

**MEETING NO. 12
JUNE 21, 2007**

ERIE COUNTY LEGISLATURE

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MEETING NO. 12
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The Legislature was called to order by Chairperson Marinelli.

All members present except Legislator Weinstein.

An invocation was held led by Legislator Whyte.

The Pledge of Allegiance was led by Legislator Locklear.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 - No Minutes for approval.

Item 4 - No Public Hearings.

Item 5 – CHAIRPERSON MARINELLI directed that INTRO 12-2 be taken out of order.

GRANTED.

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

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

AYES: MILLS, RANZENHOFER, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: none. (AYES: 14; NOES: 0)

CARRIED.

RESOLUTION NO. 161

RE: Home Rule Request - An Act to Authorize
Erie County to Discontinue Use of Certain
Lands as Parklands (Assembly) (INTRO 12-2)

ASSEMBLY

WHEREAS, in the year circa 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, said encroachment being upon an otherwise unusable triangular parcel of land (0.137 +/- acre), the easterly tip of the park which is separated from the

balance of parkland by a stand of trees, undergrowth, path, footbridge and creek; 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 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 discontinuance of use as parklands or the conveyance of public parklands, such power being vested exclusively in the New York State Legislature; and

WHEREAS, Assembly Bill No. A.8388-A and Senate Bill No. S.5561-A now pending before the New York State Legislature would authorize the County of Erie to discontinue use as parklands and to sell and convey in fee simple for its fair market value and upon such terms and conditions as the County of Erie deems appropriate the lands described in Section three of such Acts which are no longer useful for park and recreation purposes; and

WHEREAS, the authorization provided in section one of such Acts shall be subject to the requirement that upon alienation of the lands described in the Acts, the County of Erie shall dedicate all proceeds from the sale of such lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the alternative, if an appropriate parcel cannot be identified after a diligent search, the County of Erie may use the proceeds for capital improvements to existing park facilities in the County of Erie.

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

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.8388-A entitled "AN ACT to authorize the County of Erie to discontinue use of certain lands as parklands and sell such lands, and dedicate certain other lands as parklands."

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

The local governments do not have the power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The present property owner, Shelley Brown, residing at 5350 Tapscott Avenue, Cocoa, Florida, is not the party responsible for the construction of the residence on county parkland. An extreme and undue hardship would be placed upon the owner, for without the conveyance of the parkland to her, she would be forever unable to sell her property. The portion of county parkland in question is triangular in shape, only 0.137 +/- acre in size, is in the easterly end of the park and separated from the balance of the

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parkland by a stand of trees, undergrowth, a path, footbridge and creek. Thus, its conveyance to the owner would have a de minimus impact on the park.

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 in the above referenced Assembly Bill to Shelley Brown for and in consideration of the fair market value of such lands payable to the County of Erie.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

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

Item 6 - CHAIRPERSON MARINELLI directed that INTRO 12-3 be taken out of order.

GRANTED.

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

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

AYES: MILLS, RANZENHOFER, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: none. (AYES: 14; NOES: 0)

CARRIED.

RESOLUTION NO. 161

RE: Home Rule Request - An Act to Authorize
 Erie County to Discontinue Use of Certain
 Lands as Parklands (Senate) (INTRO 12-3)

SENATE

WHEREAS, in the year circa 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, said encroachment being upon an otherwise unusable triangular parcel of land (0.137 +/- acre), the easterly tip of the park which is separated from the balance of parkland by a stand of trees, undergrowth, path, footbridge and creek; 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 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 discontinuance of use as parklands or the conveyance of public parklands, such power being vested exclusively in the New York State Legislature; and

WHEREAS, Assembly Bill No. A.8388-A and Senate Bill No. S.5561-A now pending before the New York State Legislature would authorize the County of Erie to discontinue use as parklands and to sell and convey in fee simple for its fair market value and upon such terms and conditions as the County of Erie deems appropriate the lands described in Section three of such Acts which are no longer useful for park and recreation purposes; and

WHEREAS, the authorization provided in section one of such Acts shall be subject to the requirement that upon alienation of the lands described in the Acts, the County of Erie shall dedicate all proceeds from the sale of such lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the alternative, if an appropriate parcel cannot be identified after a diligent search, the County of Erie may use the proceeds for capital improvements to existing park facilities in the County of Erie.

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

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.5561-A entitled "AN ACT to authorize the County of Erie to discontinue use of certain lands as parklands and sell such lands, and dedicate certain other lands as parklands."

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

The local governments do not have the power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The present property owner, Shelley Brown, residing at 5350 Tapscott Avenue, Cocoa, Florida, is not the party responsible for the construction of the residence on county parkland. An extreme and undue hardship would be placed upon the owner, for without the conveyance of the parkland to her, she would be forever unable to sell her property. The portion of county parkland in question is triangular in shape, only 0.137 +/- acre in size, is in the easterly end of the park and separated from the balance of the parkland by a stand of trees, undergrowth, a path, footbridge and creek. Thus, its conveyance to the owner would have a de minimus impact on the park.

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 in the above referenced

Senate Bill to Shelley Brown for and in consideration of the fair market value of such lands payable to the County of Erie.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

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

MISCELLANEOUS RESOLUTIONS

Item 7 – MR. MILLS presented a resolution Honoring Eagle Scout John T. Holder IV.

Item 8 - MR. MILLS presented a resolution Honoring Eagle Scout Donald E. Marks Jr.

Item 9 - MR. MILLS presented a resolution Honoring Eagle Scout Michael Roberts.

Item 10 - MR. MILLS presented a resolution Honoring Eagle Scout Curtis Wassum.

Item 11 - MR. MILLS presented a resolution Congratulating Corrections Officer John Vikerd.

Item 12 - MR. MILLS presented a resolution Congratulating Corrections Officer Ryan Young.

Item 13 – MS. IANNELLO presented a resolution Honoring Paul Slauson Upon His Graduation from the Erie County Sheriff's Office Basic Corrections Program.

Item 14 - MR. MILLS presented a resolution Congratulating Helen Randall on 50 Years of Membership in the EC Home Bureau.

Item 15 - MR. MILLS presented a resolution Congratulating Audrey Ramage on Recreation Award.

Item 16 - MS. IANNELLO presented a resolution Proclaiming June 20, 2007 as Regina Schunk Day in Erie County.

Item 17 - MS. IANNELLO presented a resolution Honoring Eda V. Quigley on Her 96th Birthday.

Item 18 – MS. MARINELLI presented a resolution Honoring Mary Freeman After 37 Years of Dedicated Service to the Erie County Dept. of Youth Services/Detention.

Item 19 - MS. MARINELLI presented a resolution Honoring Sharon & Dick Thompson Upon Their 50th Wedding Anniversary.

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Item 20 – MS. KONST presented a resolution Honoring Justin Ibowicz For His Assistance to His Fellow Man.

Item 21 - MS. KONST presented a resolution Honoring John Alan Gerber Upon Reaching the Rank of Eagle Scout.

Item 22 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution In Memory of Kevin R. McCarter.

Item 23 – MS. WHYTE presented a resolution Honoring the Black Rock-Assumption Boys and Girls Club and Its 2007 Youth of the Year Deonna Massy.

Item 24 - MS. WHYTE presented a resolution Honoring the Black-Rock-Assumption Boys and Girls Club and Its 2007 Kids of the Year: Jeff Willis and Jalisa Conyers.

MS. WHYTE presented the above eighteen items and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eighteen items by including Et Al Sponsorship. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above eighteen items as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 25 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 2 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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Item 28 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 29 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 30 – 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 31 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

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HUMAN SERVICES COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER.

1. COMM. 11E-15 (2007)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has conducted a Request for Proposals (RFP) for an initiative entitled Disproportionate or Over Representation of Children of Color in Foster Care, and

WHEREAS, nationwide, as well as in Erie County, many more youth of color are placed in foster care, where they remain placed for longer periods of time than would be expected based on percentage representation in the overall population, and minority children are less likely to be returned home and less likely to be adopted, and

WHEREAS, a special RFP was developed to identify and recruit a provider with staff having the skills, sensitivity and expertise to work with this vulnerable population and based on scoring of 12 proposals submitted, the evidence-based program of Bright Options Family Services was the clear choice of the review committee, and

WHEREAS, the mandated preventive services provided by this contract will utilize a community based, child centered and family focused approach and promising evidenced-based

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practice models of intervention which include early and on-going engagement of children, parents and family members as well as early and thorough assessments of children's needs for well being, safety, permanency and family connections, and

WHEREAS, there is no fiscal impact to this resolution as funding was provided in the 2007 Adopted Budget specifically for this purpose in the general Mandated Preventive Services contractual account.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Mandated Preventive Services Enhancements	(\$248,895)
516010	Bright Options Family Services	<u>248,895</u>
	Total Expenditure	<u>\$0</u>

and be it further

RESOLVED, that the County Executive and/or the Commissioner of the Department of Social Services are authorized to execute necessary contracts with Bright Options Family Services for this initiative, and be it further

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

(3-0)

2. COMM. 11E-17 (2007)

COUNTY EXECUTIVE

WHEREAS, the Department has been awarded funding in the amount of \$143,883 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence, and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations, and

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WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's submission to the State of the Consolidated Services Plan (CSP), and

WHEREAS, the Department has determined the distribution of these funds through the negotiation of program enhancements with all vendors eligible to receive funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts for expanded non-residential services to victims of domestic violence with Child and Family Services, Crisis Services and Hispanics United, and be it further

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

Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Crisis Services	\$46,397
516010	Hispanics United of Buffalo	25,546
516010	Child and Family Services	<u>71,940</u>
	Total Expenditures	<u>\$143,883</u>
414000	Federal Aid	<u>\$143,883</u>
	Total Revenues	<u>\$143,883</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because the Department has negotiated program enhancements with all of the vendors eligible to provide services and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(3-0)

3. COMM. 11E-19 (2007)
COUNTY EXECUTIVE

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WHEREAS, the Erie County Legislature has already appropriated funds for the Long Term Care Insurance Education & Outreach Program (LTCIEOP), the Health Insurance Information, Counseling and Assistance Program (HIICAP) and the Community Services for the Elderly (CSE) grants for the period April 1, 2007 to March 31, 2008, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that the Department has been awarded a AAA Transportation Program (AAA Transit) grant for the period April 1, 2007 to March 31, 2008, and additional HIICAP funds, and

WHEREAS, the AAA Transit grant funds are intended to supplement current transportation activities related to serving the elderly and to expand transportation services in areas where there is a determined need that has not been met , and

WHEREAS, the Department desires to enter into a contract with Center for Transportation Excellence LLC, for a demonstration pilot project to expand the number of rides available to seniors and to cover the instances whereby the existing fleet is unavailable and to allow for early or late pick-ups that cannot now be accommodated, and

WHEREAS, the Department was not able to get the pilot project underway during the 45-day period authorized by your Honorable Body under the previous AAA Transit grant period, and

WHEREAS, the Center for Transportation Excellence has agreed to work in conjunction with our established dispatch system using additional transportation providers in the community to accomplish the above objective, and

WHEREAS, the Department will reimburse the Center for Transportation Excellence on a per trip basis (one way) for an estimated 1,225 trips, at a total cost not to exceed \$25,000, and

WHEREAS, the Department desires to transfer a Dispatcher position, position number 3073, (B-100# 3004), from the III-B grant to the AAA Transit grant, effective April 1, 2007, and

WHEREAS, the Department has reviewed the LTCIEOP and HIICAP service objectives and staff involved in carrying out LTCIEOP and HIICAP activities and desires to charge the portion of the Coordinator of Insurance Outreach's salary and fringe benefits for time spent on LTCIEOP-related activities to the LTCIEOP grant, and the portion of the Senior Case Manager's salary and fringe benefits for time spent on HIICAP-related activities to the HIICAP grant throughout each grant's program period; position numbers 51001877 and 8171, respectively; and to transfer the Outreach Aide PT position, position number 51002220, (B-100# 3005), from the LTCIEOP grant to the CSE grant, effective April 1, 2007, and

WHEREAS, there are no County funds required for the three grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with Center for Transportation Excellence LLC, for the period June 1, 2007 to March 31, 2008, for a demonstration pilot project to expand the number of rides available to seniors and to cover the instances whereby

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the existing fleet is unavailable and to allow for early or late pick-ups that cannot now be accommodated, at a total cost not to exceed \$25,000, and be it further

RESOLVED, that the Dispatcher position be transferred to the AAA Transit grant, effective April 1, 2007; that the Coordinator of Insurance Outreach's salaries and fringe benefits be charged to the LTCIEOP grant for the time spent on LTCIEOP-related activities and that a portion of the Senior Case Manager's salaries and fringe benefits be charged to the HIICAP grant for the time spent on HIICAP-related activities throughout each grant's program period, and that the Outreach Aide PT position be transferred from the LTCIEOP grant to the CSE grant, effective April 1, 2007, and

RESOLVED, that the budget for the AAA Transit grant, 163AAATRAN0708, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$108,876
	TOTAL REVENUE	<u>\$108,876</u>
APPROPRIATIONS		
500000	Full Time Salaries	\$57,363
502000	Fringe Benefits	23,605
516020	PLS III, LLC	25,000
980000	DISS Services	2,908
	TOTAL APPROPRIATIONS	<u>\$108,876</u>

and be it further

RESOLVED, that the budget for LTCIEOP grant, 163LTCIEOP0708, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$0	\$30,192	\$30,192
500010	Part Time Wages	\$30,996	-30,996	0
502000	Fringe Benefits	7,913	4,512	12,425
	Local Mileage			
510000	Reimbursement	1,000	-600	400
510100	Out of Area Travel	0	600	600
	Professional Services &			
516020	Fees	7,691	-2,691	5,000
530000	Other Expenses	1,000	-1,000	0
980000	DISS Services	1,400	-17	1,383

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TOTAL CHANGE \$0

and be it further

RESOLVED, that the budget for HIICAP grant, 163HIICAP0708, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
414000 Federal Aid	\$27,413	-\$11	\$27,402
409000 State Aid	0	15,092	15,092
TOTAL REVENUE		<u>\$15,081</u>	
APPROPRIATIONS			
500000 Full Time Salaries	\$11,754	\$12,634	\$24,388
502000 Fringe Benefits	4,820	5,216	10,036
505000 Office Supplies	439	-39	400
510000 Local Mileage Reimbursement	1,500	-500	1,000
510100 Out of Area Travel	1,400	-700	700
516020 Professional Services & Fees	4,000	-1,000	3,000
530000 Other Expenses	2,300	-530	1,770
TOTAL APPROPRIATIONS		<u>\$15,081</u>	

and be it further

RESOLVED, that the budget for CSE grant, 163CSE0708, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS			
Account Description			
500000 Full Time - Salaries	\$242,360	-\$10,800	\$231,560
500010 Part Time - Wages	0	10,800	10,800
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 Department of Law, the Comptroller's Office, and the Departments of Personnel and Senior Services.

(3-0)

THOMAS J. MAZUR
CHAIRMAN

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Item 32 – MR. REYNOLDS presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

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FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 10

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-6 (2007)
COMPTROLLER: ECFSA Resolution No. 07-04 - Control Period for 2007
 (5-0)
 - b. COMM. 3D-1 (2007)
BUDGET DIRECTOR: Copy of Letter to ECFSA Chair Re: Response to Resolution
 (5-0)
 - c. COMM. 5D-5 (2007)
BUDGET, MANAGEMENT & FINANCE: Comparison to the Nine Largest Counties in NYS
 (5-0)
 - d. COMM. 6M-11 (2007)
PETER A. REESE: Performance Based Budgeting
 (5-0)
 - e. COMM. 7E-5 (2007)
COMPTROLLER: 1% Sales and Compensating Use Tax Revenue Sharing with Local Governments
 (5-0)
 - f. COMM. 7D-5 (2007)
BUDGET DIRECTOR: Efficiency Grants
 (5-0)
 - g. COMM. 7M-2 (2007)
ORCHARD PARK TOWN BOARD: Certified Resolution Re: Assessment Calendar
 (5-0)
 - h. COMM. 7M-9 (2007)

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CHEEKTOWAGA TOWN BOARD: Certified Resolution Re: Oppose Change in Assessment Date
 (5-0)

i. COMM. 7M-12 (2007)

HOLLAND TOWN BOARD: Certified Resolution Re: Assessment Calendar
 (5-0)

j. COMM. 8D-6 (2007)

COUNTY ATTORNEY: Bulk Sale of Erie County Tax Liens - ECFSA Contract Approval - Purchase and Sale Agreement Dated as of 4/30/07
 (5-0)

k. COMM. 10M-1 (2007)

PLYMOUTH PARK TAX SERVICE LLC: Proposal for the Bulk Sale/Assignment of Erie County Tax Sale Certificate Pursuant to the 1/18/07 RFP
 (5-0)

l. COMM. 11D-7 (2007)

BUDGET, MANAGEMENT & FINANCE: BMR for Period Ending 4/30/07
 (5-0)

m. COMM. 11M-13 (2007)

GRAND ISLAND COUNCIL: Certified Resolution Re: Revision of the Erie County Tax Act
 (5-0)

ROBERT B. REYNOLDS, JR.
CHAIRPERSON

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

CARRIED. (13-1)

RESOLUTION NO. 165

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PERSONNEL COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLER-WILLIAMS.

1. COMM. 2E-23 (2007)

COUNTY EXECUTIVE

WHEREAS, the 2007 budget process eliminated the position of Laborer JG3 from the Department of Information and Support Services, and

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WHEREAS, this position was dedicated to the operation of the mail room and the Department has not been able to process mail in a timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization create the position of Laborer JG 3 in the 2007 Budget of the Department of Information and Support Services, effective 3/1/2007, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to make the following budgetary adjustments in order to fund this request:

Department of Information and Support Services Fund Center 105

Expense		Increase
500000	Full Time Salaries	\$26,614
502000	Fringe Benefits	<u>11,014</u>
	Total Increase	\$37,628
	County Wide Budget Accounts - Fund Center 14010	
		Decrease
511000	Control Board Expense	<u>\$37,628</u>
	Net Change	0

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Department of Information and Support Services, the Commissioner of Personnel and the Director of Budget and Management.
 (3-0)

KATHY KONST
CHAIRPERSON

Item 34 – MS. IANNELLO presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

JUNE 14, 2007

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 7

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

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

- a. COMM. 11E-6 (2007)
COMPTROLLER: Audited Financial Statements for ECC For FY Ended 8/31/07
 (5-0)
- b. COMM. 11M-16 (2007)
CITY OF BUFFALO MAYOR: Nominees for Appointment to the Board of Trustees of the BECPL
 (5-0)
- c. COMM. 11M-17 (2007)
CITY OF BUFFALO MAYOR: Nominees for Appointment to the Board of Trustees of the BECPL
 (5-0)

2a. COMM. 11E-27 (2007)
COUNTY EXECUTIVE
 WHEREAS, in 1994 Buffalo Telephone Company (now Cingular) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,356 per year; and

WHEREAS, Sprint Spectrum, L. P., AT&T Wireless Services, Cricket and Nextel had all since entered into five year lease agreements for available space on the tower, paying the college approximately \$15,000 per year; and

WHEREAS, CINGULAR, now wishes to enter into a five year lease agreement, with an option to extend, subject to the County's approval, paying the college \$102,000.00 during the initial five year term, with a twenty percent (20%) rent increase for a five year extended term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given the approvals by the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to the approval of the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with New Cingular Wireless PCS, LLC. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

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RESOLVED, that the term of the lease for CINGULAR shall be for an initial term of five years at \$20,400.00 per year including an option for one five year renewal, subject to County approval, providing a rent increase of twenty percent (20%); and be it further

RESOLVED, that the funds received from this lease is to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.

(5-0)

2b. COMM. 11E-27 (2007)

COUNTY EXECUTIVE

WHEREAS, in 1994 Buffalo Telephone Company (now New Cingular Wireless PCS, LLC) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,356 and per year; and

WHEREAS, Sprint Spectrum, L. P., AT&T Wireless Services, Cricket and Nextel had all since entered into five year lease agreements for available space on the cell tower, paying the college approximately \$15,000 per year; and

WHEREAS, SPRINT now wishes to enter into a five year lease agreement, with a five year option to extend, subject to the County's approval, paying the college \$19,000 for the first year of the initial term and escalating four percent (4%) per year thereafter, to a total of approximately \$102,900.00 during the initial five year term, and with a four percent (4%) per year rent increase for each of the years in the five year extended term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by both the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Sprint Spectrum, L. P. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the lease for Sprint Spectrum, L. P. shall be for an initial term of five years, rent beginning at \$19,000 in the first year and escalating four percent (4%) per year

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thereafter and with an option for one five year renewal, subject to County approval, providing for rent increases of four percent (4%) per year; and be it further

RESOLVED, that the funds received from this lease are to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.
 (5-0)

2c. COMM. 11E-27 (2007)

COUNTY EXECUTIVE

WHEREAS, in 1994 Buffalo Telephone Company (now Cingular) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,356 per year; and

WHEREAS, Sprint Spectrum, L. P., AT&T Wireless Services, Cricket and Nextel had all since entered into five year lease agreements for available space on the tower, paying the college approximately \$15,000 per year; and

WHEREAS, NEXTEL, now wishes to enter into a five year lease agreement, with an option to extend, subject to the County's approval, paying the college approximately \$102,000.00 during the initial five year term, with a twenty percent (20%) rent increase for a five year extended term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by both the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Nextel WIP Lease Corp. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the lease for NEXTEL shall be for an initial term of five years at \$20,400.00 per year including an option for one five year renewal, subject to County approval, providing a rent increase of twenty percent (20%); and be it further

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RESOLVED, that the funds received from this lease is to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.
 (5-0)

MICHELE M. IANNELLO
CHAIRPERSON

Item 35 – MR. KENNEDY presented the following report, moved to separate no. 7 and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

JUNE 14, 2007

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-2 (2007)
NFTA: Two (2) Cash Flow Statements - Actual Cash Flow for the Period 4/1/06 - 3/31/07 & the Projected Cash Flow for the Period 4/1/07 - 3/31/08
 (4-0)
 - b. COMM. 11M-14 (2007)
ECIDA: Notice of Board Meeting to be Held 6/11/07
 (4-0)
 - c. COMM. 11M-18 (2007)
TOWN OF CHEEKTOWAGA: Copy of Certified Resolution Re: Authorize Supervisor to Execute Agreement of Cooperation With Erie County
 (4-0)
2. COMM. 11E-11 (2007)
COUNTY EXECUTIVE

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings, and

WHEREAS, a contract was awarded to Grove Roofing Services, Inc., the total expenditure of which shall be based upon a project-by-project basis, and

WHEREAS, several emergency roof repairs have been needed and the contract allowance must be increased in order for the contractor to continue making emergency roof repairs, and

WHEREAS, ECC has transferred \$40,000.00 from their operating and maintenance account to assist the County in maintaining the college facility buildings located at their City, North and South campuses, and

WHEREAS, major repairs were made to the Casino Building at Chestnut Ridge Park, costing approximately \$25,000.00.

NOW, THEREFORE, BE IT,

RESOLVED, that the total expenditure be increased by \$85,000.00 from \$75,000.00 to \$160,000.00 with authorization for the Commissioner of Public Works to approve the work based upon the NYS Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further

RESOLVED, that the budgeted appropriations and revenues in SAP Project A.00227, 2004 – Roof Replacement and Waterproofing of Various County Buildings, be increased by \$40,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00227 – 2004 Roof Replacement and Waterproofing of Various County Buildings for an amount not to exceed \$60,000.00 and from SAP Project A.00054 – 2002 Improvements to Various County Parks for an amount not to exceed \$25,000.00, 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 one copy to the Office of the Comptroller.

(4-0)

3. COMM. 11E-12 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works has received notice of acceptance of a grant from the New York State Department of State for their Shared Municipal Services Incentive Grant Program titled Utility Procurement Aggregation Group Expansion in conjunction with Niagara County and Chautauqua County, and

WHEREAS, the grant funds potential expansion of the Erie County and Niagara County Utility Aggregate by contacting each town and village within Erie, Niagara and Chautauqua County, investigating how their current utility bills are paid and offering a potential low cost alternative, and

WHEREAS, extensive work by the County's Energy Technical Services Consultant will be required to perform the analysis required of the grant, and

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WHEREAS, the Erie County Legislature supported the grant in a resolution being Communications Number 3E-6 dated February 14, 2006.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept the grant award in the amount of \$65,466.00 with a Local Match of \$7,274.00; and be it further,

RESOLVED, that authorization is hereby provided to amend Department of Public Works-Highways to accommodate transactions relative to the grant as follows:

<u>Revenue</u>	<u>Current</u>	<u>Changes</u>	<u>Amended</u>
Acct. 486000 Interfund Subsidy	\$3,315,024	<u>-10,667</u>	3,304,357
<u>Appropriations</u>			
Acct. 575000 Interfund Expenditures	\$-0-	7,274	7,274
Acct. 912300	\$-0-	<u>-17,941</u>	17,941
		<u>-10,667</u>	

and, be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the Department of Public Works as follows:

Grant Fund 280 Shared Municipal Services Incentive

Revenue

Acct. 409000 State Aid	\$65,466.00
Acct. 479000 County Share	<u>7,274.00</u>
	<u>\$72,740.00</u>

Appropriations

Acct. 505000 Office Supplies	\$ 859.38
Acct. 516020 Professional Services Contracts	53,939.62
Acct. 912300 Interdepartmental Billing	<u>17,941.00</u>
	<u>\$72,740.00</u>

and, be it further

RESOLVED, that the Erie County Legislature authorizes a supplemental agreement be issued to Fluent Energy for their work as outlined in the grant in an amount not to exceed \$49,500.00; and, be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities as required under the terms of the grant; and, be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the Deputy Commissioner – Highways, the Office of the County Executive, the Director of Budget and Management and the Office of the Comptroller.

(4-0)

4. COMM. 11E-13 (2007)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is obligated to provide \$5M in Capital Maintenance for Dunn Tire Park pursuant to an agreement between the County of Erie, City of Buffalo and Buffalo Bisons, and

WHEREAS, the Bisons have requested using part of these funds to construct a Center Field Pavilion for use this baseball season and replace the concession stands exhaust hood fire suppression system to comply with current building codes, and

WHEREAS, the Department of Public Works has prepared plans and specifications and received bids on May 10, 2007 for this project, and

WHEREAS, the baseball season has already started and in order for the Bisons to obtain beneficial use from the Pavilion during the current baseball season, work must begin immediately, and

WHEREAS, in order to accomplish this, the Bisons wish to enter into a contract with the lowest responsible bidders and pay the construction cost and be reimbursed by the County at a later date, and

WHEREAS, the Buffalo Bisons are asking for reimbursement for replacing the concession stands exhaust hood fire suppression system, and

WHEREAS, the County has a General A/E Agreement with Greenman - Pedersen, Inc. for providing engineering services, and

WHEREAS, a change order is required to Greenman – Pedersen Inc.'s contract for providing Construction Administration Services during the construction phase.

NOW, THEREFORE, BE IT,

RESOLVED, that the Legislature agrees to have the Buffalo Bisons expedite this work by the Bisons entering into a contract with the lowest responsible bidders to construct the Center Field Pavilion, and be it further,

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RESOLVED, that the Commissioner of Public Works and the Comptroller be authorized to reimburse the Buffalo Bisons for the cost of construction in an amount not to exceed \$105,000.00 plus an additional contingency amount of \$10,000.00, for a total amount not to exceed \$115,000.00 and be it further,

RESOLVED, that the Commissioner of Public Works and the Comptroller be authorized to reimburse the Buffalo Bisons for the cost of replacing the concession stands exhaust hood suppression system in an amount not to exceed \$16,430.00, and be it further,

RESOLVED, that the Commissioner of Public Works is authorized to issue a change order to Greenman – Pedersen Inc. for providing Construction Administration Services in an amount not to exceed \$24,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.09019 – 2001 – Dunn Tire Park Improvements, and be it further,

RESOLVED, that certified copies of this Resolution be sent to the Department of Public Works, Commissioner's Office, the County Attorney's office and the Comptroller's office.
 (4-0)

5. **COMM. 11E-22 (2007)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized the County Executive to enter into General Architect/Engineer contracts with Watts Architecture & Engineering, P.C., which included Asbestos, Industrial Hygiene & Indoor Air Quality Environmental Engineering Services in many of our County facilities, and

WHEREAS, in order to assure these necessary services, the Commissioner of Public Works is requesting a fee allocation of \$25,000.00 be paid on a time and material project-by-project basis, and testing.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to the Environmental Engineering contract with the firm of Watts Architecture & Engineering, P.C., and be it further

RESOLVED, that payment for said fees be from the following:

Project A.00027 – '01 Asbestos Abatement	\$25,000.00
Total	\$25,000.00

and be it further,

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

(4-0)

6. COMM. 11E-23 (2007)
COUNTY EXECUTIVE

WHEREAS, 245 North Street LLC and 245 North Street Housing Development Fund Corp. is developing housing for very low and low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located at 245 North Street in the City of Buffalo, New York contains 63 residential apartment units for very low and low income senior households; and

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

WHEREAS, in order to make the Project economically feasible for 245 North Street LLC to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with 245 North Street LLC and 245 North Street Housing Development Fund Corp. relating to the North Street Y Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes dues as set forth on Schedule A attached hereto. Payment under the agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

(4-0)

7. COMM. 11E-30 (2007)
COUNTY EXECUTIVE

WHEREAS, property owners along County Roads in the Town of Cheektowaga are continuing to place large amounts of debris from the October 2006 storm next to County roads for pick up; and

WHEREAS, the Town of Cheektowaga and the County Department of Public Works propose to pool resources in order to provide for a one-time removal of the debris; and

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WHEREAS, the implementation of this plan requires an Inter-Municipal Agreement with additional County funding of \$49,000 for equipment rental; and

WHEREAS, the County has generated additional reimbursement from FEMA claims that include administrative overhead expense; and

WHEREAS, although the specific cost of removing this debris is not eligible for direct reimbursed by the Federal Government, the funds generated by the administrative overhead claims are available and provide an available balance of \$49,000 which can be used for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, acting by and through the County Department of Public Works, be authorized to enter into an Inter-Municipal Agreement with the Town of Cheektowaga for the purpose of removing debris along County Roads within the Town, whereby the County Division of Highways will provide the following:

1. Flagman and equipment for traffic control;
2. Three dump trucks and drivers and other miscellaneous equipment as determined by the County Deputy Commissioner of Highways;
3. A not to exceed amount of \$49,000 for the rental of a Grinder,

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust Fund 250, the October Storm Emergency Response fund, in order to provide \$49,000 in account 545000, rental, for the Division of Highways; and be it further

RESOLVED, that six certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy each to the County Executive; the Division of Budget and Management; the County Attorney; and to the Office of the Comptroller. (3-1) Legislator Mills in the negative.

**TIMOTHY M. KENNEDY
CHAIRMAN**

MR. KENNEDY moved to approve No. 7. MR. MAZUR seconded. MR. MILLS, MR. RANZENHOFER and MS. KONST voted in the negative.

CARRIED. (11-3)

Item 36 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

JUNE 14, 2007

PUBLIC SAFETY COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. INTRO 11-2 (2007) **AS AMENDED**
KONST

WHEREAS, there has been much public concern and attention drawn to the county bridge that's located in the town of Lancaster on Cemetery Road which crosses over Erie Street, and

WHEREAS, this bridge is a major connecting route between Broadway and Walden Ave., serving as a significant north-south corridor between Lancaster, Elma, Alden and Clarence, and

WHEREAS, bridges have a life expectancy of approximately 50 years, and

WHEREAS, the Cemetery Road Bridge is approximately 70 years old, and

WHEREAS, for the past 12 years this bridge has had a net attached to the underside of the bridge on Erie Street to catch large chunks of falling concrete, which causes concern to drivers and nearby residents, and

WHEREAS, Erie County has approximately 625 bridges under its jurisdiction of which 260 are inspected by the New York State Department of Transportation, and

WHEREAS, New York State Department of Transportation notified Erie County on November 16, 2006 that the Cemetery Road Bridge received a Yellow Structural Flag, a condition described as follows:

The End Bearings are expansion and are high steel rockers rotating on a pin. Both bearings have 100% paint loss which has resulted in delamination. Corrosion has extended down to the anchor bolts which have section loss. The backside anchor bolts have higher amounts of section loss. Severe spalling of the backwall behind both girders have dumped large amounts of gravel and mushy concrete onto the bearings. This has attributed to the accelerated corrosion to the backside of the bearing and the anchor bolts. Both bearings are overextended toward the backwall. The left bearing has rotated 13 degrees from plumb and the Right bearing has rotated 14 degrees from plumb. Comparing the rotation of the bearing to the 1996 inspection, the Left bearing was 11 degrees from plumb and the right was also 11 degrees from plumb. The backwall is located only 55mm from the end of the Right girder and 70mm from the left girder. Both bearing are almost maxed out.

WHEREAS, an investigative report by Luke Moretti of TV Channel 4 showed the State Report and pictures of the bridge to Dr. Aghayere, a Civil Engineer from RIT, and his response was that the bridge should be red flagged, and

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WHEREAS, the Cemetery Road bridge is not the only bridge in the town of Lancaster with deplorable conditions, and

WHEREAS, Stony Road Bridge over Ellicott Creek was just reduced from 5 ton capacity to 3 ton capacity, and

WHEREAS, School buses have been ordered not to travel on the bridge, and

WHEREAS, these bridges have local traffic as well as school children traveling by bus on them each day, and

WHEREAS, these bridges have become public safety issues for the residents of Lancaster

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance of having a properly maintained road and bridge system throughout all municipalities in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby request that the Erie County Department of Public Works and Division of Highways (DPW) attend the next meeting of the Erie County Public Safety Committee to address this legislature on our concerns regarding the safety conditions of the Cemetery Road Bridge, what action is being taken to address the public safety concerns on the bridge, why the bridge has gone 12 years without repair, and what action is being taken to immediately remedy the situation, and be it further

RESOLVED, that the Erie County Legislature request that the Department of Public Works Commissioner John Loffredo request in writing to the State DOT that they move the date of the inspection of the Cemetery Road Bridge within the next 30 days because of the danger to the public; and be it further

RESOLVED, that the DPW address its intentions for maintenance and remediation of the Stony Road Bridge and to let the members of the Erie County Legislature be informed what the procedures are to close this bridge if need be until funding can be found to fix the bridge; and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel Giambra, Department of Public Works Commissioner John Loffredo, Division of Highways Deputy Commissioner Gerard Sentz, Division of Budget, Management and Finance Director James Hartman, Congressman Brian Higgins, Congressman Thomas Reynolds and the WNY Delegation.
(4-0)

DANIEL M. KOZUB
CHAIRMAN

Item 37 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

JUNE 14, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-24 (2007)
COUNTY EXECUTIVE: Erie County Sewer District Nos. 1, 2, 4, 5 & 6 - Engineer Term Agreement - Work Order: GPI-10
 (4-0)
 - b. COMM. 11E-25 (2007)
COUNTY EXECUTIVE: DEP - Sewerage Management - Engineer Term Agreement - Work Order: MPI-6
 (4-0)
 - c. COMM. 11M-1 (2007)
ECWA: News Release - ECWA Receives High Marks from Independent Audit
 (4-0)
 - d. COMM. 11M-5 (2007)
ECWA: Comprehensive Annual Financial Report for Year Ended 12/31/06
 (4-0)
2. COMM. 2E-11 (a) (2007)
COUNTY EXECUTIVE
 RESOLUTION NO. 170

RESOLUTION DATED JUNE 21, 2007

A RESOLUTION RATIFYING PREVIOUS APPROVAL OF (1) THE ESTABLISHMENT OF ERIE COUNTY SEWER DISTRICT NO. 8 IN THE COUNTY OF ERIE, NEW YORK AND (2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR EXPENDITURE OF FUNDS FOR SAID ESTABLISHMENT; AND MAKING CERTAIN FURTHER FINDINGS AND DETERMINATIONS RELATIVE THERETO.

(Introduced) JUNE 14, 2007.
 (Adopted) JUNE 21, 2007.

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WHEREAS, a petition has been presented and executed on behalf of the Village of East Aurora by the Mayor of said village requesting that all areas within such village be established as a County sewer district; and

WHEREAS, a petition has been presented and executed on behalf of the Town of Aurora by the Supervisor of said town requesting that certain areas within such town be established as a County sewer district; and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed establishment of Erie County Sewer District No. 8 (the "Proposed Sewer District") which map, plan, report and estimate of cost have been approved by the Erie County Department of Environment and Planning on June 15, 2005 and filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer District, (ii) a description of the areas of the Proposed Sewer District to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer District, and (iv) estimates of the cost of construction, reconstruction or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the establishment of the Proposed Sewer District is \$4,000,000, to finance the costs of the acquisition of wastewater facilities and the improvements included with the establishment of the Proposed Sewer District, to be assessed against a benefited area which consists of the entire area of said Proposed Sewer District; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the establishment of the Proposed Sewer District if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$480.80 for typical property located within the Village of East Aurora and \$582.77 for typical property located within the Town of Aurora, is above the Average Estimated Cost of \$280.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 254 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 178-2005 on July 7, 2005, calling a meeting of the Legislature for the purpose of holding a public hearing on the aforesaid establishment of Erie County Sewer District No. 8, in accordance with the aforesaid map, plan and report and said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on August 18, 2005; and

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

WHEREAS, said County Legislature after duly considering the evidence given at such public hearing duly adopted Resolution No. 293 on the 10th day of November, 2005 authorizing the

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establishment of Sewer District No. 8 and directing that an Application be prepared and forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized by said resolution; and

WHEREAS, said Application has been received by the State Comptroller and after review of said Application the State Comptroller's staff has requested that the County Legislature make certain further findings and determinations,

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

Section 1. Upon the evidence given at the aforesaid public hearing, and after reviewing said Application as prepared by the Department of Environment and Planning, it is hereby found and determined that (i) the authorization for said establishment of said Sewer District No. 8 in the County of Erie, New York at a maximum estimated cost of \$4,000,000 and all findings and determinations made pursuant to Resolution 293 duly adopted by said County Legislature on the 10th day of November, 2005 are hereby ratified, (ii) that said Application to the State Comptroller was prepared at the direction of said County Legislature and that said County Legislature believes the contents of the Application to be accurate, and (iii) that the expenditure for which consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

Section 2. This resolution shall take effect immediately.

(4-0)

3. COMM. 2E-11 (b) (2007)

COUNTY EXECUTIVE

RESOLUTION NO. 171-2007

BOND RESOLUTION DATED _____, 2007

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, ADOPTED _____, 2007 AMENDING THE BOND RESOLUTION ADOPTED DECEMBER 18, 1997.

(Introduced) _____, 2007

(Adopted) _____, 2007

Recitals

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 5 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

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WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated April 16, 2007, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 5 in said County, consisting of the replacement of existing sanitary sewers throughout the District as and where required, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$1,860,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

WHEREAS, said County Legislature duly adopted Resolution No. 137 on the 17th day of May, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 8th day of June, 2007, at 1:30 o'clock P.M., Prevailing Time; and

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

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

WHEREAS, it is now necessary to amend the Bond Resolution adopted by the County Legislature on December 18, 1997 to reflect the modification of plans for the increase and improvement of facilities for Erie County Sewer District No. 5.

NOW, THEREFORE, BE IT

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

Section (A). Resolution No. 470-1997 of said County duly adopted by the Legislature on December 18, 1997, entitled:

“BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 5; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,800,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE

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PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 5 TO SAID COUNTY”

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2007, AMENDING THE BOND RESOLUTION ADOPTED DECEMBER 18, 1997.

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,800,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 5 TO SAID COUNTY.

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the “Law”), and to the provisions of other laws applicable thereto, \$2,800,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 5, all as more fully described in the report and estimate of cost accepted and adopted by the Board of Managers of said District on February 11, 1997, and filed with the County Legislature pursuant to Section 268 of the County Law and as modified by the Board of Managers of said District on April 16, 2007, and filed with the County Legislature pursuant to Section 253-b of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,800,000. The plan of financing includes the issuance of \$2,800,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$2,800,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$2,800,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

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

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Section (B). The amendment of the bond resolution set forth in Section A of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action

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taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

(4-0)

4. COMM. 2E-11 (c) (2007)
COUNTY EXECUTIVE
RESOLUTION NO. 172

RESOLUTION DATED JUNE 21, 2007

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) JUNE 14, 2007.

(Adopted) JUNE 21, 2007.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 5 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

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

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 5 in said County, consisting of the replacement of existing sanitary sewers throughout the District as and where required, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$1,860,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

WHEREAS, said County Legislature duly adopted Resolution No. 137 on the 17th day of May, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 8th day of June, 2007, at 1:30 o'clock P.M., Prevailing Time; and

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

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 5 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$1,860,000.

Section 2. The cost of the proposed modification expenditure is to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5, as such formulas currently exist and as amended from time to time.

Section 3. This resolution shall take effect immediately.

(4-0)

5. COMM. 11E-18 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry ("Parks") has been contacted by the Niagara Region Disc Golf League ("League") concerning the construction of an 18 hole disc golf course at Como Lake Park; and

WHEREAS, the League has constructed disc golf courses at various NYS Parks throughout Western New York; and

WHEREAS, the League proposes to construct and install an 18 hole disc golf course on 30 to 40 acres of land at Como Lake Park at its sole cost and expense of approximately \$7,200.00; and

WHEREAS, the construction is limited to digging holes for the installation of posts for disc golf baskets, tee and sponsor signs, and will not otherwise involve landscaping, removing or relocating any trees, shrubs, or other park vegetation; and

WHEREAS, use of the course will be open to any persons who wish to use it free of charge; and

WHEREAS, the Parks Department desires to enter into an agreement with the League for construction and installation of the course; and

WHEREAS, pursuant to County Law, any gifts must be approved and accepted by the Erie

County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Niagara Region Disc Golf League for the construction and installation of a public 18 hole disc golf course, at the sole cost and expense of such League at Como Lake Park on approximately 30 to 40 acres of parkland to be designated by the Commissioner of Parks, Recreation and Forestry; and be it further

RESOLVED, that such agreement shall provide that notwithstanding the construction and installation of the disc golf course by the League at its sole expense, that use of such disc golf course shall be open and free of charge to all persons; and be it further

RESOLVED, that the County Executive is authorized to accept, on behalf of the County, and its Department of Parks, Recreation and Forestry, from the Niagara Region Disc Golf League, a gift of a fully constructed and installed 18 hole disc golf course at Como Lake Park; and be it further

RESOLVED, that certified copies of this Resolution be sent to Joel A. Giambra, Erie County Executive, James A. Hartman, Director of Budget, Management and Finance, Angelo J. Sedita, Commissioner of Parks, Recreation and Forestry, Mark Poloncarz, Erie County Comptroller, and Gregory J. Dudek, Assistant County Attorney.
 (4-0)

6. COMM. 11E-20 (2007)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 3 desires to rehabilitate the sanitary sewer collection system in the Village of Blasdell; and

WHEREAS, The Town of Hamburg desires to rehabilitate portions of the sanitary sewer collection system in the Town of Hamburg, including areas tributary to the Village of Blasdell; and

WHEREAS, the Town and County are desirous of realizing an economies of scale cost savings for their respective ratepayers through the integration of three separate projects into a single County administered project.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Hamburg for the joint completion of these sanitary sewer collection system rehabilitation projects is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an intermunicipal agreement with the Town of Hamburg subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning; and one certified copy to the County Executive, the Director of Budget, Management and Finance; the Erie County Comptroller, Gregory Dudek, Assistant County Attorney, and Steven Walters, Town Supervisor, Town of Hamburg.

(4-0)

7. COMM. 11E-21 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning and the Buffalo Sewer Authority wish to investigate the feasibility of eliminating the Lackawanna Wastewater Treatment Plant and transmitting all flows to the Buffalo Sewer Authority; and

WHEREAS, the County has retained CRA Infrastructure and Engineering, Inc. to provide engineering services for this feasibility study; and

WHEREAS, the County has been conditionally awarded a grant by the New York Department of State for funding up to 90% of the feasibility study; and

WHEREAS, the Buffalo Sewer Authority and the County are desirous of sharing in the costs for the feasibility study that are not reimbursed by the New York Department of State.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No. 6, and the Buffalo Sewer Authority for the feasibility study is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with the Buffalo Sewer Authority subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning; and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney; and David P. Comerford, General Manager, Buffalo Sewer Authority.

(4-0)

THOMAS A. LOUGHRAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

JUNE 14, 2007

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-15 (2007)
WHYTE: At Taxpayer's Expense: How Government Policies Encourage Sprawl in Erie and Niagara Counties
 (4-0)
 - b. COMM. 6E-27 (2007)
WHYTE: Blueprint Buffalo
 (4-0)
 - c. COMM. 9D-2 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)

2. COMM. 4E-1 (2007)
COUNTY EXECUTIVE

WHEREAS, the County Department of Law is presently housed in space at 69 Delaware Avenue, pursuant to the terms of a three (3) year lease extension, dated September 29, 2004, which commenced January 1, 2005 and ends December 31, 2007 (the "2004 Lease Extension"); and

WHEREAS, the 2004 Lease Extension provides for the option of an additional two (2) year lease period, which would commence January 1, 2008 and conclude on December 31, 2009; and

WHEREAS, since no other space options for the County Department of Law have moved forward and a new County Administration will take office on or about January 1, 2008, the day after the slated expiration of the 2004 Lease Extension, it is prudent to opt for the further extension of occupancy at 69 Delaware Avenue, for the two (2) year term required by the 2004 Lease Extension.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a two (2) year agreement for leasing the space at 69 Delaware Avenue for the period from January 1, 2008 until December 31, 2009, as agreed to in the 2004 Lease Extension; and be it further

RESOLVED, that, as set forth in the 2004 Lease Extension, the 2008 Base Rent shall be \$15,500/month and the 2009 Base Rent shall be \$16,000/month; and be it further

RESOLVED, that the agreement governing the Law Department's occupancy of space at 69 Delaware for the period from January 1, 2008 until December 31, 2009, shall reflect and incorporate all other terms agreed to in the 2004 Lease Extension; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Public Works and the Department of Law.

(4-0)

3. COMM. 9D-1 (2007)

BOARD OF ELECTIONS

WHEREAS, the New York State Board of Elections has forwarded three grant contracts to the Erie County Board of Elections for approval and execution; and

WHEREAS, the acceptance and execution by the Commissioners of the Erie County Board of Elections would provide for the receipt of grant money in the aggregate amount of \$1,015,938 for the specific purposes of establishing, expanding and improving access to and participation by individuals with a full range of disabilities in the election process and educate individuals on the proper use of new voting systems, including ballot marking devices; and

WHEREAS, the Commissioners of the Erie County Board of Election believe the funds to be obtained by these means are beneficial to the residents of the County and are desirous of entering said contracts; and

WHEREAS, the County Attorney has reviewed each of the contracts, and subject to the requisite approvals, believes them to be in proper form; and

WHEREAS, approval of this legislative body and the Erie County Fiscal Stability Authority is a pre-requisite for the acceptance of these contracts by the Erie County Board of Elections.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and accept the contracts entitled "1) New York State Voting Access for Individuals with Disabilities – Polling Place Access Improvement," "2) HHS Voting Access for Individuals with Disabilities – Polling Place Access Improvement," and "3) Voter Education / Pollworker Training Program" and does hereby authorize the Commissioners of the Erie County Board of Elections, subject to the approval of the Erie County Fiscal Stability Authority, to approve and execute each of the aforesaid contracts between the Erie County Board of Elections and the New York State Board of Elections; and be it further

RESOLVED, that the Clerk of the Legislature forward a certified copy of this resolution to the Erie County Board of Elections for inclusion among the documents required by the New York State Board of Elections to accompany said executed agreements.

(4-0)

4. INTRO 10-4 (2007)

AS AMENDED

WHYTE, KENNEDY, LOCKLEAR and REYNOLDS

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WHEREAS, communities across the county are struggling to cope with the proliferation of vacant and abandoned properties of the residential, industrial, and commercial nature; and

WHEREAS, an innovative approach utilized by some communities to address vacant properties is the creation of a Land Bank; and

WHEREAS, the Genesee County Land Bank in Michigan was created in 1999 through an intermunicipal agreement with the county and the city, and by the end of 2004, the Land Bank has taken titles to 4,400 parcels of the land in the City of Flint, Michigan; and

WHEREAS, members of this Legislative body have engaged in dialogue with elected officials in Genesee County regarding Land Banking; and

WHEREAS, using Genesee County as a model, a Buffalo—and eventually Erie County—Land Bank could be established with the authority to do the following:

- Property acquisition;
- Leasing and sales;
- Administration, inventory, and assessment of existing parcels and structures;
- Planning
- Property management and maintenance;
- Demolition;
- Financial assistance for non-profits to redevelop properties in targeted neighborhoods; and

WHEREAS, the New York State Legislature is currently considering legislation to authorize municipalities to create Land Banks in its bills A8059 and S5366.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature joins the Common Council of the City of Buffalo in supporting the passage of the New York State Legislature's Land Banking Bills; and be it further

RESOLVED, that certified copies of this resolution go to the County Executive, County Attorney, Western New York State delegation, the Mayor of the City of Buffalo, the Common Council of the City of Buffalo, and the ECIDA.

(4-0)

MARIA R. WHYTE
CHAIRPERSON

LEGISLATOR RESOLUTIONS

Item 39 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

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GRANTED.

INTRO 12-1 from MILLS Re: In Support of the Designation of the WNY Southtowns Scenic Byway as a NYS Scenic Byway

Item 40 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

INTRO 12-4 from GRANT Re: Support for Erie County Medical Center Corporation

Item 41 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 12-5 from REYNOLDS Re: Erie County Forestland Resource Management Proposal

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

GRANTED.

INTRO 12-6 from REYNOLDS Re: Support for Federal Funding Great Lakes Act

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

RE: Registering Erie County as an Energy Star County (INTRO 12-7)

**A RESOLUTION SUBMITTED BY
 LEGISLATORS IANNELLO, REYNOLDS AND KONST**

WHEREAS, the National Association of Counties (NACO) is sponsoring the 2007 County ENERGY STAR Change a Light Campaign; and

WHEREAS, the County ENERGY STAR Change a Light Campaign is a national call-to-action for counties to help change the world, one light, one energy saving step at a time; and

WHEREAS, the NACO, in partnership with the U.S. Environmental Protection Agency's ENERGY STAR Program and NACO corporate member, Office Dept, is challenging counties to collect the most signed ENERGY STAR Change a Light pledges from County employees and residents; and

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WHEREAS, ENERGY STAR light bulbs use 1/3 the energy of standard bulbs, last up to ten times longer, save an average of \$30 in energy costs over its lifetime, prevent greenhouse gas emissions and help preserve energy resources; and

WHEREAS, the first phase of the campaign will be from July 1, 2007 to September 13, 2007 when the County Employees will collect pledges from fellow employees through outreach and education efforts; and

WHEREAS, Phase II will be from October 4, 2007 – November 30, 2007 when participating counties will take their energy efficiency message to their communities and collect pledges from County residents; and

WHEREAS, employees and residents of registered counties will receive a discount coupon for \$3 off an Energy Star light bulb at Office Depot upon completing the pledge form at www.naco.org/changealight.

NOW, THEREFORE, BE IT

RESOLVED, the County of Erie take action to register in the 2007 ENERGY STAR Change a Light Campaign; and be it further

RESOLVED, that an extensive outreach campaign be initiated to inform the County employees and residents of same; and be it further

RESOLVED, that we set an example in County Hall and in our respective District Offices to help preserve our resources for future generations; and be it further

RESOLVED, that the Department of Information Support Services register Erie County to participate in this important program and to notify each county employee through an e-message; and be it further

RESOLVED, that certified copies of this Resolution be sent to the County Executive and the Director of Information Support Services.

MS. WHYTE moved to amend the item with the following amendment and by including Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

DELETE the 4th RESOLVE clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Department of Information Support Services register Erie County to participate in this important program and to notify each county employee through an e-message; and be it further

ADD the following as the last **RESOLVED** clause:

RESOLVED, that certified copies of this Resolution be sent to the County Executive and the Director of Information Support Services.

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

CARRIED UNANIMOUSLY.

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

GRANTED.

INTRO 12-8 from KENNEDY Re: Request that the ECIDA Adopt the Framework for Regional Growth.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Opposition to Fees for Use of Olmsted Parks (INTRO 12-9)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR WHYTE**

MS. WHYTE moved to amend the item by attaching the following resolution and adding Legislators Mills, Kennedy, Konst, Locklear, Loughran, Marinelli, Mazur and Miller-Williams as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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 Parks Conservancy (hereinafter the 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 Olmsted Conservancy began managing all Olmsted Parks and Parkways; and

WHEREAS, the 2004 agreements set the amount of fees that could be charged to organizations that use the Olmstead Parks and specifically limits the Olmsted Conservancy’s ability to increase fees or impose fees; and

WHEREAS, the July 1, 2004 agreement between the County of Erie and the Buffalo Olmsted Parks Conservancy states:

“The County, the City and the Conservancy shall establish an oversight committee to review the operation of the Olmsted Parks and parkways and jointly

determine the park fees charged for all events and activities within the Olmsted Parks and Parkways”

; and

WHEREAS, it is abundantly clear that the Olmsted Conservancy does not have the unilateral authority to impose or increase fees charged to users of the parks and prior to implementing any fees must obtain approval from the Erie County Legislature and the City of Buffalo Common Council; and

WHEREAS, the organizers of the July 4th Friendship Festival at Riverside Park were recently notified that in order to hold this time honored event at Riverside Park they would have to pay a \$1,000.00 deposit and a \$200.00 tent fee; and

WHEREAS, the organizers of the July 4th Friendship Festival did not pay, nor were they asked to pay, these fees for the events held in 2004, 2005 or 2006; and

WHEREAS, this fee is unacceptable as the Olmsted Conservancy cannot charge these fees without direct approval from the Erie County Legislature and the payment of such a fee will cause severe hardship on the July 4th Friendship Festival.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature did not given the Olmsted Conservancy the authority to charge a fee for the 4th of July Festival at Riverside Park; and be it further

RESOLVED, as this Honorable Body forbids the Olmsted Conservancy from charging a “security deposit” or a “tent fee” for the 4th of July Festival at Riverside Park; and be it further

RESOLVED, the Olmsted Conservancy address the issue of its authority to charge fees as its nest Board Meeting and to pass a resolution recognizing that it does not have unilateral authority to charge fees and must seek authority from the Erie County Legislature and the Buffalo Common Council prior to implementing any fees; and be it further

RESOLVED, that the Olmsted Conservancy provide the Erie County Legislature with a current fee schedule; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Mayor of the City of Buffalo, Buffalo Common Council the Erie County Commissioner of Parks, the City of Buffalo Commissioner of Public Works, the President of the Board of Directors of the Buffalo Olmsted Parks Conservancy.

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

CARRIED UNANIMOUSLY.

Item 46 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 12-10 from REYNOLDS Re: Support for Great Lakes Restoration Bill

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 47 – MS. WHYTE moved to discharge the PERSONNEL COMMITTEE from further consideration of COMM. 10E-5. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Budget & Management - Authorization to Underfill

WHEREAS, Intro 4-9 transferred positions to the Comptroller's Office from the Division of Budget based on charter requirements to move the finance function, and

WHEREAS, a staff person performing Budget Office work was inappropriately transferred to the Comptroller's Office, and

WHEREAS, in order to maintain this individual as a Budget Office employee a request to underfill a currently budgeted position is requested, and

WHEREAS, said action will not affect the work of the Comptroller's Office or their current staffing levels.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to underfill the currently budgeted title of Systems Accountant, job group 11, in the Division of Budget and Management, as a job group 10 Administrative Assistant-County Executive (Budget), and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel and the Director of Budget and Management.

MS. WHYTE moved to approve the item. MS. GRANT seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

Item 48 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from COMM. 11E-8. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: ECC Budget

RESOLVED, the Erie County Legislature does hereby approve the 2007-2008 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 9, 2007.

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

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

AYES: MILLS, RANZENHOFER, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: None. (AYES: 14; NOES: 0)

CARRIED.

Item 49 – MS. WHYTE moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of COMM. 11E-16. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Social Services - Employee Education & Training (COMM. 11E-16)

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts, and

WHEREAS, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

WHEREAS, no additional County funds are required since the 2007 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 516040, DSS Training and Education, sufficient to cover the Employee Education and Training Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education and Training Program contracts as specified below:

Educational	Gross	Institution's	Paid by
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<u>Institution</u>	<u>Period</u>	<u>Contract</u>	<u>Contribution</u>	<u>ECDSS</u>
Buffalo State College (CDHS) degrees (Master's/ Bachelor's Degrees)	9/1/07- 8/31/08	\$420,320	\$151,315	\$269,005
Buffalo State College (CDHS) (In-service Training and Organizational Development)	9/1/07- 8/31/08	\$1,096,720	\$394,819	\$701,901
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	9/1/07- 8/31/08	\$395,081	\$142,229	\$252,852
Empire State College (In-Service Training)	9/1/07- 8/31/08	\$479,164	\$153,333	\$325,831
SUNY-Millard Fillmore College (Bachelor's Degrees In Social Science)	8/29/07- 8/28/08	\$101,782	\$35,624	\$66,158
SUNYAB - School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/07- 8/31/08	\$325,138	\$113,798	\$211,340
SUNYAB Institute for Addictions Studies and Training (In-Service Training)	10/1/07- 9/30/08	\$333,080	\$116,578	\$211,340
Erie Community College (In-Service Training)	10/1/07 9/30/08	\$169,103	\$60,877	\$108,226

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and be it further

RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 2007 Adopted Budget of the Department of Social Services in Account 516040, DSS Training and Education, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 50 – MS. WHYTE moved to discharge the HEALTH COMMITTEE from further consideration of COMM. 10E-15. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Health Dept. - Syphilis Elimination Project
 "CHAPS" - 12/1/06 - 6/1/07

WHEREAS, the Erie County Department of Health has been awarded a one time Syphilis Education and Outreach award totaling \$14,400 for the purpose of education and outreach to address the escalating syphilis outbreak in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept an award funded by the New York State Health Department which is budgeted as follows:

HEALTH DIVISION

Increase Account 409620 – Miscellaneous State Aid	<u>\$14,400</u>
Increase Account 516020 – Professional Service & Contracts	\$13,200
Increase Account 530000 – Miscellaneous	1,000
Increase Account 505000 – Office Supplies	<u>200</u>
Total	<u>\$14,400</u>
NET	-0-

and be it further

RESOLVED, that the County Executive is hereby authorized to assign departmental representation to fulfill the workplan and reporting requirements of the project, and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 51 - MS. WHYTE presented moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-60 from the LEGISLATOR WHYTE Re: Black Rock Canal Project

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 52 - MS. WHYTE presented moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12M-13 from the BUFFALO COMMON COUNCIL Re: Resolution Re: Niagara River Boardwalk

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 53 – (COMM. 12E-1) Copy of Letter to ECFSA Chairperson Re: Requesting ECFSA Approval of Erie County RAN Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 54 – (COMM. 12E-2) Information Regarding the DA's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR KONST

Item 55 – (COMM. 12E-3) Vote on Intro 10-3

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Received, Filed and Printed.

6/18/2007

Mr. Robert Graber
 Clerk of the Legislature
 Erie County, New York

RE: Intro 10-3

Dear Mr. Graber:

After receiving more information regarding this item, I would like my vote to be changed to the negative before it goes to a full vote of the Legislature on June 21, 2007.

Sincerely,

Kathy Konst

FROM THE COUNTY EXECUTIVE

Item 56 – (COMM. 12E-4) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 57 – (COMM. 12E-5) Resolution to Extend Buffalo Auto Bureau for Five (5) Years

Received and referred to the PERSONNEL COMMITTEE.

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

RESOLUTION NO. 180

RE: Funding Needs for Youth Detention Center
 (COMM. 12E-7)

WHEREAS, the Division of Youth detention is in need of a new van to transport residents to Court appearances, pre-placement interviews, placements within and outside Erie County, medical appointments, emergency hospital runs, and

WHEREAS, a grievance has been filed by the union citing unsafe working conditions for van drivers, and

WHEREAS, in 2004 Erie County opened its 65,000 square foot, state of the art, secure detention facility, and

WHEREAS, the facility is beginning to show wear as a result of resident conduct and basic wear of the three-year old facility, and

WHEREAS, in order to help maintain this facility in accordance to NYS Office of Child and Family Services standards, painting, caulking, spackling and floor waxing needs to be done, by staff from the Division of Buildings and Grounds, and

WHEREAS, the NYS Office of Child and Family Services reimburses Erie County 50% of operational expenses related to secure and non secure detention and will therefore pay for 50% of the costs related to purchasing a new van and performing repairs, and

WHEREAS, county share funding in the form of unanticipated revenue has been identified,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to make the following budgetary adjustment in the Division of Youth Detention and the Division of Buildings and Grounds to implement this request:

County Wide Budget Fund Center 140	Increase
Revenue	
400010 Exemption Removal Revenue	14,500
Division of Youth Detention Fund Center 12520	
407610 SA-Sec/Non-Secure Youth	<u>14,500</u>
Total Revenue	29,000
Expense	
561440 Motor Vehicles	25,000
912220 ID Build&Grounds Srv	<u>4,000</u>
Total Expense	29,000
Net Change	0
Division of Buildings and Grounds Fund Center 12220	
501000 Overtime	4,000
912220 ID Build&Ground Srv	<u>-4,000</u>
Net Change	0

and be it further

RESOLVED, that two certified copies of this resolution be forwarded to the Division of Youth Detention, and one copy each to the County Executive, the Commissioner of Social Services, the Commissioner of Public Works, the Director of Budget and Management, and the Office of the Comptroller.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 60 – (COMM. 12E-9) Jail Management Overtime and Position Adjustments

Received and referred to the PERSONNEL COMMITTEE.

Item 61 – (COMM. 12E-10) Award of Audit Services - Utilities and Telecommunications

Item 62 – (COMM. 12E-11) Extension of Agreement with Various Local Municipalities for Snow and Ice Control on County Roads

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

Item 63 – (COMM. 12E-12) Appointment of the Director of Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (COMM. 12E-13) ECSD No. 4 - Vanderbilt Pump/Force Main Evaluation and Overflow Retention Facility Improvements - Bid Opening

Item 65 – (COMM. 12E-14) ECSD No. 4 - Depew Flow Meter/Valve Improvements - Bid Opening

Item 66 – (COMM. 12E-15) ECSD No. 6 - Lackawanna Sewage Treatment Plant - Chlorine Building and Primary Tank Repairs - Bid Opening

Item 67 – (COMM. 12E-16) ECSD No. 8 - East Aurora Collection System Replacement - Bid Opening

Item 68 – (COMM. 12E-17) DEP - Sewerage Management - Computerized Maintenance Management System (CMMS) - Bid Opening

Item 69 – (COMM. 12E-18) ECSD No. 3 - Blasdel Collection System - Bid Opening

Item 70 – (COMM. 12E-19) ECSD No. 1 - Cayuga & Industrial Parkway - Heating and Ventilation Units - Bid Opening

Item 71 – (COMM. 12E-20) ECSD No. 3 - Boston Valley Collection System - Bid Opening

Item 72 – (COMM. 12E-21) ECSD No. 3 - Rush Creek Interceptor - Bid Opening

Item 73 – (COMM. 12E-22) ECSD No. 6 - Holland Ave. - Sewer Replacement - Bid Opening

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

Item 74 – (COMM. 12E-23) Senior Services - Authorization to Revise the III-B, III-C-1 and III-E Grant Budgets

Item 75 – (COMM. 12E-24) Appointments and Reappointments to Erie County Youth Services Board

Item 76 – (COMM. 12E-25) Appointment/Reappointment to Erie County Council on the Disabled

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

Item 77 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Support for NYS Parks Grant Application
(COMM. 12E-26)

WHEREAS, the Casino at Chestnut Ridge Park is an excellent example of a Works Progress Administration (WPA) era structure constructed in the 1930's, significant for its association with the history of the county and state parks systems throughout the nation, and the contributions of the Depression Era work groups; and

WHEREAS, the roof of the Casino has deteriorated due to harsh weather conditions, and

WHEREAS, it is estimated by the Department of Public Works, Commissioner's Office, that replacement of the roof will cost \$750,000, and

WHEREAS, funding for this project will be included in the 2008 Capital Budget Request, and

WHEREAS, in addition to the need to replace the roof, the majority of playground equipment at Chestnut Ridge Park is outdated and in need of replacement; and

WHEREAS, the Office of Budget and Management is submitting grant applications to the Office of NYS Parks, Recreation and Historic Preservation in an effort to qualify for matching funds to replace the casino roof and outdated playground equipment with modern Americans with Disabilities Act (ADA) compliant equipment, and

WHEREAS, these initiatives are included in the Erie County Parks System Master Plan completed in May 2003; and be it further

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WHEREAS, Legislative resolution endorsing the actions outlined in the grant application are a filing requirement.

NOW, THEREFORE, BE IT,

RESOLVED, that this honorable body supports the effort to secure matching funds through the NYS Office of Parks, Recreation and Historic Preservation, and be it further

RESOLVED; that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Department of Public Works, Office of the Commissioner; the Division of Budget and Management; the Office of the Comptroller; and the Department of Parks and Recreation.

Item 78 – (COMM. 12E-27) Social Services - Substance Abuse Collocation Project

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 79 – (COMM. 12E-28) ECSD No. 3 - Village of Hamburg Collection System - Bid Opening

Item 80 – (COMM. 12E-29) Town of Evans Multi-Use Pathway - Multi-Modal Funding Agreement

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

Item 81 – (COMM. 12E-30) Health - HIV Partner Notification - 10/1/06 - 9/30/07

Item 82 – (COMM. 12E-31) Health - Lease Agreement for Women, Infants and Children's (WIC) Program Distribution Site

Item 83 – (COMM. 12E-32) Health - Establishment of a Change Fund

Item 84 – (COMM. 12E-33) Health - Women's, Infants and Children's Supplemental Food and Nutrition Program 10/1/0 - 9/30/07

The above four items were received and referred to the HEALTH COMMITTEE.

Item 85 – (COMM. 12E-34) Health - Division of Public Health Laboratories, Epidemiology & Environmental Health - Personnel Adjustment

Received and referred to the PERSONNEL COMMITTEE.

Item 86 – (COMM. 12E-35) ECSD No. 5 - Replacement of Asbestos Cement Pipe Along Transit Road - Bid Opening

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Item 87 – (COMM. 12E-36) ECSD No. 3 - Elimination of Greenmeadow Pump Station - Bid Opening

Item 88 – (COMM. 12E-37) ECSD No. 6 - Kennedy Pump Station Replacement - Bid Opening

Item 89 – (COMM. 12E-38) ECSD No. 3 - Southtowns Wastewater Treatment Plant - Wet Well and Overflow Retention - Facility Improvements

Item 90 – (COMM. 12E-39) ECSD No. 3 - Southtowns Wastewater Treatment Facility - Roof Replacement - Bid Opening

Item 91 – (COMM. 12E-40) ECSD No. 4 - Aurora North/Aurora South - Pump Station Improvements - Bid Opening

Item 92 – (COMM. 12E-41) ECSD No. 2 - Point Breeze Pump Station Improvements - Bid Opening

Item 93 – (COMM. 12E-42) ECSD No. 3 - Southwestern Pump Station Elimination

Item 94 – (COMM. 12E-43) ECSD No. 2 - Sweetland Pump Station Improvements - Bid Opening

Item 95 – (COMM. 12E-44) ECSD No. 2 - Lake Street Pump Station Improvements - Bid Opening

Item 96 – (COMM. 12E-45) ECSD No. 3 - Southtowns Wastewater Treatment Facility - Solids Handling - Bid Opening

Item 97 – (COMM. 12E-46) ECSD No. 8 - East Aurora - Wastewater Treatment Plant Improvements - Bid Opening

Item 98 – (COMM. 12E-47) ECSD No. 3 - Contract No. 20 - Boston State Road Sanitary Sewer Extension - Bid Opening

Item 99 – (COMM. 12E-48) ECSD No. 6 - Bethlehem Park Pump Station & Collection System Improvements - Bid Opening

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

Item 100 – (COMM. 12E-49) Health - Personnel Adjustments - Division of Public Health Laboratories - Epidemiology & Environmental Health

Received and referred to the PERSONNEL COMMITTEE.

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Item 101 – (COMM. 12E-50) Senior Services - Authorization to Amend the POE Program Budget

Item 102 – (COMM. 12E-51) Social Services - National Federation for Just Communities - Community Optional Preventive Services Contract

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

Item 103 – (COMM. 12E-52) District Attorney's Office - Crimes Against Revenue Program Grant - Personnel Change

Received and referred to the PERSONNEL COMMITTEE.

Item 104 – (COMM. 12E-53) Construction Engineering and Inspection Agreement - Town of Evans Multi-Use Pathway, Federal Aid Project #5756.75

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 105 – (COMM. 12E-54) ECSD No. 3 - Professional Services Agreement with CRA Infrastructure and Engineering, Inc. - Blasdell Sanitary Sewer System - Rehabilitation/Replacement

Item 106 – (COMM. 12E-55) ECSD No. 1 - Contract No. 33 - Flow Chamber and Control Building Installation - Paul J. Gallo Contracting, Inc.

Item 107 – (COMM. 12E-56) ECSD No. 3 - NYSDOT D260519 - US Route 20, Southwestern Blvd., SH 9237 & 9269 - US Route 62 to NY Route 240/277

Item 108 – (COMM. 12E-57) Contract Extension for the State Indoor Radon Grant (SIRG) 11 Program

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

FROM THE SHERIFF

Item 109 – (COMM. 12E-58) Aviation Reserve Fund Transfer

Item 110 – (COMM. 12E-59) Asset Forfeiture Funded Program SAFS

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 111 – (COMM. 12D-1) SEQR - Village of Hamburg Sanitary Sewer Improvements

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Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 112 – (COMM. 12D-2) Response to Questions Raised Regarding Comm. 11E-16

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 113 – (COMM. 12D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUDGET DIRECTOR

Item 114 – (COMM. 12D-4) Copy of Letter to ECFSA Chair Re: RFP for Tax Lien Sale

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 115 – (COMM. 12D-5) Board of Trustees Agenda for 6/21/07 Meeting

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 116 – (COMM. 12D-6) SEQR - Proposed Rules and Regulations for Storm Sewers for ECSD No. 6

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM LEGAL AID BUREAU OF BUFFALO

Item 117 – (COMM. 12M-1) Unaudited 2006 Financial Statements

Item 118 – (COMM. 12M-2) Monthly Reports and Monthly Activity Reports for May 2007

The above two items were received and filed.

FROM THE TONAWANDA TOWN BOARD

Item 119 – (COMM. 12M-3) Copy of Certified Resolution Re: Vacant Property Living Laboratory - Community Development

Received and filed.

FROM THE BOSTON TOWN BOARD

Item 120 – (COMM. 12M-4) Copy of Certified Resolution Re: Oppose Change in Assessment Dates

Received and filed.

FROM ANGELA P. GEORGI

Item 151 – (COMM. 12M-5) Funding for Arts and Culture

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CORNELL UNIVERSITY COOPERATIVE EXTENSION ERIE COUNTY

Item 152 – (COMM. 12M-6) Recommendation for Appointment to Cornell Cooperative Extension's Representative on the Erie County Agriculture and Farmland Protection Board

FROM ASSEMBLYMAN MICHAEL COLE

Item 153 – (COMM. 12M-7) Receipt of Certified Resolution

Received and filed.

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 154 – (COMM. 12M-8) Buffalo Brownfields Redevelopment Fund

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR DALE VOLKER

Item 155 – (COMM. 12M-9) Receipt of Certified Resolution

Received and filed.

FROM THE FIRE ADVISORY BOARD

Item 156 – (COMM. 12M-10) Board Minutes

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

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Item 157 – (COMM. 12M-11) RFP for Farmland Protection Implementation Projects

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMAN HOYT

Item 158 – (COMM. 12M-12) Copy of Letter to ECFSA Chair Re: RAN Borrowing

Received and filed.

MEMORIAL RESOLUTIONS

Item 159 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Alice Donahue.

Item 160 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Herman Albert Garland Mann.

ADJOURNMENT

Item 161 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, July 12, 2007 at 2 p.m. Eastern Standard Time. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, July 12, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE