or its employees;
 - (vi) procedures for registering complaints with the County of Erie;

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

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

(ix) right of the client to demand photo identification of agency personnel;

(x) the necessity of keeping the care plan posted in a conspicuous place in the home and the need to notify the home health care agency in the event their aide does not report to work;

(xi) right to recommend changes in policies and services to agency staff, county and state representatives or any outside representative of the patient's choice, free from restraint, interference, coercion, discrimination or reprisal;

(xii) right to be treated with consideration, respect and full recognition of their dignity and individuality;

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

f. Establish procedures to promptly review and process any complaint which has been filed against a home health care agency under contract with the county. The Home Health Review Unit shall:

(i) formally notify a contract agency of any complaint which has been filed against it;

(ii) grant the contract agency seven days to respond in writing to any complaint notice;

(iii) conduct an on-site review of agency office, client records or client home, as necessary, to investigate the complaint;

(iv) if warranted, recommend sanctions to the commissioner.

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

§11. Advisory board. The Erie County Home Health Care Advisory Board is hereby continued under the direction of the Erie County Executive, to continually evaluate the in-home health delivery system in Erie County. The advisory board shall consist of eleven members, including: the Erie County Commissioner of Social Services; the Erie County Commissioner of Health; the Erie County Commissioner of Senior Services; the Chairman of the Human Services Committee of the Erie County Legislature, or said chairman's designee; the President of the Erie County Consortium of Home Care Agencies; three persons appointed by the Erie County Executive; and three persons appointed by the Chairman of the Erie County Legislature. Each of the three

persons appointed by the Erie County Executive and by the Chairman of the Erie County Legislature shall be appointed to a term of three years. Such appointments shall include health care and social service professionals, home health care providers and community representatives. The chairman of the advisory board shall not be a county officer or employee and shall be appointed by the Chairman of the Erie County Legislature from among the members of the advisory board. The advisory board shall meet at least four times annually. The advisory board shall, among other matters:

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

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

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

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

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

**MEETING NO. 13
May 19, 2005**

ERIE COUNTY LEGISLATURE

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2005 of the ~~(County)(City)(Town)(Village)~~ of Erie was duly passed by the Erie County Legislature on April 7, 2005, and was ~~(not approved)~~ approved ~~(disapproved)~~ XXXXXX ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on April 27 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Kevin M. Kelley
Clerk of the County legislative body, City of _____
~~City of _____~~
~~City of _____~~
~~City of _____~~
Kevin M. Kelley

(Seal)

Date: 5-2-05

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Susannah M. Bochenek
Signature
Susannah M. Bochenek, 2nd Assistant County
Title Attorney

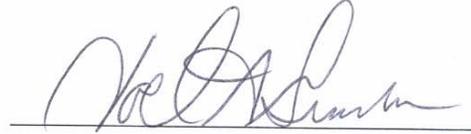
County
~~City~~ of ERIE
~~City~~
~~City~~

Date: 5/2/05

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 14-2004 on Tuesday, April 26, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 27 day of April, 2005.



A Public Hearing was held on the foregoing Local Law Intro. No. 14-2004 on Thursday, April 26, , 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of April, 2005.

Item 65 – (Comm. 13D-5) Transmittal of New Claim Against EC

Received and filed.

Item 66 – (Comm. 13D-6) Certified Copy of Local Law No. 4-2005

Received, Filed, and Printed.

May 9, 2005

VIA HAND DEIVERY

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

RE: LOCAL LAW No. 4-2005

Dear Mr. Kelley:

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Enclosed is a certified copy of the above mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: BRIAN D. WHITE
Assistant County Attorney

Enclosure

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Erie
~~Town~~
~~Village~~

Local Law No. 4 of the year 2005

A local law, amending Local Law No. 1-1959, constituting the Erie
(Insert Title)
County Charter as amended, in relation to the re-establish
restructuring and reconvening of the Erie County Charter
Revision Commission.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~ of Erie as follows:
~~Town~~
~~Village~~

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

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

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

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

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

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

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

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

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

Section 8. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

**MEETING NO. 13
May 19, 2005**

ERIE COUNTY LEGISLATURE

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2005 of the ~~(County)(City)(Town)(Village)~~ of Erie was duly passed by the Erie County Legislature on April 7, 2005, and was ~~(approved)(not approved)~~ XXXXXXX ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on April 27 20 05, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

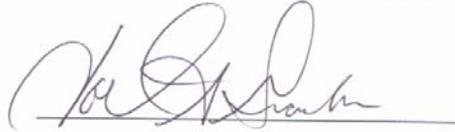
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2005 on Tuesday, April 26, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 27 day of April, 2005.



A Public Hearing was held on the foregoing Local Law Intro. No. 5-2005 on Thursday, April 26, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 27 day of April, 2005.

FROM ECC

Item 71 – (Comm. 13D-7) Notice of Board of Trustees Meeting To Be Held 5/18

FROM THE COUNTY ATTORNEY

Item 72 – (Comm. 13D-8) Transmittal of New Claim Against EC

FROM ECC

Item 73 – (Comm. 13D-9) Agenda of Board of Trustees Meeting To Be Held 5/18

FROM THE COUNTY ATTORNEY

Item 74 – (Comm. 13D-10) Transmittal of New Claims Against EC

The above four items were received and filed.

FROM SOCIAL SERVICES

Item 75 – (Comm. 13D-11) Memo to Holt Re: Intro 9-1, Resolution & Social Services Revision

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Received and referred to the COMMUNITY SERVICES COMMITTEE.

FROM THE BECPL

Item 76 – (Comm. 13D-12) Proposed Agenda of Board Of Trustees Meeting To Be Held
 5/19/05

Received and filed.

FROM THE COUNTY ATTORNEY

Item 77 – (Comm. 13D-13) Filing Receipt From The Dept. of State - LL No. 3-2005 -
 Regulation of Home Health Care Aides

Received, Filed, and Printed.

TO: FREDERICK A. WOLF – ERIE COUNTY ATTORNEY
 GREGORY J. DUDEK – ASSISTANT COUNTY ATTORNEY
 BRIAN D. WHITE – ASSISTANT COUNTY ATTORNEY
 NANCY A. NAPLES – ERIE COUNTY COMPTROLLER
 KEVIN M. KELLEY – CLERK, ERIE COUNTY LEGISLATURE
 WATTEN K. GALLOWAY – SENIOR EXECUTIVE ASSISTANT
 TO THE ERIE COUNTY EXECUTIVE

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

DATE: MAY 6, 2005

RE: LOCAL LAW NO. 3-2005 – Regulation of Home Health Care Aides

Comptroller Naples and Gentlemen:

Attached for you information is a copy of the filing receipt from the Department of State, showing that the above-referenced local law was filed on May 3rd.

SMB

Att.

May 9, 2005

Frederick A. Wolf

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Erie County Attorney
 69 Delaware Avenue, Suite 300
 Buffalo, NY 14202

RE: County of Erie, Local Law 3, filed on May 3, 2005

To Whom It May Concern:

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

Sincerely,
 Linda Lasch
 Principal Clerk
 State Records & Law Bureau
 (518) 474-2755

FROM PUBLIC WORKS

Item 78 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: Proposed Weights & Measures Resolution
 (Comm. 13D-14)

WHEREAS, the Erie County Department of Public Works maintains a Division of Weights and Measures which employs a number of County Sealers and Scanner Accuracy Examiners, and

WHEREAS, the County Sealers inspect and certify various weights and measures throughout the County, including supermarket scales (for meat, produce, etc.) and gasoline stations (for accuracy in the pumping of a gallon of gasoline), and

WHEREAS, the County receives State aid and other revenues from such inspections and penalties against establishments that do not accurately measure, and

WHEREAS, the division enforces Local Law 4 which licenses and inspects vendors at Ralph C. Wilson Stadium, and

WHEREAS, the Scanner Accuracy Examiners also verify that stores comply with Erie County Local Law No. 7-1997, a law adopted by the Erie County Legislature in 1997 to protect consumers from inaccurate pricing in stores, as well as to levy fines against establishments that do not comply with the law, and

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

WHEREAS, the County receives fees and penalties through the scanner accuracy examination process, and

WHEREAS, in the budget amendments of March 3, 2005, one Deputy County Sealer and six Scanner Accuracy Examiners were deleted for a savings of \$217,076 from a total \$616,110 appropriation in 2005, and

WHEREAS, in those budget amendments, revenues received by the Division of Weights and Measures totaling \$1,010,000 were not addressed nor reduced accordingly due to the cut in staffing to administer and levy fines.

NOW, THEREFORE, BE IT,

RESOLVED, in order to adequately measure weights and verify scanner accuracy, and noting the revenue which is received that fully covers and pays for the Division of Weights and Measures, the Erie County Legislature hereby establishes the position of two (2) Deputy County Sealers and four (4) Scanner Accuracy Examiners effective immediately, and be it further,

RESOLVED, that the allocation for overtime be increased by \$20,000 for a total of \$25,000, and be it further,

RESOLVED, that the Erie County Legislature requests that every effort be made to fill the positions effective immediately after their establishment, and be it further,

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Commissioner of Public Works, the Director of Weights & Measures, the County Comptroller, the Budget Director and the Commissioner of Personnel.

MR. DUSZA moved for approval of the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: McCARVILLE and RANZENHOFER. (AYES:13, NOES: 2)

CARRIED.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CHEEKTOWAGA TOWN BOARD

Item 79 – (Comm. 13M-1) Copy of Certified Resolution Re: Opposition to Regional Police Force

FROM CRAIG W. TURNER

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Item 80 – (Comm. 13M-2) Notice of Resignation as First Administrative Assistant

FROM HARRY V. WAHL

Item 81 – (Comm. 13M-3) Notice of Resignation as Minority Chief-of-Staff

FROM CHRISTOPHER J. DUQUIN

Item 82 – (Comm. 13M-4) Notice of Resignation as Administrative Assistant

FROM SCOTT MARCHANT

Item 83 – (Comm. 13M-5) Notice of Resignation as Executive Assistant

FROM THE NFTA

Item 84 – (Comm. 13M-6) NFTA Board Minutes For Meeting Held 4/2105

FROM THE EC MENTAL HYGIENE COMMUNITY BOARD

Item 85 – (Comm. 13M-7) Notice & Agenda of Board Meeting To Be Held 5/19/05

The above seven items were received and filed.

FROM THE CHILD & FAMILY SERVICES HAVEN HOUSE

Item 86 – (Comm. 13M-8) Letter to Legislator Marinelli Re: Results of Budget Cuts on Domestic Violence

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PROBATION SECTION, CSEA LOCAL 815

Item 87 – (Comm. 13M-9) Federal Funding For Gang Suppression

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 88 – (Comm. 13M-10) Notice & Agenda of Meeting Held 5/17/05

Received and filed.

FROM LAWRENCE W. SMITH & JOSEPH R. CIFFA

Item 89 – (Comm. 13M-11) Creation of Division of Billing & Receivables Management

MEETING NO. 13
May 19, 2005

ERIE COUNTY LEGISLATURE

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EDEN TOWN BOARD

Item 90 – (Comm. 13M-12) Copy of Certified Resolution Re: In Support of Long-Term Fire Training Center

Received and filed.

MEMORIAL RESOLUTIONS

Item 91 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Charles H. “Chuck” Pohlman Sr.

Item 92 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Robert A. Mathien

Item 93 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Michael C. LaMacchia.

ADJOURNMENT

Item 94 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, June 2, 2005.
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

KEVIN M. KELLEY
CLERK