

November 12, 2009

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-14 (2009)
IANNELLO: "Copy of Article - UB Regional Institute Examines Tradeoffs of Downsizing Local Government in WNY"
(4-0)
 - b. INTRO 19-9 (2009)
MARINELLI, WHYTE & MILLER-WILLIAMS: "Legislative Settlement of Factfinder Report Relating to AFSCME Local #1095"
(4-0)
 - c. COMM. 20D-1 (2009)
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"
(4-0)
 - d. COMM. 20D-2 (2009)
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"
(4-0)
 - e. COMM. 20D-3 (2009)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(4-0)
 - f. COMM. 20D-4 (2009)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(4-0)
 - g. COMM. 20M-7 (2009)
EC BAR ASSOC. - ASSIGNED COUNSEL PROGRAM: "Quarterly Report for the 3rd Quarter of 2009"
(4-0)

h. COMM. 21E-3 (2009)
COUNTY CLERK: "Letter in Support of Resolution Opposing License Plate Re-Issuance"
(5-0) Chair Marinelli present for vote.

i. COMM. 21D-4 (2009)
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"
(5-0) Chair Marinelli present for vote.

j. COMM. 21D-5 (2009)
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"
(5-0) Chair Marinelli present for vote.

2. COMM. 20E-12 (2009)
COUNTY EXECUTIVE
WHEREAS, in the beginning of August 2009, significant rains and flooding occurred severely damaging the infrastructure owned by and within Erie County, Cattaraugus County and Chautauqua County; and

WHEREAS, due to the amount of devastation to both municipal owned facilities as well as loss to individuals, the President issued a Declaration of Disaster for both Public Assistance (PA) and Individual Assistance (IA); the preliminary damage assessment to Erie County owned facilities is \$10 million; and

WHEREAS, this Declaration opens the path for partial reimbursement from both State Emergency Management Office (SEMO) expected to be 12.5% of the damage and the Federal Emergency Management Agency (FEMA) expected to be at 75%; and

WHEREAS, due to the severity of damage, Federal Highway Administration (FHWA) funding is available for repairs on certain roadways expected to be at 80%.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive to enter into contract and to accept any and all funds from the State and Federal governments related to this disaster; and be it further

RESOLVED, that the Erie County Legislature authorizes the County Executive to participate in the FHWA Emergency Response Program; and be it further

RESOLVED, the Erie County Legislature authorizes the establishment of a capital project combining the FEMA, SEMO, FHWA and local match fund, to be budgeted as follows:

Fund 210 Highways		
Expense		Decrease
506400 Highway Supplies		\$1,250,000.00
		Increase
570000 Interfund Transfer		\$1,250,000.00
	Total	-
Fund 420 - Storm Repairs		
Revenue		Increase
405150 State Aid - SEMO		\$1,150,000.00
412540 Federal Aid FEMA		\$7,000,000.00
414020 Misc Federal Aid (FHWA)		\$600,000.00
486000 Interfund Revenue Subsidy		<u>\$1,250,000.00</u>
	Total	\$10,000,000.00
Expense		
Capital Projects		\$10,000,000.00
	Net	-

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 and Management, and the Office of the Comptroller.
(4-0)

3. **INTRO 21-2 (2009)**
IANNELLO, REYNOLDS, MARINELLI, WHYTE, MILLER-WILLIAMS,
WALTER, TERRANOVA & LOUGHRAN AS AMENDED
 WHEREAS, the housing quality of a neighborhood is a component of the quality of life in a community; and

WHEREAS, Erie County consists of many neighborhoods that contain older housing stock where young families would choose to expand or improve their homes as their family grows; and

WHEREAS, home owners, young or old, must absorb not only the cost of these upgrades and improvements, but the increase in property taxes when assessments rise as a result of home improvements; and

WHEREAS, Western New York, and Erie County in particular, is considered a depressed area in these difficult economic times facing our entire nation; and

WHEREAS, a tax abatement law exempting capital improvements from \$3,000 to \$80,000 on a five year graduated pay back scale has been enacted elsewhere, bringing positive results; and

WHEREAS, the Erie County Legislature chooses to follow the pro-active measures taken by some communities, most recently the City of Tonawanda, to assist homeowners in capital improvements; and

WHEREAS, whenever possible, energy saving furnaces, hot water tanks and windows would be purchased and installed on such capital improvements; and

WHEREAS, such an exemption would not apply to ordinary maintenance and repairs; and

WHEREAS, it has been proven that a short-term exemption is far outweighed by a long-term assessment of the property, that there would be an increase in construction jobs and purchase of materials needed for such improvements to occur.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, the Erie County Legislature, as a taxing jurisdiction, calls upon our legal department to prepare a Local Law to permit property owners of one or two family dwellings, who alter or improve their property to receive such an exemption; and be it further

RESOLVED, that this exemption be limited to strictly the value of the improvements for 100% exemption the first year, decreasing by 20% each year so that in five years the exemption is negated; and be it further

RESOLVED, that the exemption effects those improvements that exceed \$3,000 and not more than \$80,000, that fall within the guidelines of the New York State Office of Real Property services; and be it further

RESOLVED, that this would not apply to general maintenance and repairs, but only to those changes defined as capital improvements; and be it further

RESOLVED, that whenever possible, energy saving furnaces, hot water tanks, and windows be purchased and installed on these capital improvements; and be it further

RESOLVED, that the exemption not apply to special districts and school districts unless specified by their specific approval; and be it further

RESOLVED, that this honorable body considers this action as a positive approach to improving the quality of life of all the neighborhoods in Erie County; and be it further

RESOLVED, that certified copies be sent to the County Attorney, County Executive and County Real Property Tax Commissioner.

(5-0) Chair Marinelli present for vote.

BARBARA MILLER-WILLIAMS
CHAIR