

**ERIE COUNTY LEGISLATURE  
MEETING NO. 14  
JUNE 2, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present except Legislator Cusack.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. McCarville.

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

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. MARINELLI moved for the approval of the Minutes of Meetings No. 12 and 13 of 2005. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MR. SMITH presented a resolution Honoring Ernestine Smith Upon Her 87th Birthday.

Item 7 – SMITH & HOLT presented a resolution Honoring Deacon Ronald Walker Upon His 25th Anniversary in the Deaconate of the Buffalo Roman Catholic Diocese.

Item 8 – MR. WROBLEWSKI presented a resolution Honoring the 2005 Graduates From The West Seneca Central School District Academy Of Finance.

Item 9 – MR. WROBLEWSKI presented a resolution Honoring Master Sgt. Bill Geary Jr. (William E.) Flight Engineer with the 914th Airlift Wing.

Item 10 – MR. MARINELLI moved to include a miscellaneous resolution not on the agenda from MR. KENNEDY. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for consideration of the above five items. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above five items by including ET AL sponsorsip.  
MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above five items as amended. MR.  
DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 11 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 12 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2005 remain on the table.

GRANTED.

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

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
 LOCAL LAW INTRO NO. 9- 2005  
 LOCAL LAW NO. \_\_\_\_\_ - 2005

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. Purpose. Section 1802 of Article 18 of Local Law No. 1-1959 constituting the Erie County Charter, as amended, is repealed, and a new Section 1802 is established as fully amending Section 1802 of the Erie County Charter.

Section 4. 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 15<sup>th</sup> 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 15<sup>th</sup> 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 5. 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 6. 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

JEANNE Z. CHASE

MS. MARINELLI moved for the approval of the local law. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. KUWIK presented the following Local Law and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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**ERIE COUNTY LEGISLATURE**

A LOCAL LAW amending Local Law No. 2-1992, establishing a Probation Administrative Fee and establishing an Electronic Monitoring Fee and a Drug Testing Fee in Erie County.

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

**Section 1.** Section 1 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 1. Legislative Intent. The Erie County Legislature finds it to be in the best interests of the County of Erie, as matters both of public safety and fiscal responsibility, to require that, subject to their ability to pay, individuals under sentences of probation who are receiving administrative, electronic monitoring and drug testing services from the Erie County Department of Probation and Youth Detention pay reasonable fees so as to defray the costs of such services in order that adequate staffing levels can be maintained within said department.

**Section 2.** Section 2 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

SECTION 2(A). Administrative Fee. It is hereby required that all individuals who are currently serving or who shall be sentenced to a period of probation upon conviction of any crime, whether under article thirty-one of the vehicle and traffic law or under any other law, shall pay to the Erie County Department of Probation and Youth Detention an administrative fee of thirty-five dollars per month during the period starting with the commencement of the sentence of probation and ending with the termination of same pursuant to law. The proceeds from this fee shall remain in the Department of Probation and Youth Detention to assist with the cost of probation supervision.

SECTION 2(B). Electronic Monitoring Fee. It is hereby required that all individuals who are currently serving or who shall be sentenced to a period of probation upon conviction of any crime, whether under Article 31 of the Vehicle and Traffic Law or under any other law, and who is required to submit to electronic monitoring pursuant to Section 65.10(4) of the Penal Law, shall pay to the Erie County Department of Probation and Youth Detention an electronic monitoring fee of three dollars per day during the period starting with the commencement of such electronic monitoring and ending with the termination of same pursuant to law. The proceeds from this fee shall remain in the Department of Probation and Youth Detention to assist with the cost of probation supervision.

SECTION 2(C). Drug Testing Fee. It is hereby required that all individuals who are currently serving or who shall be sentenced to a period of probation upon conviction of any crime, whether under article thirty-one of the vehicle and traffic law or under any other law, and who is required to submit to drug testing as a condition thereof, shall pay to the Erie County Department of Probation and Youth Detention a drug testing fee of fifty dollars for each such sentence of probation not being served concurrently. The proceeds from this fee shall remain in the Department of Probation and Youth Detention to assist with the cost of probation supervision.

**Section 3.** Section 3 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

**SECTION 3.** Fee Waivers Determined Monthly. The Erie County Department of Probation and Youth Detention shall waive one or more of such fees, or portions thereof, where, because of the indigence of the person sentenced to probation, requiring full payment would work an unreasonable hardship on such person, his or her immediate family, or any other person who is dependent on such person for financial support. The said department shall make such fee waiver determinations on a monthly basis.

**Section 4.** Section 4 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

**SECTION 4.** Fees Not a Condition of Sentence. Payment of the fees required hereunder shall not constitute nor be imposed as a condition of a sentence of probation.

**Section 5.** Section 5 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

**SECTION 5.** Collection of Fees. The provisions of subdivision 6 of Section 420.10 of the Criminal Procedure Law shall govern for purposes of collection of the fees required hereunder.

**Section 6.** Section 6 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

**SECTION 6.** Enforcement as Debt. In the event of the non-payment of any of the fees required hereunder, where such fees have not been waived, the County may seek to enforce payment in any manner permitted by law for the enforcement of a debt.

**Section 7.** Section 7 of County of Erie Local Law No. 2-1992 is hereby deleted in its entirety and replaced with the following:

**SECTION 7.** Utilization of Collected Fees. Monies collected hereunder shall be utilized for probation services by the Erie County Department of Probation and Youth Detention and shall not be considered by the New York State Division of Probation and Correctional Alternatives when determining state aid reimbursement pursuant to Section 246 of the Executive Law nor shall such monies be used to replace federal funds otherwise utilized for probation services.

**Section 8.** County of Erie Local Law No. 2-1992, as amended, is hereby further amended by adding a new Section 8 to read as follows:

**SECTION 8.** Severability. If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, in whole or in part, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

**Section 9.** County of Erie Local Law No. 2-1992, as amended, is hereby further amended by adding a new Section 9 to read as follows:

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SECTION 9. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

EDWARD J. KUWIK

GEORGE A. HOLT, JR.

LYNN M. MARINELLI

RAYMOND K. DUSZA

DEMONE SMITH

TIMOTHY WROBLEWSKI

ALBERT DEBENEDETTI

TIMOTHY KENNEDY

MICHAEL RANZENHOFER

CHARLES M. SWANICK

JEANNE Z. CHASE

BARRY A. WEINSTEIN

DENISE MARSHALL

STEVEN P. MCCARVILLE

ELISE CUSACK

MR. KUWIK moved for the approval of the Local Law. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

**COMMITTEE REPORTS**

Item 20 – MS. MARINELLI presented the following report and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

MAY 26, 2005

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-40 (2005)  
**COUNTY EXECUTIVE:** County Clerks Use of 24 Hour Vehicle  
 (5-0)
  - b. COMM. 10D-1 (2005)  
**VETERANS' SERVICES:** Letter to Chairman Holt Re: Request For Restoration Of  
 Asst. Veterans Services Officer Position  
 (5-0)

- c. COMM. 10M-24 (2005)  
**LAWRENCE W. SMITH & ASSOCIATES, INC.:** Letter to Legislature Re:  
Communication #17E-14  
(5-0)
- d. INTRO 11-7 (2005)  
**WEINSTEIN:** Funding A Position In The Office Of Veterans' Services  
(5-0)
- e. COMM. 11E-30 (2005)  
**COMPTROLLER:** Letter to ECL Re: Comm. 10E-23 - Creation of Division of Billing  
and Receivables Management  
(5-0)
- f. COMM. 11D-4 (2005)  
**COMPTROLLER'S OFFICE:** Copy of Memo From Deputy Comptroller to Budget  
Department Re: Vendor Payment to Lawrence W. Smith & Associates. Inc.  
(5-0)
- g. INTRO 12-2 (2005)  
**WEINSTEIN:** Public Access To Meetings  
(5-0)
- h. COMM. 12D-1 (2005)  
**COUNTY ATTORNEY:** Copy of Letter to Bolton St. John, Inc Re: EC Lobbying  
Efforts  
(5-0)
- i. COMM. 12M-6 (2005)  
**WILLIAM R. GREINER:** Letter to Chairman, Majority & Minority Leaders Re:  
Charter Review Commission  
(5-0)
- j. COMM. 13E-1 (2005)  
**COMPTROLLER:** Travel Reimbursement - Lawrence W. Smith  
(5-0)
- k. COMM. 13M-11 (2005)  
**LAWRENCE W. SMITH & JOSEPH R. CIFFA:** Creation of Division of Billing &  
Receivables Management  
(5-0)

**LYNN M. MARINELLI  
CHAIRPERSON**



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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

MAY 26, 2005

COMMUNITY SERVICES COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED that the following items are hereby received and filed.
  - a. INTRO 21-5 (2004)  
**SMITH & HOLT:** Call for an Investigation for the Hiring Practices of the Buffalo & Erie County Public Library  
 (4-0) Legislator Marinelli absent.
  - b. COMM. 21E-16 (2004)  
**DEBENEDETTI:** Copy of Letter to County Executive Re: ECC Student Survey  
 (4-0) Legislator Marinelli absent.
  - c. COMM. 22D-1 (2004)  
**DEP:** Final Generic Environmental Impact Statement for ECC Facilities Master Plan  
 (4-0) Legislator Marinelli absent.
  - d. COMM. 10E-9 (2005)  
**DEBENEDETTI:** Copy of Letter to Interim Chief Financial Officer of ECMCC Re: Freedom of Information Law Request  
 (4-0) Legislator Marinelli absent.
  - e. COMM. 13D-11 (2005)  
**SOCIAL SERVICES:** Memo to Holt Re: Intro 9-1, Resolution & Social Services Revision  
 (4-0) Legislator Marinelli absent.
2. COMM. 11E-15 (2005)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Legislature has already appropriated clean-up funds for the Congregate Dining Nutrition Program (C-1) grant for the period January 1, 2005 to December 31, 2005, and

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WHEREAS, the Department of Senior Services (Department) was notified by the City of Buffalo Division for Senior Services that it will no longer have operations at the Tosh Collins Senior Center as of April 30, 2005, and

WHEREAS, the Department desires the site to remain as one of the Stay Fit Dining program sites, which serves an average of 50 Seniors per day, and

WHEREAS, the South Buffalo Community Association has agreed to take over the sponsorship of the Tosh Collins Senior Center on May 1, 2005, with no interruption of services, and

WHEREAS, the Department desires to contract with the South Buffalo Community Association, effective May 1, 2005, to begin serving meals on May 2, 2005, and

WHEREAS, the grant budget has sufficient clean-up funds appropriated.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the South Buffalo Community Center, effective May 1, 2005 through December 31, 2005, to sponsor the Stay Fit dining site, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney and the Department of Senior Services.  
 (4-0) Legislator Marinelli absent.

3. COMM. 13E-17 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Retired and Senior Volunteer Program (RSVP) grants for the periods July 1, 2004 to June 30, 2005 and July 1, 2005 to June 30, 2006, and the Expanded In-Home Services for the Elderly (EISEP) grant for the period April 1, 2004 to March 31, 2005, and

WHEREAS, the Corporation for National Service has made available an additional \$741 in funds for the 2005/2006 Retired and Senior Volunteer Program (RSVP) grant to provide support services to 1,150 Retired and Senior Volunteer Program volunteers working in community agencies throughout the county, and

WHEREAS, the Department of Senior Services has reviewed the budgets and actual costs of carrying out grant objectives, and

WHEREAS, the Department desires to use 163RSVP0405 funds to cover a portion of the salary and fringe benefit costs of the respective part time Community Service Aide budgeted in the related New York State Retired and Senior Volunteer Program (RSVP) grant, 163NYSRSVP0405 who assists in the Retired and Senior Volunteer Program (RSVP) program, and

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WHEREAS, the County grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the related payroll costs for the part time Community Service Aide from 163NYSRSVP0405 be transferred to the 163RSVP0405 grant, and

RESOLVED, that the budget for the Retired Senior Volunteer Program (RSVP) grant, 163RSVP0405 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
502000	Fringe Benefits	\$26,856	\$5,700	\$32,556
510000	Local Mileage	38,338	-5,700	32,638
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the RSVP grant, 163RSVP0506 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
414000	Federal Aid Revenues	\$89,310	\$741	\$90,051
466100	Miscellaneous Revenue	0	2,000	2,000
	TOTAL CHANGE		<u>\$2,741</u>	

<b>APPROPRIATIONS</b>				
505000	Office Supplies	\$470	\$200	\$670
510000	Local Mileage	38,700	-7,260	31,440
510100	Out of Area Travel	1,000	500	1,500
510200	Training & Education	0	150	150
	Professional Serv Contract &			
516020	Fees	750	9,500	10,250
516030	Maintenance Contracts	0	300	300
530000	Other Expenses	8,472	-6,511	1,961
545000	Rental Charges	3,500	-1,500	2,000
555050	Insurance Premiums	3,400	362	3,762
980000	ID DISS Services	3,000	7,000	10,000
	TOTAL CHANGE		<u>\$2,741</u>	

and be it further

RESOLVED, that the budget for the Expanded In-Home Services for the Elderly Program (EISEP) grant, 163EISEP0405 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
500000	Full Time - Salaries	\$363,810	-\$6,000	\$357,810
	Profess Fees - Home Care			
516020	Svs	1,110,732	6,000	1,116,732
	<b>TOTAL CHANGE</b>		<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Comptroller's Office, the Division of Budget, Management and Finance, and the Department of Senior Services.  
 (4-0) Legislator Marinelli absent.

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

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

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Support for the Niagara Falls Air Base  
 (Intro 14-1)

A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATORS KUWIK, MARINELLI, WROBLEWSKI, DUSZA, HOLT, DEBENEDETTI,  
 KENNEDY AND SMITH

WHEREAS, for nearly 60 years, the United States Air Force Reserve and the New York Air National Guard have maintained a presence at the Niagara Falls International Airport, with the 107th

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Air Refueling Wing of the New York Air National Guard and the 914th Airlift Wing of the United States Air Force Reserve currently based at the airport, and

WHEREAS, in 1990-1991, during Operations Desert Shield and Desert Storm, members of the 107th Fighter Interceptor Group (then based at the airport) were activated for service and members of the 328th Tactical Airlift Squadron (then based at the airport) were activated for service, and

WHEREAS, in the 1990s the 328th Tactical Airlift Squadron (then based at the airport) was activated for service for various operations in Somalia, Bosnia, Haiti, and Honduras, and

WHEREAS, since 2001, members of the 107th Air Refueling Wing and the 914th Airlift Wing have been activated to serve in important military operations in Afghanistan and Iraq and in the Middle East, with many members serving in 2 or 3 deployments each, and

WHEREAS, in the past five years, significant, multi-million capital improvements have been made to the Niagara Falls Air Base, including a \$8 million repaving and extension of the main runway, a new \$6.5 million lodge for military personnel, and a forthcoming major construction project to build a new military entrance processing station, and

WHEREAS, the Niagara Falls Air Base has 800 full-time employees, with thousands of reservists and guardsmen present during weekends, with a \$150 million economic impact, and

WHEREAS, in its recommendations to the Base Realignment Commission, the Department of Defense has recommended that the Niagara Falls base be closed, and its Air Force cargo planes relocated to Arkansas and its Air National Guard refueling planes relocated to Maine, and

WHEREAS, that would lead to the loss of 115 military and 527 civilian government jobs, and

WHEREAS, that Air Force recommendation overlooks a number of criteria and ranking indices that have positively evaluated the Niagara Falls base ahead of the bases to which the two units would be relocated, and

WHEREAS, the Air Force ruling overlooks the crucial importance of maintaining the base on the northern border.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its strong support for the continued operation of the Niagara Falls Air Base and the presence of the 107th Air Refueling Wing and the 914th Airlift Wing, and be it further

RESOLVED, that this Honorable Body calls on the Base Realignment Commission to closely evaluate and to overturn the Defense Department's recommendation and to maintain the air base in Niagara Falls, and be it further

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RESOLVED, that this Honorable Body expresses its support and appreciation to the citizen-  
 airmen of the 107th Air Refueling Wing and the 914th Airlift Wing for their service to our country,  
 and be it further

RESOLVED, that certified copies of this resolution be sent to the President, to Senators  
 Charles Schumer and Hillary Rodham Clinton, to Representatives Thomas Reynolds, Louise  
 Slaughter, and Brian Higgins, to the Governor, to the local delegation of the New York State  
 Legislature, to the BRAC Commission (2521 South Clark Street, Suite 600 Arlington, Va. 22202),  
 and to Merrell Lane, Chair of the Niagara Military Affairs Council (c/o Lane Funeral Home, 8622  
 Buffalo Avenue, Niagara Falls, NY 14304).

EDWARD J. KUWIK

LYNN M. MARINELLI

TIMOTHY WROBLEWSKI

RAYMOND K. DUSZA

GEORGE A. HOLT, JR.

ALBERT DEBENEDETTI

TIMOTHY KENNEDY

DEMONE SMITH

**Fiscal Impact:** None for this resolution.

MR. MARINELLI moved to amend the resolution by including ET AL Sponsorship. MR.  
 SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 23 – CHAIRMAN HOLT directed that the following resolution be directed to the  
 GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 14-2 from LEGISLATOR MARINELLI Re: Sale of County Properties For Revenue

Item 24 - CHAIRMAN HOLT directed that the following resolution be directed to the  
 FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 14-3 from LEGISLATOR HOLT Re: Retention of Independent Financial Adviser

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

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Item 25 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of Comm. 12E-23. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: PILOT Agreement For Cornerstone Manor

WHEREAS, Cornerstone Manor L.P. is developing housing for low and very low income, homeless women and their children (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the project is located at East North Street and Michigan Avenue, in the City of Buffalo and contain 77 residential units for low and very low income homeless women and their children; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Cornerstone Manor L.P., it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Cornerstone Manor L.P. and the City of Buffalo relating to Cornerstone Manor and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall be implemented in the event Cornerstone Manor is no longer eligible for QEZE Credit for Real Property Taxes under New York State Empire Zone Program, during the fifteen years period of this agreement; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) based on three (3) percent of the project's Total Effective Income of \$157,567 for the first year of this agreement with an annual increase of three (3) percent for the balance of the fifteen-year agreement. Of this payment, twenty-five (25) percent would go to the County and seventy-five (75) percent would go to the City of Buffalo; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 26 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of Comm. 13E-22. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Diesel School Bus Education Initiative

WHEREAS, the United States Environmental Protection Agency (EPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, the EPA has solicited a proposal from Erie County for participation in the Mobile Source Outreach Program; and

WHEREAS, on May 22, 2003, the EPA granted approval of the application allocating funding of \$74,800 over two years for a Diesel School Bus Education Initiative to be implemented in Erie County; and

WHEREAS, the Erie County Legislature passed a resolution (Comm. 12E-49) dated July 3, 2003, authorizing the County Executive to enter into the necessary agreement with the USEPA to accept the grant funding and establish a grant budget for this effort; and

WHEREAS, it has become necessary to revise the originally adopted grant budget (BD162) in order to most efficiently utilize the available grant resources and maintain adequate project staffing throughout the grant project period which ends in May of 2005;

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the Erie County Diesel School Bus Education Initiative (Grant Budget BD162) will be revised as follows:

APPROPRIATIONS:

<u>Accoun</u>	<u>Description</u>	<u>Current Budg</u>	<u>Revision</u>	<u>Revised Budg</u>
500000	Salaries	42,900	3,300	46,200
502000	Fringe Benefits	13,900	4,977	18,877
510000	Local Travel and Mileage	500	(500)	-0-
510100	Out-of-Area Travel	3,000	(1,524)	1,476
510200	Training and Education	1,000	(775)	225
516020	Pro. Service Cont. and Fees	12,500	(5,478)	7,022
530000	Other	1,000	-0-	1,000
TOTAL APPROPRIATIONS:		\$74,800	-	\$74,800

and be it further

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



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

CARRIED UNANIMOUSLY.

Item 27 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of Comm. 13E-23. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: WNY Stormwater Management Implementation  
 Project Consultant Services

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

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

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

WHEREAS, it is necessary to contract for consultant services in order for the County to meet its contractual obligations with New York State that are associated with the grant agreement; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, the Department of Environment and Planning solicited proposals and selected a contractor to develop a comprehensive stormwater management plan for the Western New York Stormwater Coalition in accordance with the State Stormwater Phase II requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Wendel Duchscherer for an amount not to exceed \$68,000 to perform GIS Mapping services, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 28 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of Comm. 12E-30. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Construction Funding For Public Improvements In Connection With The Erie Canal Harbor Project in Cooperation With The Empire State Development Corporation and The City of Buffalo

WHEREAS, the Erie Canal Harbor historic redevelopment effort in downtown Buffalo is intended to create a first class waterfront which can be a tourism draw and also a premier attraction for the residents of the City and County; and

WHEREAS, the County of Erie, the City of Buffalo, and the State of New York are each contributing to this public waterfront development project; and

WHEREAS, an incidental benefit of the Erie Canal Harbor project will be the realization of private investment such as the proposed Bass Pro Outdoor World Store in the former Aud; and

WHEREAS, it was contemplated that the City and the County would need to make improvements to the publicly owned Aud in conjunction with such development; and

WHEREAS, it is appropriate that Empire State Development Corporation should provide the public financing required for the various elements of Aud redevelopment; and

WHEREAS, it is appropriate that the County take on a greater role in public improvements as part of the Erie Canal Harbor project, including development of a public parking garage on the site of the General Donovan State Office Building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, and the City of Buffalo to fund up to \$10,000,000 in construction costs for the Erie Canal Harbor project and fund up to \$4,000,000 in redevelopment costs of the General Donovan Office Building parcel; and be it further

RESOLVED, that the source of these funds shall be \$14,000,000 from the Tobacco Trust Fund; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with the City of Buffalo and the Erie County Industrial Development Agency to allocate the first \$500,000 inuring to each of the City of Buffalo and the County of Erie of sales tax revenues, real property taxes and/or Payments in Lieu of Taxes (PILOTS to a fund for cultural tourism within the City of Buffalo and the County of Erie; and be it lastly

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.

MS. MARINELLI moved to amend the item. MR SWANICK seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

- **DELETE** the second RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the \$14 million in tobacco proceeds for this project shall be comprised of the \$12.16 million in tobacco proceeds earmarked but not approved for 2006 Debt Service and \$1.84 million of the current \$8 million in uncommitted and unexpended tobacco funds, and be it further

- **DELETE** the third RESOLVE Clause in its entirety.

MR. RANZENHOFER moved to return the item to the FINANCE & MANAGEMENT COMMITTEE for further consideration. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: MARSHALL, RANZENHOFER, WEINSTEIN, and DeBENEDETTI. NOES: CHASE, McCARVILLE, SWANICK, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. (AYES: 4, NOES: 10)

FAILED.

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

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, MARSHALL, McCARVILLE, SWANICK, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: RANZENHOFER, WEINSTEIN, and DeBENEDETTI. (AYES: 11, NOES: 3)

CARRIED.

Item 29 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 12E-31. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

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**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 142

RE: Funding For Construction Of The Erie  
Canal Harbor Project

WHEREAS, the County of Erie desires to participate in the 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

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 including \$6,000,000 of County funding for a variety of design and construction costs; 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, in reliance on the June 14, 2002 Memorandum of Understanding, 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 and 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; and

WHEREAS, a \$3,000,000 allocation was approved in the 2005 Erie County Capital Budget for construction of the Erie Canal Harbor 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 \$2,800,000 in construction costs for the Erie Canal Harbor project; and be it further

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RESOLVED, that the source of these funds shall be \$2,800,000 from the Tobacco Trust Fund; and be it further

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

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

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, MARSHALL, McCARVILLE, SWANICK, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, WROBLEWSKI. NOES: RANZENHOFER, WEINSTEIN, and DeBENEDETTI. (AYES: 11, NOES: 3).

Item 30 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 10E-19. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: State Authorization to Arrange for the Underwriting and Private Sale of Bonds

**HOME RULE RESOLUTION - ASSEMBLY**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2005; and

WHEREAS, Assembly Bill A. 2443 and Senate Bill S. 271, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2006;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 2443, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

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Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

**HOME RULE RESOLUTION - SENATE**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2005; and

WHEREAS, Senate Bill S. 271 and Assembly Bill A. 2443, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2006;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S. 271, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

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

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, WROBLEWSKI.  
 NOES: DeBENEDETTI. (AYES: 13, NOES: 1).

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**ERIE COUNTY LEGISLATURE**

Item 31 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. KENNEDY seconded.

GRANTED.

Comm. 14E-28 from the COUNTY EXECUTIVE Re: ECC Budget for 2005-06

Item 32 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. KENNEDY seconded.

GRANTED.

Comm. 14E-29 from KENNEDY Re: 2005-06 ECC Budget Process

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

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 33 – (Comm. 14E-1) Plan To Close Budget Deficit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 34 – (Comm. 14E-2) Completion of April 2005 Month-End Closings

Received and filed.

**FROM CHAIRMAN HOLT**

Item 35 – (Comm. 14E-3) Convening a Committee of the Whole on 5/26/05

Received, filed, and printed.

May 24, 2005

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

Dear Mr. Kelley:

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**ERIE COUNTY LEGISLATURE**

Please be advised that pursuant to Section 1.01 (6) of the Rules of Order of the Legislature, I am convening a Committee of the Whole for Thursday, May 26, 2005.

The Committee of the Whole will meet in the Committee Room at 12:30 pm to discuss the Erie County Budget.

Thank you.

Sincerely,

George A. Holt  
Chairman

**FROM THE COUNTY CLERK**

Item 36 – (Comm. 14E-4) Appointment to EC Charter Revision Commission

Received, filed, and printed.

May 26, 2005

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

Dear Mr. Kelley:

In response to a communication from Chairman Holt, of May 19, 2005 regarding the Erie County Charter Revision Commission, I would like to appoint Mr. Kenneth Kruly, 69 Troyview Lane, Williamsville, New York 14221, as my representative.

Mr. Kruly possesses extensive knowledge of and experience in County government, both of which would make him a valued member of the Commission.

If there are any questions or comments regarding this appointment, please let me know.

Sincerely yours,

DAVID J. SWARTS  
Erie County Clerk

**FROM LEGISLATOR WEINSTEIN**

Item 37 – (Comm. 14E-5) Appointment to EC Charter Revision Commission



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**ERIE COUNTY LEGISLATURE**

Received, filed, and printed.

May 24, 2005

Mr. Kevin Kelley  
Erie County Legislature Clerk  
92 Franklin Street  
Buffalo, NY 14202

Dear Mr. Kelley:

This is to confirm the voicemail left for you on May 23, 2005 regarding my choice for the Charter Review Committee. My recommendation is:

Mr. Edward Rath III  
111 Chapel Woods  
Williamsville, New York 14221  
636-8785  
472-8836

Sincerely yours,

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

FROM THE COUNTY EXECUTIVE

Item 38 – (Comm. 14E-6) DPW - Personnel Charges During Budget Crisis - Comm. No. 12E-49

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 39 – (Comm. 14E-7) 2005 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR CUSACK

Item 40 – (Comm. 14E-8) Notification of Absence on 6/2/05 Session

Received, filed, and printed.

May 27, 2005

Mr. Kevin Kelley

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**JUNE 2, 2005**

**ERIE COUNTY LEGISLATURE**

Clerk  
 Erie County Legislature  
 92 Franklin Street  
 Buffalo, New York 14202

Dear Mr. Kelley:

This letter is to notify you that I will not be attending session of Thursday, June 2<sup>nd</sup> due to the birth of my third child on the same day.

If you have any questions, please let me know.

Very truly yours,

ELISE M. CUSACK  
 Erie County Legislator  
 14<sup>TH</sup> District

**FROM THE SHERIFF**

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: Personnel Adjustment (Comm. 14E-9)

WHEREAS, the New York State Office of Court Administration has requested an additional Court Officer; and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of this position under the current contract between the parties; therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office be authorized to create one (1) Court Officer, Job Group VI position; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

**REVENUE**

**INCREASE**

**Business Area 116 – Jail Management Division**  
 Account 408530 – State Aid Criminal Justice Program

\$ 31,793

Total Revenue

\$31,793

**APPROPRIATIONS**

**Business Area 116 – Jail Management Division**

Account 500000 – Personal Services	\$ 22,293
Account 500320 – Uniform Allowance	750
Account 500340 – Line-Up	1,045
Account 502000 – Fringe Benefits	7,455
Account 505200 – Clothing Supplies	<u>250</u>
Total Appropriation	<u>\$ 31,793</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 42 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Department of Parks, Recreation, &  
 Forestry - Amendment to 9E-15 & 11E-29  
 (Comm. 14E-10)

WHEREAS, in order to control expenses associated with the re-opening of County golf courses, six Park Maintenance Worker II positions were lowered to Park Maintenance Worker I positions, and

WHEREAS, the County and AFSCME Local 1095 have both agreed to reinstate these positions as Park Maintenance Worker II positions with an additional payroll expense incurred of \$19,046 of which \$10,785 will be offset by the reduction of the premium pay rate by one half, and

WHEREAS, Resolution 9E-15, which authorized the re-opening of the County golf courses, established personal service funding which is greater than required due to a later hire date than anticipated, and

WHEREAS, Resolution 11E-29, which authorized the re-opening of the County Parks, failed to include a Park Maintenance Worker I position at a pro-rated salary of \$15,078, for an employee thought to be retiring, and

WHEREAS, the Parks Department needs to change two (2) Park Maintenance Worker II positions to Park Maintenance I positions for laid off highway workers coming in at a savings of \$6,278

WHEREAS, the County and AFSCME Local 1095 have both agreed to reduce the premium pay rate by one half incurring a payroll expenditure savings of over \$8,800.

NOW, THEREFORE, BE IT

RESOLVED, that six Park Maintenance Worker I, job group 3 positions, reporting to the golf courses will be restored to Park Maintenance Worker II, job group 5 positions, and be it further

RESOLVED, that the premium pay rate at the County golf courses be reduced by one half, and be it further

RESOLVED, that a position of Park Maintenance Worker I, job group 3, be added to the Parks Department, and be it further

RESOLVED, that two (2) Park Maintenance Worker II positions, job group 5, be changed to Park Maintenance Worker I positions, job group 3, with the Parks Department, and be it further

RESOLVED, that the premium pay rate at the County parks be reduced by one half, and be it further

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

500000	Personal Services	\$8,800
501000	OT(Holiday,Premium)	(\$8,800)

and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 146

RE: County of Erie/Towns & Villages -  
 Snow Removal and Ice Control  
 Agreement (Comm. 14E-11)

WHEREAS, the County of Erie/Towns and Villages Snow Removal and Ice Control Agreement expires August 31, 2005, and

WHEREAS, a series of meetings have been held with the town representatives and the Department of Public Works, and

WHEREAS, as a result of these meetings, a tentative two-year agreement has been reached.

NOW, THEREFORE, BE IT,

RESOLVED, that the November 1, 2005 through August 31, 2007 rate for which the County of Erie reimburses the suburban and rural municipalities for snow and ice removal on County roads shall be increased as follows:

	Amount of Increase	New Amount
2005-2006	\$70.00	\$2,393.00 per lane mile
2006-2007	\$139.00	\$2,532.00 Per lane mile

and be it further,

RESOLVED, that the County Executive be authorized to enter into an agreement with the Towns and Villages; and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from GL Account #520060; 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 County Attorney, each Town Supervisor and Village Mayor in Erie County, the Erie County Association of Local Governments, the Erie County Association of Town Superintendents of Highways, the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

- **ADD** the following as the new fourth (4th) RESOLVE Clause:

RESOLVED, that in the event the Erie County Budget is in deficit and funds are not available, the County reserves the right to terminate this contract, taking note of the County's executory clause and availability of County funds, and be it further

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

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: DeBENEDETTI. (AYES: 13, NOES: 1)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: Department of Parks, Recreation, & Forestry - Acceptance of Gift of Plumbing Fixtures (Comm. 14E-12)

WHEREAS, Mollenberg-Betz, Inc. has recently offered to donate, at no cost to Erie County, plumbing fixtures valued at approximately \$3400, and

WHEREAS, Ciminelli Development Company has recently offered to donate, at no cost to Erie County, plumbing fixtures with a fair market value of approximately \$500, and

WHEREAS, recent vandalism has resulted in thousands of dollars worth of damage done to various buildings in County Parks, and

WHEREAS, the Parks Department has limited funds for repairs and may not be able to provide the public with adequate restroom facilities, and

WHEREAS, the Erie County Charter confers upon the Legislature the exclusive authority to accept gifts on behalf of the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby accepts gifts of plumbing fixtures from Mollenberg-Betz, Inc. and Ciminelli Development Company, Inc. for use by the Erie County Parks Department in repairing damaged facilities, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance, and Gregory J. Dudek, Assistant County Attorney.

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

CARRIED UNANIMOUSLY.

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

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**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Rebuild WNY Initiative (Comm. 14E-13)

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U. S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, through Legislative resolution (Comm. 6E-21) dated April 13, 2000, the Department of Environment and Planning (DEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

WHEREAS, through Legislative resolutions (Comm. 14E-33, Comm. 12E-19, Comm. 15E-44) dated July 5, 2001, June 20, 2002, and July 8, 2004 the DEP accepted from NYSERDA a total of \$305,000 in grant resources to continue to coordinate the Rebuild Partnership into the year 2005; and

WHEREAS, as a result of the DEP's success, NYSERDA made an additional \$90,945 in grant resources available to continue to coordinate the Rebuild Partnership into the year 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept a grant of \$90,945 from NYSERDA to continue to coordinate the Rebuild Western New York Partnership, and be it further

RESOLVED, that the following positions are created in the grant budget

Add: Regular Part Time (RPT) Senior Environmentalist – Energy Conservation,  
 JG-12  
 Budgeted salary \$8,274  
 Fully Expended 8/31/05

Add: Environmental Education Specialist, (JG-9)  
 Budgeted salary \$42,147

Add: Intern – Environment/Planning, JG-1  
 Budgeted salary \$9,959

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RESOLVED, that the new revenue from the NYSERDA program is hereby appropriated in the grant as follows:

Grant validity date; 5/1/05 – 4/30/06

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
405060	State Aid – NYSERDA	<u>\$90,945</u>
<b>TOTAL REVENUE</b>		<b>\$90,945</b>

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Salaries	60,380
502000	Fringe Benefits	22,689
505000	Office Supplies	500
510000	Local Mileage Reimbursement	300
510100	Out Of Area Travel	2,700
510200	Training & Education	876
516020	Professional Service Contract & Fees	2,500
530000	Other Expenses	0
561410	Lab & Technical Equipment	500
561420	Office Equipment	500
<b>TOTAL APPROPRIATIONS:</b>		<b>\$90,945</b>

and be it further



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

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

CARRIED UNANIMOUSLY.

Item 46 – (Comm. 14E-14) Social Services - Employee Education & Training

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 47 – (Comm. 14E-15) Assistant Veterans Service Officer - Restoration of Position

Received and filed.

Item 48 – (Comm. 14E-16) ECSD No. 2 - Contract No. 38H - General Lakeshore Pumping Station Elimination - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (Comm. 14E-17) Health - Acceptance of Donated Equipment from the Wyoming-Erie Regional E.M.S. Council

Item 50 – (Comm. 14E-18) Health - Healthy Heart Worksite Wellness Grant - 4/1/05 - 3/31/06

Item 51 – (Comm. 14E-19) Health - Drug Enforcement Administration - Toxic Death Study - 7/1/05 - 6/30/06

Item 52 – (Comm. 14E-20) Health - Facilitated Enrollment Program - SAP #127FACENROLL2005

Item 53 – (Comm. 14E-21) Health - Public Health Preparedness/Response to Bioterrorism - 8/31/04 - 8/30/05 - SAP Title: HS127BT0405

Item 54 – (Comm. 14E-22) Social Services - West Side Delinquency Prevention Program

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

Item 55 – (Comm. 14E-23) DISS - SAP Plant Maintenance Implementation & Support For DPW, Parks, Fleet Division & Sewerage Management

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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Item 56 – (Comm. 14E-24) ECSSTA - Proposed Revision to Intermunicipal Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (Comm. 14E-25) Health - E.I. & Preschool Programs - Parent Transportation Rates

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 58 – (Comm. 14E-26) DISS - Fleet Services - Personnel Adjustment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 59 – (Comm. 14E-27) DEP - Sewerage Management - Engineering Agreement  
 Closeout - Agreement Dated 10/8/98 - URS Corp.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 60 – (Comm. 14D-1) Certified Copy of Local Law No. 5-2005

Received, filed, and printed.

May 18, 2005

**VIA HAND DELIVERY**

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

RE: LOCAL LAW No. 5-2005

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

BY: GREGORY J. DUDEK

Assistant County Attorney

GJD/crj  
Enc.

*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  
~~City~~  
~~Town~~ of Erie  
~~Village~~

Local Law No. 5 of the year 2005

A local law to be known as the Erie County Local Law to prohibit the sale, purchase and use of Alcohol Without Liquid (AWOL) Machines or Alcohol Vapor Devices within Erie County.

Be it enacted by the Legislature of the

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

**SECTION 1.** Short title.

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

**SECTION 2.** Legislative Intent.

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

This Legislature also finds and determines that AWOL machine enables people to "snort" drinks such as vodka or absinthe through a tube into the nose or mouth, rather than drinking through the mouth. This Legislature further finds and determines that by bypassing the stomach and the filter of the liver, the alcohol vapor is absorbed through the blood vessels in the nose or lungs, creating a quicker and more intense hit on the brain.

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

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

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

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

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

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

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

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

### **SECTION 3. Definitions.**

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

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

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

**SECTION 4. Prohibitions.**

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

**SECTION 5. Penalties**

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

**SECTION 6. Applicability.**

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

**SECTION 7. Reverse Preemption.**

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

**SECTION 8. Severability.**

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

**SECTION 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(C)(20),(21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATION (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and

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**ERIE COUNTY LEGISLATURE**

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information collection. The Erie County Department of Environment and Planning (DEP) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**SECTION 10.** Effective Date.

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

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(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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. 5 of 2005 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on April 21, 2005, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on May 12, 2005, 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\_\_\_\_. 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.  
(Elective Chief Executive Officer\*)

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.

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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  
Kevin M. Kelley

Date: May 17, 2005

(Seal)

(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.

Gregory J. Dudek  
Signature  
Gregory J. Dudek  
Assistant County Attorney  
Title

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

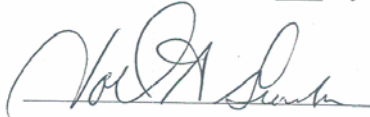
Date: May 19, 2005



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A Public Hearing was held on the foregoing Local Law Intro. No. 6-2005 on Tuesday, May 10, 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 12 day of May, 2005.



A Public Hearing was held on the foregoing Local Law Intro. No. 6-2005 on Tuesday, May 10, 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 May, 2005.

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**FROM ERIE COMMUNITY COLLEGE**

Item 61 – (Comm. 14D-2) Minutes of Board of Trustees Meeting Held 4/27/05

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Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 62 – (Comm. 14D-3) Committee of the Whole Notice

Received, filed, and printed.

May 24, 2005

To: All Erie County Legislators  
 From: Kevin M. Kelley, Clerk of the Legislature  
 Subject: COMMITTEE OF THE WHOLE NOTICE

PLEASE TAKE NOTICE that Chairman George A. Holt, Jr., has convend a COMMITTEE OF THE WHOLE for THURSDAY, MAY 26, 2005 at 12:30 PM in the afternoon of that day in the Erie County Legislature's Committee Room on the 4<sup>th</sup> floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

At this meeting, the Legislature will discuss the Erie County Budget.

Thank you.

ATTACHMENT – 1 (Chairman Holt's Letter)

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 63 – (Comm. 14D-4) SEQR - Solicitation For Lead Agency Status - Extension of ECSD's To Be Known As The ECSD No. 8

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 64 – (Comm. 14D-5) Filing Receipt For LL No. 5 - 2005 (EC Charter Revision Commission)

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  
 WARREN K. GALLOWAY – SENIOR EXECUTIVE ASSISTANT  
 TO THE ERIE COUNTY EXECUTIVE

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**FROM:** SUSANNAH M. BOCHENEK – 2<sup>ND</sup> ASSISTANT COUNTY ATTORNEY  
**DATE:** MAY 24, 2005  
**RE:** LOCAL LAW NO. 4-2005 – relating to the Erie County Charter Revision Commission

Comptroller Naples and Gentlemen:

Attached for your information is a copy of the filing receipt from the Department of State, showing that the above referenced local law on May 10<sup>th</sup>.

SMB

Att.

May 12, 2005

Frederick A. Wolf  
 Assistant County Attorney  
 69 Delaware Ave., Suite 300  
 Buffalo, NY 14202

RE: County of Erie, Local Law 4, 2005, filed on May 10, 2005

To Whom It May Concern:

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

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

LL: cb

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NYS DEPT. OF TAXATION & FINANCE**

Item 65 – (Comm. 14M-1) Sales and Use Taxes on Clothing and Footwear Remain in Effect Through 4/31/2006

**FROM THE MONROE COUNTY LEGISLATURE**

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Item 66 – (Comm. 14M-2) Certified Resolution Re: Western Erie Canal Heritage Corridor Management Plan

The above two items were received and filed.

**FROM DDAWNY**

Item 67 – (Comm. 14M-3) Integrated Setting Committee

Received and referred to the COMMUNITY SERVICES COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 68 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Antoinette Ellinger Hayes.

Item 69 – Ms. Marshall requested that when the Legislature adjourns, it do so in memory of Megan Oleksy.

Item 70 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Margaret Sixt.

Item 71 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Bernie Ryan.

Item 72 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Mr. and Mrs. Sullivan.

Item 73 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Heino Prah. l.

Item 74 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memroy of Patrick Quale.

**ADJOURNMENT**

Item 75 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until 2 p.m. Thursday, June 16, 2005.  
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 16, 2005 at 2 p.m. Eastern Standard Time.

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**ERIE COUNTY LEGISLATURE**

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**KEVIN M. KELLEY  
CLERK**