

**ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 15, 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 Mills.

Item 1 – CHAIRMAN MARINELLI directed that COMM. 5M-9 be left on the table.

GRANTED.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of minutes for Meetings 2 and 3 of 2007.
MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – WHYTE, MARINELLI, MILLER-WILLIAMS, KONST, GRANT, LOCKLEAR & IANNELLO presented a resolution Honoring Everywoman Opportunity Center, Inc. Upon the Occasion of Their 30th Anniversary Celebration.

Item 6 – MR. REYNOLDS presented a resolution Honoring and Congratulating Jack Kuebler as he Receives the Evans-Brant Chamber of Commerce Citizen of the Year Award.

Item 7 – MS. KONST presented a resolution Honoring the Town of Elma Upon the Occasion of Its Sesquicentennial Celebration.

Item 8 - GRANT & MILLER-WILLIAMS presented a resolution Congratulating Rev. Daris Dixon Clark as the New Pastor at Friendship Baptist Church.

Item 9 - GRANT & MILLER-WILLIAMS presented a resolution Recognizing 3/10/07 as Harriet Ross Tubman Day in Erie County.

Item 10 - GRANT & MILLER-WILLIAMS presented a resolution Congratulating Rev. Johnathan Ruben Staples on His Installation as the Seventh Pastor of First Shiloh Baptist Church.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Item 11 – MS. KONST presented a resolution Honoring Father Joe Upon His 50th Birthday Celebration.

Item 12 – MR. REYNOLDS presented a resolution Recognizing March 25-31 as National Boys and Girls Club Week.

Item 13 – MR. REYNOLDS presented a resolution Recognizing April 29 - May 5 as Municipal Clerk Week.

Item 14 – MR. KENNEDY presented a resolution Honoring and Congratulating John P. Morrison for His Service and Nomination as the 2007 St. Patrick Day Parade Grand Marshal.

Item 15 – MR. KENNEDY presented a resolution Honoring the Memory of Susanne "Susie" Felschow, Her Service to the Valley and Old 1st Ward Communities and the Dedication of the 14th Annual "Old Neighborhood" St. Patrick's Day in Her Honor.

Item 16 – MR. KENNEDY presented a resolution Honoring Charlotte McGuire Misuraca for Her Service to the Valley Community and Congratulating Her on Becoming the 14th Annual "Old Neighborhood" St. Patrick's Day Parade Grand Marshal.

Item 17 – MR. KENNEDY presented a resolution Honoring the Memory of Margaret "Peg" Sullivan, Her Service to Her Community and the Dedication of the 14th Annual "Old Neighborhood" St. Patrick's Day in Her Honor.

Item 18 – MS. IANNELLO presented a resolution In Memory of Stuart M. Farmer.

MS. WHYTE presented the above fourteen items and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above fourteen items by adding Et Al Sponsorship and adding one from Legislator Konst. MS. KONST seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. KONST presented a resolution In Memory of Edward Krafchak.

MS. WHYTE moved to approve the above fifteen items as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

GRANTED.

Item 21- CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 25 - CHAIRPERSON MARINELLI directed that Local Law No. 2 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 26 – CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 27 – MR. REYNOLDS presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

MARCH 6, 2007

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 4

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

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 12-1 (2006)
MILLS, RANZENHOFER & WEINSTEIN: Transfer Tax & Highway Construction
 (5-0)
 - b. COMM. 5D-7 (2007)
BUDGET, MANAGEMENT & FINANCE: Response to Comm. 5M-11
 (5-0)
 - c. COMM. 5M-11 (2007)
ASSN. OF ERIE COUNTY GOVERNMENTS: Certified Resolution Re: Erie County Tax
 Liens
 (5-0)

2. COMM. 2D-3 (2007) **AS AMENDED**
BUDGET, MANAGEMENT & FINANCE
 WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 207160 through 207177 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004 Petition No. **207160**

ASSESSOR Refund \$414.75

S-B-L 26.07-2-1 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$414.75 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$414.75

Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: JAMES & FLORENCE GOLBA SWEET HOME CENTRAL

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2005 Petition No. **207161**

ASSESSOR Refund \$446.37

S-B-L 26.07-2-1 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$446.37 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$446.37
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT
 OF
 31,870 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: JAMES & FLORENCE GOLBA SWEET HOME CENTRAL

FISCAL YEAR 2006 Petition No. **207162**

ASSESSOR Refund \$416.15

S-B-L 26.07-2-1 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$416.15 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$416.15
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,280 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: JAMES & FLORENCE GOLBA SWEET HOME CENTRAL

FISCAL YEAR 2007 Petition No. **207163**

ASSESSOR Refund \$522.15

S-B-L 67.10-1-7 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$522.15 Town/SpecialDist/School
Charge To : 142289 AMHERST \$522.15

REFUND - CLERICAL ERROR, THE INCORRECT GALLONAGE WAS USED FOR
 SEWER TAX. GALLONAGE USED WAS 131,000 AND SHOULD BE IN THE AMOUNT OF
 55,000.

CHECK FOR: NU TREND BEVERAGES INC

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2004 **Petition No.** 207164

ASSESSOR Refund \$638.09

S-B-L 67.81-3-35 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$638.09 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$638.09
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 30,000 WAS
 OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: CARL & KATHLEEN SHEPARD AMHERST CENTRAL

FISCAL YEAR 2005 **Petition No.** 207165

ASSESSOR Refund \$632.06

S-B-L 67.81-3-35 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$632.06 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$632.06
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 31,870 WAS
 OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: CARL & KATHLEEN SHEPARD AMHERST CENTRAL

FISCAL YEAR 2006 **Petition No.** 207166

ASSESSOR Refund \$587.27

S-B-L 67.81-3-35 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$587.27 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$587.27
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT

OF

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

30,280 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: CARL & KATHLEEN SHEPARD AMHERST CENTRAL
FISCAL YEAR 2007 **Petition No.** **207167**

ASSESSOR **Refund** \$669.63

S-B-L 80.14-4-1 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$669.63 Town/SpecialDist/School
Charge To : 142289 AMHERST \$669.63

THIS REFUND - CLERICAL ERROR, THE WATER USAGE WAS APPLIED IN ERROR TO
 TAX BILL. RPTL 550(2)E
 CHECK FOR: 2195-2211 KENSINGTON

FISCAL YEAR 2007 **Petition No.** **207168**

ASSESSOR **Cancel**\$159.00

S-B-L 164.16-4-32.2 **142289 AURORA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$159.00 Town/SpecialDist/School
 24603 AURORA TOWN #8 ECSD \$159.00
Charge To : 142289 AURORA \$0.00

REFUND - CLERICAL ERROR, FRONTAGE FOR THE THIS PARCEL ON THE
 SEWER TAX APPLIED IN ERROR. THIS IS A PRIVATE STREET. RPTL 550(E)
 CHECK FOR: DANIEL & JENNIFER MOMBREA JR

FISCAL YEAR 2007 **Petition No.** **207169**

ASSESSOR **Refund** \$225.00

S-B-L 164.16-4-32.32 **142289 AURORA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$225.00 Town/SpecialDist/School
 24603 AURORA TOWN #8 ECSD \$225.00
Charge To : 142289 AURORA \$0.00

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

REFUND - CLERICAL ERROR, THE FRONTAGE ON THE SEWER TAX WAS APPLIED TO THE TAX BILL IN ERROR. THIS IS A PRIVATE STREET. RPTL 550(2)E
 CHECK FOR: TERRI & HENRI PHYLKAS

FISCAL YEAR 2007 Petition No. **207170**

ASSESSOR **Refund** \$205.50

S-B-L 175.11-2-25 **142289 AURORA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$205.50 Town/SpecialDist/School
 24601 VILLAGE #8 ECSD \$205.50
Charge To : 142289 AURORA \$0.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR FRONTAGE ON THE SEWER TAX INCORRECTLY. THIS IS A PRIVATE STREET. RPTL 550(2)E
 CHECK FOR: DARWIN STANTON

FISCAL YEAR 2005 Petition No. **207171**

ASSESSOR **Cancel**\$1,674.03

S-B-L 57.13-3-1.1 **143200 CLARENCE**

Acct. No. 112 \$985.49 County
 Acct. No. 132 \$688.54 Town/SpecialDist/School
 32025 TRANSIT FIRE PROTECT \$115.26
 32100 ERIE CO SEWER DIST #5 \$106.87
Charge To : 143200 CLARENCE \$466.41

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 2,850,000 AND SHOULD BE 2,650,000. RPTL 550(2)A

FISCAL YEAR 2007 Petition No. **207172**

ASSESSOR **Cancel**\$242.42

S-B-L 104.61-2-4 **143089 CHEEKTOWAGA**

Acct. No. 112 \$95.67 County
 Acct. No. 132 \$146.75 Town/SpecialDist/School
 30800 EC#4 SS DEPEW CHK \$6.41

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Charge To : 143089 CHEEKTOWAGA \$140.34

REFUND - CLERICAL ERROR, THE ASSESSED VALUE IS INCORRECT. THE CORRECT ASSESSMENT WAS 25,000 NOT THE 36,400 USED ON THE TAX BILL. RPTL 550(2)

CHECK FOR: R J METAL FINISHING

FISCAL YEAR 2007 **Petition No.** 207173

ASSESSOR **Cancel**\$174.25

S-B-L 209.04-3-33 **144000 EDEN**

Acct. No. 112 \$86.50 County
 Acct. No. 132 \$87.75 Town/SpecialDist/School
 40019 FIRE PROTECTION \$9.08
 40500 EC#3 BOSTON VALLEY \$8.34

Charge To : 144000 EDEN \$70.33

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 20,500 AND SHOULD BE 32,500. RPTL 550(2)A

FISCAL YEAR 2007 **Petition No.** 207174

ASSESSOR **Cancel**\$1,840.77

S-B-L 238.15-2-59 **144000 EDEN**

Acct. No. 112 \$537.64 County
 Acct. No. 132 \$1,303.13 Town/SpecialDist/School
 40019 FIRE PROTECTION \$31.86
 40050 ERIE CO SEW DST 2 \$66.51

Charge To : 144000 EDEN \$1,204.76

Relevy School\$957.98 144001 EDEN CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 98,000 AND SHOULD BE 55,900. RPTL 550(2)A

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2007 **Petition No.** 207175

ASSESSOR Refund \$212.46

S-B-L 250.17-1-23 **14489 EVANS**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$212.46 Town/SpecialDist/School

Charge To : **14489 EVANS** **\$212.46**

REFUND - CLERICAL ERROR, THIS DELINQUENT WATER CHARGE WAS
 PLACED ON THE PROPERTY IN ERROR. THIS BELONGS ON SBL 250.17-10-23
 CHECK FOR : MARK & TINA MOLNAR

FISCAL YEAR 2007 **Petition No.** 207176

ASSESSOR Refund \$35.18

S-B-L 115.57-3-2.11 **145289 LANCASTER**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$35.18 Town/SpecialDist/School

Charge To : **145289 LANCASTER** **\$35.18**

REFUND - CLERICAL ERROR, THE CONSOLIDATED WATER CHARGE WAS
 PLACED ON THIS PARCEL IN ERROR. RPTL 550(2)E
 CHECK FOR: MICHAEL ROTH & THERESA MURRAY

FISCAL YEAR 2007 **Petition No.** 207177

ASSESSOR Cancel\$38.59

S-B-L 269.19-3-11 **145889 NORTH COLLINS**

Acct. No. 112 \$38.59 County

Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$0.00**

CANCEL - CLERICAL ERROR, THE DISABILITY EXEMPTION IN THE AMOUNT OF
 23,150 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

(5-0)

ROBERT B. REYNOLDS, JR.
CHAIRPERSON

Item 28 – MS. KONST presented the following report, moved to separate Item No. 4 and approve the balance of the report. MS. LOCKLEAR seconded. MR. RANZENHOFER, MS. IANNELLO and MS. WHYTE voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 71

MARCH 6, 2007

PERSONNEL COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT.

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

a. COMM. 5M-7 (2007)

NYS SUPREME COURT: Notice That CSEA Local 1000 & AFSCME, AFL-CIO Made Claim Against Erie County
 (5-0)

2. COMM. 3E-38 (2007)

COUNTY EXECUTIVE

WHEREAS, the Division of the Medical Examiner of the Erie County Health Department is mandated to provide a system of death investigations to determine cause of death, and

WHEREAS, the Division of the Medical Examiner conducts autopsies as a key component in these death investigations, and

WHEREAS, the volume of cases has increased dramatically due to contracts with outside counties for autopsy services, and

WHEREAS, the Medical Examiner Division continually operates twenty-four (24) hours a day, seven (7) days a week, three-hundred-sixty-five (365) days a year; this includes medical staff regularly being on-call for medical decisions, in addition to performing autopsies on weekends and holidays, and

WHEREAS, in order to efficiently meet the legal mandates as required in New York State law it is necessary to implement staffing adjustments within the Division of the Medical Examiner, and

WHEREAS, it is necessary to upgrade the Associate Chief Medical Examiner, (position number 00000583) from JG 19, Step E, to JG 22 , Step E, and the Associate Chief Medical Examiner, (position number 00000584) from JG 19, Step 5, to JG 22, Step 5, and

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, upgrading of current positions is needed to adjust the salaries of the physicians to be comparable with other counties, while greatly reducing extensive overtime costs.

NOW, THEREFORE BE IT

RESOLVED, that the Associate Chief Medical Examiner, (position number 00000583), is hereby upgraded from JG 19, Step E to JG 22, Step E and the Associate Chief Medical Examiner, (position number 00000584), is hereby upgraded from JG 19, Step 5, to JG 22, Step 5, effective March 1, 2007, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the following budgetary adjustments:

Increase Account 500000 – Full Time Salaries	\$78,658
Increase Account 502000 – Fringe Benefits	\$20,081
Decrease Account 500350 – Other Employee Payments	\$70,422
Decrease Account 516020 – Contractual	\$28,317 Public Health Division

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (5-0)

3. COMM. 3E-39 (2007)

COUNTY EXECUTIVE

WHEREAS, the Division of the Medical Examiner of the Erie County Health Department is mandated to provide a system of death investigations to determine cause of death, and

WHEREAS, the Division of the Medical Examiner conducts autopsies as a key component in these death investigations, and

WHEREAS, the volume of cases has increased dramatically due to contracts with outside counties for autopsy services, and

WHEREAS, the National Accreditation of Medical Examiners (NAME) recommends a caseload of 250-300 cases for each forensic pathologist, and

WHEREAS, the current annual caseload of 1140 cases handled by the 2.5 full-time forensic pathologists of the Erie County Medical Examiner's Office greatly exceeds these established best practice guidelines, and

WHEREAS, the creation of a Deputy Chief Medical Examiner position within the division would greatly enhance the capability of the division to fall within the upper range of these guidelines, and

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, with current medical staffing, in the event of an extended illness, absence, or a natural or man-made disaster, the office would be unable to conduct the necessary functions and responsibilities, and

WHEREAS, the Medical Examiner Division continually operates twenty-four (24) hours a day, seven (7) days a week, three-hundred-sixty-five (365) days a year; this includes medical staff regularly being on-call for medical decisions, in addition to performing autopsies on weekends and holidays, and

WHEREAS, in order to efficiently meet the legal mandates as required in New York State law it is necessary to implement staffing adjustments which include the creation of one full-time position of Deputy Chief Medical Examiner, JG 24, within the Division of the Medical Examiner, and

WHEREAS, in order to recruit and retain a qualified candidate, it is necessary to request a variable hiring minimum to Step 3.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes creation of one full time position of Deputy Chief Medical Examiner, JG 24, with the variable hiring minimum Step 3, effective July 1, 2007, and be it further

The following personnel detail is hereby submitted:

Title: Deputy Chief Medical Examiner
 JG: 24 Step: 3
 Annual Salary: \$150,337
 Fringe Benefit Cost: \$60,134
 Fiscal impact on the budget for the remaining portion of the fiscal year:
 Position will be filled from: National search.

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the following budgetary adjustments:

Increase Account 500000 – Full Time Salaries	\$75,169
Increase Account 502000 – Fringe Benefits	\$30,932
Decrease Account 516020 – Contractual	\$60,000 Public Health Division
Decrease Account 516020 – Contractual	\$46,101 Public Health Lab Division

and be it further

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

(5-0)

4. COMM. 4E-13 (2007)

COUNTY EXECUTIVE

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

WHEREAS, the Department in concert with Senior Services has restructured HEAP program operations into a single governance structure under the leadership of one (1) Director, and

WHEREAS, savings from this restructuring will be used to upgrade a full time Energy Crisis Worker III (job group 8) position to a full time Energy Crisis Worker IV (job group 9) position, effective March 1, 2007, and

WHEREAS, this will allow comparable titles and job grades to support the Senior Services and Social Services teams operating under the leadership of the HEAP Director, and

WHEREAS, this change is also consistent with a recently adopted legislative resolution upgrading a position in the Department of Senior Services, and

WHEREAS, this position adjustment is reflected in the SAP system on B-100 position authorization form, control number 2788, and

WHEREAS, the HEAP grant has sufficient funds in the Personal Services line for the above-mentioned personnel adjustments, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that an Energy Crisis Worker III (job group 8) position be deleted in the HEAP grant effective March 1, 2007, and be it further

RESOLVED, that an Energy Crisis Worker IV (job group 9) position be created in the HEAP grant effective March 1, 2007, 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 Commissioner of the Department of Senior Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(5-0)

5. COMM. 5E-18 (2007)

COUNTY EXECUTIVE

WHEREAS, the Division of the Public Health Laboratory of the Erie County Health Department is responsible for the provision of emerging infections/biodefense laboratory services to a 17 county region of New York State, and

WHEREAS, the Erie County Health Department has been awarded an LRN grant by the New York State Department of Health to support the emerging infection/biodefense laboratory in the Division of the Public Health Laboratory, and

WHEREAS, the position of Chief Microbiology Laboratory Technician is fully funded by the LRN grant, and

WHEREAS, an increase in supervisory roles and responsibilities of the Chief Microbiology Laboratory Technician position, including additional assignment of work, review of work, subordinate training, subordinate staff evaluation and potential subordinate discipline, is necessary, and

WHEREAS, in order to efficiently meet program mandates it is necessary to implement staffing adjustments within the Division of the Public Health Laboratories by upgrading the Chief Microbiology Laboratory Technician (position number 1214) from JG 9, Step 4, to JG 10, Step, 4, as indicated on B100 number 2764, and

WHEREAS, available balances within the grant will be utilized to fund this request.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the upgrade of the Chief Microbiology Laboratory Technician (position number 1214) from JG 9, Step 4, to JG 10, Step, 4, as indicated on B100 number 2764, and be it further

RESOLVED, that available balances within the grant budget will be utilized to fund this request, and be it further

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

**KATHY KONST
CHAIRPERSON**

CHAIRMAN MARINELLI directed that Item No. 4 be returned to the PERSONNEL COMMITTEE for further consideration.

GRANTED.

Item 29 – MR. MAZUR presented the following report, moved to separate Item No. 3 and approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

MARCH 8, 2007

HUMAN SERVICES COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT.

1. INTRO 3-5 (2007) **AS AMENDED**
RANZENHOFER, MILLS, LOUGHRAN, GRANT & KONST

WHEREAS, The New York State Association of Counties issued a report in November of 2006 outlining several policies the State of New York could reform for the benefit of counties throughout the state, and

WHEREAS, according to the report, Counties were recently advised by the Office of Children and Family Services that the rates for the local share of State Training School Placements would increase by approximately \$28 million, an increase of 51%, and

WHEREAS, The Office of Children and Family Services notified counties that retroactive payments would be required from January 2001 through 2005, representing a local impact that could reach hundreds of millions when calculated by Children and Family Services, and

WHEREAS, The Office of Children and Family Services has ignored their administrative responsibility by not updating rates since 2001 and are asking property taxpayers to pay for their mistake, and

WHEREAS, County budgets are in place for 2007 and a retroactive billing of this magnitude will force counties to cut other essential services and increase property taxes to cover this unanticipated expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature joins the New York State Association of Counties in urging the Governor to hold counties harmless for the retroactive billing and work with the county to reform the Office of Child and Family Services' administrative process to ensure that this situation is not repeated, and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the New York State Governor, the County Executive, the Budget Director, Members of the Erie County Fiscal Stability Authority, and members of the Local State Legislative Delegation.

(4-0)

2. COMM. 5E-16 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) grant for the period April 1, 2006 to March 31, 2007, and

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, the Department of Senior Services (Department) regularly compares grant contract budgets with actual costs, and

WHEREAS, the Department, in conjunction with the cluster agencies, has identified CSE funds that some of the cluster agencies will be unable to use prior to March 31, 2007, and

WHEREAS, the Department and the cluster agencies desire that these funds be used for residential repairs for frail, low-income seniors who need such assistance to maintain their independence in their home, and

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

NOW, THEREFORE, BE IT

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

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516010	American Red Cross	\$10,000	-\$5,000	\$5,000
516010	Hispanics United of Buffalo	19,000	-8,400	10,600
516010	Old First Ward	24,000	-3,000	21,000
516010	Schiller Park Comm. Center	178,325	-13,000	165,325
516010	South Buffalo Comm. Center	109,251	-3,000	106,251
516010	Town of Amherst Senior Center	16,420	-5,000	11,420
516010	West Side Community Services	19,000	-3,000	16,000
516020	Professional Fees-Aide Transit	5,000	-5,000	0
530000	Minor Residential Repair	75,720	45,400	121,120
TOTAL CHANGE			<u>\$0</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 and the Department of Senior Services.

(4-0)

3. COMM. 5E-17 (2007)
COUNTY EXECUTIVE

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, the County leases space for Social Services operations at 478 Main Street (Hens and Kelly Building) from the Mohawk Group under a lease that was to expire on December 31, 2006 and that was recently extended for a 3 month period by Legislative Resolution Comm 25E-18, and

WHEREAS, the landlord is proposing a new five year lease for the period April 1, 2007 through March 31, 2012, and

WHEREAS, the proposal includes fixed total annual base rent over the five year lease period that is lower than the previous amount of rent paid, and

WHEREAS, the proposed lease includes a clause enabling the County to vacate the entire first and second floors upon 180 days notice and the remaining floors upon 18 months notice in the event that the County would consolidate space and choose to move functions from 478 Main Street, and, in addition, the County may relocate the HEAP office to the first floor as currently planned and vacate the lower level at any time without prior notice and will not incur a cost for the lower level space for the period April 1, 2007 through August 31, 2007 by which time the proposed relocation will be completed, and

WHEREAS, sufficient funding for the lease of space at 478 Main Street is included in the 2007 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into a lease agreement for 115,909 square feet of space at 478 Main Street for the period April 1, 2007 through March 31, 2012 at the annual base rental amount of \$1,419,885, and be it further

RESOLVED, that the actual annual costs of electric service, repairs and renovation during the lease term and for tax escalation increases, above that amount paid in year 2002, will be paid by the County as additional rent, and estimates of these costs are already included in the 2007 adopted budget, and be it further

RESOLVED, section 19.08 of the County Administrative Code requirement for a Request for Proposals (RFP) is waived based on the favorable terms provided, the prohibitive cost of moving and the delay in completion of a comprehensive restructuring and space assessment for all County owned and leased facilities, 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.

(4-0)

THOMAS J. MAZUR
CHAIRMAN

MR. MAZUR moved to amend Item No. 3. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

DELETE the 2nd RESOLVED Clause in its entirety and REPLACE with the following:

RESOLVED, that the actual annual costs of electrical service and renovations during the lease term and for tax escalation increases, above that amount paid in year 2002, will be paid by the County as additional rent, and estimates of these costs are already included in the 2007 adopted budget; and be it further

DELETE the 4th RESOLVED Clause in its entirety and REPLACE with the following:

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, the Director of Budget, Management and Finance and the County Attorney.

MS. MAZUR moved to approve Item No. 3 as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. IANNELLO presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

MARCH 8, 2007

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2E-21 (2007)
COUNTY EXECUTIVE: Convention Center and Visitors Bureau 2006 Funding
 (4-0)

MICHELE M. IANNELLO
CHAIRMAN

Item 31 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. KONST seconded.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

MARCH 8, 2007

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-3 (2007)
ERIE-NIAGARA REGIONAL PARTNERSHIP: 2006 Year End-Project
 (4-0)
 - b. COMM. 5E-5 (2007)
KENNEDY: Local Law 3-2006
 (4-0)
 - c. COMM. 5D-6 (2007)
PUBLIC WORKS: ECFSA Grant for Master Plan for Space Consolidation & Relocation – RFP Process
 (4-0)
2. COMM. 15E-42 (2006)
COUNTY EXECUTIVE
 WHEREAS, Foit-Albert Associates has a General Architectural/Engineering Agreement with Erie County dated July 15, 2004, and

WHEREAS, Foit-Albert Associates has the necessary manpower and expertise to complete the design and construction documents for the Window Replacement at School 84.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Foit-Albert Associates to prepare design and construction documents for a fee not to exceed \$20,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 2001 Roofing and Exterior Waterproofing account, Project A.00026.3.1, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
 (4-0)

3. **COMM. 5E-15 (2007)**
COUNTY EXECUTIVE

WHEREAS, your Honorable Body previously authorized a contract with Abate Engineers on July 27, 2006 to provide Architectural/Engineering Services for the Remedial Structural Repairs Work and

WHEREAS, in performing the remedial structural repairs to the Boiler Room ceiling support steel, sandblasting and cleaning revealed that the steel was in worse condition. We have attached, at the end of this resolution, several photographs depicting the existing conditions of the steel and temporary shoring installed. The County requested Abate Engineers to investigate these conditions resulting in additional design work and construction administration fees, and

WHEREAS, your Honorable Body previously authorized a construction contingency at the time of award of construction contracts on July 27, 2006, the Department of Public Works is asking for an increase in the construction contingency for the Remedial Structural Repair Work contract to cover the additional remedial repair work to the Boiler Room ceiling support steel, and

WHEREAS, your Honorable Body previously authorized a contract with URS, Inc. on May 13, 2004 to provide Architectural/Engineering Services for the Reconstruction of Houses 11 & 12 and prepare an Environmental Impact Statement for the Botanical Gardens Master Plan, and

WHEREAS, ongoing unforeseen conditions in the renovation work for House Nos. 11 and 12 required the firm of URS, Inc. to spend additional time for the Construction Administration Phase of the work and additional time in preparing and responding to SHPO's concern with the Environmental Impact Statement for approval.

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Abate Engineering's contract for an amount not to exceed \$45,000.00 for additional design work and construction administration for the remedial structural repairs, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to URS, Inc. for an amount not to exceed \$214,000.00 for providing additional construction administration for Houses 11& 12 and for additional time in completing the Environmental Impact Statement for the Botanical Gardens Master Plan, and be it further,

RESOLVED, that the construction contingency account for the Remedial Structural Repairs Work be increased by \$311,000.00 from \$60,000.00 to \$371,000.00 with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the construction contingency, and be it further,

RESOLVED, that deduct change orders will be returned to the construction contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP project A.00032-Botanical Gardens Master Plan Reconstruction in an amount not

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

to exceed \$524,332.00, and SAP Project A.00080-2003 Botanical Gardens Master Plan Reconstruction in an amount not to exceed \$45,668.00, total payments not to exceed \$570,000.00, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
 (4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

Item 31 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

MARCH 8, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. COMM. 5E-9 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature awarded Contract 60EV to CMH Construction, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 60EV in the amount of \$765,126.07 which includes Change Order No. 1 (final), a decrease of (\$73,729.93) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 60EV between the County of Erie and CMH Construction, Inc., 2067 Old Union Road, Cheektowaga, New York 14227 in Erie County Sewer District No. 2 Bond Account C.00011, be accepted in the amount of \$765,126.07 which includes Change Order No. 1 (final), a decrease of (\$73,729.93); and be it further;

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 60EV between the County of Erie and CMH Construction, Inc. in the amount of \$765,126.07 and make final payment; and be it further;

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(4-0)

2. COMM. 5E-10 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 17 to Milherst Construction, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 17 in the amount of \$898,480.62 which includes Change Order No. 2 (final), a decrease of (\$27,897.38) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 17 between the County of Erie and Milherst Construction, Inc., 2601 Millersport Highway, P.O. Box 631, Getzville, New York 14068, be accepted in the amount of \$898,480.62 which includes Change Order No. 2 (final), a decrease of (\$27,897.38); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 17 between the County of Erie and Milherst Construction, Inc. in the amount of \$898,480.62 and make final payment from Sewer Capital, Erie County Sewer District No. 1, Account C.00032; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(4-0)

3. COMM. 5E-11 (2007)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Board of Managers for Erie County Sewer District #2:

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

<u>Name and Address</u>	<u>Term Expiration</u>
Mayor Dolores Rinaldi Village of North Collins 10543 Main Street North Collins, New York 14111 (4-0)	December 31, 2007

4. COMM. 5E-12 (2007)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Board of Managers for Erie County Sewer District #3:

<u>Name and Address</u>	<u>Term Expiration</u>
Mayor John Wilson Village of Orchard Park 4295 South Buffalo Street Orchard Park, New York 14127 (4-0)	December 31, 2007

5. COMM. 5E-13 (2007)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Board of Managers for Erie County Sewer District #5:

<u>Name and Address</u>	<u>Term Expiration</u>
Mr. John Callahan Town of Clarence One Town Place Clarence, New York 14031 (4-0)	December 31, 2007

THOMAS A. LOUGHRAN
CHAIRMAN

Item 32 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

MARCH 8, 2007

PUBLIC SAFETY COMMITTEE
 REPORT NO. 4

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

ALL MEMBERS PRESENT.

1. COMM. 5E-1 (2007)
SHERIFF

WHEREAS, the NYS Division of Criminal Justice Services has awarded a grant in the amount of \$77,472 to the Erie County Sheriff's Office to provide funding for a full-time Field Intelligence Officer; and

WHEREAS, the Erie County Sheriff's Office will participate with members of the Buffalo/Erie County Partnership to achieve the ultimate goal of reducing violent crime and reducing gun related crime; and

WHEREAS, these funds will be used to create one (1) Deputy Sheriff Criminal, Pay Grade 8 to act as the Field Intelligence Officer; and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account to cover the 10% match required by this grant; and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with NYS Division of Criminal Justice Services to accept funding in the amount of \$77,472; and be it further

RESOLVED, that the Sheriff's Office is authorized to create one (1) Deputy Sheriff Criminal, Pay Grade 8 in the grand fund; and be it further

RESOLVED, that \$8,608 in available balances in the Asset Forfeiture Trust fund is hereby transferred to the grant; and be it further

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

SHERIFF'S OFFICE – GRANT FUND
 IMPACT Enhancement

<u>Revenue</u>	<u>Increase</u>
Business Area 115 – Sheriff's Office	
Account 409020 – Miscellaneous State Aid	\$ 77,472
Account 421550 – Forfeiture Crime Proceeds	8,608
Total Revenue	<u>\$ 86,080</u>

<u>Appropriation</u>	<u>Increase</u>
Business Area 115 – Sheriff's Office	
Account 500000 – Personal Services	48,630

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Account 500320 – Uniform Allowance	750
Account 500340 – Line-Up	2,355
Account 501000 – Overtime	10,000
Account 502000 – Fringe Benefits	24,095
Account 505200 – Clothing Supplies	250
Total Appropriation	<u>\$ 86,080</u>

and be it further

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

(4-0)

DANIEL M. KOZUB
CHAIRMAN

Item 33 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

MARCH 8, 2007

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1D-2 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)
 - b. COMM. 3E-33 (2007)
COUNTY EXECUTIVE: Appointment of Director of Real Property Tax Services
 (4-0)
 - c. COMM. 3D-2 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)
 - d. COMM. 4D-1 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)

- e. COMM. 5D-3 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)

MARIA R. WHYTE
CHAIRPERSON

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

RE: Endorsing Resolution for Transportation
 Bond Act Projects for Buffalo Airfield (INTRO
 6-1)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR LOCKLEAR

WHEREAS, the County of Erie has received a request from Aviation Consultants of W.N.Y. Inc., applicant, for Buffalo Airfield, 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)

- Installation of a Self-Serve Aircraft Fueling Station
- Construction of a New T-Hanger
- Rehabilitation of an Existing T-Hanger

Under the Business Airport Development Program

- Terminal Area Potable Water

WHEREAS, the New State Department of Transportation, under Section 14-1 of the State Transportation Law, requires that the 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 projects identified above at the Buffalo Airfield for the purpose of making the projects eligible for State funding; and be it further

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

RESOLVED, that this Resolution shall be effective immediately.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Erie County's Support of NYS Legislation
 Rejecting the Commission on Health Care
 Facilities Recommendation to Close St. Joseph
 Hospital (INTRO 6-2)

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATORS KENNEDY, LOUGHRAN and MAZUR**

WHEREAS, New York State is currently considering legislation in the Assembly (A 5382) introduced by Dennis Gabryszak, D-Cheektowaga, and in the Senate (S 2942) introduced by Dale Volker, R-Depew, calling for the New York State Commissioner of Health to refrain from implementing the recommendations of the Commission on Health Care Facilities (CHCF) with regard to St. Joseph Hospital in Erie County; and

WHEREAS, under current law, the New York State Commissioner of Health is required to implement the recommendations of the CHCF, which include the closure of St. Joseph Hospital; and

WHEREAS, the closing of St. Joseph Hospital is contrary to the CHCF's desired goals of promoting health care cost savings, quality of care, financial stabilization or service to a growing community and vulnerable population; and

WHEREAS, part of the Catholic Health System, St. Joseph Hospital is financially stable, finishing 2006 with positive net margin of \$1.3 million, its fourth straight year of profitability; and

WHEREAS, its yearly economic impact to the community is \$124 million in addition to providing more than 800 jobs; and

WHEREAS, St. Joseph Hospital was one of only three area hospitals in 2006 to increase volume in every key statistical comparative category, including admissions (6,833), total discharges (6,817) and inpatient surgeries (1,800). In addition, it has demonstrated significant improvements in quality measures and patient satisfaction survey results; and

WHEREAS, opening in 2005, the hospital's newly reconstructed \$10 million, 17,000 square-foot emergency department cared for more than 27,000 patients in 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes the findings of the Commission on Health Care Facilities as it relates to St. Joseph Hospital and classifies the findings as invalid and inconsistent with the Commission's desired goals; and be it further

RESOLVED, that this Honorable Body is in full support of keeping St. Joseph Hospital open and viable, as it is an institution that anchors its surrounding community; providing substantial employment, sound economic benefit, and most crucial, necessary service to its constituencies in the capacity of proximal health care; and be it further

RESOLVED, that the Erie County Legislature does hereby go on record in full support of the proposed New York State legislation before the Assembly and Senate which rejects the recommendation of the CHCF with regard to St. Joseph Hospital in Erie County; and be it further

RESOLVED, that the Clerk of the Legislature is instructed to send certified copies of this resolution to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the New York State Legislature in its entirety, the Cheektowaga Town Board, the CEO of the Catholic Health System, and the CEO and Board of Directors of St. Joseph Hospital.

Item 36 – MS. WHYTE moved to reconsider INTRO 6-2. MS. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATORS KENNEDY, LOUGHRAN and MAZUR**

WHEREAS, New York State is currently considering legislation in the Assembly (A 5382) introduced by Dennis Gabryszak, D-Cheektowaga, and in the Senate (S 2942) introduced by Dale Volker, R-Depew, calling for the New York State Commissioner of Health to refrain from implementing the recommendations of the Commission on Health Care Facilities (CHCF) with regard to St. Joseph Hospital in Erie County; and

WHEREAS, under current law, the New York State Commissioner of Health is required to implement the recommendations of the CHCF, which include the closure of St. Joseph Hospital; and

WHEREAS, the closing of St. Joseph Hospital is contrary to the CHCF's desired goals of promoting health care cost savings, quality of care, financial stabilization or service to a growing community and vulnerable population; and

WHEREAS, part of the Catholic Health System, St. Joseph Hospital is financially stable, finishing 2006 with positive net margin of \$1.3 million, its fourth straight year of profitability; and

WHEREAS, its yearly economic impact to the community is \$124 million in addition to providing more than 800 jobs; and

WHEREAS, St. Joseph Hospital was one of only three area hospitals in 2006 to increase volume in every key statistical comparative category, including admissions (6,833), total discharges

(6,817) and inpatient surgeries (1,800). In addition, it has demonstrated significant improvements in quality measures and patient satisfaction survey results; and

WHEREAS, opening in 2005, the hospital's newly reconstructed \$10 million, 17,000 square-foot emergency department cared for more than 27,000 patients in 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes the findings of the Commission on Health Care Facilities as it relates to St. Joseph Hospital and classifies the findings as invalid and inconsistent with the Commission's desired goals; and be it further

RESOLVED, that this Honorable Body is in full support of keeping St. Joseph Hospital open and viable, as it is an institution that anchors its surrounding community; providing substantial employment, sound economic benefit, and most crucial, necessary service to its constituencies in the capacity of proximal health care; and be it further

RESOLVED, that the Erie County Legislature does hereby go on record in full support of the proposed New York State legislation before the Assembly and Senate which rejects the recommendation of the CHCF with regard to St. Joseph Hospital in Erie County; and be it further

RESOLVED, that the Clerk of the Legislature is instructed to send certified copies of this resolution to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the New York State Legislature in its entirety, the Cheektowaga Town Board, the CEO of the Catholic Health System, and the CEO and Board of Directors of St. Joseph Hospital.

MS. WHYTE moved to approve the item. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE. NOES: WEINSTEIN. (AYES: 14; NOES: 1)

CARRIED.

Item 37 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Appointment of Commissioner for the
Office of Public Advocacy (INTRO 6-3)

**A RESOLUTION SUBMITTED BY
LEGISLATORS KONST, KOZUB, MILLER-WILLIAMS, MILLS,
WHYTE, RANZENHOFER, REYNOLDS, LOUGHRAN, GRANT, AND LOCKLEAR**

WHEREAS, the Erie County Charter was reviewed in a comprehensive process which began in late 2005 and culminated with overwhelming approval by the voters of Erie County of the changes recommended in November, 2006; and

WHEREAS, among the changes approved was the creation of the Office of Public Advocacy which consists of the Division of Equal Employment Opportunity, the Division on the Status of Women, the Division of Veterans' Affairs, the Division for the Disabled and the Consumer Protection Committee; and

WHEREAS, the Department of Public Advocacy is to be headed by a Commissioner appointed by the County Executive; and

WHEREAS, the Erie County Legislature approved Intro. 4-6 (2007) which created the position of Commissioner for the Department of Public Advocacy as required by the Charter; and

WHEREAS, on February 8, 2007 the County Executive nominated Jacqueline Stover to be appointed as Commissioner of the Office of Public Advocacy; and

WHEREAS, the under the newly approved Charter, the Legislature is required to confirm certain appointments made by the County Executive to insure that only highly qualified candidates become department heads; and

WHEREAS, on March 6, 2007, The Personnel Committee of the Erie County Legislature held a confirmation hearing regarding Ms. Stover's appointment; and

WHEREAS, all questions posed to Ms. Stover were answered fully and without hesitation and she demonstrated a mastery of the subject matter content within the jurisdiction of the Office of Public Advocacy; and

WHEREAS, Ms. Stover has extensive professional experience in a broad range of areas which will assist her in serving as an effective Commissioner for the Office of Public Advocacy; and

WHEREAS, the Erie County Legislature has not received any information or testimony challenging Ms. Stover's fitness to serve as Commissioner of the Office of Public Advocacy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby determines that Ms. Jacqueline Stover, Esquire, is fully qualified to serve as Commissioner of the Office of Public Advocacy; and be it further

RESOLVED, that the Erie County Legislature does formally confirm the nomination by County Executive Joel A. Giambra of Ms. Jacqueline Stover, Esquire to the position of Commissioner of the Office of Public Advocacy; and be it further

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney and to Ms. Jacqueline Stover, Esquire.

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Donation of Equipment (INTRO 6-4)

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

WHEREAS, Erie County has supplied each Legislative office with a new copy machine on a lease arrangement; and

WHEREAS, over the years various office funds accounts that no longer exist and the county office of surplus does not want to incur the expense of moving this unencumbered copiers; and

WHEREAS, this copier equipment is not leased and is not state of the art but still has some supplies with it and life left in it; and

WHEREAS, the public interest is best served by allowing such usable equipment to be offered to local community groups in the district rather than having the equipment mothballed until junked into the landfill.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the idea allowing the newly incorporated Eggertsville Community Center, which can really use it, to have the old copier as it endeavors to get its Community Center organization off the ground; and be it further

RESOLVED, that the Erie County Legislature wishes the Eggertsville Community the best of luck in its ongoing endeavors to keep their community strong and their businesses and neighborhoods growing by acquiring the Community Center and partnering to offer family and youth programming as an alternative to the deterioration that often occurs when community members do not come together.

Item 39 – MS. WHYTE moved to reconsider INTRO 6-3. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

**A RESOLUTION SUBMITTED BY
 LEGISLATORS KONST, KOZUB, MILLER-WILLIAMS, MILLS,
 WHYTE, RANZENHOFER, REYNOLDS, LOUGHRAN, GRANT, AND LOCKLEAR**

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Charter was reviewed in a comprehensive process which began in late 2005 and culminated with overwhelming approval by the voters of Erie County of the changes recommended in November, 2006; and

WHEREAS, among the changes approved was the creation of the Office of Public Advocacy which consists of the Division of Equal Employment Opportunity, the Division on the Status of Women, the Division of Veterans' Affairs, the Division for the Disabled and the Consumer Protection Committee; and

WHEREAS, the Department of Public Advocacy is to be headed by a Commissioner appointed by the County Executive; and

WHEREAS, the Erie County Legislature approved Intro. 4-6 (2007) which created the position of Commissioner for the Department of Public Advocacy as required by the Charter; and

WHEREAS, on February 8, 2007 the County Executive nominated Jacqueline Stover to be appointed as Commissioner of the Office of Public Advocacy; and

WHEREAS, the under the newly approved Charter, the Legislature is required to confirm certain appointments made by the County Executive to insure that only highly qualified candidates become department heads; and

WHEREAS, on March 6, 2007, The Personnel Committee of the Erie County Legislature held a confirmation hearing regarding Ms. Stover's appointment; and

WHEREAS, all questions posed to Ms. Stover were answered fully and without hesitation and she demonstrated a mastery of the subject matter content within the jurisdiction of the Office of Public Advocacy; and

WHEREAS, Ms. Stover has extensive professional experience in a broad range of areas which will assist her in serving as an effective Commissioner for the Office of Public Advocacy; and

WHEREAS, the Erie County Legislature has not received any information or testimony challenging Ms. Stover's fitness to serve as Commissioner of the Office of Public Advocacy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby determines that Ms. Jacqueline Stover, Esquire is fully qualified to serve as Commissioner of the Office of Public Advocacy; and be it further

RESOLVED, that the Erie County Legislature does formally confirm the nomination by County Executive Joel A. Giambra of Ms. Jacqueline Stover, Esquire to the position of Commissioner of the Office of Public Advocacy; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney and to Ms. Jacqueline Stover, Esquire.

MS. WHYTE moved to amend the item by including MS. IANNELLO and MR. WEINSTEIN as Co-Sponsors. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Memorializing the NYS Legislature to Approve an Act to Authorize Erie County to Transfer Certain Parkland to Shelley Brown, a Private Citizen, to be Maintained as Residential Property (INTRO 6-5)

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

WHEREAS, in the year 1975 George F. Sherwood built a house at 66 Lakeside Crescent in Lancaster, New York; and

WHEREAS, in constructing his 1994 square feet ranch house, he encroached upon county parkland known as Como Lake Park; and

WHEREAS, this property was conveyed and transferred between and among family members, including the present owner, Shelley Brown, who is desirous of selling the property to a non-family member purchaser; and

WHEREAS, the prospective buyer, through a title examination undertaken by a licensed title company, discovered that a portion of the house, side and back yard encroached upon County of Erie parkland; and

WHEREAS, the fair market value of the park property in question has been established by a duly licensed appraiser to be ten thousand dollars (\$10,000.00)

WHEREAS, the present property owner is not the party responsible for the construction of the residence on county parkland and an extreme and undue hardship would be placed upon her for without the conveyance of the parkland to her, she would be forever unable to sell her property; and

WHEREAS, the portion of county parkland in question is triangular in shape, only 0.137 +/- acre in size, is at the far easterly end of the park and separated from the balance of the parkland by a

stand of trees, undergrowth, a path, footbridge and creek and its conveyance to the owner would have a de minimus impact on the park and public use thereof; and

WHEREAS, in recognition of these factors, the County of Erie wishes to effectuate the transfer and conveyance of 0.137 +/- acre of Erie County, as more particularly described below to Shelley Brown for and in consideration of the payment of ten thousand dollars (\$10,000.00) to the County of Erie; and

WHEREAS, the property cannot be legally sold unless the county parkland is first conveyed to the present owner; and

WHEREAS, the County does not have the power to authorize the conveyance of public parkland, such power being vested exclusively in the New York State Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature hereby requests the New York State Senate and Assembly respectively to approve an Act authorizing the County of Erie to transfer to Shelley Brown, 5350 Tapscott Avenue, Cocoa, Florida 32926 for the consideration of ten thousand dollars (\$10,000.00 U.S.) payable to the County of Erie that portion of Erie County parkland, commonly known as Como Lake Park, as follows:

All that Tract or Parcel of Land, situate in the Village & Town of Lancaster, County of Erie and State of New York being part of Lot 11, Section 7, Township 11, Range 6 of the Holland Land Company's Survey and being further bounded and described as follows:

Commencing at a point in the easterly line of Lombardy Street (60.0 feet wide) at a distance of 516.25 feet southerly from the intersection of the easterly line of Lombardy Street and the southerly line of Pardee Avenue (60.0 feet wide) formerly Union Avenue;
 Thence southerly along the easterly line of Lombardy Street 29.46 feet to the Point of Beginning;
 Thence continuing southerly along the easterly line of Lombardy Street a distance of 97.92 feet to a point;
 Thence southeasterly at an interior angle of 117°12'00", a distance of 137.11 feet to a point;
 Thence northwesterly at an interior angle of 25°35'16", a distance of 201.64 feet to the point or place of beginning
 Containing 0.137 acres of land more or less; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Senator, Dale M. Volker and New York State Assemblyman Dennis H. Gabryszak and all other members of the Western New York delegation; and be it further

RESOLVED, that certified copies of this resolution also be forwarded to the County Executive, County Attorney, Angelo J. Sedita, Commissioner of Parks, Recreation and Forestry, Joseph Maciejewski, Deputy Commissioner of Real Property Tax and the Erie County Advisory Review Committee (ARC).

Item 41 – MR. RANZENHOFER moved to send the following item to the ENERGY & ENVIRONMENT COMMITTEE. MR. WEINSTEIN seconded.

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

AYES: MILLS, RANZENHOFER and WEINSTEIN. NOES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. (AYES: 3; NOES: 12)

FAILED.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 83

RE: Supporting Senator Clinton's "Strategic Energy Fund" and Resulting Investment in CR Huntley Station (INTRO 6-6)

**A RESOLUTION SUBMITTED BY
 LEGISLATORS MARINELLI, IANNELLO & LOUGHRAN**

WHEREAS, momentum continues to build for securing the long-term viability of CR Huntley's planned 680-megawatt Tonawanda power plant with the recent introduction of legislation by New York Senator Hillary Clinton to fund a "Strategic Energy Fund" to support cleaner energy technologies, reduce America's dependence on imported energy, and help the environment by reducing harmful emissions linked to global warming; and

WHEREAS, Senator Clinton's proposed \$50 billion fund, generated by the repeal of oil company tax breaks, aims to support cleaner coal technologies including Tonawanda's CR Huntley's proposed Integrated Gasification Combined Cycle (IGCC) power plant, a new technology used to convert coal into combustible gas, with the resulting byproducts cleaned and resold for other industrial and construction uses; and

WHEREAS, the Senator's fund would also invest in renewable energy by extending the Production Tax Credit for generating electricity from wind and other renewable sources; supports tax breaks for more efficient vehicles like hybrids and clean diesel; encourages an acceleration of homegrown biofuels like cellulosic ethanol and biofuel research; increases tax incentives to make homes and offices more energy efficient; and also adequately funds academia, industry and government by investing \$9 billion in new energy research initiatives; and

WHEREAS, such an initiative as the one promoted by Senator Clinton, when combined with the utilization of part of the \$650 million in federal credits remaining from the 2006 Energy Policy Act, would clearly help secure the future of CR Huntley Station and also advance other measures throughout America to reduce our dependence on the importation of foreign energy resources and benefit the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in support of Senator Hillary Clinton's "Strategic Energy Fund," a \$50 billion clean technology initiative that represents proactive public policy both economically and environmentally; and be it further

RESOLVED, that this Legislature supports the centerpiece of the initiative, namely the support of research, development and deployment of energy technologies that will reduce America's dependence on foreign oil, create good jobs, and reduce global warming pollution; and be it further

RESOLVED, that this legislative body respectfully encourages Members of Congress to support the Clinton legislation and its linkage to the CR Huntley Station, and further reiterates our encouragement for support of federal tax credits through the utilization of part of the \$650 million in federal credits remaining from the 2006 Energy Policy Act, and/or granting federal tax-exempt financing for CR Huntley to further ensure its long-term viability; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York Governor Eliot Spitzer, NRG Energy Inc., the Western New York Delegations to Congress and the New York State Legislature, Local #97 International Brotherhood of Electrical Workers Union, the New York Power Authority, and the United States Department of Energy.

Item 42 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 6-7 from MILLS & KONST Re: Opposing Construction of Billboards on County Owned Property in Orchard Park

Item 43 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 6-8 from WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR Re: Supporting the Proposed Changes to the NYS Real Property Tax Law

Item 44 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the PERSONNEL COMMITTEE.

GRANTED.

INTRO 6-9 from KONST & IANNELLO Re: The Office of Public Advocacy and Its Relationship with Its Various Divisions and the Advisory Groups Associated with The Office

Item 45 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 6-10 from WHYTE Re: Change to the Judiciary Law

Item 46 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Opposition to Increase in User Fees and
 Unreasonable Restrictions in Olmsted Parks
 (INTRO 6-11)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR WHYTE**

WHEREAS, on June 18, 2004, the City of Buffalo and the County of Erie entered into the “Inter-Municipal Parks Agreement” which transferred the responsibility of the management and operation of Buffalo Parks and Parkways to Erie County; and

WHEREAS, the Inter-Municipal Parks Agreement authorized the Erie County Executive to enter into a subsequent agreement with the Buffalo Olmsted Conservancy to manage, operate, maintain, restore and enhance Olmsted Parks and Parkway Systems in the City of Buffalo (“Olmsted Parks”); and

WHEREAS, on July 1, 2004, the Conservancy began managing all Olmsted Parks and Parkways; and

WHEREAS, thousands of our region’s children participate in baseball, soccer, football, basketball and other organized activities in the Olmsted Parks; and

WHEREAS, the 2004 agreements set the amount of fees that could be charged to organizations that use the Olmsted Parks; and

WHEREAS, also according to the 2004 agreements, the Olmsted Conservancy does not have the authority to impose fees without approval of the Erie County Legislature and the City of Buffalo Common Council; and

WHEREAS, on January 12, 2007 the Olmsted Conservancy issued a letter to all users of its parks informing them that the Conservancy was unilaterally raising or establishing fees for sports teams who use the parks; and

WHEREAS, the Olmsted Conservancy intended to charge sports organizations \$45 per day for each playing field or diamond used for organized athletics; and

WHEREAS, the Olmsted Conservancy did not send the Erie County Legislature the January 12, 2007 letter about the fee increase and failed to have any communication with the Legislature about this important matter; and

WHEREAS, this fee will result in a severe cost increase for sports leagues who will either discontinue activities or push the costs on to parents who already pay taxes to maintain parks; and

WHEREAS, the Olmsted Conservancy “may” not allow sports teams to hold practices in Olmsted Parks; and

WHEREAS, there is a limited supply of green space in the City of Buffalo and in the absence of Parks there are no alternative baseball diamonds, basketball courts and football fields; and

WHEREAS, not allowing sports teams to hold practices in the Olmsted Parks will effectively eliminate organized sports in much of the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body will not approve any fee increases to Little Leagues and Youth Sports Organizations for the use of Olmsted Parks; and be it further

RESOLVED, that this honorable demands that the Olmsted Conservancy act in a responsible manner in future communications with the public and with the Erie County Legislature; and be it further

RESOLVED, that the Olmsted Conservancy must fully inform the public that there will be no fee increases in 2007 by sending a written communication retracting the fee increase to each recipient of their January 12, 2007 letter which announced the unilateral increase; and be it further

RESOLVED, that certified copies of the resolution be forwarded to the County Executive, County Attorney, Commissioner of Parks, Recreation and Forestry, Mayor – City of Buffalo, Buffalo Common Council and the Buffalo Olmsted Park Conservancy.

MS. WHYTE moved to amend the item by including Legislators MARINELLI, MILLS, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MAZUR, MILLER-WILLIAMS and REYNOLDS as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 47 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

GRANTED.

INTRO 6-12 from LOUGHRAN, IANNELLO & KONST Re: Proper Upkeep of ECC Facilities.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 48 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 5E-14. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: Buffalo/Niagara Convention Center - 2007
 Capital Projects - Architect/Engineer
 Agreement Amendment

WHEREAS, the 2007 capital budget contains \$750,000 for Buffalo/Niagara Convention Center Renovations and Improvements, and

WHEREAS, the firm of Barton Hovey Nardini Tries currently has a term contract with the Department of Public Works to provide Architectural/Engineering Services at the Buffalo/Niagara Convention Center, and

WHEREAS, on July 15, 2004, your Honorable Body authorized the County Executive to enter into a General Architectural/Engineering Contract covering services for miscellaneous County projects with Barton Hovey Nardini Tries, and

WHEREAS, it is now desired to start design work for the 2007 capital projects at the Buffalo/Niagara Convention Center so the projects can be completed in 2007.

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue an amendment to the existing agreement to Barton Hovey Nardini Tries to prepare contract documents for the 2007 Buffalo/Niagara Convention Center work for an amount not to exceed \$85,000.00, and be it further,

RESOLVED, that the Comptroller be authorized to make payment for all of the above from SAP Project A.00292 – Convention Center Renovations & Improvements for an amount not to exceed \$85,000.00, and be it further,

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

MS. WHYTE moved to approve the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 49 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

MS. WHYTE moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

RE: Legislative Agreement for Legislative Office Space (COMM. 6E-29)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Town Gardens, LTD. for Legislative office space for Barbara Miller-Williams, located at 440 Clinton Street, Buffalo, New York for a monthly rate of \$625.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR KENNEDY

Item 50 – (COMM. 6E-1) Copy of Letter to County Executive Re: Public Hearing on School #84

Received and filed.

FROM THE COMPTROLLER

Item 51 – (COMM. 6E-2) Copy of Letter to County Attorney Re: Retention of Joseph Passafiume

Item 52 – (COMM. 6E-3) Notice of Completion of Sale of \$50 Million of General Obligation Bonds

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

FROM CHAIRPERSON MARINELLI

Item 53 – (COMM. 6E-4) 2007 Committee Assignments

Received, Filed and Printed.

2007 Committee Assignments
Revised March 1, 2007

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Community Enrichment

Chairperson: Michele M. Iannello
 Vice-Chairperson: Betty Jean Grant
 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
 Dr. Barry A. Weinstein
 Clerk: Geoffrey M. Szymanski

Health

Chairperson: Cynthia A. Locklear
 Vice-Chairperson: Thomas J. Mazur
 Members: Betty Jean Grant
 Dr. Barry A. Weinstein
 Clerk: Paul Henderson

Human Services

Chairperson: Thomas J. Mazur
 Vice-Chairperson: Michele M. Iannello
 Members: Barbara Miller-Williams
 Michael H. Ranzenhofer
 Clerk: Paul Henderson

Personnel

Chairperson: Kathy Konst
 Vice-Chairperson: Barbara Miller-Williams
 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

FROM THE COUNTY EXECUTIVE

Item 54 – (COMM. 6E-5) Copy of Letter to ECFSA Chair Re: Sale of County's Tax Liens

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 55 – (COMM. 6E-6) State Authorization for the Private Sale of Bonds by Negotiated Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LOUGHRAN

Item 56 – (COMM. 6E-7) Copy of Letter to County Attorney Re: Advertisement on Golf Cards

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 57 – (COMM. 6E-8) Audit of Erie County Homeland Security Grant Funds Received From the NYS Office of Homeland Security

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

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

AYES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER, WEINSTEIN and LOCKLEAR. (AYES: 11; NOES: 4).

CARRIED.

RESOLUTION NO. 89

RE: Extension of Erie County's Additional .75% Sales Tax Authority; Home Rule Request Resolution for Senate Bill No. S.3212 and Assembly Bill No. A.5985 (COMM. 6E-9)

ASSEMBLY

WHEREAS, Assembly Bill No. A.5985 and Senate Bill No. S.3212, upon being enacted into law, would amend Tax Law § 1210-D so as to authorize the County of Erie, during the period beginning December 1, 2007 and ending November 30, 2009, to impose a sales and compensating use tax at a temporary additional rate that is three-quarters percent (.75%) above both the permanent 3% rate otherwise authorized for all New York cities and counties pursuant to Tax Law § 1210 and

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

the temporary additional 1% rate currently authorized for Erie County pursuant to Tax Law § 1210, thereby continuing the 4.75% rate of the Erie County sales and compensating use tax beyond November 30, 2007;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.5985 entitled "AN ACT to amend the tax law, in relation to the sales and compensating use tax imposed within the county of Erie"

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

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

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize, and to thereupon impose, a continuation of the additional .75% sales tax rate in Erie County during the two (2) year period beginning December 1, 2007 and ending November 30, 2009 will prevent the County of Erie from continuing to provide services deemed vital to the community, while maintaining a balanced budget.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

SENATE

WHEREAS, Senate Bill No. S.3212 and Assembly Bill No. A.5985, upon being enacted into law, would amend Tax Law § 1210-D so as to authorize the County of Erie, during the period beginning December 1, 2007 and ending November 30, 2009, to impose a sales and compensating use tax at a temporary additional rate that is three-quarters percent (.75%) above both the permanent 3% rate otherwise authorized for all New York cities and counties pursuant to Tax Law § 1210 and the temporary additional 1% rate currently authorized for Erie County pursuant to Tax Law § 1210, thereby continuing the 4.75% rate of the Erie County sales and compensating use tax beyond November 30, 2007;

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

TO THE LEGISLATURE:

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.3212 entitled "AN ACT to amend the tax law, in relation to the sales and compensating use tax imposed within the county of Erie"

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

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

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize, and to thereupon impose, a continuation of the additional .75% sales tax rate in Erie County during the two (2) year period beginning December 1, 2007 and ending November 30, 2009 will prevent the County of Erie from continuing to provide services deemed vital to the community, while maintaining a balanced budget.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

Item 59 – (COMM. 6E-10) Health - NYSDEC Water Quality Management Planning Contract 4/1/04 - 3/31/09

Received and referred to the HEALTH COMMITTEE.

Item 60 – (COMM. 6E-11) Senior Services - Authorization to Establish the POMP Grant Budget and to Amend the LTCIEOP and RSVP Grant Budgets

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 6E-12) Senior Services - Authorization to Contract with a Dietetic Technician

Received and referred to the PERSONNEL COMMITTEE.

Item 62 – (COMM. 6E-13) ECSD No. 6 - Cooperative Agreement Between EC/ECSD No. 6/ECWA

Item 63 – (COMM. 6E-14) DEP - Erie County Community Development - Commercial Center Improvement Program - Consultant Center Improvement Program - Consultant Services

Item 64 – (COMM. 6E-15) DEP - Rebuild WNY Initiative

Item 65 – (COMM. 6E-16) DEP - WNY Stormwater Coalition Local Ordinance Project

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Item 66 – (COMM. 6E-17) ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 6

Item 67 – (COMM. 6E-18) Sewerage Management - Engineering Service Agreement - URS-7, Leg. Comm. 21E-33

Item 68 – (COMM. 6E-19) Sewerage Management - Engineering Service Agreement - URS-8, Leg. Comm. 21E-33

Item 69 – (COMM. 6E-20) ECSD No. 3 - Professional Services Agreement w/ CRA Infrastructure and Engineering, Inc.

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

Item 70 – (COMM. 6E-21) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 71 – (COMM. 6E-22) DEP/DISS - Project Preparation and Business Blueprint Development Services SAP Plant Maintenance Implementation

Item 72 – (COMM. 6E-23) Joint Appointment to the Erie County Records Commission

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MILLS

Item 73 – MR. MILLS presented the following resolution and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

RE: Temporary Utilization of Scoby Dam Park by the NYSDOT as Part of the US Route 219 Expressway Project - Town of Concord (COMM. 6E-24)

WHEREAS, in the Energy and Environment Committee held on March 8, 2007 a discussion occurred regarding correspondence (Comm.5E-19 (2007)) submitted by Legislator Mills that pertained to a proposed 219 Expressway expansion plan that would require the County of Erie to be an active participant, and

WHEREAS, in order to construct the two bridges over Cattaraugus Creek as part of this project, they need to construct temporary access to the bridge sites, and

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, the New York State Department of Transportation has determined that the best access to the bridge is along the prior access way for the existing bridge that was built in 1952 that goes through the Scoby Hill Park, and

WHEREAS, the County and the New York State Department of Transportation has developed a Memorandum of Understanding (MOV) that will protect the park interests and integrity while at the same time provide additional benefits to the County and Town such as improved parking at the park along with the repaving of Scoby Hill Road, and

WHEREAS, the New York State Department of Transportation contractor for the project (Cold Springs) has agreed to limit traffic through the Village of Springville and maintain and repair roads along their haul routes should they be adversely impacted by this project, and

WHEREAS, the County Environment and Planning Department, Parks Department and the Highway Department have all met with the New York State Department of Transportation to have their concerns addressed by the State and their contractor for this project, and

WHEREAS, the project schedule has the work commencing this Spring 2007 with completion scheduled for December 2009, and

WHEREAS, the full proposal from the New York State Department of Transportation for the work to be performed within the Park and the restoration efforts to remove the access road and return the park to the natural state, has been submitted to the Erie County Advisory Review Committee (ARC) for their review.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the New York State Department of Transportation to utilize the above mentioned park for their use to construct a temporary construction access road to assist in the construction of the Rt. 219 bridges, and be it further

RESOLVED, that this resolution is pending the formal review and approval of the ARC Committee, which is anticipated in the next week, and be it further

RESOLVED, that the New York State Department of Transportation will make every effort to return the park use and appearance to its current state by removing the access road providing plantings along this access roadway, and be it further

RESOLVED, that the Clerk of the Legislature forward seven (7) certified copies of this Resolution to the Commissioner of Parks, the Commissioner of Environment and Planning and the Deputy Commissioner-Highways, to be forwarded to the New York State Department of Transportation and one copy of the County Comptroller.

MS. WHYTE moved to amend the item. MS. KONST seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

ADD the following between the 3rd and 4th RESOLVED Clauses.

RESOLVED, that in order to maintain its duty to supervise parklands, the Commissioner of Parks issue a revocable permit to the contractor or record, as a binding condition of the resolution herein, and be it further

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR IANNELLO

Item 74 – (COMM. 6E-25) Copy of Letter to Buffalo Bisons General Manager Re: Declination of 'Gift'

Item 75 – (COMM. 6E-26) Copy of Letter to NEGLIA Ballet Artists Executive Director Re: Declination of 'Gift'

The above two items were received and filed.

FROM LEGISLATOR WHYTE

Item 76 – (COMM. 6E-27) Blueprint Buffalo

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 77 – (COMM. 6E-28) Sale of Surplus Helicopter Parts

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 78 – (COMM. 6D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 79 – (COMM. 6D-2) Letter to Locklear Re: Reply to Comm. 5E-2

Received and referred to the HEALTH COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 80 – (COMM. 6D-3) Comm. 18E-11 (2006) - Ticor Building Renovations for County Attorney's Office

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 81 – (COMM. 6D-4) BMR for FY2006 w/ Year to Date Results Through 12/31

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 82 – (COMM. 6D-5) Proposed Agenda for 3/15/07 Board of Trustees Meeting

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 83 – (COMM. 6M-1) Minutes for Board of Directors Meeting Held 1/22/07

Received and filed.

FROM STATE SENATOR DALE VOLKER

Item 84 – (COMM. 6M-2) Notice of Introduction of An Act to Amend the Local Finance Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO COMMISSIONER OF DEPT. OF ASSESSMENT & TAXATION

Item 85 – (COMM. 6M-3) Certified Resolution - Sale of Erie County Tax Liens

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 86 – (COMM. 6M-4) Notice of Board of Directors Meeting Held 3/12/07

Received and filed.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

FROM ASSOCIATE JUDGE EUGENE F. PIGOTT

Item 87 – (COMM. 6M-5) Copy of Letter to County Attorney Re: Court of Appeals Lease

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ERIE COUNTY DIRECTOR – WESTERN REGION OFF-TRACK BETTING

Item 88 – (COMM. 6M-6) Request to Present Western Region OTB Update to Legislature

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE LEGAL AID BUREAU

Item 89 – (COMM. 6M-7) Monthly Reports and Monthly Activity Reports for 1/07 - 2/07

Received and filed.

FROM THE PARTNERS FOR A LIVEABLE WESTERN NEW YORK

Item 90 – (COMM. 6M-8) Recommendation of Support for Erie Niagara Framework for Regional Growth

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ERIE COUNTY BAR ASSN. – AID TO INDIGENT PRISONERS SOCIETY INC. –
ASSIGNED COUNSEL PROGRAM

Item 91 – (COMM. 6M-9) Financial Report for the Period 7/1/06 - 12/31/06

Received and filed.

FROM THE ALDEN TOWN COUNCIL

Item 92 – (COMM. 6M-10) Certified Resolution - Sheriff Levels

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM PETER A. REESE

Item 93 – (COMM. 6M-11) Performance Based Budgeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 94 – (COMM. 6M-12) List of Certified 2007 State Equalization Rates

Received and filed.

FROM ASSEMBLYMAN MIKE COLE

Item 95 – (COMM. 6M-13) Receipt of Certified Resolution

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 96 – (COMM. 6M-14) Certified Resolution 07-09 Amending the Process for Approving Contracts Settlements, or Other Obligations Binding or Purporting to Bind Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 97 – (COMM. 6M-15) Notice of Special Meeting for the Community Development Committee

Received and filed.

FROM GERALD E. KELLY & PETER A. REESE

Item 98 – (COMM. 6M-16) Performance Based Budgeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 99 – (COMM. 6M-17) Sale of Tax Liens

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 100 – (COMM. 6M-18) Minutes of 3/1/07 Board Meeting

Received and filed.

FROM ASSOCIATE JUDGE EUGENE F. PIGOTT

Item 101 – (COMM. 6M-19) Lease of Space for Court of Appeals Chambers

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

Item 102 – MR. KENNEDY moved to take Local Law No. 2 (Print #1) 2007 off the table.
 MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 3- 2007
 LOCAL LAW NO. _____ - 2007

A LOCAL LAW providing for the Lease of New School 84 to the Buffalo Board of Education.

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

SECTION 1. Notwithstanding the provisions of Section 215 of the County Law or any special act or local law to the contrary, the County may lease New School 84, together with ancillary parking facilities, on the Grider Street Campus of the Erie County Medical Center as may be determined by the Erie County Legislature to not be required for county use, to the Buffalo Board of Education, without competitive bidding or public advertisement, on such terms and conditions as may be approved by the Erie County Legislature. Such lease may provide for an original term of at least fifteen years and for a total term, including renewals and extensions, of up to forty-nine years.

SECTION 2. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

SPONSORS:

TIMOTHY M. KENNEDY
 MARIA R. WHYTE
 ROBERT B. REYNOLDS, JR.
 MICHELE M. IANNELLO

KATHY KONST
LYNN M. MARINELLI
THOMAS A. LOUGHRAN
DANIEL M. KOZUB
THOMAS J. MAZUR
BETTY JEAN GRANT

MR. KENNEDY moved to approve the Local Law. MS. GRANT seconded.

CHAIRPERSON MARINELLI directed that a roll-call be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: none. (AYES: 15; NOES: 0)

CARRIED.

MEMORIAL RESOLUTIONS

Item 103 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Edward Krafchak.

Item 104 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Stuart M. Farmer.

Item 105 – Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Emmett and Clara Drilling.

Item 106 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Douglas Cobb.

Item 107 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Edward J. Butler.

Item 108 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of St. Patrick.

Item 109 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of St. Patrick.

Item 110 – Mr. Weinstein requested that when the Legislature adjourns, it do so in honor of his 6th grandchild.

ADJOURNMENT

Item 111 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 6
MARCH 15, 2007

ERIE COUNTY LEGISLATURE

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, April 6, 2007 at 2 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 6, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE