

**ERIE COUNTY LEGISLATURE  
MEETING NO. 3  
FEBRUARY 1, 2007**

The Legislature was called to order by CHAIRPERSON Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Whyte.

Item 1 - MS. WHYTE moved to approve the Rules of the Legislature for 2006. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

RE: Adopting Erie County Legislature's Rules of the Legislature 2007

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature's Rules of the Legislature 2006 as follows:

**2007  
RULES OF ORDER  
ERIE COUNTY LEGISLATURE****SECTION 1.00: ORGANIZATION****1.01 CHAIRPERSON**

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8<sup>th</sup> day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chairperson by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chairperson shall immediately assume all of the duties and responsibilities of the office.

The Chairperson shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative

- authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
  5. To recess meetings;
  6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
  7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws.
  8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage.
  9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
  10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
  11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules.
  12. To establish independent committees, boards, and commissions to report to the Chairperson and/or Legislature, and appoint or remove the members thereof;
  13. To cancel public hearings for which the underlying Local Law has been withdrawn;
  14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

**1.02 MAJORITY AND MINORITY LEADERS:**

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chairperson of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

**1.03 ACTING CHAIRPERSON:**

In the absence of the Chairperson from any meeting of the Legislature, the designated Majority Leader shall become acting Chairperson with all the powers and duties of Chairperson for so long as the Chairperson is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chairperson.

**SECTION 2.00: MEETINGS**

**2.01 REGULAR SESSION:**

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chairperson. The schedule of regular sessions shall be determined by the Chairperson who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

**2.02 SPECIAL MEETINGS:**

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chairperson or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night,

Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

**2.03 QUORUM:**

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

**2.04 CHAIRPERSON TO SECURE A QUORUM:**

In the absence of a quorum during the sessions of the Legislature, the Chairperson may take such measures as provided by law and as the Chairperson may deem necessary to secure the presence of a quorum.

**2.05 ROLL CALL, MINUTES, ABSENCES:**

At any and every meeting of the Legislature, upon the members being called to order by the Chairperson, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

**2.06 ORDER OF BUSINESS:**

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;

9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chairperson;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chairperson in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

**2.07 ORDER DURING SESSION:**

The Chairperson shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chairperson and confined to the question before the Legislature. The Chairperson shall prevent personal reflections and confine members to the question under discussion. The Chairperson shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

**2.08 APPEAL FROM THE CHAIRPERSON'S RULING:**

On every appeal, the Chairperson shall have the right to assign his or her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chairperson shall put the question: "Shall the Ruling of the Chairperson be overturned?"

A motion to overrule a decision or ruling of the Chairperson shall require approval by a majority vote of the Legislature.

**2.09 PRIVILEGE OF THE FLOOR:**

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

**2.10 REFERRALS TO COMMITTEE:**

The Chairperson, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The

Chairperson's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chairperson's ruling has been decided however, and if the same has been a determination in favor of the Chairperson's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

**2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:**

While the Chairperson is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chairperson shall allow opportunity for debate before the roll is called.

**2.12 TIE VOTE:**

When the Legislature shall be equally divided on any question, including the Chairperson's vote, the question shall be deemed to have been lost.

**2.13 PRIORITY OF BUSINESS:**

All questions relative to priority of business shall be decided by the Chairperson without debate, except as otherwise provided in Section 4.03, and the Chairperson's decision shall be final.

**2.14 LIMITATION ON TIME OF SPEECH:**

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

**2.15 MAJORITY VOTE:**

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

**2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:**

The Chairperson, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chairperson's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

**2.17 RECORDING OF VOTE:**

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

**2.18 RECORDING AYES AND NOES:**

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of

the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

**2.19 BORROWING MONEY:**

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

**2.20 VOTE ON DISTINCT PROPOSITION:**

If the question in debate contains several distinct propositions, the same shall be divided by the Chairperson at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

**2.21 ABSTENTIONS:**

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairperson must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chairperson shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

**2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:**

No member wishing to speak shall proceed without standing and without having addressed the Chairperson from his or her place and until obtaining recognition by the Chairperson.

**2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:**

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chairperson of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

**2.24 PRESENTATION OF MOTION:**

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

**2.25 WITHDRAWAL OF RESOLUTION OR MOTION:**

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

**2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:**

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chairperson is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his or her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

**2.27 PREVIOUS QUESTIONS AND AMENDMENTS:**

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being



debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.

2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

### **2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:**

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

### **2.29 MOTION TO RESCIND:**

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

### **2.30 COMMITTEE OF THE WHOLE:**

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

### **2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:**

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chairperson of the Legislature or the Chairperson of the Committee of the Whole, if so named, shall immediately report the fact to the Chairperson of the Legislature and the adjournment of the Committee of the Whole shall be in order.

### **2.32 PRESENTATIONS TO BE IN WRITING:**

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

### **2.33 TIME FOR PRESENTATION TO CLERK:**

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

### **2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:**

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

### **2.35 SOLICITATIONS:**

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

### **2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:**

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

## **SECTION 3.00: COMMITTEES**

### **3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:**

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

### **3.02 STANDING AND SPECIAL COMMITTEES:**

There shall be the following standing committees which shall consist of four members each, except the Finance & Management/Budget Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chairperson within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

### **STANDING COMMITTEES**

Capital Improvements  
Community Enrichment  
Economic Development  
Energy & Environment  
Finance & Management  
Government Affairs

Health  
 Human Services  
 Personnel  
 Public Safety

**SPECIAL COMMITTEES**

The Chairperson of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chairperson may determine.

**3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:**

The Chairperson shall be a member Ex-officio of all committees with a vote thereon. The Chairperson's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chairperson at his or her discretion.

**3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:**

The Chairperson of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

**3.05(1) CONDUCT OF COMMITTEES:**

All committees appointed by the Chairperson shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

**3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:**

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

**3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:**

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

**3.05(4) COMMITTEE AGENDA:**

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

**3.05(5) OPEN ITEMS IN COMMITTEE**

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely for that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

**3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:**

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

**3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:**

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

**SECTION 4.00: BUDGET****4.01 TENTATIVE BUDGET:**

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chairperson of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 1803 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

**4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:**

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 1803 of the Charter.

**4.03 LEVY OF SCHOOL TAXES:**

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

**4.04 ADOPTION OF BUDGET:**

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 1803, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

**SECTION 5.00: MISCELLANEOUS****5.01 APPOINTMENTS AND CONFIRMATIONS:**

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chairperson of the Legislature, notice of their candidacy for that position. The Chairperson of the Legislature shall notify the Chairperson of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chairperson of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chairperson of the Legislature, for the purpose of interviewing the candidate(s).

**5.02 PURCHASE OVER \$10,000.00:**

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

**5.03 ANNUAL REPORTS:**

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such

detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

**5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:**

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

**5.05 REDUCTION OF AGENDA:**

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

**5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:**

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

**5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:**

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chairperson, at his/her discretion, may authorize Committee Chairpersons and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made

after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.

5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

#### **5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:**

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

#### **5.09(1) DECORUM IN LEGISLATURE CHAMBER:**

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

#### **5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:**

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

#### **5.09(3) FLOOR MOVEMENT:**

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chairperson of the Erie County Legislature.

#### **5.09(4) BANNERS, SIGNS AND PLACARDS:**

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

#### **5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:**

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

**5.09(6) AUDIO RECORDING:**

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a. any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b. only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

**5.09(7) VIDEO RECORDING:**

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a. any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b. only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c. no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

**5.09(8) VIOLATIONS:**

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

**5.10 AMENDMENT OF RULES:**

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

**SECTION 6.00: EFFECTIVE DATE**

**6.01 EFFECTIVE DATE:**

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

Item 2 – MS. WHYTE moved to remove INTRO 2-7 from the table. MS. LOCKLEAR seconded.



CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

RE: Calling Upon NYS to Create a  
 Constitutional Convention (INTRO 2-7)

**A RESOLUTION SUBMITTED BY LEGISLATORS**  
**MARINELLI, MILLS, KOZUB, KENNEDY, HOLT, RANZENHOFER,**  
**KONST, MAZUR, LOCKLEAR, IANNELLO, REYNOLDS, AND LOUGHRAN**

WHEREAS, New York State has not attempted to convene a state Constitutional Convention in over a decade; and

WHEREAS, it takes two consecutive approvals of the state legislature, both Assembly and Senate, before ratification by voters; and

WHEREAS, voters throughout the state support progressive reform efforts regarding government practices, allowing greater accountability, further transparencies and more stable fiscal management with effective delivery of services; and

WHEREAS, in Erie County over 70% of the voters approved Referendum #1, which was reviewed by the Erie County Charter Commission over eight months, unanimously approved by the Erie County Legislature, and signed into law by the Erie County Executive with full participation and consent from the other elected departments of the county. Referendum #1 was the most comprehensive update of the Erie County governing document since the county was first chartered in 1959; and

WHEREAS, county governments throughout the state are administering entities of New York State. County governments, especially as noted through the New York State Association of Counties, recognize the state-county relationships and advocate ways to better enhance communication and relieve taxpayers from costly unfunded mandates; and

WHEREAS, Erie County's budget is over 88% mandated, mostly by New York State constitution, laws, policies and grant programs; and

WHEREAS, NYS Governor Eliot Spitzer's State of the State message calls for two amendments to the state constitution, both of which relate to the judicial systems, yet more reforms could be achieved with a comprehensive constitutional convention.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature strongly supports and encourages the New York State Governor and Legislature, along with the participation of the State elected offices, to convene a State Constitutional Convention; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Governor, the Lieutenant Governor, the Assembly Speaker, the Senate Majority Leader, the State Comptroller, the

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State Attorney General, as well as members of the WNY state delegation, County Executive and Erie County Fiscal Stability Authority.

MS. WHYTE moved to approve the item. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS WHYTE presented the following item and moved for reconsideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: Appointment to Erie County Fisheries  
 Advisory Board (COMM. 2E-5)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of MR. Charles Godfrey to the Erie County Fisheries Advisory Board for a term due to expire December 31, 2011.

MS. WHYTE moved to amend the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of MR. Charles Godfrey to the Erie County Fisheries Advisory Board for a term due to expire December 31, 2009.

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meeting 1 from 2007. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearing was held.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MS. IANNELLO presented a resolution Honoring Christopher Louis for Attaining the Rank of Eagle Scout.

Item 7 – MR. RANZENHOFER presented a resolution Honoring and Congratulating Dr. Fred Friedman for His Service as the Consul of Austria.

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Item 8 – MR. MILLS presented a resolution Congratulating 5-Year Old LanieBelle Masset for Her Efforts in Rescuing her Grandmother.

Item 9 – WEINSTEIN & RANZENHOFER presented a resolution Welcoming Waterford Village Bank.

Item 10 – The MAJORITY & MINORITY CAUCUSES presented a resolution Honoring Chairperson Marinelli Upon Reception of the "Susan B. Anthony Award."

Item 11 - IANNELLO, MARINELLI and LOUGHRAN presented a resolution Honoring Town of Tonawanda Police Chief Lawrence A. Hoffman III Upon His Retirement.

Item 12 – MR. RANZENHOFER presented a resolution Congratulating Elizabeth Pizay Upon Being Named Akron Postmaster.

MS. WHYTE moved to consider the above seven items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above seven items by including Et Al Sponsorship. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above seven items. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 13 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 18 – MS. MARINELLI directed that the following item be referred back to the GOVERNMENT AFFAIRS COMMITTEE.

GOVERNMENT AFFAIRS COMMITTEE REPORT No. 1.

Item 19 – MS. KONST presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

JANUARY 23, 2007

PERSONNEL COMMITTEE  
 REPORT NO. 1

ALL MEMBERS PRESENT.

1. INTRO 2-8 (2007)  
**KONST, WHYTE, MARINELLI, LOUGHRAN, REYNOLDS, KOZUB, HOLT,  
 MAZUR, KENNEDY, LOCKLEAR & IANNELLO**

WHEREAS, the Erie County Legislature passed its first comprehensive ethics guidelines entitled “Erie County Code of Ethics” by Local Law in 1989 and amended the Code of Ethics in 1994; and

WHEREAS, there has been a voter backlash against Congressional corruption which led to dozens of members of the House of Representatives and the United States Senate being voted out of office; and

WHEREAS, the Erie County Board of Ethics currently has three voting members out of six total members, whose appointments have not yet expired; and

WHEREAS, the Erie County Board of Ethics has not convened in recent years; and

WHEREAS, the County Executive has not made a recommendation to the Legislature for this board since 2004; the Erie County Code of Ethics has not been reviewed by the Legislature since 1994; and

WHEREAS, if the recent elections told us anything, the residents expect full openness, transparency and accountability for the actions of elected officials and government employees; and

WHEREAS, there have been several instances in the past where the Legislature has been asked to create a more substantive Code of Ethics with specific guidelines and actions; and

WHEREAS, the Erie County Legislature is committed to ensuring the highest ethical standards in governance and should develop a best practices ethical guidelines for elected officials and its employees; and

WHEREAS, the Erie County Legislature should investigate and analyze the different types of ethical rules in place in other governing bodies; and

WHEREAS, both houses of Congress have responded by introducing legislation to govern the behavior of members of Congress, its appointees and its employees; and

WHEREAS, Governor Eliot Spitzer made ethics and accountability a platform in his successful election campaign; and

WHEREAS, on his first day in office, Governor Spitzer issued two Executive Orders entitled "Ethical Conduct Guidelines" and "Eliminating Politics from Government Decision Making" that strengthen the ethical code for the Governor, Public Employees and appointees to Public Authorities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the County Executive make his recommendations for the two vacant positions to the Board of Ethics and forward his recommendations to the Erie County Legislature for approval as soon as possible; and be it further

RESOLVED, that the Erie County Legislature is committed to ensuring the highest ethical standards in governance and this be a first step towards enacting more substantive ethical guidelines for Erie County Government; and be it further

RESOLVED, that the Erie County Legislature shall identify the best practices in ethical governance and apply those practices to Erie County; and be it further

RESOLVED, the Personnel Ad Hoc Committee shall invite representatives from Governor Eliot Spitzer's Office to testify concerning the Governor's Executive Orders regarding ethics; and be it further

RESOLVED, the Personnel Ad Hoc Committee shall invite representatives from Attorney General Andrew Cuomo's office to testify concerning enforcement of ethical guidelines; and be it further

RESOLVED, that the Erie County Legislature requests the Board of Ethics attend the next

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meeting of the Personnel Ad Hoc Committee, which is charged with the review of Erie County's current Code of Ethics, to make recommendations that will strengthen and expand it in order to enact a more comprehensive and responsible set of guidelines and actions, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Attorney General Andrew Cuomo, the Erie County Executive, the County Attorney, and the current members of the Board of Ethics; Joseph P. DiVincenzo Esq, Michael Eberle, David C. Mineo, and Anne S. Simet.

(5-0)

2. COMM. 2E-17 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Heating and Energy Assistance Program (HEAP) for the period January 1, 2007 to December 31, 2007, and

WHEREAS, the Department wishes to restructure HEAP program operations to increase efficiency and respond effectively to the intent of the Blueprint for Change by deleting a Coordinator of HEAP (job group 13) position and Energy Crisis Worker III (job group 8) position, and creating a full time Energy Crisis Worker IV (job group 9) position, effective February 3, 2007, and

WHEREAS, the Department wishes to increase the seasonal Energy Crisis Worker I budgeted hours by 280 hours to allow for the potential later end of current season's program or for an early start of the following season, and

WHEREAS, these position adjustments are reflected in the SAP system on B-100 position authorization form, Control number 2702, and

WHEREAS, the HEAP grant has sufficient funds in the Personal Services line for the above-mentioned personnel adjustments, and will save the program \$66,509 during 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Coordinator of HEAP (job group 13) and Energy Crisis Worker III (job group 8) positions be deleted in the HEAP grant effective February 3, 2007, and be it further

RESOLVED, that the Energy Crisis Worker IV (job group 9) be created in the HEAP grant, effective February 3, 2007, and be it further

RESOLVED, that the seasonal Energy Crisis Worker I budgeted hours be increased an aggregate of 280 hours, and be it further

RESOLVED, that the Senior HEAP budget, cost center 1632040, be revised as follows:

CURRENT		AMENDED
BUDGET	CHANGES	BUDGET

APPROPRIATIONS

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Account	Description			
500000	Full Time Salaries	\$257,365	-\$69,631	\$187,734
500030	Seasonal Employee Wages	109,260	\$3,122	112,382
916300	ID Senior Services Services	-645,866	66,509	-579,357
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the related ID Services expenditure account for the Social Services HEAP budget be reduced by \$66,509, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the Departments of Personnel, Social Services and Senior Services.  
(5-0)

3. COMM. 2E-18 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a New York State Grant to be administered by the Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to achieve a better turnaround time for analyzed evidence in criminal investigations.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$43,701.00 with New York State Division of Criminal Justice Services, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

**Grant Fund – SAP #165NFSIA0607**  
**Central Police Services**  
**10/01/2006 to 09/30/2007**

<b><u>Revenue</u></b>	<b><u>Increase</u></b>
Acct. 409000 State Aid	<u>\$43,701</u>
Total Revenue	\$43,701
<b><u>Appropriation</u></b>	<b><u>Increase</u></b>
Acct. 500000 Personnel	\$39,728
Acct. 502000 Fringe Benefits	<u>\$ 3,973</u>

Total Appropriation \$43,701

And be it further,

RESOLVED, that this funding will be used to create the positions of two (2) part-time Forensic Chemists (Grade 12-B100# 2698) and one part time Evidence Clerk (Grade 6 – B100# 2700) in the Department of Central Police Services, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget, Management and Finance, Office of the Comptroller and the Department of Central Police Services.  
 (5-0)

**KATHY KONST**  
**CHAIRPERSON**

Item 20 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

JANUARY 23, 2007

HEALTH COMMITTEE  
 REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby referred to the PERSONNEL COMMITTEE:
  - a. COMM. 22E-18 (2006)  
**COUNTY EXECUTIVE:** Health - Personnel Adjustment - Division of Public Health Laboratories, Epidemiology & Environmental Health  
 (4-0)
  - b. COMM. 25E-25 (2006)  
**COUNTY EXECUTIVE:** Health - Healthy Neighborhoods Program 10/1/06 - 9/30/07  
 (4-0)
2. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 3-8 (2006)



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- MARINELLI:** Appointments to Fill Erie County Home Health Care Advisory Board Vacancies  
(4-0)
- b. COMM. 5E-38 (2006)  
**SMITH:** Copy of Letter to Health Commissioner Re: National Black HIV/AIDS Awareness Day  
(4-0)
- c. COMM. 8D-7 (2006)  
**HEALTH:** Letter to Weinstein, Konst, Locklear & Mills Re: Intro 6-1  
(4-0)
- d. COMM. 10M-5 (2006)  
**ECWA:** Health Dept. - Plan Review Fees  
(4-0)
- e. COMM. 15E-21 (2006)  
**MARINELLI:** Health Matrix Initiatives  
(4-0)
- f. COMM. 15M-33 (2006)  
**PROBATION/YOUTH SERVICES EMPLOYEES:** Petition - Mold in the Family Court Building  
(4-0)
- g. COMM. 15M-34 (2006)  
**PROBATION/YOUTH SERVICES EMPLOYEES:** Petition - Mold in the Family Court Building  
(4-0)
- h. COMM. 18E-4 (2006)  
**COUNTY EXECUTIVE:** Family Court Building  
(4-0)
- i. COMM. 18D-5 (2006)  
**DPW:** Family Court Building - Timeline of Indoor Environmental Quality Issues  
(4-0)
- j. COMM. 24E-28 (2006)  
**MARINELLI:** Copy of Letter to County Attorney Re: Future of ECMC  
(4-0)
- k. COMM. 24M-8 (2006)  
**LEE CHARLES LAMENDOLA, ATTY. AT LAW:** Copy of Letter to Probation Director Re: Family Court Building  
(4-0)

3. INTRO 6-1 (2006) **AS AMENDED**  
**WEINSTEIN, KONST, LOCKLEAR & MILLS**

WHEREAS, youth crime and delinquency are serious problems affecting society and it is important to understand how anti-social behavior develops in order to design applicable programs that interrupt this developmental pathway, and

WHEREAS, the most serious and chronic offenders often show signs of antisocial behavior as early as the preschool years, and

WHEREAS, three important risk factors associated with the early development of antisocial behavior, poor prenatal care, child abuse and neglect and a troubled maternal life course, can be modified, and

WHEREAS, children who exhibit antisocial behavior very early in life are more likely to have impaired neurological functioning, including poor motor functioning, attention deficits, hyperactivity, impulsivity, and impaired language and cognitive functioning, and

WHEREAS, in many cases these problems can be traced to poor prenatal health conditions that interfere with the development of the fetal nervous system and lead to future anti-social behavior, juvenile delinquency and criminal behavior, and

WHEREAS, research validates evidence that prenatal and early childhood nurse home visitation services provided in Elmira, New York and Memphis, Tennessee, have reduced future juvenile crime and delinquency, and

WHEREAS, These home nurse visitation programs helped pregnant women improve their diet, cut down on cigarette smoking and/or stop the use of alcohol or illegal drugs that can harm the development of the fetus, and

WHEREAS, the programs have reduced rates of child abuse and neglect and other serious care giving problems by helping young parents deal with depression, anger, impulsiveness, and substance abuse problems, and

WHEREAS, home nurse visitation also helped parents reflect on how they were parented themselves, learn about normal child development and develop the skills needed to “read” their baby’s signals, anticipate their baby’s needs and parent effectively, and

WHEREAS, mothers who are unmarried, do not graduate from high school, and have three or more children are more likely to exhibit behavioral problems. The home nurse visitation program reduces these risk factors by helping young parents develop the confidence and skills necessary to set and achieve goals such as completing their education, finding work and avoiding unplanned subsequent pregnancies, and

WHEREAS, the nurses that help young parents consider multiple options, make good choices about the environment in which they will raise their children and take steps to create the kind of lives they want for themselves and their children, and

WHEREAS, the home nurse visitation program focuses on low income, first-time mothers, using trained nurses with strong interpersonal skills making home visits that begins three months into pregnancy and continues for two years after a child is born, and

WHEREAS, visiting nurses see families at home every 1 to 2 weeks and focus simultaneously on the mother's health and quality of care giving for the infant or toddler, and

WHEREAS, the Erie County Legislature approved the home nurse visitation program in 2002, and

WHEREAS, the Erie County Health Department implemented the home nurse visitation program with two full-time nurses in 2003 under the name Parenting Plus Outreach program, and

WHEREAS, the Parenting Plus Outreach program reached 63 first-time pregnant low-income women identified at Erie County Health Department Clinics, and

WHEREAS, the program was described by one nurse as "The successes have outnumbered the disappointments, which has made this a very useful and rewarding program. A client I follow has become a wonderful mother and has begun to set goals for herself and is even talking about college. This client was only in the eighth grade when her baby was born and my concerns were many while she was pregnant. Now I have high hopes for both of them", and

WHEREAS, the programs was eliminated in 2005 because of budget cuts, and

WHEREAS, the program provides reimbursable home health services to women and children that could provide a self-sustaining program at little or no cost to Erie County, and

WHEREAS, Erie County had a New York State Certificate to provide and be reimbursed for home health services that was given to Erie County Medical Center many years ago, and

WHEREAS, the certificate is no longer available.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is dedicated to improving the lives of all the residents of Erie County specifically by breaking the cycle of poor prenatal medical care, child abuse and neglect and troubled maternal life course to prevent future youth crime and juvenile delinquency, and be it further,

RESOLVED, the low-income population in Erie County could benefit from reinstating the home nurse visitation program in preventing youth crime and juvenile delinquency, and be it further,

RESOLVED, this honorable body does hereby support the attached application for the efficiency grant as offered by Legislator Barry Weinstein, MD; and be it further

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RESOLVED, that a certified copy of this resolution be forwarded to Erie County Executive Joel A. Giambra, Erie County Health Commissioner Anthony Billittier MD, Erie County Social Services Commissioner Michael Weiner, Dr. Charles Ewing and the State University of New York at Buffalo Law School.

(4-0)

4. COMM. 22E-26 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already authorized the Erie County District Attorney's Office to accept a New York State Division of Criminal Justice Services (NYS DCJS) Grant to support a Structured Treatment to Enhance Public Safety/Road to Recovery (STEPS/RtR) Program in the District Attorney's Office, and

WHEREAS, the Erie County District Attorney's Office utilized the NYS DCJS funds to designate and hire an Assistant District Attorney to head the STEPS/RtR Program, and

WHEREAS, this program provides non-violent, drug-addicted offenders an opportunity to participate in and successfully complete a program of residential and outpatient drug treatment and is designed to reduce the chances that the offender will slip back into a drug-related criminal behavior pattern, and

WHEREAS, the Erie County District Attorney's Office has identified the need for an additional \$5,000 to support and maintain this program in 2006, and

WHEREAS, the District Attorney's Office is collaborating with the Department of Mental Health to provide this important service to the community, and

WHEREAS, the Erie County Department of Mental Health has identified \$5,000 in 100% New York State Aid dollars to support and maintain the STEPS/RtR Program.

NOW, THEREFORE, BE IT

RESOLVED, that \$5,000 from Erie County Department of Mental Health State Aid Account (GL 406830) be transferred to the Erie County District Attorney's Office ID DA Services Account (GL 911400), and be it further

RESOLVED, that these funds be used to support and maintain the STEPS/RtR Program in the Erie County District Attorney's Office in 2006, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the District Attorney, the Office of the County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(4-0)

5. COMM. 24E-11 (2006)

**COUNTY EXECUTIVE**

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WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of behavioral health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of behavioral health services for persons receiving services from Cazenovia Recovery Systems, Inc., and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Cazenovia Recovery Systems, Inc., in 2006, and

WHEREAS, additional funds of \$113,800 in NYS Office of Alcoholism and Substance Abuse Services State Aid Residential Reinvestment dollars are available to improve existing residential chemical dependence treatment services by targeting staff recruitment and retention.

NOW, THEREFORE, BE IT

RESOLVED, that the 2006 appropriation for Cazenovia Recovery Systems, Inc., (GL #516010) be increased by a total of \$113,800, the source of these funds being NYS Office of Alcoholism and Substance Abuse Services State Aid Residential Reinvestment dollars (GL #406860), and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2006 contract with Cazenovia Recovery Systems, Inc., for the period January 1, 2006 through December 31, 2006, by an amount not to exceed \$113,800, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
 (4-0)

**CYNTHIA E. LOCKLEAR**  
**CHAIRPERSON**

Item 21 – MR. KENNEDY presented the following report, moved to separate Item No. 1 and approve the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

JANUARY 25, 2007

ECONOMIC DEVELOPMENT COMMITTEE  
 REPORT NO.2

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 24D-17 (2006)  
**DPW: Interim Remedial Action on Hopkins Road**  
 (4-0)

2. INTRO 25-3 (2006) **AS AMENDED**  
**MARINELLI, WHYTE, KENNEDY, KONST, REYNOLDS & MILLS**  
 WHEREAS, the General Motors engine plant in the Town of Tonawanda has been an important part of our regional economy for over 70 years and has produced a variety of innovative automobile and airplane engines; and

WHEREAS, the Tonawanda Engine Plant is competing for a \$300 million investment to modernize its facilities as part of an ongoing effort to keep the facility competitive in the regional and global economy; and

WHEREAS, in order to continue to be competitive General Motors is seeking a modification of the existing Payment in Lieu of Taxes (PILOT) arrangement dated April, 2002, which provides for a real property tax abatement through the Erie County Industrial Development Agency (ECIDA); and

WHEREAS, if the modification of the property tax abatement is not awarded, the investment in capital improvements may not be made and a significant number of high paying jobs may be lost.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports high road economic development strategies which preserves and creates high paying jobs in Erie County and the region as a whole; and be it further

RESOLVED, that the Erie County Legislature supports General Motors' request for a modification of the PILOT and encourages the ECIDA to grant this request; and be it further

RESOLVED, that the Clerk of the Erie County Legislature send a certified copy of this Resolution to the Erie County Industrial Development Agency and to the General Motors Corporation, GM Powertrain Group.  
 (4-0)

3. COMM. 2E-14 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2007 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2007 Action Plan dollar estimated amounts as indicated.

- |  |             |
|--|-------------|
| 1. Erie County Consortium Community Development Block Grant Program: | \$3,251,630 |
| 2. Emergency Shelter Grant Program:                                  | \$ 124,048  |
| 3. HOME Investment Partnership Program:                              | \$1,144,739 |
| 4. Town of Hamburg Community Development Block Grant Program:        | \$ 450,000  |

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the grant from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Block Grant Consortium and the Erie County Legislature; and be it further

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

(4-0)

**TIMOTHY M. KENNEDY  
CHAIRPERSON**

CHAIRPERSON MARINELLI directed that Item No. 1 be returned to the ECONOMIC DEVELOPMENT COMMITTEE for further consideration.

Item 22 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

JANUARY 25, 2007

HUMAN SERVICES COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

1. RESOLVED, the following items are hereby received and filed:

- a. INTRO 7-1 (2006)  
**SMITH:** Erie County Integrated Setting Committee  
(3-0)
  - b. INTRO 7-9 (2006)  
**SMITH:** Repeal of Lord's Manfield Rule in NYS  
(3-0)
  - c. COMM. 15E-22 (2006)  
**MARINELLI:** Human Services Matrix Initiatives  
(3-0)
  - d. COMM. 25M-5 (2006)  
**COORDINATED CARE:** Cancellation of Contract for CASA Services to COE  
(3-0)
2. COMM. 1E-16 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B) and the Congregate Dining (III-C-1) grants for the period January 1, 2007 to December 31, 2007, and the Weatherization Referral and Packaging Program (WRAP-SOFA) grant for the periods October 1, 2005 to September 30, 2006 and October 1, 2006 to September 30, 2007, and

WHEREAS, the New York State Office for the Aging notified the Department of Senior Services (Department) of continued funding for the Operation Restore Trust (ORT) grant for the period July 1, 2006 to May 31, 2007 and increased funding for the WRAP-SOFA grant for the period October 1, 2006 to September 30, 2007, and

WHEREAS, the Department desires to continue to contract with the American Red Cross, the designated Ombudsman for Erie County, to provide the ombudsman services required by the grant, which provides information and education on Medicare and Medicaid waste, abuse and fraud, and

WHEREAS, the American Red Cross will provide the required \$3,306 in local match for the \$9,917 in federal funding for the period July 1, 2006 to May 31, 2007, and

WHEREAS, the 2007 adopted budget for the III-C-1 grant omitted one of the subcontractors' names, Town of Amherst, and the Department desires to allocate the contractual services appropriations between the two intended subcontractors, and

WHEREAS, the Department continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County, and



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**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Department recommends that a new congregate dining site, located at the Edward Saunders Community Center, be added to the Stay Fit Dining program to serve needful seniors in a previously underserved community, and

WHEREAS, the Department desires to contract with the sponsor, Community Action Organization, Inc., to begin serving meals after January 15, 2007, and

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

WHEREAS, the Department has reviewed its III-B service objectives and positions and desires to delete the Contract Monitor position, job group XI, in the III-B grant, vacated as a result of a recent retirement, and create an Assistant Project Administrator position, job group IX, in the same grant, which will assist in some of the contractual monitoring tasks as well as assist in project management duties, and

WHEREAS, these position changes are reflected in the SAP system on B-100 position authorization forms, Control numbers 2627 and 2628, and

WHEREAS, the County budget for the ORT grant needs to be established and the County budgets for the III-C-1 and WRAP-SOFA grants need to be revised, and

WHEREAS, these budget revisions will not affect County funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the American Red Cross for the remainder of the ORT grant period at the amount authorized herein, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the Community Action Organization, Inc. during 2007 to sponsor the Stay Fit dining site, and be it further

RESOLVED, that the Contract Monitor position, job group XI, be deleted and the Assistant Project Administrator position, job group IX, be created in the III-B grant, effective the date of this resolution, and be it further

RESOLVED, that the budget for the ORT grant, 163ORT0607, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
	Federal Aid-Programs for	
414000	Aging	\$9,917
	Other Revenue-Grant	
466100	Program	3,306

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**ERIE COUNTY LEGISLATURE**

TOTAL REVENUE	<u>\$13,223</u>
APPROPRIATIONS	
516010 American Red Cross	<u>\$13,223</u>
TOTAL APPROPRIATIONS	<u>\$13,223</u>

and be it further

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12007, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516010	Salvation Army	\$143,781	-\$92,069	\$51,712
	Town of Amherst Senior			
516010	Ctr.	0	<u>92,069</u>	92,069
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-SOFA grant, 163WRAP-SOFA0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$77,472	-\$2,253	\$75,219
505000	Office Supplies	350	-24	326
	Local Mileage			
510000	Reimbursement	7,512	-125	7,387
530000	Other Expenses-Last Resort	73,117	<u>2,402</u>	75,519
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-SOFA grant, 163WRAP-SOFA0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$335,366	<u>\$62,978</u>	\$398,344
	TOTAL REVENUE		<u>\$62,978</u>	

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**ERIE COUNTY LEGISLATURE**

APPROPRIATIONS

	Local Mileage			
510000	Reimbursement	\$4,000	\$2,550	\$6,550
530000	Other Expenses-Last Resort	66,138	63,428	129,566
980000	ID DISS Services	6,000	-3,000	3,000
	TOTAL APPROPRIATIONS		<u>\$62,978</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Division of Budget, Management and Finance, the Comptroller’s Office, the Department of Law, the Department of Personnel and the Department of Senior Services.  
(3-0)

3. COMM. 2E-15 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services will receive a \$25,000 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at supplementing the successful Closing the Gap initiative, and

WHEREAS, the Closing the Gap initiative has been fully supported with non-tax levy dollars over the last three year period, and

WHEREAS, this funding is to be used to supplement an existing contract with Western New York United Against Drug and Alcohol Abuse as the lead agency for this program, and

WHEREAS, the Full Services Schools initiative places casework staff in school buildings to provide an outreach specialist function to assist students as needed in assessment, counseling, referral and intervention, and

WHEREAS, staff assigned focus on the unique needs of individual students and bridge the gap between students, teachers, administrators, support staff and community service providers, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

**Department of Social Services, Department 120, Fund 110**

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>
-----------------------	---------------------------	--

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**ERIE COUNTY LEGISLATURE**

516010	Western New York United Against Drug and Alcohol Abuse	<u>\$71,428</u>
	Total Expenditure	<u>\$71,428</u>
418430	Donated Funds – PINS and Preventive	\$25,000
407680	State Aid Services for Recipients	<u>46,428</u>
	Total Revenue	<u>\$71,428</u>

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and agreements for this program, and be it further

RESOLVED, due to the immediate need to fund this program with the established lead provider agency, the requirement for Request for Proposals is waived, and be it further

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

(3-0)

4. COMM. 2E-16 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE), Expanded In-Home Services for the Elderly Program (EISEP) and Supplemental Nutrition Assistance Program (SNAP) grants for the period April 1, 2006 to March 31, 2007, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that additional CSE, EISEP and SNAP funds are available, and

WHEREAS, the Department desires to use the additional CSE grant funds to initiate a pilot project to cover the costs of aide transportation for clients in selected zip codes deemed hard to reach due to lack of readily available transportation options, who have been on a waiting list for a long time, and

WHEREAS, the Department desires to purchase two replacement vehicles for two that have high mileage, high repairs, and which will assist in maintaining the existing transportation fleet in a workable and safe condition for seniors, and

WHEREAS, the Department also desires to allocate a portion of the CSE funds to be used for minor residential repairs for frail, low-income seniors who need such assistance to maintain their independence in their home, and

WHEREAS, the Department desires to use the additional EISEP grant funds to increase the per diem day care reimbursement to adult day care agencies, which has remained unchanged for over a decade, and to increase funding for Personal Emergency Response Systems, in order to substantially reduce the wait list, and for home care services to the elderly, and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the Department desires to use the additional SNAP funding to cover increased food costs in the home delivered meal program, and

WHEREAS, the Department contracts with Meals on Wheels of Buffalo and Erie County, Inc., now Meals on Wheels of WNY, Inc.,(MOWs)to provide home delivered meals under the SNAP grant, and

WHEREAS, the contract with MOWs needs to be amended to reflect the additional SNAP funding, and

WHEREAS, the CSE, EISEP and SNAP grant budgets need to be revised, and

WHEREAS, additional local match is not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional CSE, EISEP and SNAP funds from New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with the Meal on Wheels of Western New York, Inc. to reflect the additional SNAP funding, and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid	\$923,887	<u>\$61,566</u>	\$985,453
	<b>TOTAL REVENUE</b>		<u><u>\$61,566</u></u>	
<b>APPROPRIATIONS</b>				
500000	Full Time Salaries	\$211,218	-\$51,600	\$159,618
502000	Fringe Benefits	83,047	-14,334	68,713
505000	Office Supplies	989	1,000	1,989
	Professional Services-Aide			
516020	Transit	0	5,000	5,000
	Other Expenses-Minor			
530000	Residential Repair	1,720	74,000	75,720
561440	Motor Vehicles	0	44,500	44,500
980000	ID DISS Services		<u>3,000</u>	3,000
	<b>TOTAL APPROPRIATIONS</b>		<u><u>\$61,566</u></u>	

and be it further

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that the budget for the EISEP grant, 163EISEP0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$2,752,890	\$150,135	\$2,903,025
466000	Miscellaneous Receipts	\$113,091	\$1,000	114,091
	TOTAL REVENUE		<u>\$151,135</u>	
APPROPRIATIONS				
516020	Home Care Services	\$1,735,406	\$131,135	\$1,866,541
516020	Day Care Services	70,000	15,000	85,000
	Personal Emergency Response			
516020	Services	35,000	5,000	40,000
	TOTAL APPROPRIATIONS		<u>\$151,135</u>	

and be it further

RESOLVED, that the budget for the SNAP grant, 163SNAP0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$734,481	\$47,102	\$781,583
	TOTAL REVENUE		<u>\$47,102</u>	
APPROPRIATIONS				
516010	Meals on Wheels	\$1,256,182	\$47,102	\$1,303,284
	TOTAL APPROPRIATIONS		<u>\$47,102</u>	

and be it further

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

(3-0)

**THOMAS J. MAZUR  
CHAIRPERSON**

Item 23 – MR. REYNOLDS presented the following resolution, moved to separate items No. 1b, 1c, 1d and 1e and approve the balance of the report. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

## RESOLUTION NO. 22

JANUARY 25, 2007

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby referred to the PERSONNEL COMMITTEE.
  - a. COMM. 1E-8 (2007)  
**COMPTROLLER:** 2007 Budget Adjustments  
(5-0)
2. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 13-50 (2006)  
**MARINELLI, WHYTE:** A Recommendation of the Erie County Charter Revision Commission  
(5-0)
  - b. INTRO 14-1 (2006)  
**LOCKLEAR, KONST, WEINSTEIN, RANZENHOFER & MILLS:** Erie County Charter Revision Commission Recommendation - For a Redefined Deputy County Executive  
(5-0)
  - c. INTRO 14-7 (2006)  
**REYNOLDS, MARINELLI, WHYTE, SMITH, HOLT, KENNEDY & KOZUB:** Development of a Redefined Role for Deputy County Executive  
(4-1) Mr. Mills voted in the negative.
  - d. INTRO 15-1 (2006)  
**WEINSTEIN, MILLS & LOCKLEAR:** STAR Programs Application in Erie County & The Role of the Local State Delegation  
(4-1) Mr. Mills voted in the negative.
  - e. INTRO 15-2 (2006)  
**WEINSTEIN, MILLS & LOCKLEAR:** STAR Program Application in Erie County  
(4-1) Mr. Mills voted in the negative.
  - f. COMM. 15E-19 (2006)  
**MARINELLI:** Finance & Management Matrix Initiatives  
(5-0)
  - g. COMM. 22E-38 (2006)  
**COUNTY EXECUTIVE:** Private Sale of 2006 County Tax Sale Certificates

- (5-0)
- h. COMM. 24D-15 (2006)  
**BUDGET, MANAGEMENT & FINANCE:** 2007 Proposed Erie County Budget & Apportioned Tax Rate  
(5-0)
- i. COMM. 24M-9 (2006)  
**ECFSA:** CVB Funding  
(5-0)
- j. COMM. 25E-6 (2006)  
**COUNTY CLERK:** Semi-Annual Report of Receipts and Disbursements of Mortgage Tax for 4/1/06 - 9/30/06  
(5-0)
- k. COMM. 25D-3 (2006)  
**BUDGET, MANAGEMENT & FINANCE:** BMR for FY2006 w/ Year-to-Date Through 10/31  
(5-0)
- l. COMM. 1E-3 (2007)  
**COUNTY EXECUTIVE:** Copy of Letter to ECFSA Re: Four-Year Plan for FY 2007-2010  
(5-0)
- m. COMM. 1D-6 (2007)  
**COUNTY ATTORNEY:** ECFSA  
(5-0)
- n. COMM. 2E-2 (2007)  
**COMPTROLLER:** 2007 Erie County Capital Budget - Intro 1-5 (2007)  
(5-0)
- o. COMM. 2E-8 (2007)  
**IANNELLO:** Copy of Letter to ECFSA Finance Committee Chair Re: Property Tax  
(5-0)
- p. COMM. 2D-2 (2007)  
**BUDGET, MANAGEMENT & FINANCE:** Copy of Letter to ECFSA Finance Committee Chair Re: Four-Year Plan  
(5-0)
- q. COMM. 2M-4 (2007)  
**ECFSA:** Request for Comments of the Four-Year Plan  
(5-0)
2. COMM. 2D-3 (2006) **AS AMENDED**











**MEETING NO. 3  
FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

**S-B-L 175.11-1-3 142289 AURORA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$221.00	Town/SpecialDist/School
24600	VILLAGE #8	\$25.00	
24600	VILLAGE #8	\$91.00	
24601	VILLAGE #8	\$105.00	

**Charge To : 142289 AURORA \$0.00**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS NOT HOOKED INTO THE ERIE COUNTY SEWER SYSTEM. RPTL 550(3)B

**FISCAL YEAR 2007 Petition No. 207013**

**ASSESSOR Cancel \$225.00**

**S-B-L 175.11-1-4 142289 AURORA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$225.00	Town/SpecialDist/School
24601	VILLAGE #8	\$225.00	

**Charge To : 142289 AURORA \$0.00**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS NOT HOOKED INTO THE ERIE COUNTY SEWER SYSTEM. RPTL 550(3)B

**FISCAL YEAR 2007 Petition No. 207014**

**ASSESSOR Cancel \$250.25**

**S-B-L 175.11-1-5.1 142289 AURORA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$250.25	Town/SpecialDist/School
24600	VILLAGE #8	\$25.00	
24600	VILLAGE #8	\$120.25	
24601	VILLAGE #8	\$105.00	

**Charge To : 142289 AURORA \$0.00**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS NOT HOOKED INTO THE ERIE COUNTY SEWER SYSTEM. RPTL 550(3)B

**FISCAL YEAR 2007 Petition No. 207015**

**ASSESSOR Cancel \$321.50**

**S-B-L 175.11-1-7.11 142289 AURORA**

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$321.50	Town/SpecialDist/School
24600 VILLAGE #8	\$25.00	
24600 VILLAGE #8	\$71.50	
24601 VILLAGE #8	\$225.00	

**Charge To :                    142289 AURORA                    \$0.00**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS NOT HOOKED INTO  
 ERIE COUNTY SEWER SYSTEM. RPTL 550(3)B

**FISCAL YEAR 2007                    Petition No.                    207016**

ASSESSOR                    **Cancel**                    \$135.50

**S-B-L 175.16-1-10                    142289 AURORA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$135.50	Town/SpecialDist/School
24602 AURORA TOWN #8	\$25.00	
24607 AURORA TOWN USER #8	\$110.50	

**Charge To :                    142289 AURORA                    \$0.00**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS NOT HOOKED INTO THE  
 ERIE COUNTY SEWER SYSTEM. RPTL 550(3)B

**FISCAL YEAR 2007                    Petition No.                    207017**

ASSESSOR                    **Cancel**                    \$737.75

**S-B-L 176.06-2-25                    142289 AURORA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$737.75	Town/SpecialDist/School
24607 AURORA TOWN USER #8	\$737.75	

**Charge To :                    142289 AURORA                    \$0.00**

CANCEL - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR GALLONAGE  
 PARCEL USED 70 NOT 297 AS SHOWN ON THE TAX ROLL. RPTL 550(2)E

**FISCAL YEAR 2006                    Petition No.                    207018**

ASSESSOR                    **Refund**                    \$686.78

**S-B-L 80.18-3-36                    143089 CHEEKTOWAGA**

Acct. No. 112	\$0.00	County
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**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

Acct. No. 132 \$686.78 Town/SpecialDist/School  
 41834 NYS STAR ENHANCED EXEMPTION \$686.78

**Charge To: 143089 CHEEKTOWAGA \$0.00**

REFUND - CLERICAL ERROR, THIS PARCEL RECEIVED THE BASIC STAR 19,500  
 WHEN THE ENHANCED STAR 36,920 SHOULD HAVE BEEN APPLIED TO THE TAX  
 ROLL. RPTL 550(2)C

CHECK FOR: CECELIA & THOMAS STEPKA CLEVELAND HILL

**FISCAL YEAR 2004** Petition No. **207019**

ASSESSOR **Refund** \$758.35

**S-B-L 90.08-5-6 143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County  
 Acct. No. 132 \$758.35 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$758.35

**Charge To: 143089 CHEEKTOWAGA \$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT  
 OF 19,500 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

CHECK FOR: SUSAN SEAWOOD CLEVELAND HILL

**FISCAL YEAR 2005** Petition No. **207020**

ASSESSOR **Refund** \$731.87

**S-B-L 90.08-5-6 143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County  
 Acct. No. 132 \$731.87 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$731.87

**Charge To: 143089 CHEEKTOWAGA \$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF  
 19,500 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

CHECK FOR: SUSAN G SEAWOOD CLEVELAND HILL

**FISCAL YEAR 2006** Petition No. **207021**

ASSESSOR **Refund** \$768.79

**S-B-L 90.08-5-6 143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

Acct. No. 132	\$768.79	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$768.79	
<b><u>Charge To :</u></b>	<b>143089 CHEEKTOWAGA</b>	<b>\$0.00</b>

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CHECK FOR: SUSAN G SEAWOOD CLEVELAND HILL  
 FISCAL YEAR 2007 Petition No. **207022**

ASSESSOR	<b>Refund</b>	\$585.17
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**S-B-L 114.02-5-19 143089 CHEEKTOWAGA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$585.17	Town/SpecialDist/School
41834 NYS STAR ENHANCED EXEMPTION	\$585.17	
<b><u>Charge To :</u></b>	<b>143089 CHEEKTOWAGA</b>	<b>\$0.00</b>

REFUND - CLERICAL ERROR, THIS PARCEL RECEIVED THE BASIC STAR 19,500 AND SHOULD HAVE RECEIVED THE ENHANCED STAR 36,920 ON THE TAX ROLL. RPTL 550(2)B

CHECK FOR: ALOIS & ANNELIESE ALTENDORFER DEPEW UNION FREE  
 FISCAL YEAR 2007 Petition No. **207023**

ASSESSOR	<b>Cancel</b>	\$130.44
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**S-B-L 44.11-1-29 143200 CLARENCE**

Acct. No. 112	\$88.69	County
Acct. No. 132	\$41.75	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>143200 CLARENCE</b>	<b>\$41.75</b>

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 18,000 FOR COUNTY TAX AND 22,140 TOWN TAX WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR 2007 Petition No. 207024**

ASSESSOR	<b>Cancel</b>	\$847.21
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**S-B-L 193.00-2-39.3 144489 EVANS**

Acct. No. 112	\$325.93	County
Acct. No. 132	\$521.28	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>144489 EVANS</b>	<b>\$521.28</b>



**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE DISABILITY EXEMPTION IN THE AMOUNT OF 43,550 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

**FISCAL YEAR 2007**                      Petition No.                      **207025**

ASSESSOR                      **Cancel**                      \$160.62

**S-B-L 206.00-5-26**                      **144489 EVANS**

Acct. No. 112                      \$53.13      County  
 Acct. No. 132                      \$107.49      Town/SpecialDist/School  
 44021 NORTH EVANS FIRE PROTECT                      \$18.24

**Charge To :**                      **144489 EVANS**                      **\$89.25**

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED WITH SBL 206.00-5-27.1. RPTL 550(2)F

**FISCAL YEAR 2007**                      Petition No.                      **207026**

ASSESSOR                      **Cancel**                      \$50.10

**S-B-L 220.00-1-17**                      **144489 EVANS**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$50.10      Town/SpecialDist/School

**Charge To :**                      **144489 EVANS**                      **\$50.10**

CANCEL - CLERICAL ERROR, THIS PARCEL HAS A DELINQUENT WATER CHARGE ON THE TAX ROLL IN ERROR. THE CHARGE BELONGS ON SBL 220.02-1-17. RPTL 550(2)E

**FISCAL YEAR 2007**                      Petition No.                      **207027**

ASSESSOR                      **Cancel**                      \$24.32

**S-B-L 220.00-1-40.6**                      **144489 EVANS**

Acct. No. 112                      \$7.48      County  
 Acct. No. 132                      \$16.84      Town/SpecialDist/School  
 44020 ANGOLA-EVANS FIRE PROTECT                      \$2.81  
 44068 ERIE CO SEW DST 2                      \$1.62

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

**Charge To :                    144489 EVANS                    \$12.41**

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED IN SBL  
 220.00-1-40.4. RPTL 550(2)F

**FISCAL YEAR 2005                    Petition No.                    207028**

**ASSESSOR                    Refund                    \$235.00**

**S-B-L    250.09-3-25.1                    144889 HAMBURG**

Acct. No. 112                    \$0.00    County  
 Acct. No. 132                    \$235.00    Town/SpecialDist/School

44069 ERIE CO SEW DIST 2                    \$235.00

**Charge To :                    144889 HAMBURG                    \$0.00**

REFUND - CLERICAL ERROR, THE PARCEL WAS CHARGED FOR 3 UNITS  
 OF SEWER WHEN THERE SHOULD HAVE BEEN ONLY 2 UNITS CHARGED.  
 RPTL 550(2)E  
 CHECK FOR: ROBERT C HANNA

**FISCAL YEAR 2006                    Petition No.                    207029**

**ASSESSOR                    Refund                    \$240.00**

**S-B-L    250.09-3-25.1                    144489 EVANS**

Acct. No. 112                    \$0.00    County  
 Acct. No. 132                    \$240.00    Town/SpecialDist/School

44069 ERIE CO SEW DIST 2                    \$240.00

**Charge To :                    144489 EVANS                    \$0.00**

REFUND - CLERICAL ERROR, THE PARCEL WAS CHARGED FOR 3 UNITS OF  
 SEWER SERVICE WHEN IT SHOULD HAVE ONLY BEEN CHARGED FOR 2 UNITS    OF  
 SERVICE RPTL 550(2)E  
 CHECK FOR: ROBERT C HANNA

**FISCAL YEAR 2007                    Petition No.                    207030**

**ASSESSOR                    Cancel                    \$250.00**

**S-B-L    250.09-3-25.1                    144489 EVANS**

Acct. No. 112                    \$0.00    County  
 Acct. No. 132                    \$250.00    Town/SpecialDist/School

44069 ERIE CO SEW DIST 2                    \$250.00

**Charge To :                    144489 EVANS                    \$0.00**



**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT HAVE BEEN CHARGED FOR SEWER UNITS OF SERVICE. RPTL 550(2)E

**FISCAL YEAR 2007**                      Petition No.                      **207034**

ASSESSOR                      **Cancel**                      \$48.88

**S-B-L 250.12-8-47./A**                      **144489 EVANS**

Acct. No. 112                      \$7.48      County

Acct. No. 132                      \$41.40      Town/SpecialDist/School

44020 ANGOLA-EVANS FIRE PROTECT                      \$2.81

44068 ERIE CO SEW DST 2                      \$1.62

44101 EC2 FOOTAGE                      \$25.00

**Charge To :**                      **144489 EVANS**                      **\$11.97**

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED WITH SBL 250.12-8-61. RPTL 550(2)E

**FISCAL YEAR 2007**                      Petition No.                      **207035**

ASSESSOR                      **Cancel**                      \$74.91

**S-B-L 250.15-2-28**                      **144489 EVANS**

Acct. No. 112                      \$24.69      County

Acct. No. 132                      \$50.22      Town/SpecialDist/School

44020 ANGOLA-EVANS FIRE PROTECT                      \$9.27

**Charge To :**                      **144489 EVANS**                      **\$40.95**

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED WITH SBL 250.15-2-5.11. RPTL 550(2)F

**FISCAL YEAR 2007**                      Petition No.                      **207036**

ASSESSOR                      **Cancel**                      \$239.52

**S-B-L 250.17-1-10**                      **144489 EVANS**

Acct. No. 112                      \$0.00      County

Acct. No. 132                      \$239.52      Town/SpecialDist/School

**Charge To :**                      **144489 EVANS**                      **\$239.52**

CANCEL - CLERICAL ERROR, THIS PARCEL INCLUDED A DELINQUENT WATER CHARGE THAT BELONGS ON PARCEL -N SBL 250.17-10-10. RPTL 550(2)E

**MEETING NO. 3  
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**ERIE COUNTY LEGISLATURE**

**FISCAL YEAR 2007**                      Petition No.                      **207037**

ASSESSOR                      **Cancel**                      \$15.41

**S-B-L 251.00-1-13./A**                      **144489 EVANS**

Acct. No. 112                      \$5.08      County  
Acct. No. 132                      \$10.33      Town/SpecialDist/School

44020 ANGOLA-EVANS FIRE PROTECT                      \$1.91

**Charge To :**                      **144489 EVANS**                      **\$8.42**

CANCEL - CLERICAL ERROR, PARCEL IS A NON PRODUCTIVE GAS WELL AND SHOULD HAVE AN ASSESSMENT OF ZERO. RPTL 550(2)A

**FISCAL YEAR 2006**                      Petition No.                      **207038**

ASSESSOR                      **Refund**                      \$640.82

**S-B-L 64.11-1-33**                      **144600 GRAND ISLAND**

Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$640.82      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$640.82

**Charge To :**                      **144600 GRAND ISLAND**                      **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,820 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
CHECK FOR: JOHN DAVID & KRISTEN BRAND                      GRAND ISLAND CENTRAL

**FISCAL YEAR 2007**                      Petition No.                      **207039**

ASSESSOR                      **Cancel**                      \$90.00

**S-B-L 160.10-5-12**                      **144889 HAMBURG**

Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$90.00      Town/SpecialDist/School

**Charge To :**                      **144889 HAMBURG**                      **\$90.00**

CANCEL - CLERICAL ERROR, PARCEL IS LANDLOCKED WITH NO FRONTAGE AND SHOULD NOT BE CHARGED FOR FRONTAGE. RPTL 550(2)E





**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

**S-B-L 104.30-2-18**

**145289 LANCASTER**

Acct. No. 112	\$341.60	County
Acct. No. 132	\$0.00	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>145289 LANCASTER</b>	<b>\$0.00</b>

CANCEL - CLERICAL ERROR, THE INTEREST ON THE SCHOOL TAX WAS ADDED TO THE 2007 COUNTY TAX BILL IN ERROR. SCHOOL TAX WAS PAID PRIOR TO 2007 TAX BILL. RPTL 550(2)E

**FISCAL YEAR 2007**

Petition No. **207047**

ASSESSOR **Refund** \$219.09

**S-B-L 117.01-2-15**

**145289 LANCASTER**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$219.09	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>145289 LANCASTER</b>	<b>\$219.09</b>
<b>Relevy School</b>	\$219.09	142001 ALDEN CENTRAL

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 13,050 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CHECK FOR: EDWARD & ARLENE BUSZKA

**FISCAL YEAR 2007**

Petition No. **207048**

ASSESSOR **Cancel** \$152.00

**S-B-L 117.01-2-15**

**145289 LANCASTER**

Acct. No. 112	\$55.59	County
Acct. No. 132	\$96.41	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>145289 LANCASTER</b>	<b>\$96.41</b>

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 11,093 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR 2006**

Petition No. **207049**





**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the 2007 Erie County budget proposed by the Executive calls for \$59.2 million of Capital project borrowing, including

Seven general projects .....	\$7.95 million
Ten road & bridge projects .....	\$9.985 million
Two Sheriff's projects .....	\$2.7 million
One Central Police Services project .....	\$1.565 million
One Emergency Services project.....	\$1 million
One Environment & Planning project .....	\$2 million
One Social Services project.....	\$800 thousand
One Erie County Medical Center project .....	\$15 million
Four Erie Community College projects.....	\$18.2 million; and

WHEREAS, the Legislature approved \$4 million for the Buffalo Zoo in 2006 for borrowing in 2007, and the Erie County Medical Center Corporation's consent decree in 2006 with a four-year plan that includes capital borrowing; and

WHEREAS, the Legislature decreased the 2006 capital borrowing budget to continue efforts to stabilize Erie County's finances; and

WHEREAS, the Legislature must approve bond resolutions by at least a super-majority votes upon the executive and comptroller's submission; and

WHEREAS, the three elected branches have further improved the capital budget systems in Erie County, namely with better prioritizing, tracking, close-out reporting and debt service payments; and

WHEREAS, the Legislature recognizes the need for proper deliberations on behalf of the community we are elected to serve and the need to further enhance the county's credit rating with Wall Street.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature calls upon the Executive and Comptroller to prepare all requests for 2007 borrowing by clock-in Tuesday, January 30, 2007, to be sent to Finance & Management Committee for public discussion and a determination of a total borrowing amount that can be achieved by the end of the first quarter of the year, and be it further

RESOLVED, that certified copies be transmitted to the County Executive, Comptroller, Budget Director, Sheriff, Public Works Commissioner, Environment & Planning Commissioner, Social Services Commissioner, Central Police Services, Emergency Services, Erie Community College Interim President, Erie County Medical Center CEO & Erie County Fiscal Stability Authority members.

(5-0)

4. COMM. 1E-13 (2007)  
**COUNTY EXECUTIVE**

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the following grant programs are included in Book B of the 2007 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of Federal, State, County and other local source funding for the following grant programs which commence on January 1, 2007:

<u>Department</u>	<u>Grant Program</u>	2007 Budget Book B <u>Page No.</u>
Dist. Atty.	Motor Vehicle Theft and Insurance Fraud Prevention	16*
Dist. Atty.	S.T.E.P.S./Road to Recovery	17
Probation	Intensive Supervision Program	41
Probation	Juvenile Intensive Supervision Program	41
Probation	Alternatives to Incarceration – Pre-Trial Project, Community Service Sentencing and Women’s Residential Resource Center	41, 42
Probation	Mental Health Juvenile Justice Project	42

\* Commences on 3/1/07

<u>Department</u>	<u>Grant Program</u>	2007 Budget Book B <u>Page No.</u>
Social Svcs.	Chemical Dependency Coordination Team	63
Social Svcs.	Day Care Registration Program	63
Youth Bureau Program (SDPP)	Special Delinquency Prevention	115
Co. Exec.	Office of Workforce Development Comm. Dev. Fund	177

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following administrative units: County Executive, District Attorney, Probation, Social Services, Youth Bureau, Law, Comptroller and Budget, Management and Finance.  
(5-0)

**ROBERT B. REYNOLDS  
CHAIRPERSON**

MR. REYNOLDS moved to receive and file No. 1b. MS. WHYTE seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: MILLS, RANZNEHOFER, WEINSTEIN, KONST and LOCKLEAR. (AYES: 8; NOES: 5)

CARRIED.

MR. REYNOLDS moved to receive and file No. 1c. MS. IANNELLO seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: MILLS, RANZNEHOFER, WEINSTEIN, KONST and LOCKLEAR. (AYES: 8; NOES: 5)

CARRIED.

MR. REYNOLDS moved to receive and file No. 1d. MS. IANNELLO seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: MILLS, RANZNEHOFER, WEINSTEIN, KONST and LOCKLEAR. (AYES: 8; NOES: 5)

CARRIED.

MR. REYNOLDS moved to receive and file No. 1b. MS. WHYTE seconded. MR. MILLS, MR. RANZNEHOFER, MR. WEINSTEIN, MS. KONST and MS. LOCKLEAR voted in the negative.

CARRIED (8-5).

Item 24 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

JANUARY 25, 2007

PUBLIC SAFETY COMMITTEE  
 REPORT NO. 1

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

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 12-6 (2006)  
**SMITH:** Accurate Census Bureau Count of Incarcerated Persons in Erie County  
 (4-0)
  - b. INTRO 21-3 (2006)  
**REYNOLDS, KOZUB & MARINELLI:** Town of Hamburg Public Safety Dispatchers  
 (4-0)
  - c. COMM. 1M-1 (2007)  
**TOWN OF EVANS:** Copy of Letter to Sheriff Re: Heliport  
 (4-0)
  - d. COMM. 1M-13 (2007)  
**NYS SHERIFFS' ASSN.:** Telephone Service for County Jails  
 (4-0)
2. COMM. 2E-19 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing services to address the needs of juveniles in the juvenile justice system and improve the quality of life in our community, and

WHEREAS, grant funds from the New York State Division of Criminal Justice Services will allow for enhancement of services to youths in the juvenile justice system.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the New York State Division of Criminal Justice Services from October 1, 2006 to March 31, 2008, and be it further

RESOLVED, that authorization is hereby provided to enter into a contract with the Research Foundation of the State University College at Buffalo in an amount not to exceed \$10,000 to provide data analysis, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

**Erie County Department of Probation and Youth Detention Services**  
**Dept. Code 12610: Juvenile Accountability Block Grant**  
**October 1, 2006 to March 31, 2008**

**Revenue**

<b>Acct.</b>	<b>Amount</b>
409000 – State Aid Revenues	\$14,484
<b>Total Revenue</b>	<b>\$14,484</b>

**Appropriations**

<b>Acct.</b>	<b>Amount</b>
510100 – Out of Area Travel	\$2,242
516020 – Pro Ser Cnt and Fees	\$10,000
516410 – Lab & Tech Equip.	\$2,242
<b>Total Appropriations</b>	<b>\$14,484</b>

and be it further,

RESOLVED, that the Director of Budget, Management and Finance be authorized to make changes within the budget to comply with the State requirements, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the Division of Budget, Management and Finance and the Office of the Comptroller.  
 (4-0)

**DANIEL M. KOZUB**  
**CHAIRMAN**

Item 25 – MR. LOUGHRAN presented the following report, moved to separate Item No. 7 and approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 12M-9 (2006)  
**ECWA:** Letter to Marinelli Re: Presentation to Energy & Environment Committee (5-0)
  - b. COMM. 15M-1 (2006)  
**ECWA:** 2005 Annual Report (5-0)
  - c. COMM. 22M-1 (2006)  
**ECWA:** Preliminary 2007 Budget (5-0)

2. COMM. 20E-18 (2006) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the preparation of a Feasibility Study to evaluate mergers of sanitary sewer services; and

WHEREAS, the Selection Committee, including the Department of Environment and Planning, has recommended the firm of CRA be awarded the assignment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County Sewer District No. 5 a 90% grant for this feasibility study.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of CRA Infrastructure & Engineering be retained at a cost not to exceed \$80,000.00 to complete the merger feasibility evaluation; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202, 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 Erie County Sewer District No. 5 accept the 90% grant from New York State Shared Municipal Services; and be it further

RESOLVED, that the Director of Budget Management and Finance and the Erie County Comptroller be authorized to modify the Erie County Sewer District No. 5 capital and 2007

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**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

operating fund budgets and establish a capital project for Erie County Sewer District No. 5 with a Budget of \$80,000 and transfer \$8,000 for the agreement from Erie County Sewer District No. 5 operating fund to the new Erie County Sewer District No. 5 capital project as follows:

	<u>Sewer</u>	<u>District</u>	<u>Cost Center</u>	<u>Account</u>		<u>Increase</u>
Operating	5	1811050	402190	Use of Fund Balance		\$ 8,000
	5	1811010	570000	Trans-Out		\$ 8,000
Capital	5	1811010	516020	Contract. Services		\$80,000
	5	1811010	486000	Trans-In		\$ 8,000
	5	1811010	409000	State Aid		\$72,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the Resolution to the County Executive, the Erie County Comptroller; the Director of Budget, Management and Finance; Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning. (4-1) Legislator Loughran in the negative.

3. COMM. 20E-22 (2006)

**AS AMENDED**

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the preparation of a Feasibility Study to evaluate mergers of sanitary sewer services; and

WHEREAS, the Selection Committee, including the Department of Environment and Planning, has recommended the firm of Red Oak Consulting, 40 Centre Drive, Orchard Park, New York 14127 be awarded the assignment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County Sewer District Nos. 1 and 4 a 90% grant for this feasibility study.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Red Oak Consulting be retained at a cost not to exceed \$70,000.00 to complete the merger feasibility evaluation; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Red Oak Consulting, 40 Centre Drive, Orchard Park, New York 14127, 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 Erie County Sewer District Nos. 1 and 4 accept the 90% grant from New York State Shared Municipal Services; and be it further



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**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Director of Budget Management and Finance and the Erie County Comptroller be authorized to modify the Erie County Sewer District Nos. 1 and 4 capital and 2007 operating fund budgets and establish a capital project for Erie County Sewer District Nos. 1 and 4 with a Budget of \$70,000 and transfer \$6,000 for the agreement from Erie County Sewer District No. 1 operating fund and \$1,000 from Erie County Sewer District No. 4 operating fund to the new Erie County Sewer District Nos. 1 and 4 capital project as follows:

	<u>Sewer District</u>	<u>Cost Center</u>	<u>Account</u>		<u>Increase</u>
Operating	1	1811010	402190	Use of Fund Balance	\$ 6,000
	4	1811040	402190	Use of Fund Balance	\$ 1,000
	1&4	1811010	570000	Trans-Out	\$ 7,000
Capital	1&4	1811010	516020	Contract. Services	\$70,000
	1&4	1811010	486000	Trans-In	\$ 7,000
	1&4	1811010	409000	State Aid	\$63,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning. (4-1) Legislator Loughran in the negative.

4. COMM. 22E-34 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to evaluate the sanitary sewers capacity in Erie County Sewer District No. 2; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Stearns & Wheler, LLC, University Center, Suite 100, 415 North French Road, Amherst, New York.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Stearns & Wheler, LLC be retained at a cost not to exceed \$129,265.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Stearns & Wheler, LLC, University Center, Suite 100, 415 North French Road, Amherst, New York 14228 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 \$129,265.00 for the Agreement from Sewer Capital Account C.00011, as determined by the Commissioner of Environment and Planning; and be it further



WHEREAS, these projects include Eighteen Mile Creek in the Towns of Boston and Hamburg, Ellicott Creek in the Town of Lancaster, Lehn Springs and Ellicott Creek in the Village of Williamsville, Big Sister Creek in the Town of Evans and Cattaraugus Creek in the Village of Gowanda.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County respectfully requests that Governor Spitzer and the State Emergency Management Office direct that \$5 million in federal Hazard Mitigation funds be allocated for the dredging and improvement of Smokes Creek, in order to mitigate flood risks in the City of Lackawanna, and be it further

RESOLVED, that this Honorable Body requests that the Governor use the federal Hazard Mitigation funds at his disposal to advance flood mitigation projects at Eighteen Mile Creek in the Towns of Boston and Hamburg, Ellicott Creek in the Town of Lancaster, Lehn Springs and Ellicott Creek in the Village of Williamsville, Big Sister Creek in the Town of Evans and Cattaraugus Creek in the Village of Gowanda, and be it further

RESOLVED, that this Honorable Body requests that the Governor direct that that all of the federal Hazard Mitigation funds which become available to the State of New York as a result of President Bush's October 24th major disaster declaration be allocated for projects in the four-county disaster area, rather than being spread throughout the State, and be it further

RESOLVED, that a copy of this resolution be sent to Governor Eliot Spitzer, to US Senators Charles Schumer and Hillary Clinton, to Congressman Brian Higgins, to New York State Senator William Stachowski, to New York State Assemblymen Jack Quinn and Mark Schroeder, to Erie County Executive Joel Giambra, and to Mr. John Gibb, the Director of the New York State Emergency Management Office.

(5-0)

6. COMM. 25E-23 (2006)

**AS AMENDED**

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to evaluate the feasibility of eliminating the Lackawanna Wastewater Treatment Plant and transmitting all flows to the Buffalo Sewer Authority for treatment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County and Erie County Sewer District No. 6 a 90% grant for this feasibility study; and

WHEREAS, the Selection Committee, including the Department of Environment and Planning, has recommended the firm of CRA be awarded the assignment.

NOW, THEREFORE BE IT

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RESOLVED, that the engineering firm of CRA Infrastructure & Engineering be retained at a cost not to exceed \$150,000.00 to complete the feasibility study; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202, 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 Erie County Sewer District No. 6 accept the 90% grant from New York State Shared Municipal Services; and be it further

RESOLVED, that the Director of Budget Management and Finance and the Erie County Comptroller be authorized to modify the Erie County Sewer District No. 6 capital and 2007 operating fund budgets and establish a capital project in Erie County Sewer District No. 6 with Budget of \$150,000 and transfer \$15,000 for the agreement from Erie County Sewer District No. 6 operating fund to the new Erie County Sewer District No. 6 capital project as follows:

	<u>Sewer District</u>	<u>Cost Center</u>	<u>Account</u>	<u>Increase</u>
Operating	6	1861010	402190 Use of Fund Balance	\$15,000
	6	1861010	570000 Trans-Out	\$15,000
Capital	6	1861010	516020 Contract. Srvs.	\$150,000
	6	1861010	486000 Trans-In	\$15,000
	6	1861010	409000 State Aid	\$135,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning. (4-1) Legislator Loughran in the negative.

7. COMM. 2E-11 (2007)  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. 25

**AS AMENDED**

RESOLUTION DATED FEBRUARY 1, 2007

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) January 29, 2007.

(Adopted) February 1, 2007.

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WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 4 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

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

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 4 in said County, consisting of the construction and installation of approximately 2,353 linear feet of gravity sewer line installed on William Street/Old Schoolhouse Road in the Town of Lancaster, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$350,000, to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, said County Legislature duly adopted Resolution No. 341 on the 7<sup>th</sup> day of December, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2<sup>nd</sup> Floor, Buffalo, New York, in said County, on the 4th day of January, 2007, at 1:30 o'clock P.M., Prevailing Time; and

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

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 4 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$350,000.

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Section 2. The cost of the proposed modification expenditure is to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 3. This resolution shall take effect immediately.  
 (4-1) Legislator Loughran in the negative.

8. COMM. 2E-12 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning provides support to solid waste management planning units, including the City of Buffalo, to assist them in meeting their solid waste management objectives; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the City of Buffalo has requested that Erie County assist in the management and implementation of their recycling program; and

WHEREAS, the Department of Environment and Planning provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, a City of Buffalo resolution passed on March 20, 2003 (Ref: Resolution "Authorizing Application Grant-In-Aid - Municipal Waste Reduction Recycling Project - State Contract Item No. 116, C.C.P., Feb. 4, 2003 No. 99) provided the necessary authorization to apply for a State Grant-In-Aid for such a municipal Waste Reduction Project and to execute a contract for such State Aid; and

WHEREAS, through Legislative resolution (Comm. 20E-55) dated November 20, 2003, Erie County accepted the grant resources from the NYSDEC and matching funds of \$105,000 from the City of Buffalo; and

WHEREAS, the current budget (162BFLORECYCLE 0306) was established by Legislation (Comm. 20E-23) dated November 2, 2006; and

WHEREAS, the current budget requires revision to effectively utilize remaining funds and to extend the Program through December 31, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget (162BFLORECYCLE 0306) for the Erie County Solid Waste Recycling Coordination/Education Project in Buffalo will be revised as follows:

APPROPRIATIONS:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
500000	Salaries	\$124,891	\$5,275	\$130,166
502000	Fringe Benefits	45,185	1,910	47,095
505000	Office Supplies	787	(211)	576
510200	Training and Education	670	(400)	270
516020	Pro Ser Cnt and Fees	165,567	(5,051)	160,516
530000	Other Expenses	6,600	(1,523)	5,077
TOTAL APPROPRIATIONS:		\$343,700	0	\$343,700

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
(5-0)

9. COMM. 2E-13 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the NYSDEC awarded \$160,530 on May 18, 2000, to implement a Solid Waste Reduction project; and

WHEREAS, since the inception of the project, the NYSDEC has provided supplemental funds which were accepted by Legislative resolution on November 7, 2002; and

WHEREAS, the additional funding expanded the scope of the project and extended the grant period for the NYSDEC Recycling Program to December 31, 2006; and

WHEREAS, the current budget (162DEC\_RECYCLE0005) is reflected in Comm. 20E-24 approved by Legislative resolution on November 2, 2006; and

WHEREAS, the current budget requires revision to effectively utilize remaining funds and to extend the grant program through December 31, 2007.

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NOW, THEREFORE, BE IT

RESOLVED, that the grant budget (162DEC\_RECYCLE0005) for the New York State Department of Environmental Conservation (NYSDEC) Recycling Program will be revised as follows:

APPROPRIATIONS:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
500000	Salaries	\$301,332	\$3,988	\$305,320
502000	Fringe Benefits	80,995	1,201	82,196
510000	Local Mileage	600	(30)	570
510100	Local Area Travel	1,700	0	1,700
516020	Pro Ser Cnt and Fees	165,341	0	165,341
530000	Other Expenses	12,019	(5,159)	6,860
TOTAL APPROPRIATIONS:		\$561,987	0	\$561,987

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

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

(5-0)

**THOMAS A. LOUGHRAN**  
**CHAIRMAN**

MR. LOUGHRAN moved to approve No. 7. MS. WHYTE seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: LOUGHRAN. (AYES:12, NOES: 1).

CARRIED.

**LEGISLATOR RESOLUTIONS**

Item 26 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.



CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Legislature Re-Appointments to the Erie  
County Audit Committee (INTRO 3-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE and MILLS**

**WHEREAS**, the Erie County Legislature has received notice that legislative representatives on the Erie County Audit Committee must be appointed (or re-appointed) pursuant to the Erie County Charter; and

**WHEREAS**, the proper functioning of the Audit Committee on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

**WHEREAS**, pursuant to Section 1813 of the Erie County Charter, the Erie County Audit Committee shall consist of five members, one of which shall be appointed by the Legislature to represent the Majority Caucus and one shall be appointed by the Legislature to represent the Minority Caucus; and

**WHEREAS**, presently, Legislator Kathy Konst represents the Majority Caucus and Legislator John J. Mills represents the Minority Caucus.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby re-appoint Legislator Kathy Konst as the Majority appointment and Legislator John J. Mills as the Minority appointment representing the Erie County Legislature on the Erie County Audit Committee; and be it further

**RESOLVED**, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Office of the Erie County Comptroller and Erie County Audit Committee.

FISCAL IMPACT: None for resolution.

Item 27 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MR. RANZENHOFER presented a Challenge to the Chair.

AYES: MILLS, RANZENHOFER and WEINSTEIN. NOES: IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. (AYES: 3; NOES: 10)

FAILED.

INTRO 3-2 from RANZENHOFER, WEINSTEIN and MILLS Re: Calling on Governor Spitzer to Allow Already Appropriated Funds to be Used to Tear Down Memorial Auditorium.

Item 28 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 3-3 from LOUGHRAN Re: Dedication of Erie County Forest Preserves as Erie County Parklands.

Item 29 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-4 from RANZENHOFER & MILLS Re: In Support of NYSAC Recommendations Regarding the Taylor Law.

Item 30 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 3-5 from RANZENHOFER & MILLS Re: In Support of NYSAC Recommendations Regarding the Office of Children and Family Services.

Item 31 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-6 from RANZENHOFER & MILLS Re: In Support of NYSAC Recommendations Regarding Relief of Elimination of Unnecessary State Requirements.

Item 32 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-7 from RANZENHOFER & MILLS Re: In Support of NYSAC Recommendations Regarding Shared Services and Consolidation Efforts.

Item 33 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 3-8 from MARINELLI, WHYTE, KONST, KOZUB & MAZUR Re: Erie Community College Expansion and Bond Resolution.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

RESOLUTION NO. 27

RE: Support for the Buffalo-Lancaster Airport  
 (INTRO 3-9)

**A RESOLUTION TO BE SUBMITTED BY  
 LEGISLATOR KATHY KONST**

WHEREAS, the County of Erie has received a request from the Lancaster Airport, Inc., applicant for the Buffalo-Lancaster Airport, concerning the applicant's request for State grant funds under the NYS Transportation Bond Act, for the following projects:

Under the Airport Improvement and Revitalization Grant Program (AIR '99):

- Grass Cutting and Other Maintenance Equipment
- Relocate Terminal Building and 8-Bay T-Hangar
- Replace 10-Bay T-Hangar

Under the Business Airport Development Program:

- Jet A Fuel Farm Upgrades/Fuel Farm Relocation

and,

WHEREAS, the New York State Department of Transportation, under Section 14-1 of the State Transportation Law, requires that project applications made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie endorses the project identified above at the Buffalo-Lancaster Airport for the purpose of making the projects eligible for State funding; and be it further,

RESOLVED, that a certified copy of the Resolution be filed with the New York State Commissioner of Transportation; and be it further,

RESOLVED, that this Resolution shall take effect immediately.

MS. WHYTE moved to amend the item by adding MR. MILLS, MR. RANZENHOFER, MS. IANNELLO and MS. LOCKLEAR as Co-Sponsors. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. RANZENHOFER seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (12-1)

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

RE: Unclaimed County Funds Held by the NYS  
Comptroller (INTRO 3-10)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE, KONST, KOZUB  
MAZUR and REYNOLDS**

WHEREAS, the New York State Comptroller is currently holding billions of dollars in unclaimed funds that belong to individuals and municipal governments; and

WHEREAS, pursuant to New York State Law banks, insurance companies, utilities are required to surrender unclaimed funds to the Comptroller; and

WHEREAS, the New York State Comptroller is currently holding several accounts belonging to Erie County, Erie County Medical Center, Erie County Surrogate Court and the Erie County Water Authority; and

WHEREAS, these accounts include but are not limited to:

<b>Name:</b> COUNTY OF ERIE	<b>Account #:</b> 004297981/004727312
<b>Address:</b> 95 FRANKLIN STREET, BUFFALO, NY 14202	<b>Type of Property:</b> CERTIFIED CHECKS
<b>Reported By:</b> MARINE MIDLAND BANK REGULATORY	<b>Year Reported:</b> 1993

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<b>Name:</b> COUNTY OF ERIE COMMUNITY	<b>Account #:</b> 020990449/015887688
<b>Address:</b> 205 LAFAYETTE AVE, BUFFALO, NY 14213	<b>Type of Property:</b> ADV PYMNT FOR UTILITY SERV NOT FURNISHE
<b>Reported By:</b> NIAGARA MOHAWK POWER CORP	<b>Year Reported:</b> 2002

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<b>Name:</b> COUNTY OF ERIE NY	<b>Account #:</b> 004018416/004428764
<b>Address:</b> DIVISION OF PURCHASING 1875 HARLEM RD, BUFFALO, NY 14212	<b>Type of Property:</b> CERTIFIED CHECKS
<b>Reported By:</b> CITIBANK NA (NYS)	<b>Year Reported:</b> 1995

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<b>Name:</b> ERIE COUNTY MEDIC	<b>Account #:</b> 027718201/021755782
<b>Address:</b> 171 BOX AVE, BUFFALO, NY 14211	<b>Type of Property:</b> AMTS DUE UNDER POLICIES

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<b>Reported By:</b> AMERICAN INTERNATIONAL INSURANCE CO OF NEW YORK	OTHER THAN LIFE <b>Year Reported:</b> 2005
<b>Name:</b> ERIE COUNTY MEDICAL <b>Address:</b> 120 W EAGLE ST, BUFFALO, NY 14201 <b>Reported By:</b> BLUE CROSS OF WESTERN NY INC	<b>Account #:</b> 007367071/007919043 <b>Type of Property:</b> AMTS DUE UNDER POLICIES OTHER THAN LIFE <b>Year Reported:</b> 1992
<b>Name:</b> ERIE COUNTY MEDICAL <b>Address:</b> 462 GRIDER STREET, BUFFALO, NY 14215 <b>Reported By:</b> ROCHESTER AREA HEALTH MAINTENANCE ORGANIZATION INC	<b>Account #:</b> 020893977/015789053 <b>Type of Property:</b> OUTSTANDING CHECKS ISSUED TO VENDORS <b>Year Reported:</b> 2002
<b>Name:</b> ERIE COUNTY MEDICAL CENTER <b>Address:</b> 462 GRIDER ST, BUFFALO, NY <b>Reported By:</b> MARYLAND RECIPROCITY	<b>Account #:</b> 019355760/014626057 <b>Type of Property:</b> AMTS DUE FOR UNDELIVERED GOODS/SERVICES <b>Year Reported:</b> 1999
<b>Name:</b> ERIE COUNTY MEDICAL CTR <b>Address:</b> 462 GRIDER ST, BUFFALO, NY 14215 <b>Reported By:</b> NYS OFFICE OF THE STATE COMPTROLLER	<b>Account #:</b> 024355609/018550823 <b>Type of Property:</b> NYS UNCASHED CHECKS <b>Year Reported:</b> 2004
<b>Name:</b> ERIE COUNTY MEDICALCENTER <b>Address:</b> DEPT OF PHARMACY, BUFFALO, NY 14215 <b>Reported By:</b> AMGEN INC	<b>Account #:</b> 012410739/013242504 <b>Type of Property:</b> REBATES <b>Year Reported:</b> 1999
<b>Name:</b> ERIE COUNTY MEDICALCENTER <b>Address:</b> 462 GRIDER STREET, BUFFALO, NY 00000 <b>Reported By:</b> METROPOLITAN PROPERTY & CASUALTY INSURANCE CO	<b>Account #:</b> 029968913/024137134 <b>Type of Property:</b> REFUNDS/OTHER AMTS DUE UNDER POLICY TERM <b>Year Reported:</b> 2006
<b>Name:</b> ERIE COUNTY MEDICALCENTER <b>Address:</b> 462 GRIDER STREET, BUFFALO, NY 14215 <b>Reported By:</b> STATE FARM MUTUAL AUTOMOBILE INSURANCE CO	<b>Account #:</b> 027681545/021725847 <b>Type of Property:</b> AMTS DUE UNDER POLICIES OTHER THAN LIFE <b>Year Reported:</b> 2005
<b>Name:</b> ERIE COUNTY PROBATE COURT <b>Address:</b> 96 FRANKLIN STREET, BUFFALO, NY 14202 <b>Reported By:</b> PNC BANK NATIONAL ASSOCIATION	<b>Account #:</b> 025788287/019981890 <b>Type of Property:</b> OUTSTANDING CHECKS ISSUED TO VENDORS <b>Year Reported:</b> 2004
<b>Name:</b> ERIE COUNTY SURR. CT <b>Address:</b> 344 GRANT STREET, BUFFALO, NY 14213	<b>Account #:</b> 009337366/009913622 <b>Type of Property:</b> CRED BAL

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<b>Reported By:</b> ADVEST INC	w/TRUSTS,BROKERS,INVST FIRMS <b>Year Reported:</b> 2000
<b>Name:</b> ERIE COUNTY SURRGOAT <b>Address:</b> 92 FRANKLIN ST, BUFFALO, NY 14202	<b>Account #:</b> 023359066/017594249 <b>Type of Property:</b> OUTSTANDING CHECKS ISSUED TO VENDORS
<b>Reported By:</b> FIRST DATA CORP	<b>Year Reported:</b> 2004
<b>Name:</b> ERIE COUNTY WATERAUTHORITY <b>Address:</b> ELLICOTT SQUARE BLDG., BUFFALO, NY 14203	<b>Account #:</b> 004289362/004717927 <b>Type of Property:</b> CERTIFIED CHECKS
<b>Reported By:</b> MARINE MIDLAND BANK REGULATORY REPORTING and;	

WHEREAS, there is no way to determine the amounts in these accounts unless there is a claim made to the New York State Comptroller for the return of these funds; and

WHEREAS, all information necessary to make a claim for unclaimed funds is available from the Comptroller's Office at [www.osc.state.ny.us](http://www.osc.state.ny.us).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature encourages Erie County, Erie County Medical Center, Erie County Surrogate Court and the Erie County Water Authority to immediately make claims for the above-referenced unclaimed funds and any other unclaimed funds to which they are entitled; and be it further

RESOLVED, that the above-referenced entities are requested to report the results of their requests to receive unclaimed funds to the Government Affairs Committee of the Erie County Legislature by April 15, 2007; and be it further

RESOLVED, that a certified copy of this Resolution be sent to the Erie County Executive, Erie County Medical Center, Erie County Surrogate Court and the Erie County Water Authority.

MS. WHYTE moved to amend the item by including MR. MILLS, MR. RANZENHOFER, MR. WEINSTEIN, MS. IANNELLO and MS. LOCKLEAR as co-sponsors. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

RE: Investing in Erie County Employees  
(INTRO 3-11)

A RESOLUTION SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE, KONST, KOZUB,  
MAZUR, REYNOLDS and RANZENHOFER

WHEREAS, in today's complex workplace, employees must acquire new skills on a regular basis to administer their job duties; and

WHEREAS, it is imperative that employers routinely invest in their employees through continued education in order to maximize the employees potential in performing their job duties; and

WHEREAS, having highly skilled employees improve organizations in both tangible and intangible ways, resulting in an improved work product produced more efficiently; and

WHEREAS, Erie County gives each Department its own Training & Education budget line and does not currently have a central training and skills assessment program beyond SAP training; and

WHEREAS, Erie County is blessed to be home to several world-class educational facilities, including the University at Buffalo and Erie Community College; and

WHEREAS, one Matrix Initiative from Erie County's Four-Year Plan deals directly with this subject matter (Initiative #36) and - according to the filing with the Legislature - the administration plans to request an Efficiency Grant for this initiative.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby formally request that the Comptroller provide to the Legislature a detailed breakdown of where Erie County currently spends its Training & Education dollars; and be it further

RESOLVED, this honorable body requests that when the administration submits its proposal for an Efficiency Grant to the Erie County Fiscal Stability Authority, it engages local educational facilities, particularly those that have adult education courses, and try to form partnerships to take advantage of their expertise; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, Comptroller, Personnel Director, Budget Director, Erie Community College, University at Buffalo and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the item by including MR. MILLS, MS. LOCKLEAR and MR. LOUGHRAN as Co-Sponsors. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Item 37 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-12 from WHYTE Re: The Framework for Regional Growth.

Item 38 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-13 from MARINELLI, WHYTE, KONST, KOZUB, MAZUR & REYNOLDS Re: Progress of Countystat Matrix Initiative.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 39 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 1E-6. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

RE: Ralph Wilson Stadium Bond Resolution

RESOLUTION NO. 30-2007

BOND RESOLUTION DATED FEBRUARY 1, 2007

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING

RECREATIONAL AREA IMPROVEMENTS TO RALPH WILSON STADIUM IN ORCHARD

PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,750,000,

APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE ISSUANCE OF

\$2,750,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) January 3, 2007



(Adopted) February 1, 2007, 2007

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE,  
NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to finance recreational area improvements to Ralph Wilson Stadium in Orchard Park, including the acquisition and installation of a ribbon message board as more fully described in the duly adopted 2007 Capital Budget for the County. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,750,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2007. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2007 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$2,750,000 bonds of the County to finance said appropriation, and 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 principal amount of \$2,750,000 are hereby authorized to be issued for the specific object or purpose described in 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"), to finance said appropriation.

Section 3. The period of probable usefulness for the specific object or purpose for which said \$2,750,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 19.(c) of the Law, is fifteen (15) years.

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 §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.

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: none. (AYES: 13; NOES: 0)

CARRIED.

### **SUSPENSION OF THE RULES**

Item 40 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-45 from LEGISLATOR MARINELLI Re: Community Enrichment Committee Matrix Initiatives.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 41 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-46 from LEGISLATOR MARINELLI Re: Finance & Management Committee Matrix Initiatives.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-47 from LEGISLATOR MARINELLI Re: Government AFFAIRS Committee Matrix Initiatives.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 43 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-48 from LEGISLATOR MARINELLI Re: Personnel Committee Matrix Initiatives.

Received and referred to the PERSONNEL COMMITTEE.

Item 44 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-49 from LEGISLATOR MARINELLI Re: Public Safety Committee Matrix Initiatives.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 45 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-50 from LEGISLATOR MARINELLI Re: Energy & Environment Committee Matrix Initiatives.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-51 from LEGISLATOR MARINELLI Re: Health Committee Matrix Initiatives.

Received and referred to the HEALTH COMMITTEE.

Item 47 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-52 from LEGISLATOR MARINELLI Re: Economic Development Committee Matrix Initiatives.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 48 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-53 from LEGISLATOR MARINELLI Re: Human Services Committee Matrix Initiatives.

Received and referred to the HUMAN SERVICES COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM LEGISLATOR MARINELLI**

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. MARINELLI abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

RE: Lease Agreement for Legislative Office Space (COMM. 3E-1)

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**ERIE COUNTY LEGISLATURE**

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with David J. Galbo for Legislative office space for Lynn Marinelli, located at 1701 Hertel Avenue, Buffalo, New York for a monthly rate of \$650.

FROM LEGISLATOR HOLT

Item 50 – (COMM. 3E-2) Lease Agreement for Legislative Office Space

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MR. RANZENHOFER presented a Challenge to the Chair.

AYES: MILLS, RANZENHOFER and WEINSTEIN. NOES: IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. (AYES: 3; NOES: 10)

FAILED.

FROM LEGISLATOR MAZUR

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded. MR. MAZUR abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

RE: Lease Agreement for Legislative Office Space (COMM. 3E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Raymond F. Dora, located at 1214 Walden Ave., Cheektowaga, New York, front for Legislative Office Space for Thomas J. Mazur at a monthly rate of \$495.00.

FROM LEGISLATOR LOUGHRAN

Item 52 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. LOUGHRAN abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

RE: Lease Agreement for Legislative Office Space (COMM. 3E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement 3D Partners LLC, located at 4549 Main St., Suite 100, Amherst, New York for Legislative Office Space for Thomas A. Loughran at a monthly rate of \$625.00.

FROM LEGISLATOR KONST

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. KONST abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

RE: Lease Agreement for Legislative Office  
Space (COMM. 3E-5)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Lancaster Area Chamber of Commerce, located at 41 Central. Ave., Lancaster, New York for Legislative Office Space for Kathy Konst at a monthly rate of \$550.00.

FROM THE COMPTROLLER

Item 54 – (COMM. 3E-6) ECFSA Resolution No. 07-04 - Control Period for 2007

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 55 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

RE: Appointment to the Audit Committee  
(COMM. 3E-7)

WHEREAS, the Erie County Legislature has received notifications of a vacancy on the Erie County Audit Committee; and

WHEREAS, the Office of the Comptroller has informed the Legislature that John Schiavone, CPA, a current member of the Audit Committee, desires to be reappointed.

NOW, THEREFORE, BE IT

RESOLVED, that John Schiavone, CPA is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2009; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, Michael Szukala, Deputy Comptroller for Audit, and John Schiavone, Lumsden & McCormick, 403 Main Street, 4<sup>th</sup> Floor, Buffalo, NY 14203.

FROM LEGISLATOR IANNELLO

Item 56 – (COMM. 3E-8) Request to be Appointed to the Buffalo Niagara Convention & Visitors Bureau

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**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM LEGISLATOR MARINELLI

Item 57 – (COMM. 3E-9) Majority Caucus Appointment to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau

Received, Filed and Printed.

January 22, 2007

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

RE: MAJOR CAUCUS APPOINTMENT TO THE BOARD OF DIRECTORS OF THE  
 BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Dear Clerk:

Please be advised, that in accordance with their bylaws, Legislator Michele M. Iannello will serve as Majority Caucus appointment to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau.

Sincerely,

Lynn M. Marinelli  
 Chair, Erie County Legislature

CC: Richard Geiger, CEO, Buffalo Niagara Convention & Visitors Bureau

FROM LEGISLATOR KENNEDY

Item 58 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. KENNEDY abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

RE: Lease Agreement for Legislative Office  
 Space (COMM. 3E-10)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Frank Green, located at 1928 South Park Ave. for Legislative Office Space for Timothy Kennedy at a monthly rate of \$650.00.

FROM LEGISLATOR MARINELLI



Item 59 – (COMM. 3E-11) Policies and Procedures

Received and filed.

Item 60 – (COMM. 3E-12) 2007 Committee Assignments

Received, Filed and Printed.

**2007 COMMITTEE ASSIGNMENTS**

Revised January 24, 2007

**Community Enrichment**

**Chairperson: Michele M. Iannello**

Vice-Chairperson: Robert B. Reynolds, Jr.

Members: Thomas A. Loughran

Michael H. Ranzenhofer

Clerk: Jeremy Rosen

**Economic Development**

**Chairperson: Timothy M. Kennedy**

Vice-Chairperson: Kathy Konst

Members: Robert B. Reynolds, Jr.

John J. Mills

Clerk: Geoffrey M. Szymanski

**Energy & Environment**

**Chairperson: Thomas A. Loughran**

Vice-Chairperson: Daniel M. Kozub

Members: Maria R. Whyte

John J. Mills

Clerk: Paul Tarapacki

**Finance & Management**

**Chairperson: Robert B. Reynolds, Jr.**

Vice-Chairperson: Maria R. Whyte

Members: Kathy Konst

John J. Mills

Clerk: John C. Davis

**Government Affairs**

**Chairperson: Maria R. Whyte**

Vice-Chairperson: Cynthia E. Locklear

Members: Timothy M. Kennedy

Michael H. Ranzenhofer

Clerk: Geoffrey M. Szymanski

**Health**

**Chairperson: Cynthia A. Locklear**

Vice-Chairperson: Thomas J. Mazur

Members: Thomas A. Loughran

Dr. Barry A. Weinstein

Clerk: Paul Henderson

**Human Services**

**Chairperson: Thomas J. Mazur**

Vice-Chairperson: Michele M. Iannello

Members: Timothy M. Kennedy

Dr. Barry A. Weinstein

Clerk: Paul Henderson

**Personnel Ad Hoc**

**Chairperson: Kathy Konst**

Vice-Chairperson: Maria R. Whyte

Members: Daniel M. Kozub

John J. Mills

Clerk: John Calvin Davis

**Public Safety**

**Chairperson: Daniel M. Kozub**

Vice-Chairperson: Timothy M. Kennedy

Members: Michele M. Iannello

John J. Mills

Clerk: Jeremy Rosen

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**ERIE COUNTY LEGISLATURE**

FROM LEGISLATOR MILLS

Item 61 – (COMM. 3E-13) Notice of Absence

Filed and Printed.

January 25, 2007

Robert M. Graber  
Clerk of the Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Mr. Graber:

I am writing this letter to inform you that I will be out of town, on business, on February 7, 2007 until February 11, 2007. Therefore, I will be unable to attend any committee meetings or possible special sessions of the Legislature that may be called.

It is my request that you share this letter with the Chairs of the various committees that I serve on. Thank you, in advance, for your action on this matter.

Sincerely,

John J. Mills  
Minority Leader

Item 62 – (COMM. 3E-14) Appointment to the Erie County Audit Committee

Received, Filed and Printed.

January 25, 2007

Chairwoman Lynn Marinelli  
Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Chairwoman Marinelli:

I am writing to advise you that I will be serving another year on the Erie County Audit Committee as the Minority Caucus appointment.

Sincerely,

John J. Mills  
Minority Leader

FROM LEGISLATOR WHYTE

Item 63 – (COMM. 3E-15) At Taxpayer's Expense: How Government Policies Encourage Sprawl in Erie and Niagara Counties

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 64 – (COMM. 3E-16) Review of City of Buffalo Cellblock Agreement with Erie County

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 65 – (COMM. 3E-17) Health - Bathing Beach Water Quality Monitoring and Notification Program 10/1/06 - 9/30/07

Received and referred to the HEALTH COMMITTEE.

Item 66 – (COMM. 3E-18) CPS - Transfer of Law Enforcement Training Academy to ECC

Received and referred to the PERSONNEL COMMITTEE.

Item 67 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

RE: CPS/Emergency Services - Disaster Preparedness Division Proposed Revision of Resolution Comm. 5E-32 Dated 3/1/06 (COMM. 3E-19)

WHEREAS, An All-Hazard Mitigation Plan has been written for Erie County and its 44 municipalities, and

WHEREAS, this plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, Erie County is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan, and

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County All-Hazard Mitigation Plan needs adoption and acceptance by your Honorable Body in order to submit it to the Federal Emergency Management Agency (FEMA), along with the other 44 municipal resolutions, and

WHEREAS, this plan will allow Erie County, and its 44 municipalities to receive funding after a disaster or for mitigation purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Central Police/Emergency Services – Disaster Preparedness Division, is authorized to receive this revision of Comm. 5E-32 dated March 16, 2006 from this Honorable Body, which hereby indicates the adoption and acceptance of the Erie County All-Hazard Mitigation Plan, and to forward this resolution, along with the other 44 municipality's resolutions to the Federal Emergency Management Agency (FEMA) so the plan can be completely approved, and be it further

RESOLVED, that the Erie County All-Hazard Mitigation Plan will be reviewed and amended, as needed within a period of every five years, and be it further

RESOLVED, that the All-Hazard Mitigation Plan will allow Erie County and its 44 municipalities to receive funding from FEMA, as a result of a federally declared disaster, and/or for mitigation aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management; the Office of the Comptroller; and the Department of Central Police/Emergency Services-Disaster Preparedness Division.

Item 68 – (COMM. 3E-20) Social Services - Daycare Registration Grant Amendment

Item 69 – (COMM. 3E-21) Social Services - Joan A. Male Family Support Center - Full Services Schools Contract Increase

Item 70 – (COMM. 3E-22) Social Services - Foster Boarding Home Cost of Living Allowance

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

Item 71 – (COMM. 3E-23) Charter Changes - Office of Public Advocacy

Received and referred to the PERSONNEL COMMITTEE.

Item 72 – (COMM. 3E-24) Semi-Annual Attendance Records - Board of Managers – ECSDs

Item 73 – (COMM. 3E-25) ECSD No. 2 - Contract No. 66STP-D, Electrical Contract Close Out - O'Connell Electrical Company

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**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

Item 74 – (COMM. 3E-26) DEP - Erie County Sherwood Greenway Trail - NYS Thruway Authority Occupancy Permit

Item 75 – (COMM. 3E-27) DEP - State Assistance Application for the NYSDEC Municipal Waste Reduction and Coordination/Education Program

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

Item 76 – (COMM. 3E-28) DPW - Award of Contract - Construction Inspection Services - Rehabilitation of North French Road (CR 299)

Item 77 – (COMM. 3E-29) DPW - Reuse of Ticor Building for NYS - Office of Court Administration - Appellate Division

Item 78 – (COMM. 3E-30) DPW - Request to Receive Funds from Niagara County - Emergency Repairs for Cedar Street (Foote Rd.) Over Tonawanda Creek - BR 261-4, BIN 3326600

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 79 – (COMM. 3E-31) Health - Pandemic Influenza Public Health Planning & Response  
Received and referred to the HEALTH COMMITTEE.

Item 80 – (COMM. 3E-32) Charter Changes - Department of Real Property Tax Services  
Received and referred to the PERSONNEL COMMITTEE.

Item 81 – (COMM. 3E-33) Appointment of Director of Real Property Tax Services  
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 82 – (COMM. 3E-34) Re-Levy of Erroneous Taxes for Property Located in the City of Buffalo Known as the Bed of Fulton Street and Owned by the Seneca Gaming Corporation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 83 – (COMM. 3E-35) Legislative Adoption of the Erie-Niagara Counties Framework for Regional Growth

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 84 – (COMM. 3E-36) Appointment/Reappointment to Erie County Traffic Safety Advisory Board

Received, Filed and Printed.

January 16, 2007

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Appointment / Reappointment to Erie County Traffic Safety Advisory Board

Dear Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint / reappoint the following individuals to the Traffic Safety Advisory Board, for the term stated.

**Appointments**

Capt. Patrick McKenna Amherst Police Department 500 John James Audubon Parkway Amherst, New York 14228	December 31,2009
Angelo Borgese NYS Dept. of Transportation .. 125 Main Street Buffalo, New York 14203	December 31,2009
Commissioner Anthony Billittier Erie County Department of Health 95 Franklin Buffalo, New York 14202	December 31, 2009
Bill Conklin 58 Bucyrus Drive Amherst, New York 14228	December 31, 2009
Officer Darren Benevento Town of Tonawanda Police Dept. 1835 Sheridan Drive Tonawanda, New York 14223	December 31 2009
Dr. William Dice Director SMART Team 462 Grider Street, Bldg. BB Buffalo, New York 14215	December 31, 2009

**Reappointments**

Lt. James Michel, Jr. City of Lackawanna Police Department 714 Ridge Road Lackawanna, New York 14218	December 31, 2009
Dorothy Bitner Grand Island Traffic Safety Board 2101 Baseline Rd, Apt. #6 Grand Island, New York 14072	December 31, 2009
LuAnn Palma Erie County STOP DWI 134 W. Eagle Street Buffalo, New York 14202	December 31, 2009
Carol Siwek 4434 Waters Road East Aurora, New York 14052	December 31, 2009
Alan Blatt CUBRC 4455 Genesee Street Cheektowaga, New York 14225	December 31, 2009
James Makowski Cheektowaga Traffic Safety Board 129 Fairelm Lane Cheektowaga, New York 14227	December 31, 2009
Dennis Murphy NYS Association of Traffic Safety 238 South Cayuga Road Williamsville, New York 14221	December 31, 2009
JoAnne Skorka 126 E. Summerset Lane Amherst, New York 14228	December 31, 2009
J. Mark Robinson ECMCC 462 Grider Street Buffalo, New York 14215	December 31, 2009
Gregory Skibitsky Erie County Emergency Services	December 31, 2009

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**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

3359 Broadway  
 Cheektowaga, New York 14227

Wallace Smith, Vice President  
 AAA Western & Central NY  
 100 International Drive  
 Williamsville, New York 14221

December 31, 2009

John Sullivan, Director  
 Erie County STOP DWI  
 134 W. Eagle Street  
 Buffalo, New York 14202

December 31, 2009

George White  
 Traffic Supervisor  
 NYS Thruway Authority  
 455 Cayuga Road, Suite 800  
 Cheektowaga, New York 14225

December 31, 2009

Sgt. Thomas Daugherty  
 ECSD  
 One Sheriff Drive  
 Orchard Park, New York 14127

December 31, 2009

Dan Herberger  
 Erie County STOP DWI  
 134 W. Eagle Street  
 Buffalo, New York 14202

December 31, 2009

Chief Cindy Young  
 City of Tonawanda Police Department  
 200 Niagara Street  
 Tonawanda, New York 14150

December 31, 2009

Captain Charles Jasinski  
 Kenmore Police Department  
 2395 Elmwood Ave  
 Kenmore, New York 14217

December 31, 2009

Respectfully submitted

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

Item 85 – (COMM. 3E-37) Dedication of Hotel Room Occupancy Tax Revenues in Support of Convention, Visitor and Tourism Services



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**ERIE COUNTY LEGISLATURE**

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 86 – (COMM. 3E-38) Health - Division of the Medical Examiner - Personnel Adjustments - Associate Chief Medical Examiners

Item 87 – (COMM. 3E-39) Health - Division of the Medical Examiner - Personnel Adjustments - Deputy Chief Medical Examiner

Received and referred to the PERSONNEL COMMITTEE.

**FROM THE COMPTROLLER**

Item 88 – (COMM. 3E-40) Erie County 2007 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT.

**FROM THE SHERIFF**

Item 89 – (COMM. 3E-41) Sheriff's Office - Asset Forfeiture Funded Program SAFS

Item 90 – (COMM. 3E-42) Sheriff's Office - Patrol Vehicles

Item 91 – (COMM. 3E-43) Sheriff's Office - "Selective Traffic Enforcement" Program (STEP)

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 92 – (COMM. 3E-44) Sheriff's Office - Personnel Adjustment

Received and referred to the PERSONNEL COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE BUDGET DIRECTOR**

Item 93 – (COMM. 3D-1) Copy of Letter to ECFSA Chair Re: Response to Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 94 – (COMM. 3D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

Item 95 – (COMM. 3D-3) Proposed Agenda for 1/18/07

Received and filed.

FROM THE COUNTY ATTORNEY

Item 96 – (COMM. 3D-4) Erie County Mandatory Pesticide Notification Act - Local Law No. 1-2007

Received, Filed and Printed.

January 17, 2007

**VIA FEDERAL EXPRESS**

Office of the Attorney General  
The Capitol  
Albany, New York 12224-0341

RE: Erie County Mandatory Pesticide Notification Act  
Local Law No. 1-2007

Dear Sir or Madam:

Pursuant to Article 33 of the Environmental Conservation Law, enclosed is a certified copy of the Erie County Mandatory Pesticide Notification Act (Local Law No. 1-2007).

We transmit this local law to your office on behalf of the Clerk of the Erie County Legislature.

An uncertified copy of this local law will also be forwarded to the Buffalo Regional Office of the Attorney General.

Please Call me at (716) 858-2222 if you have any questions.

Very truly yours,

LAURENCE K. RUBIN  
Erie County Attorney

By: BRIAN D. WHITE  
Assistant County Attorney

Enc.

CC: (w/enclosure, via 1<sup>st</sup> Class Mail): Attorney General – Buffalo Regional Office  
(w/o enclosure): Robert Graber, Clerk – Erie County Legislature

Item 97 – (COMM. 3D-5) Local Law No. 2-2007

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

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Received, Filed and Printed.

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

ERIE COUNTY DEPARTMENT OF LAW

RECEIVED  
ERIE COUNTY LEGISLATURE

MEMORANDUM

2007 JAN 22 P 12:04

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TO: Robert Graber, Clerk—Erie County Legislature

FROM: Brian D. White, Assistant County Attorney *BW*

RE: Local Law No. 2-2007

DATE: January 18, 2007

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Enclosed is a certified original of the above-referenced local law for your files.

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~~  
~~Village~~

of Erie

Local Law No. 2 of the year 2007

A local law ~~in relation to support of the Buffalo and Erie~~  
(Insert Title)  
County Public Library.

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

County

~~City~~  
~~Town~~  
~~Village~~

of Erie

as follows:

Section 1.

Erie County Local Law Number One of nineteen hundred fifty-nine, constituting the Erie County Charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of Public Libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie County Public Library, and shall not be subject to withholding, modification, or reduction by the County after adoption of the annual Erie County budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie County Public Library shall not authorize, without the prior approval of the County Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie County Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie County Public Library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie County Public Library expenses adopted in the annual Erie County budget.

Section 2.

This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3.

This local law shall be effective January first, the year two thousand ought seven upon adoption by a two-thirds majority of the Legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the County at the next general election of state or county government officers held not less than sixty days following the adoption of this local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 2 of 2007 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on Dec 14 2006, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on Jan 16 2007, 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\_\_\_\_. 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.  
*(Name of Legislative Body)*  
*(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.  
*(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.

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.

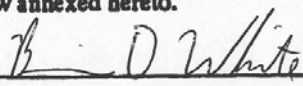
  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
~~Not designated by local legislative body~~  
Date: 1/18/07

(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.

  
\_\_\_\_\_  
Signature Brian D. White  
Assistant County Attorney  
\_\_\_\_\_  
Title

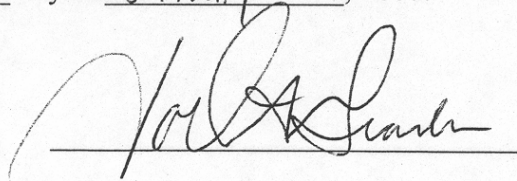
County  
~~XCity~~ of Erie  
~~XTown~~  
~~XVillage~~

Date: 1/18/07

**MEETING NO. 3**  
**FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2006 on Thursday, January 4, 2007 at 10:00 a.m., 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 16<sup>th</sup> day of January, 2007.



A Public Hearing was held on the foregoing Local Law Intro. No. 11-2006 on Thursday, January 4, 2007 at 10:00 a.m., 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 \_\_\_\_\_, 2007.

Item 98 – (COMM. 3D-6) Letter to Marinelli Re: Legal Opinion of Legislator Pleading Guilty to Two Misdemeanor Charges Resulting in Office Being Vacated

Received, Filed and Printed.

January 24, 2007

**VIA HAND DELIVERY**

Hon. Lynn M. Marinelli, Chairperson  
 Erie County Legislature  
 92 Franklin Street, 4<sup>th</sup> Floor  
 Buffalo, New York 14202

Dear Madame Chairperson:

It is my duty to formally advise you that, in my opinion, the office of Legislator for the Third Legislative District of the Erie County Legislature is vacant as of January 9, 2007 by operation of law. On the previous day Legislator George Holt pleaded guilty to two misdemeanor charges of making fraudulent sales tax reports in violation of § 1817(b)(1) of the New York State Tax Law.



**MEETING NO. 3  
FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

Public Officers Law §30 (1)(e) provides that a public office, which includes that of a County Legislator, is automatically vacant upon the office holder's "conviction of a felony or a crime involving his oath of office..." A misdemeanor which demonstrates a "lack of moral integrity", because the elements of the crime involve "intentional dishonest or corruption of purpose", constitutes a violation of a public officer's oath of office. The quoted language are the standards established by the New York Court of Appeals in its 1993 ruling in the cast of Matter of Duffy v. Ward (81 NY2d 127).

Several Opinions of the New York State Attorney General have applied Duffy and concluded that such misdemeanors as petit larceny and attempted grand larceny meet the standard enunciated in Duffy. See *Op. Atty. Gen. No. 97-F7* and *Op. Atty. Gen. 99-03*. The determination of whether a crime shows a lack of moral integrity by the convicted public officer is made based on the penal statute in question and without regard to the individual facts of the particular crime.

In 2000 the Appellate Division of the New York State Supreme Court had occasion to review whether a guilty plea to a misdemeanor charge of filing a fraudulent New York State income tax return caused a public office to be vacated automatically pursuant to Public Officer's Law §30. It was the unanimous decision of the Court that those misdemeanors involve "a willful deceit of a calculated disregard for honest dealings". *Bowman v. Kerik* 271 A.D. 2d 225 (First Dept., 2000)

We have compared the elements of the crime for which Mr. Holt has been convicted with the elements at issue in Bowman and we have concluded that they are equivalent.

We have also discussed this matter with both the District Attorney and the Attorney General. We have found nothing to dissuade us from our conclusion that Mr. Holt's plea of guilty caused his office to be vacated pursuant to Public Officer's Law §930.

Obviously, Mr. Holt should not be counted for a quorum nor his vote recorded subsequent to January 8, 2007. You may file this letter for the next meeting of the Legislature for the purpose of having the records reflect the same and to take the appropriate next steps to fill the vacancy. I understand that the timing of this letter is rather abrupt and it was only yesterday that I briefed you generally on the research my office has been conducting. As County Attorney it is my duty to help ensure that legislative proceedings are conducted with as much regularity as possible.

I am available to answer any questions you may have on this matter.

Very truly yours,

Laurence K. Rubin

LKR/fr

**FROM REAL PROPERTY - BUDGET, MANAGEMENT & FINANCE**

Item 99 – (COMM. 3D-7) Re-Levy of Erroneous Taxes for Property Located in the City of Buffalo Known as the Bed of Fulton Street and Owned by the Seneca Gaming Corporation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

Item 100 – (COMM. 3M-1) EC EMC Meeting Notice & Agenda for Meeting Held 1/16/07

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 101 – (COMM. 3M-2) NFTA Board Minutes for Meeting Held 12/18/06

Item 102 – (COMM. 3M-3) 17A Report and Capital Expenditure Report for 3rd Quarter of FY ending 3/31/07

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM STATE SENATOR RATH**

Item 103 – (COMM. 3M-4) Receipt of Certified Resolution

Received and filed.

**FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP**

Item 104 – (COMM. 3M-5) Agenda for 2/2/07 Meeting & Minutes for 12/8/06 Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE LEGAL AID BUREAU OF BUFFALO, INC.**

Item 105 – (COMM. 3M-6) Annual Report and Annual Activity for 2006

Received and filed.

**FROM THE BUFFALO-NIAGARA FRAMEWORK FOR REGIONAL GROWTH**

Item 106 – (COMM. 3M-7) Final Report – 2006

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**MEMORIAL RESOLUTIONS**

**MEETING NO. 3  
FEBRUARY 1, 2007**

**ERIE COUNTY LEGISLATURE**

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Item 107 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Fred Foster.

Item 108 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Maria C. McCarthy.

Item 109 – Mr. Raznenhofer, Mr. Weinstein and Mr. Mills requested that when the Legislature adjourns, it do so in memory of Anthony J. Renaldo.

Item 110 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Patrick Connolly.

Item 111 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Maureen Zambroan.

Item 112 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Jack Heisler.

Item 113 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Molly Ivins.

**ADJOURNMENT**

Item 114 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, February 15, 2007, at 2 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 15, 2007, at 2 p.m. Eastern Standard Time.

**ROBERT M. GRABER  
CLERK OF THE LEGISLATURE**