

**MEETING NO. 13
JULY 13, 2006**

ERIE COUNTY LEGISLATURE

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MEETING NO. 13
JULY 13, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of silence was held.

The Pledge of Allegiance was led by Legislator Weinstein.

Item 1 – CHAIRMAN MARINELLI directed that COMM. 12M-14 remain on the table.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of the minutes from meeting 10 of 2006. MR. KENNEDY seconded. MR. RANZENHOFER voted in the negative.

CARRIED (14-1)

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. KOZUB presented a resolution In Memory of Waldemar J. Kaminski.

Item 6 – MR. SMITH presented a resolution Honoring Timothy and Nicole Banks - First African American Graduates from D'Youville With a M.S. B.S. in Physical Therapy Class of 1997.

Item 7 – MR. SMITH presented a resolution Honoring Willis Noble Upon His 75th Birthday Celebration.

Item 8 – THE DEMOCRATIC CAUCUS presented a resolution Recognizing the Outstanding Dedication and Commitment by the Members of the Erie County Charter Revision Commission.

MS. WHYTE moved for immediate consideration of the above four items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above four items for including Et Al Sponsorship and including a Miscellaneous Resolution from Legislator Marinelli. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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Item 9 - MS. MARINELLI presented a resolution Honoring Paul Tokasz upon Announcing his Retirement from the NYS Assembly.

MS. WHYTE moved for approval of the above five items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 11 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table.

GRANTED.

Item 13 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 14 – MS. LOCKLEAR moved for immediate consideration and approval of the following report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

JUNE 27, 2006

HEALTH COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

1. COMM. 12E-34 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has an annual contract with the New York State Department of Health to conduct an Enhanced Drinking Water Protection Program, and

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WHEREAS, the Erie County Health Department has received a 04-05 Drinking Water Enhancement grant award in the amount of \$250,000 from the New York State Health Department which authorizes a subcontract with the Research Foundation of the State University of New York and extends the grant year until 8/31/06 that has approximately \$2,000 available, and received a 06-07 Drinking Water Enhancement grant that has \$3,000 available for the UB Research Foundation subcontract.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended subcontract with the Research Foundation of the State University of New York that increases their existing \$25,700 contract in the amount of \$5,000 for the purpose of conducting additional ground water/surface water studies, and be it further

RESOLVED, that sufficient funds for this subcontract are available in Account 516020 – Contractual Services, in the 04-05 and 06-07 Drinking Water Enhancement grants, and be it further

RESOLVED, that the amended subcontract with the Research Foundation of the State University of New York is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

2. COMM. 12E-35 (2006)

COUNTY EXECUTIVE

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

WHEREAS, the Erie County Department of Mental Health is order to move forward with the implementation of the Blueprint for Change has integrated the Single Point of Entry, Assisted Outpatient Treatment and the Forensic Mental Health Service into the Office of Intensive Adult Mental Health Services; and

WHEREAS, the Office of Intensive Adult Mental Health Service is located on the first and second floors of 120 West Eagle Street with close proximity to the Erie County Holding Center and the courts; and

WHEREAS, the offices at 120 West Eagle Street have serious health and safety issues related to asbestos and lead paint ; and

WHEREAS, an increase of \$14,555 in NYS Office of Mental Health State Aid dollars is available to the Department of Mental Health; and

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WHEREAS, these State Aid dollars are available to the purchase supplies and equipment and to provide renovations to the Office of Intensive Adult Mental Health Services offices at 120 West Eagle Street.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Mental Health 2006 appropriation be increased by \$14,555 in 100% NYS Office of Mental Health State Aid dollars to provide funding for needed renovations to the Office of Intensive Adult Mental Health Services offices at 120 West Eagle Street; and be it further

RESOLVED, that the following accounts within the Department of Mental Health shall be increased:

506200	Reparis and Maintenance	\$622.05
561410	Lab & Tech Equipment	\$2,753.95
561420	Office Equipment	\$2,079.00
912220	ID Building and Grounds	\$9,100.00
		\$14,555.00

and be it further

RESOLVED, that certified copies of thies resolution be furnished to the Department of Mental Health, the Office of the County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance and the Department of Public Works, Division of Building and Grounds.

(3-0)

CYNTHIA E. LOCKLEAR
CHAIRMAN

Item 15 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

JUNE 28, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. COMM. 12E-20 (2006)
COUNTY EXECUTIVE

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WHEREAS, the Departments of Probation and Youth Detention Services and Central Police Services have been working together to establish a Network Management Information System to improve the coordination of services to youth, and

WHEREAS, an extension/reallocation of the grant funds will allow us to use all of the allocated funds. The funds will be used to contract with BI to purchase and maintain electronic monitoring units for juveniles, to purchase intensive family therapy slots for high risk youth through a contract with Child and Family Services of Western New York and support staff training. All activities are consistent with funding purposes and have been pre-approved by the New York State Division of Criminal Justice Services, and

WHEREAS, an extension from October 1, 2004 until October 1, 2006 and a reallocation of funds has been made available by the New York State Division of Criminal Justice Services (DCJS).

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby requested for the County Executive to extend the current contract until October 1, 2006 under the Juvenile Accountability Block Grant (JABG) Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that Erie County can enter into contracts with Child and Family Services for intensive family therapy, and be it further

RESOLVED, that the following transfers are authorized to amend the budget of the JABG Grant in the Department of Probation to implement this program as follows:

Grant Fund
Department of Probation
Juvenile Accountability Block Grant
October 1, 2004 to October 1, 2006

Appropriation	From	Change	To
501000 Overtime	\$9,646	-\$9,646	0
502000 Fringe	\$1,280	-\$1,280	0
510000 Mileage	\$437	-\$437	0
516010 Contractual			
Non-Secure	\$42,221	-\$12,436.94	\$28,978.06
516020 Prof Svcs			
Contracts	\$600	-\$600	0
561410 Lab & Tech			
Equipment	0	+\$23,399.94	\$23,399.94
505000 Supplies			
(Office)	0	+\$1,000	\$1,000
980000 DISS Charge	<u>\$4,680</u>		<u>\$4,680</u>

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Total Appropriation	\$58,864	0	\$58,864
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and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Department of Probation and Youth Detention Services, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(4-0)

2. COMM. 12E-21 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is participating in the Primary Region build-out of the New York Statewide Wireless Network (NYS-SWN) to provide Erie County's first responders with a new voice and data communication system, and

WHEREAS, Erie County has existing radio communication sites that could be made available to NYS-SWN for the purpose of co-location, and

WHEREAS, New York State intends to utilize existing infrastructure to the greatest extent practicable to reduce tower proliferation in the County, and

WHEREAS, the design of the Primary Region may benefit from the co-location of equipment at several Erie County sites, and

WHEREAS, New York State has requested the execution of site license agreements to authorize the State's use of County property for the purpose of supporting the New York Statewide Wireless Network, and

WHEREAS, any expenses associated with the State's use of the sites will be borne by New York State or its representatives.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Central Police Services, is authorized to execute site license agreements with New York State or its representatives, for the purposes of the New York Statewide Wireless Network, and be it further

RESOLVED, that any modifications necessary to support the State's use of the sites will be completed at no cost to Erie County, and be it further

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

(4-0)

3. COMM. 12E-22 (2006)

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COUNTY EXECUTIVE

WHEREAS, since the tragic events of 9/11 and the tremendous focus on increasing the interoperability of Public Safety agencies and the important role that centralized operations, computerized solutions in dispatching, managing, recording and preparedness, Erie County has worked to enhance our readiness to deal with any disaster or terrorist threat that may be encountered, and

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center which includes a new Communications Center, and

WHEREAS, now completed this new Center houses the public safety forensic laboratory, communications, information systems, evidence and administrative services for Erie County and the City of Buffalo, and

WHEREAS, the Erie County Legislature has previously authorized Erie County to sign contracts with 4-D and USA Mobility for the paging system, we now need to enter into agreements for tower locations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to sign Memoranda of Understanding and lease agreements for tower sites for the Simulcast Digital Alphanumeric Paging System and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services/Emergency Services and the Director of Budget, Management and Finance.
(4-0)

4. COMM. 12E-23 (2006)

COUNTY EXECUTIVE

WHEREAS, the Department of Central Police Services/Emergency Services needs additional qualified instructors to conduct the PSICM, NIMS, and ICS courses in Erie County as the result of the need to conform to Homeland Security Presidential Directive-5 (HSPD-5), and

WHEREAS, the Department of Central Police Services/Emergency Services needs to conduct additional courses to assist Erie County department personnel and its municipalities compliance with this Presidential Directive, and

WHEREAS, if Erie County does not complete this compliance with HSPD-5, every county department, as well as each and every municipality will not be able to receive grant funding, and

WHEREAS, the current instructors currently receive \$20.00 per hour for these professional instructors.

NOW, THEREFORE, BE IT

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RESOLVED, that the following names should be added to the list of Instructors and Facilitators who have been certified by the New York State Emergency Management Office (SEMO) and the Office of Fire Prevention and Control (OFPC) are hereby approved as required pursuant to Erie County Administrative Code (Sec 19.08):

Michael Pliszka	John Buttino	Thomas Partridge
William Correa	Rodney Wilkinson	Keith Bender
Michael Willoughby	Eric Conley	Tiger Schmittendorf
Brian Wittlinger	Dave Kubiak	

and be it further

RESOLVED, that the Department of Central Police Services/Emergency Services is hereby authorized to enter into Fee for Service contracts with above named New York State Emergency Management Office (SEMO) and Office of Fire Prevention and Control (OFPC) Certified Instructors and Facilitators to conduct PSCIM, NIMS and ICS Courses throughout the cities, towns, villages and departments of Erie County, and be it further

RESOLVED, that Erie County and all municipalities will become compliant with HSPD-5 and therefore be able to receive grant funding, and be it further

RESOLVED, that the current rate of \$20.00/hour for Instructors be increased to \$25.00/hour, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law, the Department of Personnel and the Department of Central Police Services/Emergency Services.
 (4-0)

5. COMM. 12E-24 (2006)
COUNTY EXECUTIVE

WHEREAS, Central Police Services has been awarded \$496,750 under the FY2003 BJA Congressionally Mandated Awards for developing and conducting training, as well as training equipment and materials, and

WHEREAS, available balances must be utilized by the end of June, 2006.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to transfer funds as follows:

Grant Fund – SAP #HS165ERTC0304
 Central Police Services
 10/01/03 – 6/30/06

Appropriation

Decrease

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Acct. 505000 Office Supplies	\$ 3,200.00
Acct. 510100 Out of Area Travel	4,968.28
Acct. 516020 Professional Services	7,000.00
Acct. 561420 Office Furniture	106,470.60

<u>Appropriation</u>	<u>Increase</u>
Acct. 500000 Salaries	\$ 39,706.38
Acct. 502000 Fringe Benefits	1,283.38
Acct. 561410 Lab & Tech Equipment	80,649.12

<u>Net Appropriations</u>	-0-
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And be it further,

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

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

6. COMM. 12E-25 (2006)

COUNTY EXECUTIVE

WHEREAS, reliable Public Safety Communications has always been one of the top priority needs for first responders, and

WHEREAS, in 2003 the County of Erie began construction of a new Public Safety Center which includes a new Communications Center, and

WHEREAS, partnering with New York State on the build-out of the statewide 800MHz system is an integral part of Erie County's plan to upgrade public safety communications, and

WHEREAS, New York State is making available to the County of Erie a \$2,000,000 grant to assist in the costs associated with the public safety communications initiative.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept an open ended grant in the amount of \$2,000,000, and be it further

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

Grant Fund Department 165
 Central Police Services

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800MHz Grant

Revenue

Acct 409000	State Aid	\$2,000,000
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Appropriation

Acct 561410	Lab & Technical Equipment	\$2,000,000
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And be it further,

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

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities, vendors, contractors and or consultants as required by this resolution for the provision of services, supplies or equipment as necessary for program implementation; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and Central Police Services.
 (4-0)

7. COMM. 12E-26 (2006)

COUNTY EXECUTIVE

WHEREAS, the STOP-DWI Office enters into annual contracts with 40 municipal governments to obtain additional police and court reporting services, and

WHEREAS, provisions of these contracts do not change from year to year, and

WHEREAS, preparing, certifying, and transferring theses contracts requires many hours of work by county and local municipal employees each year, and

WHEREAS, a conversion to triennial contracts would streamline the county's interaction with municipal governments and further the productive use of county and municipal personnel, and

WHEREAS, such a conversion would not affect annual reporting, payment, insurance, and performance aspects of the contract, and

WHEREAS, the County Attorney has performed a review of current STOP-DWI contracts and produced a replacement that maintains all current provisions but extends the term to three years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts of a three year term with municipalities participating in the STOP-DWI Program, and be it further

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RESOLVED, that the insurance, payment, and reporting provisions will be executed annually based on the underlying three year contract, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, County Comptroller's Office, the Department of Law, and the Erie County STOP-DWI Office.
 (4-0)

8. COMM. 12E-45 (2006) **AS AMENDED**
SHERIFF

WHEREAS, the State of New York Commission of Corrections completed an assessment of the Jail Management Division's Staffing Requirements in June of 2005; and

WHEREAS, the Commission has found the Jail Management Division in violation of minimum staffing requirements at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the Commission set a phased schedule by which Erie County shall achieve compliance with minimum staffing levels requiring the hiring of additional personnel; and

WHEREAS, funding for the newly created positions will be offset by positions that have remained vacant during 2006 and a decrease in overtime appropriations therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create seven Deputy Sheriff Officer, Job Group VIII in the Erie County Holding Center; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create thirteen (13) Correctional Officer, Job Group IX in the Erie County Correctional Facility; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

<u>Appropriation</u>	<u>Decrease</u>
Business Area 116 – Jail Management Division	
Account 501000 – Overtime	\$ 154,137
Total Decrease	\$ 154,137

<u>Appropriation</u>	<u>Increase</u>
Business Area 116 – Jail Management Division	
Account 500320 – Uniform Allowance	5,250
Account 500340 – Line-Up	15,012
Account 502000 – Fringe Benefits	<u>133,875</u>

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Total Increase **\$ 154,137**

NET IMPACT **\$ 0**

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Personnel and the Office of the Sheriff for implementation.
 (4-0)

DANIEL M. KOZUB
CHAIRMAN

Item 16 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded. MR. RANZENHOFER voted in the negative.

CARRIED (14-1)

RESOLUTION NO. 193

JUNE 29, 2006

HUMAN SERVICES COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-32 (2006)
COUNTY EXECUTIVE: Social Services – Contract for Nursing Services
 (4-0)
 - b. COMM. 12M-15 (2006)
COORDINATED CARE MANAGEMENT CORPORATION: Comm. 12E-32 –
 Replacing Services Provided by Coordinated Care to the CASA Program Through DSS
 Contract
 (4-0)
2. COMM. 10E-14 (2006) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is required to maintain records related to the administration of Medicaid, Food Stamps and Temporary Assistance programs consisting of eligibility documents and benefit disbursement detail, and these records are maintained on an optical imaging system to enable sound security and ready access, and

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WHEREAS, the preparation and imaging of paper documents is a time consuming and labor intensive process that the Department has been unable to sustain and for which a serious backlog of nearly 2 million pages exists, and

WHEREAS, in recognition of the inability to sustain the current operation, the Department included an amount of \$535,000 in the Adopted Budget for 2006 for contracted services, and a Request for Proposals for imaging services was released and evaluated, and

WHEREAS, based on a comprehensive review of factors including quality, qualifications, technical merit and cost the Department has selected Biel's Information Technology as the contractor of choice, and

WHEREAS, the Department of Social Services and the Civil Service Employees Association (CSEA) have negotiated a Memorandum of Understanding (MOU) related to document imaging functions and activities to be contracted vs. those to be retained as bargaining unit work; and

WHEREAS, this MOU provides for the addition of essential County staff and one-time only equipment purchases to efficiently and effectively perform the additional bargaining unit work related to document imaging; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and agreements with Biel's Information Technology Systems Corporation for optical imaging services, at a rate of 5.1 cents per image, there being sufficient funds for this purpose in the 2006 Professional Services Contracts and Fess appropriation (Account 516020) in the budget of the Department of Social Services, and be it further

RESOLVED, that the following new positions are hereby authorized in the budget of the Department of Social Services effective August 1, 2006:

13 Clerk JG 1-0
 2 Principal Clerk JG 6-3

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

DEPARTMENT OF SOCIAL SERVICES, FUND 110, DEPARTMENT 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE (DECREASE)</u>
500000	Personal Services	\$146,139
502000	Fringe Benefits	\$ 58,456

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561410	Lab & Technical Equipment	\$ 91,500
516020	Professional Services Contract	<u>\$(296,095)</u>
TOTAL APPROPRIATIONS		\$ 0

And be it further

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

(4-0)

3. COMM. 11E-15 (2006)
COUNTY EXECUTIVE

WHEREAS, the Office of Public Advocacy is, in part, charged with developing and administering Equal Employment and Affirmative Action Programs in accordance with the laws of New York State; and

WHEREAS, services and programs provided are for the benefit of all County residents; and

WHEREAS, the Office of Public Advocacy combines Erie County advocacy services, including the Division of Equal Employment Opportunity, the Commission on the Status of Women, the Office of Veterans' Affairs and the Office for the Disabled into one office for a more centralized and effective use of skills and resources; and

WHEREAS, certain revenue and expenses for the Office for the Disabled were not included in the 2006 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to increase the 2006 Adopted Budget as follows:

Office of Public Advocacy
Dept #109

ACCOUNT	REVENUE	INCREASE
406890	Handicapped Parking Surcharge	<u>20,000</u>
TOTAL		<u>\$20,000</u>

EXPENSES		
500010	Part Time Salaries	\$13,600
502000	Fringe Benefitr	1,400
505000	Office Supplies	500
506200	Maintenance & Repair Supplies	500
561410	Lab & Technical Equipment	2,000

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980000	DISS	<u>2,000</u>
	TOTAL	<u>\$20,000</u>

And be it further

RESOLVED, that authorization provided to add the position of is Public Health Educator (Part Time), Job Group 8, to the Office of Public Advocacy – Office of the Disabled, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of Public Advocacy, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (4-0)

4. COMM. 12E-30 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) and Expanded In-Home Services for the Elderly Program (EISEP) grants for the period April 1, 2006 to March 31, 2007, and the State Pharmaceutical Assistance Program (SPAP) grant for the period October 1, 2005 to September 30, 2006, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that the Department has been awarded additional EISEP funds, and

WHEREAS, the Department also received notification from the New York State Office for Aging of a \$16,000 grant award for the Performance Outcome Measures Project (POMP VII) program for the period September 30, 2005 to September 29, 2006, and

WHEREAS, the Department desires to use the POMP VII grant funds to maintain and support the case management system that will compile the POMP statistical results, and

WHEREAS, the Department currently contracts with the various community-based agencies to deliver case management services, and

WHEREAS, the Department desires to transfer the funding sources of selected contracts to ensure sufficient match is properly allocated in both grants, and

WHEREAS, the Department has identified CSE and EISEP funds so that some of the Custer agencies will be able to increase their match funds, and

WHEREAS, the Department regularly reviews grant objectives with actual costs and position funding with actual functions, and

WHEREAS, the Department desires to transfer the Senior Case Manager position (No.8171) from the SPAP grant to the EISEP grant and the Research Analyst position (No. 51002218) from the SPAP grant to the CSE grant, effective October 1, 2006, and

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WHEREAS, these position transfers are reflected in the SAP system on B-100 position authorization forms, Control numbers 2070 and 2101, and

WHEREAS, SPAP relies on technology to enable seniors and case managers to access Medicare-Part D information and enrollment processes, and

WHEREAS, it is necessary for the Department to seek technical assistance to correct hardware and software problems within its service network, and

WHEREAS, the POMP VII grant budget needs to be established and the CSE, EISEP and SPAP grant budgets need to be revised, and

WHEREAS, the mix of subcontractor match and current County funds are sufficient to meet the grantor's matching requirements for CSE and EISEP, and

WHEREAS, local match is not required for the POMP VII or SPAP grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the POMP VII funds from New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the CSE and EISEP contracts with the community-based agencies in the grants and by the amounts detailed herein, and be it further

RESOLVED, that the Senior Case Manager and the Research Analyst positions be transferred from SPAP to EISEP and CSE, respectively, effective October 1, 2006, and be it further

RESOLVED, that the budget for the POMP VII grant, 163POMPVII0506, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$16,000
	TOTAL REVENUE	<u>\$16,000</u>
APPROPRIATIONS		
	Software Support &	
516020	Modifications	\$16,000
	TOTAL APPROPRIATIONS	<u>\$16,000</u>

and be it further

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

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$923,589	\$298	\$923,887
466000	Miscellaneous Receipts	111,635	-25,321	86,314
479000	County Share Contribution	337,140	-74,978	262,162
	TOTAL REVENUE		-\$100,001	
APPROPRIATIONS				
500000	Full Time Salaries	\$128,618	\$31,000	\$159,618
502000	Fringe Benefits	48,909	13,000	61,909
516010	St. Augustine's	132,374	-132,374	0
516010	Concerned Ecumenical Ministry	134,299	-27,277	107,022
516010	Lt. Col. Matt Urban	137,948	9,650	147,598
980000	ID DISS Services	6,158	6,000	12,158
	TOTAL APPROPRIATIONS		-\$100,001	

and be it further

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

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$1,975,315	\$777,575	\$2,752,890
466000	Miscellaneous Receipts	86,620	26,471	113,091
479000	County Share Contribution	452,074	74,978	527,052
	TOTAL REVENUE		\$879,024	
APPROPRIATIONS				
500000	Full Time Salaries	\$423,572	\$24,000	\$447,572
502000	Fringe Benefits	176,059	13,000	189,059
	Schiller Park Community			
516010	Services	14,920	135,000	149,920
516010	Town of Amherst	65,015	46,000	111,015
	Concerned Ecumenical			
516010	Ministry	99,333	100,024	199,357
	Contractual- Lt. Col. Matt			
516010	Urban	107,768	21,000	128,768
516020	Home Care Services	1,35406	400,000	1,735,406
516020	Personal Emergency	15,000	20,000	35,000

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	Response System			
516020	Adult Day Care Services	0	70,000	70,000
	Software Support &			
516020	Modifications	0	50,000	50,000
	TOTAL APPROPRIATIONS		\$879,024	

and be it further

RESOLVED, that the budget for the SPAP grant, 163SPAP0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$151,020	-\$19,000	\$132,020
505000	Office supplies	3,500	+3,000	6,500
510000	Local Mileage	7,000	-3,000	4,000
516020	Professional Fees	22,325	+47,000	69,325
561440	Motor Vehicles	30,000	-30,000	0
980000	DISS	2,500	+2,000	4,500
Total Change			0	

and be it further

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

5. COMM. 12E-31 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Abuse Prevention (Title VII) grant for the period January 1, 2006 to December 31, 2006; the Long Tern Care Ombudsman Program (LTCOP) for the period April 1, 2006 to March 31, 2007; and the Retired and Senior Volunteer Program (RSVP) grants for the periods July 1, 2005 to June 30, 2006 and July 1, 2006 to June 30, 2007, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final allocations for the Title VII and LTCOP grant programs, and

WHEREAS, the Corporation for National Service has made available an additional \$1,216 in funds for the 2006/2007 RSVP grant program to provide support services to 1,150 RSVP volunteers working in community agencies throughout the county, and

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WHEREAS, the Department has reviewed the budgets and actual costs of carrying out grant objectives, and desires to reflect the additional funds available and to cover all costs, and

WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Title VII and LTCOP grants, and

WHEREAS, the Department desires to amend the contracts with the American Red Cross, and

WHEREAS, there are no County funds associated with the Title VII and LTCOP grants, and there is no impact on County funds associated with the RSVP grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the Title VII and LTCOP contracts with the American Red Cross, Greater Buffalo Chapter by the amounts detailed herein, and be it further

RESOLVED, that the budget for the Title VII grant, 163VII2006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	State Aid Revenue	\$42,051	\$12,723	\$54,774
	TOTAL CHANGE		<u>\$12,723</u>	
APPROPRIATIONS				
516010	American Red Cross	\$42,051	\$12,723	\$54,774
	TOTAL CHANGE		<u>\$12,723</u>	

and be it further

RESOLVED, that the budget for the LTCOP grant, 163LTCOP0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$42,051	\$2,835	\$44,886
	TOTAL CHANGE		<u>\$2,835</u>	
APPROPRIATIONS				
516010	American Red Cross	\$42,051	\$2,835	\$44,886
	TOTAL CHANGE		<u>\$2,835</u>	

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and be it further

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

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
466000	Miscellaneous Receipts	\$2,000	\$1,595	\$3,595
	TOTAL REVENUE	<u>\$2,000</u>	<u>\$1,595</u>	<u>\$3,595</u>
APPROPRIATIONS				
500000	Full Time Salaries	\$93,205	\$891	\$94,096
502000	Fringe Benefits	26,715	17,283	43,998
	Local Mileage			
510000	Reimbursement	31,440	-7,445	23,995
510100	Out of Area Travel	1,500	-1,500	0
510200	Training & Education	150	-150	0
	Prof. Service Contracts &			
516020	Fees	10,250	-2,200	8,050
516030	Maintenance Contracts	300	-165	135
530000	Other Expenses	1,961	-629	1,332
545000	Rental Expenses	2,000	310	2,310
980000	ID DISS Services	10,000	-4,800	5,200
	TOTAL APPROPRIATIONS	<u>\$177,521</u>	<u>\$1,595</u>	<u>\$179,116</u>

and be it further

RESOLVED, that the budget for the RSVP grant, 163RSVP0607 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Revenue	\$90,051	\$1,216	\$91,267
	TOTAL REVENUE	<u>\$90,051</u>	<u>\$1,216</u>	<u>\$91,267</u>
APPROPRIATIONS				
510000	Local Mileage	\$28,692	\$732	\$29,424
510100	Travel Out of Area	1,000	500	1,500
510200	Training & Education	0	150	150
516020	Professional Fees	750	300	1,050
516030	Maintenance Contracts	0	300	300
530000	Other Expenses	8,472	691	9,163
545000	Rental Charges	3,500	-1,500	2,000

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555050	Insurance Premiums	3,400	793	4,193
980000	ID DISS Services	3,000	-750	2,250
	TOTAL APPROPRIATIONS	48,814	<u>\$1,216</u>	50,030

and be it further

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

(4-0)

6. COMM. 12E-33 (2006)
COUNTY EXECUTIVE

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 2006 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:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) (Master's/ Bachelor's Degrees)	9/1/06- 8/31/07	\$438,502	\$157,861	\$280,641
Buffalo State College (CDHS) (In-service Training	9/1/06- 8/31/07	\$1,124,823	\$404,936	\$719,887

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Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	9/1/06- 8/31/07	\$385,941	\$138,939	\$247,002
Empire State College (In-Service Training)	9/1/06- 8/31/07	\$451,444	\$144,462	\$306,982
SUNY-Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/29/06- 8/28/07	\$101,953	\$35,684	\$66,269
SUNYAB - School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/06- 8/31/07	\$319,825	\$111,939	\$207,886
SUNYAB Institute for Addictions Studies and Training (In-Service Training)	10/1/06- 9/30/07	\$298,778	\$104,572	\$194,206
Erie Community College (In-Service Training)	10/1/06- 9/30/07	\$201,683	\$72,606	\$129,077

and be it further

RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 2006 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.

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(4-0)

7. COMM. 12E-38 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B), the Congregate Dining (III-C-1), Home Delivered Meals (III-C-2), and the Elder Caregiver Support Grant (III-E) grants for the period January 1, 2006 through December 31, 2006, and

WHEREAS, the final federal funding allocations have been issued by the New York State Office for the Aging, and

WHEREAS, the total federal funding available for the III-B and III-E grant programs is more than originally adopted and the total federal funding available for the III-C-1 and III-C-2 is less than originally adopted, and

WHEREAS, the Department desires to increase the allocation for adult day care services in the III-E grant, and provide funding for continued case management software support and modifications in the III-B grant, and

WHEREAS, the Department contracts with Meals on Wheels of Buffalo and Erie County (MOWs) to provide home delivered meals under the III-C-2 grant, and

WHEREAS, the Department desires to amend the contract with MOWs, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the grant programs through the end of the year, and

WHEREAS, the grant budgets need to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the III –C-2 contract with MOWs by the amount detailed herein, and be it further

RESOLVED, that the III-B grant, 163III-B2006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Revenue	\$1,407,424	\$65,673	\$1,473,097
	Other Revenue-Grant			
466100	Programs	4,800	-3,300	1,500
	TOTAL REVENUE	\$1,407,424	\$62,373	\$1,473,097

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APPROPRIATIONS

	Prof. Ser Con-Software			
516020	Support	\$7,750	\$62,373	\$70,123
	TOTAL APPROPRIATIONS	\$7,750	\$62,373	\$70,123

and be it further

RESOLVED, that the III-C-1 grant, 163III-C-12006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Revenue	\$1,343,199	-\$19,991	\$1,323,208
466000	Miscellaneous Receipts	6,694	-6,694	0
	TOTAL REVENUE	\$1,343,199	-\$26,685	\$1,316,514

APPROPRIATIONS

516020	Prof. Ser Con-Food Service	\$1,273,823	-\$26,685	\$1,247,138
	TOTAL APPROPRIATIONS	\$1,273,823	-\$26,685	\$1,247,138

and be it further

RESOLVED, that the III-C-2 grant, 163III-C-22006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Revenue	\$803,249	-\$15,594	\$787,655
	TOTAL REVENUE	\$803,249	-\$15,594	\$787,655

APPROPRIATIONS

516010	Cont Pmts- MOWs	\$1,316,538	-\$15,594	\$1,300,944
	TOTAL APPROPRIATIONS	\$1,316,538	-\$15,594	\$1,300,944

and be it further

RESOLVED, that the III-E grant, 163III-E2006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Revenue	\$579,940	\$25,773	\$605,713

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TOTAL REVENUE		<u>\$579,940</u>	<u>\$25,773</u>	<u>\$605,713</u>
APPROPRIATIONS				
	Prof Ser- Adult Day Care			
516020	Services	<u>\$160,000</u>	<u>\$25,773</u>	<u>\$185,773</u>
	TOTAL APPROPRIATIONS	<u>\$160,000</u>	<u>\$25,773</u>	<u>\$185,773</u>

and be it further

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

THOMAS MAZUR
CHAIRMAN

Item 17 – MR. HOLT presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded. MR. RANZENHOFER, MS. IANNELLO, MS. KONST and MS. LOCKLEAR voted in the negative.

CARRIED (11-4)

RESOLUTION NO. 194

JULY 6, 2006

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-13 (2006) **AS AMENDED**
KONST, IANNELLO, LOCKLEAR, LOUGHRAN, MAZUR & HOLT

WHEREAS, the Department of Environment and Planning, on behalf of the six Erie County Sewer Districts and the Erie County/Southtowns Sewage Treatment Agency, hereby requests approval to upgrade Managerial Confidential positions within the Division of Sewerage Management; and

WHEREAS, the Division risks losing existing Managerial Confidential employees and not being able to attract new talented Managerial Confidential employees as positional openings became available if the Managerial Confidential positions in the Division of Sewerage Management are not adjusted; and

WHEREAS, the Boards of the six County Sewer Districts and the Erie County/Southtowns Sewage Treatment Agency are recommending upgrading of the Managerial Confidential positions in the Division of Sewerage Management.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves upgrading the Managerial Confidential positions in the Division of Sewerage Management immediately upon approval and certification of this resolution as follows:

<u>Title</u>	<u>Position Control No.</u>	<u>Current Job Group</u>	<u>Recommended Job Group</u>
Chief Treatment Plant Supervisor	#00001253	16	17
Assistant Deputy Commissioner	#00000364	16	17
Assistant Deputy Commissioner	#00000362	16	17
Asst. Chief Treatment Plant Supervisor	#51001854	15	16
Sr. Sewer District Manager	#51000231	14	15
<u>Title</u>	<u>Position Control No.</u>	<u>Current Job Group</u>	<u>Recommended Job Group</u>
Sewer District Manager	#00009617	13	14
Sewer District Manager	#00009618	13	14
Sewer District Manager	#51001817	13	14
Sewer District Manager	#00009616	13	14

and be it further

RESOLVED, that subsequent salary increases for managerial confidential employees as included in the salary scale schedules in the Collective Bargaining Agreement by and between the County of Erie and the CSEA Local 815 be at the discretion of the Deputy Commissioner of the Division of Sewerage Management for each managerial confidential employee based on merit/performance; and be it further

RESOLVED, that the funding for the position adjustments is available in unexpended salaries in the Division of Sewerage Management, Sewer Fund 2006 Budget; and be it further

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RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel A. Giambra, County Executive; Mark C. Poloncarz, County Comptroller; Kenneth Vetter, Director of Budget, Management; Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning and Gregory Dudek, Assistant County Attorney.
 (3-1) Legislator Locklear voted in the negative.

GEORGE A. HOLT, JR.
CHAIRMAN

Item 18 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

JULY 6, 2006

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 8E-2 (2006)
COUNTY EXECUTIVE: Economic Impact of the Proposed Seneca Buffalo Creek Casino (4-0)
2. COMM. 12E-18 (2006)
COUNTY EXECUTIVE
 WHEREAS, the Legislature awarded contracts on May 11, 2006 to various contractors for the Rath Building- 14th Floor Renovation Work, and

WHEREAS, a greater part of the funding for this work was to be charged to an '02 Asbestos Abatement & Reconstruction – Rath Building bond fund, and

WHEREAS, because SAP is not current with approved contracts, an alternative funding source must be designated in order to complete the Rath Building –14th Floor Renovation Work.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller' Office be authorized to make payment for the Rath Building –14th Floor Renovation project from the following SAP accounts:

A.00051 – '02 Asbestos Abatement and Reconstruction	\$ 837,603.00
A.00052 – '02 Asbestos Abatement and Reconstruction – Rath Building	\$ 392,441.00
A.00069 – '03 Code Compliance	<u>\$ 211,216.00</u>
Total	\$1,441,260.00

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and be it further

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

(4-0)

3. COMM. 12E-28 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has an audited surplus from the 2005 Real Property Transfer Tax in the amount of \$2,265,758 and

WHEREAS, surplus Road Repair Reserve Funds can only be used for capital repairs of roads and bridges in the County, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing, and

WHEREAS, a public hearing was held on June 22, 2006.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments.

Road Fund 210

Revenue <u>Fund Center</u>	<u>Account</u>	<u>Increase</u>
12330 Road Repair Reserve	401190 Fund Increase	\$2,265,758
Expense		
12330 Road Repair Reserve	912300 ID Highway Services	\$2,265,758
	Net	(0)
Expense 123 Highways	561500 Road Construction & Improvements	\$2,265,758

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123 Highways 912300 ID Highway (\$2,265,758)

and be it further

RESOLVED, that the following road and bridge projects will be initiated during 2005:

2006 TRANSFER TAX PROJECTS**OIL & CHIPPING**

Back Creek Road
Belcher Road
Bley Road
Boies Road
Buckwheat Road
Cain Road
Cattaraugus Street
Church Street
Concord Road
Crittenden Road
Davison Road
East Blood Road
Eastwood Road
Fish Hill Road
Fletcher Road
Hunters Creek Road
Keller Road
Lennox Road
Lotus Point Road
Lower East Hill Road
Maple Hill Road
Middle Road
Mileblock Road
Moore Road
Mortons Corners Road
North Road
Old Lower East Hill Road
Rapids Road
Shadagee Road
Shirley Road
Stage Road
Three Rod Road
Utley Road
Versailles Plank Road
Warner Hill Road
Whitney Road
Williston Road

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Woodside Road
 Zoar Valley Road

TOTAL **\$ 1,837,500**

CRACK FILLING

Various Roads **\$ 250,000**

PAVEMENT SAFETY ENHANCEMENTS **\$ 100,000**

BRIDGE MAINTENANCE/REPAIR **\$ 78,258**

GRAND TOTAL **\$2,265,758**

and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management & Finance, the Department of Public Works, Commissioner's Office, the County Attorney's Office and the Erie County Comptroller's Office.
 (4-0)

4. **COMM. 12E-36 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Legislature awarded a contract on April 27, 2006, to Weaver Metal & Roofing, Inc. for the roof replacement at the Convention Center, and

WHEREAS, part of the funding for this work was to be a 2006 Convention Center Renovations bond fund, and

WHEREAS, to date no 2006 Capital Bonds have been authorized by the Legislature, and

WHEREAS, because the subject 2006 Capital Bond has not been authorized, an alternative funding source must be designated in order not to delay the roof replacement at the Convention Center.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller's office be authorized to make payment for the Roof Replacement at the Convention Center project from the following SAP accounts:

A.00078 - '03 Existing Convention Center	\$553,165.00
A.00227 - '04 Roof Replacement	<u>412,400.00</u>
Total:	\$965,565.00

And be it further

RESOLVED, that two 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 Director of Budget, Management and Finance, and to the Office of the Comptroller.

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(4-0)

5. COMM. 12D-12 (2006)
DPW

		CONTINGENCY PERCENT OF CONSTRUCTION		
		Degree of Construction Complexity		
	TYPE	Easy	Average	Difficult
1.	NEW BRIDGES	7%	10%	14%
	NEW ROADS			
	NEW CULVERTS			
	NEW BUILDINGS			
2.	REHAB. BRIDGES	10%	14%	16%
	REHAB. ROADS			
	REHAB. CULVERTS			
	REHAB. BUILDINGS			
3.	HISTORIC BUILDINGS	20%	25%	27%
4.	STADIUM	7%	10%	14%

(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

Item 19 – MR. SMITH presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

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FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 11

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

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

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- a. COMM. 27M-11 (2005)
ERIE COUNTY COMMUNITY COALITION: Understanding the County Crisis and Moving Forward: A Commonsense Approach to the Erie County Budget Crisis
(5-0)
- b. COMM. 5E-39 (2006)
SMITH: Copy of Letter to DISS Commissioner Re: Bids for Copier Equipment
(5-0)
- c. COMM. 7E-9 (2006)
SMITH: Copy of Letter to Purchasing Director Re: Copier Services in Erie County
(5-0)
- d. COMM. 10E-6 (2006)
MARINELLI: Copy of Letter to ECFSA Chair Re: 2007 Budget Process
(5-0)
- e. COMM. 10D-1 (2006)
DIRECTOR OF MANAGEMENT INITIATIVES: Erie County Government Comparison to Major Counties in Erie County
(5-0)
- f. COMM. 10D-3 (2006)
DIRECTOR OF MANAGEMENT INITIATIVES: Copy of Letter to ECFSA Board Members Re: Erie County Stabilization Project
(5-0)
- g. COMM. 11E-3 (2006)
COMPTROLLER: Moody's Rating
(5-0)
- h. COMM. 11E-11 (2006)
COUNTY CLERK: Semi-Annual Report of Receipts and Disbursements of Mortgage Tax Monies
(5-0)
- i. COMM. 11D-2 (2006)
BUDGET, MANAGEMENT & FINANCE: BMR for 4/06
(5-0)
- j. COMM. 11D-4 (2006)
BUDGET, MANAGEMENT & FINANCE: Letter to Legislator Smith Re: Gas Cap
(5-0)
- k. COMM. 11M-8 (2006)
ECFSA: Letter to Marinelli Re: Reply to Letter
(5-0)

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1. COMM. 11M-9 (2006)
ECFSA: Certified Resolution Re: Capital Borrowing
(5-0)
- m. COMM. 12E-12 (2006)
KONST: Letter to Comptroller Re: DPW Budget
(5-0)
- n. COMM. 12M-10 (2006)
ASSEMBLYMAN TOKASZ & SENATOR VOLKER: Notice That NYS Legislature Did Not Approve \$5 Fee on Certain Court Document Filings With the County Clerk's Office
(5-0)

2. COMM. 2D-3 (2006)
BUDGET, MANAGEMENT & FINANCE
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 206189 through 206207 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2006	Petition No.	206189
	ASSESSOR	Refund	\$356.12
S-B-L	89.30-1-29	140200	BUFFALO
	Acct. No. 112	\$356.12	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	140200 BUFFALO		\$0.00

REFUND - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED. THE WRONG SALE DATE WAS USED. DATE USED WAS 6/18/04. THE CORRECT DATE IS 3/24/05
CHECK FOR: MARIE FLAHERTY

FISCAL YEAR	2004	Petition No.	206190
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ERIE COUNTY LEGISLATURE

ASSESSOR Refund \$617.03

S-B-L 104.78-2-48 145289 LANCASTER

Acct. No. 112	\$409.12	County
Acct. No. 132	\$207.91	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$207.91

REFUND-CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 72,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 0(2)C
 CHECK FOR: ALFREDA IDZIK

FISCAL YEAR 2005 Petition No. 206191

ASSESSOR Refund \$489.32

S-B-L 104.78-2-48 145289 LANCASTER

Acct. No. 112	\$325.31	County
Acct. No. 132	\$164.01	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$164.01

REFUND- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 70,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: ALFREDA IDZIK

FISCAL YEAR 2006 Petition No. 206192

ASSESSOR Refund \$571.28

S-B-L 104.78-2-48 145289 LANCASTER

Acct. No. 112	\$385.52	County
Acct. No. 132	\$185.76	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$185.76

REFUND-CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 76,800 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR : ALFREDA IDZIK

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ERIE COUNTY LEGISLATURE

FISCAL YEAR 2006 Petition No. 206193

ASSESSOR Cancel \$208.61

S-B-L 115.11-26-37 145203 LANCASTER

Acct. No. 112	\$0.00	County
Acct. No. 132	\$208.61	Town/SpecialDist/School
<u>Charge To :</u>	145203 LANCASTER	\$208.61

Relevy Village \$208.61 Village of LANCASTER
 CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 22,071 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2006 Petition No. 206194

ASSESSOR Refund \$242.76

S-B-L 302.00-3-1 145889 NORTH COLLINS

Acct. No. 112	\$0.00	County
Acct. No. 132	\$242.76	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$242.76

REFUND- CLERICAL ERROR, OMITTED GARBAGE TAX PLACED ON PARCEL
 IN ERROR. RPTL 550(2)E
 CHECK FOR: MARK & CYNTHIA LAWTON

FISCAL YEAR 2006 Petition No. 206195

ASSESSOR Refund \$200.21

S-B-L 286.00-5-4 145889 NORTH COLLINS

Acct. No. 112	\$78.16	County
Acct. No. 132	\$122.05	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$122.05

REFUND-CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR GARBAGE TAX

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ERIE COUNTY LEGISLATURE

IN ERROR. THIS PARCEL IS VACANT LAND. RPTL 550(2)

CHECK FOR: DONALD & MARY KONESKY

FISCAL YEAR 2006 Petition No. 206196

ASSESSOR Cancel \$ 123.02

S-B-L 296.00-5-4 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County

Acct. No. 132 \$ 123.02 Town/SpecialDist/School

Charge To : 145889 NORTH COLLINS

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND WAS CHARGED
 IN ERROR FOR GARBAGE TAS. RPTL 550(2)E

FISCAL YEAR 2006 Petition No. 206197

OWNER Refund \$290.00

S-B-L 152.17-1-10 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County

Acct. No. 132 \$290.00 Town/SpecialDist/School

60139 ERIE CO SEW DST 3 \$170.00

60140 ERIE CO SEWER 3 CH1 \$120.00

Charge To : 146089 ORCHARD PARK \$0.00

REFUND-CLERICAL ERROR, THIS PARCEL IS NOT HOOKED INTO THE SEWER
 SYSTEM. USES SEPTIC SYSTEM. RPTL 550(3)B
 CHECK FOR: EVA DONOVAN & MARK SCHECK

FISCAL YEAR 2006 Petition No. 206198

ASSESSOR Cancel \$301.79

S-B-L 78.30-4-4 146401 KENMORE

Acct. No. 112 \$0.00 County

Acct. No. 132 \$301.79 Town/SpecialDist/School

Charge To : 146401 KENMORE \$301.79

Relevy Village \$301.79 Village of KENMORE

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ERIE COUNTY LEGISLATURE

CANCEL -CLERICAL ERROR, THE SENIOR EXEMPTION WAS MISCALCULATED. THE SENIOR EXEMPTION WAS 8,840 AND SHOULD BE 22,100. RPT 550(2)B

FISCAL YEAR 2005 Petition No. 206199

ASSESSOR Refund \$276.62

S-B-L 143.19-6-15.3 146800 WEST SENECA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$276.62	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$276.62

REFUND - CLERICAL ERROR, THIS PARCEL IS NOT LOCATED IN SAN SEWER 13 DISTRICT. RPTL 550(7)B
 CHECK FOR:DAVID & AUDEA SITAREK

FISCAL YEAR 2006 Petition No. 206200

ASSESSOR Refund \$716.70

S-B-L 44.19-2-2 143200 CLARENCE

Acct. No. 112	\$510.53	County
Acct. No. 132	\$206.17	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$615.70

REFUND-CLERICAL ERROR, THIS PARCEL IS NOT LOCATED IN SAN SEWER 13 DIST. RPTL 550(7)B
 CHECK FOR : DAVID & AUDEA SITAREK

FISCAL YEAR 2006 Petition No. 206201

ASSESSOR Refund \$1,058.65

S-B-L 44.19-2-2 143200 CLARENCE

Acct. No. 112	\$773.84	County
Acct. No. 132	\$284.81	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$284.81

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REFUND- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 157,200 (100%) WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: MILDRED WILSON

FISCAL YEAR 2004 Petition No. 206202

ASSESSOR Refund \$284.34

S-B-L 269.00-6-22 145889 NORTH COLLINS

Acct. No. 112 \$136.67 County

Acct. No. 132 \$147.67 Town/SpecialDist/School

Charge To : 145889 NORTH COLLINS \$147.67

REFUND- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 30,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: GARY E WENTLAND & DONNA L FISHER

FISCAL YEAR 2005 Petition No. 206203

ASSESSOR Refund \$337.99

S-B-L 269.00-6-22 145889 NORTH COLLINS

Acct. No. 112 \$135.15 County

Acct. No. 132 \$202.84 Town/SpecialDist/School

Charge To : 145889 NORTH COLLINS \$202.84

REFUND-CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 30,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: GARY E WENTLAND & DONNA L FISHER

FISCAL YEAR 2006 Petition No. 206204

ASSESSOR Cancel \$360.20

S-B-L 269.00-6-22 145889 NORTH COLLINS

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Acct. No. 112	\$152.33	County
Acct. No. 132	\$207.87	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$207.87

REFUND-CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
30,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
CHECK FOR: GARY WENTLAND & DONNA FISHER

FISCAL YEAR 2005 Petition No. 206205

ASSESSOR	Refund	\$475.23
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S-B-L 231.00-4-12.1 145000 HOLLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$475.23	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$475.23	
Charge To :	145000 HOLLAND		\$0.00

REFUND-CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
30,680 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
CHEECK FOR: ELLY SMYERS & THOMAS WISKUP JR HOLLAND

FISCAL YEAR 2005 Petition No. 206206

ASSESSOR	Refund	\$716.13
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S-B-L 44.19-2-2 143200 CLARENCE

	Acct. No. 112	\$504.17	County
	Acct. No. 132	\$211.96	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$211.96	

REFUND- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
115,000 (100%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: MILDRED WILSON

FISCAL YEAR 2006 Petition No. 206207

ASSESSOR	Refund	\$615.70
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S-B-L 143.19-6-15.3

146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$615.70	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$615.70	

REFUND- UNLAWFUL ENTRY, PARCEL IS NOT LOCATED IN THIS SEWER DIST
 SEWER DIST TAX PLACED ON PARCEL IN ERROR. RPTL 550(7)B
 CHECK FOR: DAVID & AUDRA SITAREK
 (5-0)

DEMONE A. SMITH
CHAIRMAN

Item 20 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

JULY 6, 2006

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR KOZUB.

1a. COMM. 28E-15 (2006) **AS AMENDED**
COUNTY EXECUTIVE

RESOLUTION NO. ____

RESOLUTION DATED _____, 2006.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2006

(Adopted) _____, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated May 3, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 14, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been 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

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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, if any, 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, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and such cost is \$276.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 3rd day of August, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 3rd day of August, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated May 3, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 14, 2006, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

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The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

Hamburg Sewer District 6

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lots 1,4, 8, 38, 39,40,41,56, Township 9, Range 7 and 8, and Township 10 Range 7 and 8 of the Holland Land Company's survey and more particularly described as follows:

BEGINNING at a point on the east boundary line of the Village of Blasdell where it intersects the southwest corner of Sub Lot No. 7 of Map Cover 1849 (Stiefler Subdivision Part 1); thence south along the east boundary line of said Village of Blasdell a distance of 505 feet * to the southeast corner of said Village of Blasdell; thence west along the south boundary line of the Village of Blasdell a distance of 1950 feet \pm to the east line of lands formerly owned by Erie Lackawanna Rail Road; thence southerly along said east line of said Rail Road a distance of 733 feet \pm to a point, said point being an extension west of the south line of Sub Lot No. 9 of Map Cover 1216; thence east along said extension and along said south line of Sub Lot No. 9 a distance of 445 feet \pm to a point at the southeast corner of said Sub Lot No. 9, said point also being 110 feet west of the west Right of Way of Grafton Avenue (60' wide); thence south along a line parallel to and 110 feet west of said west Right of Way of Grafton Avenue a distance of 1430 feet \pm to a point at the southwest corner of Sub Lot No. 16 of map cover 2128; thence east along said south line of Sub Lot No. 16 and along the south line of Sub Lot No. 5 a distance of 280 feet \pm to a point at the southeast corner of said Sub Lot No. 5; thence south along the east line of Sub Lot's 6, 7,8,9, 10, and 11 of Map Cover No. 2128 and their extension a distance of 405.06 feet k to a point in the center line of Fairview Parkway (55' wide); thence southeast a distance of 301 feet k to a point at the northwest corner of lands conveyed in Liber 10605 page 785, said point being 943.6 feet \pm west of the center line of South Park Avenue (66' wide) as measured along the center line of Bain Parkway; thence southerly along the west line of Liber 10605 Page 785 a distance of 135 feet to the southwest corner of said parcel; thence easterly along the south line of said parcel and its extension a distance of 240 feet \pm to the northwest corner of Sub Lot No. 236 of Map Cover 893 as recorded in Erie County Clerk's Office; thence continuing easterly on a line parallel and 135 feet south of the center line of Bain Parkway (50' wide) a distance of 540.61 feet \pm to a point, said point being the northeast corner of Sub Lot No. 243 of said Map Cover 893; thence south along the east line of said Sub Lot No. 243 a distance of 73 feet \pm to a point at the southwest corner of Sub Lot No. 226 of said Map Cover; thence east along the south line of said Sub Lot 226 and its extension a distance of 196 feet \pm to a point on the east Right of Way of South Park Avenue (66' wide); thence south along said east Right of Way a distance of 50 feet \pm to a point at the southwest corner of Sub Lot No. 117 of said Map Cover 893; thence east along the south line of said Sub Lot a distance of 130 feet \pm to the southeast corner of said Sub Lot; thence north on a line parallel to and 130 feet east of the east Right of Way of South Park Avenue (66'wide) a distance of 556.9 feet \pm to a point on the Center line of Fairview Parkway (55' wide); thence west along said center line a distance of 7 feet to a point; thence north on a line parallel to and 123 feet east of the east Right of Way of South Park Avenue (66' wide) a distance of 619.92 feet \pm to a point at the northwest corner of Sub Lot No. 7, Block 4, of Map Cover No. 1471; thence east along the north line of Sub Lot 7, Sub Lot No. 8 and 7 of Block 8, and Sub Lot No. 8 of Block 12 of said Map Cover 147 1 a distance of 600 feet \pm to a point at the northeast corner of said Sub Lot No. 8, Block 12 of said Map Cover; thence north parallel to and 150 feet west of the center line of Fuller Avenue (60' wide) a distance of 660 feet \pm to a point, said point being the northwest corner of Sub Lot No. 7,

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Block 11 of said Map Cover 1471; thence east along the north line of said Sub Lot No. 7 and its extension a distance of 150 feet \pm to the center line of Fuller Avenue (60' wide); thence north along said center line of Fuller Avenue a distance of 150 feet \pm to the point of intersection with the center line of Mundy Street (60' wide); thence east along said center line of Mundy Street a distance of 150 feet to a point; thence north parallel to and 150 feet east of the center line of said Fuller Avenue a distance of 430 feet & to a point at the northwest corner of Sub Lot No. 11, Block 14 of Map Cover Hamburg Sewer District 6 1471; thence east along the north line said Sub Lot 11 and its extension a distance of 150 feet \pm to the center line of White Avenue (60' wide); thence north along the center line of said White Avenue and its extension a distance of 387 feet to a point; thence west at right angles a distance of 150 feet to a point; thence north at right angles a distance of 189 feet \pm to a point, said point being 3 15 feet south of the north Right of Way of Milestrip Road (66' wide); thence east parallel to and 3 15 feet south of said north Right of Way a distance of 1198 feet \pm to a point on the east boundary line of the New York State Thruway; thence north along said thruway boundary a distance of 3 18 feet \pm to a point on the north Right of Way of said Milestrip Road; thence west along said north Right of Way of Milestrip Road a distance of 436 feet \pm to a point on the west boundary of said New York State Thruway; thence north along said thruway boundary a distance of 298 feet \pm to a point, said point being on the extension east of the north line of land conveyed to Donald C. Davis by deed recorded in Erie County Clerks Office in Liber 3871 of deeds at Page 520; thence west along said north line extended a distance of 1596 feet A to the point of beginning.

Hamburg Sewer District 7

ALL THAT TRACT or parcel of land situate in the Town of Hamburg, County of Erie and State of New York and part of Farm Lot **56**, owns ship **9**, Range **7** of the Holland Land Company's survey, more particularly described as being sub-lots **182-199** inclusive and **541-544** inclusive as shown on map entitled "Highland Acres No. 2" and filed in the Erie County Clerk's Office under Map Cover **893**, together with that portion of Fairview Parkway (that lies within Farm Lot **56**) on which said sub-lots front; also that other parcel of land lying within Farm Lot **41**, Township **10**, Range **7** and more particularly described as being sub-lots **7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35** in Block **4**, sub-lots **7-36** inclusive in Block **8**, sub-lots **7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, and 29** in Block **11**, sub-lots **1, 3, 5 and 7-36** inclusive in Block **12**, sub-lots **12, 14, 16, 18, 20, 22, 24 and 26-30** inclusive in Block **15**, sub-lots **1-38** inclusive in Block **16**, and sub-lots **2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, and 32-35** inclusive in Block **20**, as shown on map entitled "Sagamore Heights" and filed in the Erie County Clerk's Office under Map Cover **1471**, together with those portions of Fairview Parkway (that lie within Farm Lot **41**), White Avenue, Fuller Avenue, James Avenue, Harrison Avenue, and Telfer Street, on which said sub-lots front.

It being the intention to include an area lying adjacent to and south of the present Osborne-Sagamore Sewer District, more particularly described by metes and bounds as follows:

Beginning at a point in the south line of Farm Lot **41**, Township **10**, Range **7**, one hundred fifty-six (**156.00**) feet east from its southwest corner, said point being easterly corner of the existing Osborne-Sagamore Sewer District; thence, starting northerly, along said sewer district boundary by various metes and bounds two thousand thirty-two and seventy-nine onehundredths (**2032.79**) feet to a point in the centerline of Fuller Avenue at a southeasterly corner of said existing sewer district; thence continuing easterly thirty (**30.00**) feet to the east line of said Fuller Avenue; thence southerly along

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the easterly line Hamburg **Sewer District 7** of Fuller Avenue eighty (80.00) feet to the northwest corner of sub-lot 12, Block 15; thence easterly along the northerly line of said sub-lot 12, one hundred twenty (120.00) feet to its northeast corner; thence southerly along its rear line and extension thereof three hundred twenty (320.00) feet to the northwest corner of sub-lot 27, Block 15, thence easterly along the northerly line of said sub-lot 27 and extension thereof one hundred eighty (180.00) feet to the easterly line of White Avenue; thence southerly along said easterly line of White Avenue eighty (80.00) feet to the northerly line of Telfer Street; thence easterly along said northerly line of Telfer Street one hundred seventeen and eighty one-hundredths (117.80) feet; thence southerly along the rear lines of sub-lots (and extension across Telfer Street) eight hundred forty-eight and sixty-two one hundredths (848.62) feet to the south line of Farm Lot 41, Township 10, Range 7; thence easterly along said southerly lot line three and forty-nine one hundredths (3.49) feet to the northerly extension of the easterly line of sub-lot 541, Map Cover 8 9 3 ; thence southerly (in Farm Lot 5 6, Township 9 , Range 7) along the easterly line of sub-lot 541 (and said line extended) two hundred nine and seventeen one-hundredths (209.17) feet to its southeast corner; thence westerly along the southerly line of said sub-lot 541 and extension there of one thousand one-hundred ninety-one and forty-eight one hundredths (1191.48) feet to the southwest corner of sub-lot 199; thence northerly along the westerly line of said sub-lot 199 and extension there of two hundred nine and nineteen one hundredths (209.19) feet to the north line of Farm Lot 56, Township 9 , Range 7 ; thence westerly along said lot line seven (7.00) feet to the point of beginning.

Hamburg Sewer District 8

Being that parcel of land of the east side of Grafton Parkway as extended southerly) extending from the south line of the present sewer district to the north line of Fairview Parkway (also known as Modoc Street) a total frontage of 565.55 ft. and a depth of 110 ft.

Also, that parcel of land on the west side of Grafton Parkway (as extended southerly) extending from the south line of the present sewer district to the north line of Fairview Parkway (also known as Modoc Street) a total frontage of 564.3 ft. and a depth of 110 ft.

Also, that parcel of land lying on the south side of Fairview Parkway (as extended westerly) extending from the west line of the present sewer district a distance of 280.4 ft. said parcel having a depth of 124.17 ft.

Also, including the full width of all street areas on which above parcels front.

Hamburg Sewer District 9

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 39 and Lot 40, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the northeast corner of land conveyed to Donald C. Davis by deed recorded in Erie County Clerks Office in Liber 3871 of deeds at Page 520; thence west along the north line of said Davis property a distance of 337.6 feet *f* to a point on the east line of lands appropriated by the State of New York for Thruway purposes by instruments recorded in Erie County Clerks Office in Liber 6032 of deeds at Page 487; thence north along said New York State Thruway which is also the west

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line of lands deeded to Balsen Corporation in Liber 8126, Page 267 a distance of 646 feet to a point; thence northeast along said Thruway and said Balsen land and its extension a distance of 438.8 feet \pm to a point, said point being the most northerly corner of said Balsen property; thence southeast along said thruway lands and said Balsen property a distance of 284.65 feet to a point; thence south continuing along said property lines a distance of 745 feet \pm to a point, said point being the extension east of the north line of said Davis property where it intersects the New York State Thruway; thence west along said extension line a distance of 294 feet \pm to the point of beginning.

Hamburg Sewer District 11

Commencing in the center of Taylor Road at the intersection of the south line of the Village of Hamburg; thence east along said south line of the Village of Hamburg about 930 feet to the southwesterly bank of Eighteen Mile Creek; thence southeasterly along said creek bank about 3 180 feet to a point 265.65 feet easterly from the west line of Lot 42-T9-R7; thence south, parallel with said west line of Lot 42 and 265.65 feet east there from about 1880 feet to a point on the east line of Vail's Subdivision (filed under Cover 1753). which point is the south line of Sub Lot No. 36; thence west along the south line of Sub Lot 36 about 3 17 feet to the west line of Woodland Drive; thence north along west line of woodland Drive about 36 feet to the south line of Sub Lot No.13; thence west about 200 feet to the northeast corner of Sub Lot 37. Vail Subdivision No. 2; thence south 100 feet to the south line of said Sub Lot37; thence west along south line of Sub Lot 37 about 200 feet to the east line of Vail Drive; thence north about 64 feet along east line of Vail Drive; thence west 200 feet along south line of Sub Lot 10 in Cover Map 1753 to the west line of Vail's Subdivision; thence north along the west line of Vail's Subdivision about 850 feet to the southwest corner of Lot No. 1 in said Subdivision; thence northwesterly, parallel with the center line of Taylor Road and 250 feet south there from approximately 3300 feet to the west line of Albert Bole property; thence north about 210 feet to the south line of the Village of Hamburg; thence east along the south line of the Village of Hamburg to the place of beginning.

Executed in duplicate under my hand and the seal of the Comptroller of the State of New York, at the City of Albany, this 9th day of May, 1955.

Hamburg Sewer District 15

ALL THAT TRACT OR PARCEL OF LAND, situate In the Town of Hamburg;, County of Erie and State of New York, being part of lot number four hundred thirty eight (438), Township ten (10), Bnago seven (7) of the Buffalo Creek Reservation and further distinguished as Subdivisions Lots Numbers one (1) to fifty-five (55) inclusive as shown on a map of the Taylor Subdivision Number2 filed in Erie County Clerk's Office under Cover Number 1983, including a piece marked "future street" being sixty (60) feet from and rear by one hundred thirty-five and eighty-five hundredths (135.85) feet in depth, situate between Sudvision Lots Numbers forty-eight (48) end forty nine (49) according to said map.

Hamburg Sewer District 16

BEING ALL THAT TRACT OR PARCEL OF LAND located east of east boundary line of the Village of Blasdell and north of Stiefler Subdivision part one as filed on the map cover 1849 and

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being part of Lot 40, Township 10, Range 7 of the Buffalo Creek Indian Reservation and located in the Town of Hamburg, Erie County, New York and further bounded and described as follows:

BEGINNING at a point on the east line of the Village of Blasdell and being one hundred fifty (150) feet east of the east right-of-way line of South Park Avenue and said point of beginning being the northwest corner of Sub Lot 8 of Stiefler Subdivision map cover 1849 and measured approximately one hundred fifteen (1 15) feet north of the north right-of-way line of Allen Street; thence measuring north and along the east line of the Village of Blasdell and parallel with the east right-of-way line of South Park Avenue a distance of two hundred seventyfive and fifty-two hundredths (275.52) feet; thence measuring east and at right angles to the last described line a distance of fifty-eight (58) feet and thence measuring northerly and parallel with the east line of the Village of Blasdell a distance of one hundred thirty-eight (138) feet and thence measuring easterly and at right angles to the last described line a distance of six hundred seventy (670) feet more or less to a point on the west line of the New York State Thruway Connection map No. 753 and parcel No. 573 and thence measuring southwesterly and along the west line of the New York State Thruway connection a distance of five hundred twenty-six and one hundredth (526.1) feet more or less to the intersection of the west line of the New York State Thruway Connection and the north line of Allen Street; said Allen Street at this point having a full right-of-way width of sixty (60) feet and thence measuring westerly and along the north right-of-way line of Allen Street a distance of one hundred forth (140) feet more or less to the southeast corner of Sub Lot 12 as filed under map cover 1849 and thence measuring northerly and along the easterly line of Sub Lot 12 a distance of one hundred twenty-five (125) feet and thence measuring westerly and along the north lines of Sub Lots 10, 11, and 12 of map cover 1849 a distance of two hundred forty-nine (249) feet to a point on the easterly right-of-way line of Raymond Drive; thence measured southerly and along the east line of Raymond Drive which is the west line of Sub Lot 10 and at right angles to the last described line a distance of twenty (20) feet and thence measuring westerly and at right angles to the last described line and along the north line of Sub Lots 8 and 9 and the north line of Sub Lots 8 and 9 produced easterly a distance of two hundred sixty-three (263) feet to the point of beginning and containing six and seventy-one hundredths acres more or less; including five (5) foot right-of-way from the east line of the Village of Blasdell to the west right-of-way line of South Park Avenue and being three hundred twenty-five and eight hundredths (325.8) feet north of the north right-of-way line of Allen Street as measured along the east right-of-way line of South Park Avenue.

Hamburg Sewer District 17

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, briefly described as follows:

BEGINNING at a point on the north line of Lot No. 438, Township 10, Range 7, and at a distance of 659.25 feet east of the northwest corner of said lot, said point being at the east line of subdivision filed in the Erie County Clerk's Office under Cover No. 1665, thence south along said east line of Subdivision a distance of 369.9 feet to a point 5 14.8 1 feet north of the south line of Lot No. 438, thence east 1994.8 feet to the east line of Lot No. 438; thence north along the east line of Lot No. 438k a distance of 379.07 feet to the northeast corner of Lot No. 438; thence west along the north line of Lot No. 438, 1996.4 feet to the place of beginning.

EXCEPTING and reserving from the above described premises, the following described

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premises.

ALL THAT PIECE OR PARCEL OF PROPERTY, situate in Lot No. 438, Township 10, Range 7, in the Town of Hamburg, County of Erie, State of New York, as shown and described on map known as "New York State Thruway, The Erie Section, County of Erie, Subdivision No. E-8-By Town of Hamburg, Dist. No. 5, Map No. 720, Sheet 1 of 1 sheet, Carter Salem & Joseph Salem" filed in the Erie County Clerk's Office on July 23, 1956 in Liber 6032 of Deeds at page 146 and further described in Notice of Appropriation recorded in Erie County Clerk's Office in Liber 6032 of Deeds at page 171.

AND ALSO EXCEPTING AND reserving from the first above described premises the portion thereof lying southeast of the southeast line of the above described excepted New York State Thruway premises described and shown on said map filed in the Erie County Clerk's office on July 23, 1956 in Liber 6032 of Deeds at page 146 Hamburg Sewer

District 20

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot number 439, Township 10, and Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the northerly line of Linwood Avenue, distant 180 feet easterly from the point of intersection of the northerly line of Linwood Avenue with the easterly line of South Park Avenue, said point of beginning being the southwest corner of Subdivision Lot Number 6 , Cover 439, Erie County Clerk's Office; running thence northerly along the westerly line of said Subdivision Lot Number 6 one hundred twenty (120.00) feet to the northwest corner of said Subdivision Lot Number 6; running thence easterly and parallel with Linwood Avenue fourteen hundred and two (1402.00) feet to the northwest corner of Subdivision Lot Number 445, Cover 439, Erie County Clerk's Office; running thence southerly and along the easterly line of Glenwood Avenue seven hundred twenty-seven and fifty hundredths (727.50) feet to the southerly line of Oakwood Avenue extended easterly; thence westerly and along the southerly line of Oakwood Avenue extended easterly and along the southerly line of Oakwood Avenue eight hundred twenty-seven (827.00) feet to the point of intersection of the southerly line of Oakwood Avenue with the westerly line of Powers Avenue; running thence northerly along the westerly line of Powers Avenue two hundred seventy-five and thirty-four hundredths (275.34) feet to the point of intersection of the westerly line of Powers Avenue with the southerly line of Elmwood Street; running thence westerly along the southerly line of Elmwood Avenue ninety-five (95.00) feet to a point in the westerly line of Subdivision Lot Number 122, Cover 439, Erie County Clerk's Office extended southerly; running thence northerly along the westerly line of said Subdivision Lot Number 122 extended southerly and along the westerly line of said Subdivision Lot Number 22, one hundred seventy (170.00) feet to the northwest corner of said Subdivision Lot Number 22; running thence westerly parallel with the southerly line of Linwood Avenue and one hundred twenty (120.00) feet southerly there from three hundred (300.00) feet to the southwest corner of Subdivision Lot Number 89, Cover 439, Erie County Clerk's Office; running thence northerly and along the westerly line of Subdivision Lot Number 89 one hundred twenty (120.00) feet to the southerly line of Linwood Avenue; running thence westerly along the southerly line of Linwood Avenue one hundred eighty (180.00) feet to a point in the southerly line of Linwood Avenue distant one hundred eighty (108.00) feet easterly from

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the point of intersection on the southerly line of Linwood Avenue with the easterly line of South Park Avenue; running thence northerly at right angles fifty (50.00) feet to the point of beginning.

Hamburg Sewer District 22

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot number forty (40), Township ten (10), Range seven (7) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the south line of Allen Street (fifty (50) feet wide) at its intersection with the west line of Subdivision Lot number seven (7) as shown on a map filed in Erie County Clerks Office under Map Cover number 1849, said point also being on the east boundary line of the Village of Blasdel; thence south along the west line of said Sub Lot number seven (7) a distance of 262.55 feet \pm to a point at the southwest corner of said Sub Lot, said point also being the southwest corner of said Map Cover 1849; thence east along the south line of said Map Cover 1849 and its extension a distance of 630.53 feet \pm to a point on the west line of lands appropriated by the State of New York for Thruway purposes by instruments recorded in Erie County Clerk's Office in Liber 6032 of deeds at page 487 and in Liber 6041 of deeds at page 242; thence northerly along said west line of New York State Thruway lands the following three (3) distances, 188.71 feet, 81.12 feet and 60 feet \pm to a point on the north line of Allen Street (sixty (60) feet wide); thence west along the north line of said Allen Street a distance of 140.01 feet * to a point, said point being the southeast corner of Sub Lot 12 of said Map Cover 1849; thence north along the east line of said Sub Lot 12 a distance of 125 feet to a point at the northeast corner of said Sub Lot; thence west along the north line of Sub Lot 12, 11 & 10 of said Map Cover a distance of 249 feet to a point on the east line of Raymond Drive (sixty (60) feet wide); thence south along the east line of said Raymond Drive a distance of 10 feet \pm to a point, said point being an extension easterly of the north line of Sub Lot 8 and Sub Lot 9 of said Map Cover 1849; thence west along said extension and along the north line of Sub Lot 9 and Sub Lot 8 a distance of 263 feet * to a point on the east boundary line of the Village of Blasdel, said point also being the northwest corner of said Sub Lot 8; thence south along the west line of said Sub Lot 8 and the Village line a distance of 165 feet \pm to the point of beginning.

Hamburg Sewer District 23

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF HAMBURG, COUNTY OF ERIE, STATE OF NEW YORK, being part of Lot 439, Township 10, Range 7 of the Buffalo Creek Indian Reservation being more particularly bounded and described as follows:

Beginning at the south east corner of subdivision Lot Number 5 as shown on a subdivision map filed in the Erie County Clerk's Office in Map Cover 439; thence northerly along the easterly line of said subdivision Lot Number 5, a distance of one hundred twenty (120.0) feet to the northeast corner of said subdivision Lot Number 5; thence westerly along the northerly line of said subdivision Lot Number 5, a distance of thirty (30.0) feet to its northwest corner; thence southerly along the west of said subdivision Lot Number 5 and an extension southerly of the westerly line of said subdivision Lot Number 5 and the westerly line of subdivision lots numbered 96 and 105 as shown in Map Cover 439, a distance of four hundred sixty (460.0) feet to the northwest corner of subdivision Lot Number 196, Map Cover 439, said point being in the southerly line of Elmwood Avenue; thence easterly along the southerly line of Elmwood Avenue a distance of one hundred twenty (120.0) feet

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to the northeast corner of subdivision Lot Number 193, Map Cover 439; thence southerly along the easterly line of subdivision Lot Number 193, a distance of one hundred twenty (120.0) feet to the northwest corner of subdivision Lot Number 208, Map Cover 439; thence easterly along the northerly line of said subdivision Lot Number 208, a distance of thirty (30.0) feet to the northeast corner of said subdivision Lot Number 208; thence southerly along the easterly line of said subdivision Lot Number 208 and its extension southerly, a distance of one hundred fifty-nine and ninety one hundredths (159.90) feet to a point in the southerly line of Oakwood Avenue; thence easterly along the southerly line of Oakwood Avenue, a distance of about three hundred seventy-two (372.0) feet to the northwest corner of subdivision Lot Number 28 as shown on a map filed in the Erie County Clerk's Office in Map Cover 475; thence southerly along the westerly line of said subdivision Lot Number 28, a distance of one hundred fifty-two (152.0) feet to the southwestern corner of said subdivision Lot Number 28; thence easterly parallel to Oakwood Avenue, a distance of about eight hundred seventy (870.0) feet to a point in the west bounds of Glenwood Avenue, said point being the southeast corner of subdivision Lot Number 56, Map Cover 475; thence northerly along the westerly line of Glenwood Avenue, about one hundred fifty-two (152.0) feet to the south line of Oakwood Avenue; thence westerly along the south line of Oakwood Avenue, a distance of about seven hundred eighty-six (786.0) feet to the intersection of a southerly extension of the westerly line of Powers Avenue with the southerly line of Oakwood Avenue; thence northerly along said extension and the westerly line of Powers Avenue, a distance of two hundred seventy-five and thirty-four one hundredths (275.43) feet to the southerly line of Elmwood Avenue; thence westerly along the southerly line of Elmwood Avenue, a distance of about ninety-five (95.0) feet to the northwest corner of subdivision Lot Number 179 as shown on a subdivision map filed in the Erie County Clerk's Office in Map Cover 439; thence northerly along a northerly extension of the westerly line said subdivision Lot Number 179 and the easterly line of subdivision Lot Number 121 as filed in Map Cover 439, a distance of one hundred seventy (170.0) feet to the north easterly corner of said subdivision Lot Number 121; thence westerly and parallel to Elmwood Avenue, a distance of three hundred (300.0) feet to the southwest corner of Subdivision Lot Number 89 as shown of map cover 439; thence northerly along the westerly line of said subdivision Lot Number 89, a distance of one hundred twenty (120.0) feet to the southerly line of Linwood Avenue; thence westerly along the southerly line of Linwood Avenue, a distance of one hundred eighty (180.0) feet to the northeast corner of subdivision Lot Number 96, Map Cover 439; thence northerly along an extension northerly of the east line of said subdivision Lot Number 96, a distance of fifty (50.0) feet to the point or place of beginning.

Hamburg Sewer District 24

BEGINNING at a point on the south line of Lot 41 in Fairview Parkway as shown on map of Sagamore Heights Subdivision as filed in the Erie County Clerk's Office in Cover #1471, said point being the intersection of said south line of Lot 4/41 with the southerly extension of the east line of subdivision lot 4/35, Block 20, Map Cover #1471; thence north, parallel with and 140.0' west as measured at right angles from the east line of said subdivision, said east line being the east line of Wulf Street, a 30' street as shown on said subdivision map, a distance of 806.20' to the center line of Telfer Street, as shown on said map cover #1471; thence east along the center line of Telfer Street a distance of 140.3' to the east line of Map Cover #1471; thence north along said east line a distance of 1057.02'; thence east at right angles a distance of 340.78' to a point in the west right-of-way line of the New York State Thruway; thence south along the various courses of said right-of-way line a distance of 1884.60' to the south line of

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Lot #38; thence west along said south line and the south line of Lot #41 a distance of 595' more or less to the point or place of beginning containing 19.25 acres more or less.

Hamburg Sewer District 27

LEGAL DESCRIPTION
OF

RAVEN WOOD PARK SPECIAL SANITARY SEWER DISTRICT

All that tract or parcel of land situated in the Village of Blasdell, Town of Hamburg, County of Erie, State of New York, being part of Lots 4 and 5, Township 10, Range 8 and part of Lot 8, Township 9, Range 8 and being more particularly described as follows:

Beginning at a point on the east line of lands conveyed to Ravenwood Park, Inc. by Liber 9162, Page 46, 1600.00 feet north of the centerline of Big Tree Road, said point to be on the northern boundary of the present Hamburg Master Sewer District; thence N 00°09'45" E a distance of 1644.00 feet to a point on the northwest corner of lands conveyed to Nellie C. Crawford by Liber 5706, Page 249; thence easterly along a bearing of S 88°59'16" E a distance of 1160.00 feet more or less to a point being in the center of the Rush Creek Channel; thence northerly along the channel centerline 1078.00 feet more or less to a point on the north line of Lot 8 and the south line of Lot 4; thence continuing northwesterly along the channel centerline a distance of 1123.00 feet more or less to a point on the north line of lands conveyed to Joe Ball by Liber 7553, Page 119; thence westerly along said described north line along a bearing of N 89°22'42" E a distance of 530.00 feet more or less to a point on the east line of Pieczonka Drive (being a 60.00 foot wide right of way); thence northerly on a bearing of N 00°54'22" E a distance of 1864.43 feet to a point on the south line of Milestrip Road (being a 66.00 foot right of way); thence westerly on a bearing of N 89°22'42" W a distance of 6.35 feet to a point; thence northerly on a bearing of N 01°51'10" E a distance of 8.25 feet to a point; thence westerly on a bearing of N 89°22'42" W a distance of 0.83' to a point; thence continuing westerly along a bearing of N 83°04'22" W a distance of 28.06 feet to a point on the easterly right of way line of the Norfolk Southern Railroad; thence southwestwesterly along said east line of railroad right of way along, a bearing of S 24°54'32" W a distance of 2533.53 feet to a point of curve; thence continuing southwestwesterly along said curve having a radius of 6700.00 feet, a delta angle of 11°53'47", an arc distance of 1391.13 feet to a point on the west line of lands conveyed to Northern Operating Corporation by Liber 1358, Pages 598 and 606; thence southerly on a bearing of S 00°09'21" W a distance of 1470.00 feet to a point; thence easterly along a line which is 1600.00 feet north of and parallel to the centerline of Big Tree Road and being the north line of the existing Hamburg Master Sewer District on a bearing of S 89°06'37" E a distance of 1770.00 feet more or less to the point or place of beginning.

Hamburg Sewer District 28

LEGAL DESCRIPTION
PROPOSED HIGHLAND ACRES
SANITARY SEWER DISTRICT

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 55, Township 9, Range 7 and Lot 56, Township 9, Range 7 and Lot 8, Township 9, Range 7, and being more particularly bounded and described as follows:

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Beginning at a point (I), said point being at the intersection of the southeastern corner of subdivision Lot Number G, Block 1 as shown on Erie County Tax Map 160.18 and the westerly line of the New York State Thruway (Erie Section) right-of-way;

Thence, northerly along the westerly line of said subdivision Lot Number 6, a distance of approximately 1,003 feet to a point (2), said point being at the intersection of the westerly line of subdivision Lot Number 6 and the southeast corner of subdivision Lot Number 5;

Thence, westerly along the southerly line of subdivision Lot Number 5, a distance of Approximately 44 feet to a point (3), said point being at the intersection of the centerline of Rush Creek and the southerly line of subdivision Lot Number 5;

Thence, northerly and westerly along the centerline of Rush Creek and the southerly line of subdivision Lot Number 5, a distance of approximately 675 feet to a point (4), said point being at the intersection of the centerline of Big Tree Road and centerline of Rush Creek approximately 550 feet east of the centerline of South Park Avenue;

Thence, northerly along the centerline of Rush Creek and the westerly line of subdivision Lot Numbers 6 mid 28, Block 1 as shown on Erie County Tax Map 160.14, for approximately 1,250 feet to a point (5), said point being at the intersection of the centerline of Rush Creek, the southern most corner of subdivision Lot Number 3 and the western most corner of subdivision Lot Number; 28;

Thence, westerly along the centerline of Rush Creek through the South Park Avenue right-of-way, for approximately 275 feet to a point (G), said point being at the intersection of the centerline of Rush Creek and the westerly line of the South Park Avenue right-of-way;

Thence, northern along the westerly line of the South Park Avenue right-of-way and the easterly line of subdivision Lot Number 2, Block 2 as shown on Erie County Tax Map 160.13, for approximately 175 feet to a point (7), said point being at the intersection of the northeast corner of subdivision Lot Number 2 and the southeast corner of subdivision Lot Number 3;

Thence, westerly along the southerly line of subdivision Lot Number 3, for approximately 200 feet to a point (8), said point being at the southwestern corner of subdivision Lot Number 3;

Thence, northerly along the westerly line of subdivision Lot Number 3, for approximately 100 feet to a point (11), said point being the northwest corner of subdivision Lot Number 3;

Thence, westerly along the southerly line of subdivision Lot Number- 8, Block 5 as shown on Erie County Tax Map 160.09. for approximately 300 feet to a point (10), said point being the corner of subdivision Lot Number 8 located approximately 50 feet west of the centerline of Rush Creek;

Thence, southerly along the easterly line of subdivision Lot Number 8, for approximately 65 feet to a point (11), said point being at the southeast corner of subdivision Lot Number 8 at Rush Creek;

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Thence, westerly along the southerly line of subdivision Lot Number 8 , for approximately 315 feet to a point (12), said point being at the intersection of the southwest corner of subdivision Lot Number 8 and the easterly line of the Erie-Lackawanna Railroad right-of-way;

Thence, northerly along the easterly line of the Erie-Lackawanna Railroad right-of-way, for approximately 690 feet to a point (13), said point being at the intersection of the western most corner of subdivision Lot Number 8 and the easterly line of the Erie-Lackawanna Railroad right-of-way ;

Thence, northerly along the westerly line of subdivision Lot Number 8, for approximately 750 feet to a point (14), said point being at the intersection of the northwest corner of a subdivision Lot Number 8 and the southerly line of subdivision Lot Number 6;

Thence, easterly along the southerly line of subdivision Lot Number 6, for approximately 130 feet to a point (15) said point being at the intersection of the southeast corner of subdivision Lot Number 6 and the southwest corner of subdivision Lot Number 4, Block 4;

Thence, northerly along the westerly line of subdivision Lot Number 4, for approximately 47 feet to a point (16) , said point being at the southeast corner of subdivision Lot Number 3;

Thence, westerly along the southerly line of subdivision Lot Numbers 2 and 3, for approximately 120 feet to a point (17), said point being at the southwest corner of subdivision Lot Number 2;

Thence, northerly along the westerly line of subdivision Lot Numbers 1 and 2 and the westerly line of the Highland Parkway right-of-way, for approximately 430 feet to a point (18), said point being at the intersection of the northerly line of the Highland Parkway right-of-way and subdivision Lot Number 7, Block 5;

Thence, easterly along the southerly line of subdivision Lot Number , Block 5, for approximately 59 feet to a point (19), said point being at the southwest corner of subdivision Lot Number 1, Block 3;

Thence, northerly along the westerly line of subdivision Lot Number 1 , for approximately 191 feet to a point (20). said point being at the northwest corner of subdivision Lot Number 1;

Thence, westerly along the southerly line of subdivision Lot Numbers 2 and 28.1, Block 2, for approximately 422 feet to a point (21), said point being at the southwest corner of subdivision Lot Number 28.1 ;

Thence, northerly along the westerly line of subdivision Lot Number 28.1, for approximately 297 feet to a point (22), said point being at the southwest corner of subdivision Lot Number 3;

Thence, easterly along the northerly line of subdivision Lot Numbers 2 and 28.1, for approximately 575 feet to a point (23), said point being at the intersection of the northerly line of subdivision Lot Number 28.1 and the westerly line of the Bain Parkway right-of-way;

Thence, southerly along the westerly line of the Bain Parkway right-of-way and subdivision Lot Number 4, To approximately 135 feet to a point (24), said point being at the southwest corner of subdivision Lot Number 4;

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Thence, easterly along the southerly line of subdivision Lot Numbers 4,5, 6,7,8, 9, 10, 11, 12, and 13, To approximately 781 feet to a point (25), said point being at the northeast corner of subdivision Lot Number 20;

Thence, southerly along the easterly line of subdivision Lot Number 20 and the westerly line of the Osborne-Sagamore Sewer District, for approximately 135 feet to a point (26), said point being located at the intersection of the southwest corner of the Osborne-Sagamore Sewer District and the centerline of Bristol Parkway;

Thence, easterly along the southerly line of the Osborne-Sagamore Sewer District, for approximately 330 feet to a point (27), said point being at the northeast corner of subdivision Lot Number 66, Block 2, as shown on Erie County Tax Map 160.10;

Thence, northerly along the easterly line of the Osborne-Sagamore Sewer District. For approximately 345 feet to a point (28), said point being at the northeast corner Lot Number 63, Block 1 ;

Thence, easterly along the southerly line of the Osborne-Sagamore Sewer District. for approximately 1192 feet to a point (29), said point being at the northeast corner of subdivision Lot Number 39;

Thence, northerly along the easterly line of the Osborne-Sagamore Sewer District for approximately 212 feet to a point (30), said point being at the intersection of the easterly line of the Osborne-Sagamore Sewer District and the centerline of Fairview Parkway;

Thence, easterly along the southerly line of the Osborne-Sagamore Sewer District for approximately 600 feet to a point (31), said point being at the intersection of the southerly line of the Beacon Hill Sewer District and the westerly line of the New York State Thruway (Erie Section) right-of-way; Thence, southerly along the easterly line of the New York State Thruway (Erie Section) right-of-way, for approximately 4,880 feet to a point (1) , said point being the point and place of beginning. The establishment of the Proposed Sewer District includes the acquisition from the Town of Hamburg of the all sewer facilities, including pipes, manholes, pumping stations and force mains of the following Town of Hamburg Sewer Districts: #6, #7, #8, #9, #11, #15, #16, #17, #20, #22, #23, #24, #27, #28, and #11, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately

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built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers.

The annual cost of the extension to the typical property is \$276.00.

(3-0)

1b. COMM. 28E-15 (2006)
COUNTY EXECUTIVE

AS AMENDED

RESOLUTION NO. _____

RESOLUTION DATED _____, 2006.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING (I) A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 4 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 4, INCLUDING ALL EXTENSIONS HERETOFORE AND HEREAFTER ESTABLISHED.

(Introduced) _____, 2006

(Adopted) _____, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and created on February 21, 1961 (the "Original District") to provide sewer services to the Town of Lancaster, and

WHEREAS, in 1983, the Original District was extended to include the Village of Depew; and

WHEREAS, in 2002 an extension to the Original District known as the Walden Corridor Extension was formed to provide sewer service to the Lancaster Sewer District Nos. 6, 7, and 8 along with the area bounded by the centerline of Peppermint Road, the north border of the adjacent CSX railroad property, the previous eastern boundary of the Original District and the centerline of Townline Road; and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated May 8, 2006 and a resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006, an extension to the District has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the District, which map and plan have been 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, if any, 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, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage,

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specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$302.32; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated May 8, 2006, a resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, it is now desired to call a public hearing to consider said extension and consolidation of the District in accordance with the provisions of Sections 254, 274 and 274-b of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor at in Buffalo, New York, in said County, on the 3rd day of August, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to (i) extend the District in said County, and (ii) consolidate the District and its extensions heretofore and hereafter established, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. It is hereby determined that all expenses of the District, including all extensions heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Section 3. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 3rd day of August, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension and consolidation of the Erie County Sewer District No. 4 in said County.

The extension of said Erie City Sewer District No. 4 shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated May 8, 2006 and a resolution of the Erie County Sewer District No. 4 Board of Managers dated June 21, 2006 heretofore filed with the County Legislature.

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The proposed extension of the Erie County Sewer District No. 4 shall comprise the entire area as follows:

TOWN DISTRICT NO. 1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 5, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, more particularly described as follows:

Beginning at a point in the southerly line of Broadway at the point of intersection of the southerly line of Broadway with the west line of great Lot No. 5; running thence southerly and along said west line of Lot No. 5 a distance of 1978.9 feet more or less; running thence easterly and at an angle of 82 degrees 46 minutes to the right a distance of 150 feet; running thence southerly at an angle of 82 degrees 46 minutes to the right a distance of 317.1 feet; running thence easterly at an angle to the right of 89 degrees 14 minutes a distance of 513.22 feet; running thence northerly on a line parallel with the west line of Lot No. 5 and 661.98 feet easterly therefrom measured on a line drawn at right angles thereto a distance of 2120.7 feet; running thence westerly along the southerly line of Broadway a distance of 678.58 feet more or less to the point of beginning; being the same premises designed at the Parkdale Estates under Cover No. 1325 as filed in the Erie County Clerk's Office

TOWN DISTRICT NO. 2

Beginning at a point in the centerline of Walden Avenue, (formerly known as Ellicott Road), at its intersection with the west line of Sublot 1 as extended, Map Cover No. 470, thence east along the center line of Walden Avenue, a distance of 2,831.84 feet more or less, to a point, said point being 128.54 feet easterly from the east line of Seneca Place, (measured along the centerline of Walden Avenue), thence north along the centerline of Sublot 165, Cover Map No. 900, thence continued north along the east property lines of Sublots 169 and 243, thence west 1110 feet more or less, along the north line of Farm Lot 11, Section 8 and Farm Lot 1, Section 11 to a point, said point being the dividing lines between John Vrieson on the west and Leonard Dubiel on the east, thence north along the boundary line between said John Vrieson on the west and Leonard Dubiel on the east, to the south property line of lands owned by the Board of Education, Central District No. 1, Lancaster, Cheektowaga and Elma, thence east along the south line of said school lands to the east line of Farm Lot No. 2, thence north along the east line of Farm Lot No. 2, a distance of 900 feet, to a point, thence west across the said school lands to the center line of Central Avenue, thence south along the said center line to a point, said point being 522.80 feet north of centerline of Columbia Road, thence west 1,000 feet more or less, parallel to the centerline of Columbia Road and 522.80 feet distance therefrom to a point, being the northwest corner of lands owned by Henry S. Paul, thence south 522.80 feet to the center line of Columbia Road thence west along said center line 80 feet more or less to a point, said point being the westerly line extended to Sublot 27, Map Cover 1333, thence south along the west property lines of Sublots 27, 18 and 7, Map Cover No. 1333, and continued south along the west property lines of Sublots 31 and 32, Map Cover No. 556, and continued south along the west property lines of Sublots 151, 17, 16 to 5 inclusive and Sublot 1, Map Cover No. 470 approximately 2,458.11 feet to the point or place of beginning.

The establishment of the Proposed Sewer District includes the acquisition from the Town of Lancaster of the all sewer facilities, including pipes, manholes, pumping stations and force

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mains of the following Town of Lancaster Sewer Districts: #1, and #2, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection, and new homes or businesses will be charged a one-time equity fee of \$1,100 for connecting to existing sewers.

The annual cost of the extension to the typical property is \$302.32

The County Legislature has determined that, pursuant to Section 274-b of the County Law, all expenses of Erie County Sewer District No. 4, including all extensions as heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Dated: Buffalo, New York,
 (3-0)

2. **COMM. 12E-29 (2006)**

COUNTY EXECUTIVE

WHEREAS, Sisters of St. Joseph have requested the re-acquisition of SBL #72.00-1-15 known as 10336 Main Street; and

WHEREAS, this property transfer will have no negative effect on the ability of Erie County Sewer District No.5 to operate and maintain sewer related operations; and

WHEREAS, the granting of this request will bear no cost to the County; and

WHEREAS, Erie County Sewer District No. 5 and the Advisory Review Committee have reviewed this matter and recommend the granting of this property transfer.

NOW, THEREFORE, BE IT

RESOLVED, Parcel SBL #72.00-1-15 be transferred to the Sisters of St. Joseph; and be it further

RESOLVED, authorization to the County Executive to execute a Quit Claim Deed is approved; and be it further

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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 each to Joel A. Giambra, County Executive; Mark C. Polancarz, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney. (3-0)

3. COMM. 12E-39 (2006)
COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Orchard Avenue sanitary sewers when the Village reconstructs the road in 2006; and

WHEREAS, the Village of Blasdell will now be rebuilding the entire length of Orchard Avenue; and

WHEREAS, Erie County Sewer District No. 3 desires to replace the sanitary sewers along the entire length of Orchard Avenue; and

WHEREAS, the cost to design and replace the sanitary sewers along the entire length of Orchard Avenue is \$210,000.00; and

WHEREAS, the cost for the original agreement was \$100,000 to replace a portion of the sanitary sewers at Orchard Avenue.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to the intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the rebuilding of the Orchard Avenue sanitary sewers together with the Village's reconstruction of the roads is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amendment to the intermunicipal agreement with the Village of Blasdell 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 Comptroller be authorized and directed to reimburse the Village of Blasdell in an amount not to exceed \$210,000 (\$100,000 for the first portion and \$110,000 for the remaining sewers) from ECSD No. 3 Capital Account C.00039 for the replacement of the Orchard Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; 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

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Environment and Planning; and one certified copy each to Joel A. Giambra, County Executive; Mark C. Polancarz, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Kenneth J. Vetter, Director of Budget, Management and Finance; and Ernest J. Jewett, Mayor, Village of Blasdell.

(3-0)

4. COMM. 12E-40 (2006)

COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested the creation of one Job Group 5, RPT Data Process Control Clerk, and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers have approved the creation of Job Group 5, RPT-Data Process Control Clerk; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control Number 2069 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of one Job Group 5, RPT Data Process Control Clerk in Erie County Sewer District No. 2 is hereby approved; and be it further

RESOLVED, that funding for the position adjustments is available in unexpended salaries in the Erie County Sewer District No. 2 budget, and be it further

RESOLVED, that certified copies of the approved resolution shall be sent to Joel A. Giambra, County Executive, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(3-0)

5. COMM. 12E-41 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to lead the effort to revitalize the Buffalo River Urban Canoe Trail and enhance public access to waterfront points of interest; and

WHEREAS, the Buffalo River Water Trail Project will promote public access along the Buffalo River waterfront by offering canoe, kayak, and boating enthusiasts a unique opportunity to experience historical, environmental, and industrial points of interest along the river; and

WHEREAS, the Project complements the River's Greenway Trail, as well as similar efforts to link existing and planned waterfront projects on the Buffalo River with those in the downtown area; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation, through funding made available by the 2006 New York State Environmental Protection Fund and the

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2007 Federal Land and Conservation Fund, solicited applications for parks development projects that protect natural resources and enhance environmental infrastructure; and

WHEREAS, the objectives of Buffalo River Water Trail Project meet the criteria for funding through the New York State Office of Parks, Recreation and Historic Preservation, Parks Grant Programs, and an application for funding has been prepared by the Erie County Department of Environment and Planning (ECDEP); and

WHEREAS, the County Executive will provide a draft budget plan including a proposal for the required \$119,410 in local matching funds and in-kind services to the Legislature for approval if the project is selected by the New York State Office of Parks, Recreation and Historic Preservation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965 in an amount not to exceed \$119,410, and upon approval of said request, will forward a suggested Resolution to the Legislature authorizing the County Executive to enter into and execute a project agreement with the State for such financial assistance to this County of Erie for the Buffalo River Water Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and be it further

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

(3-0)

THOMAS LOUGHRAN
CHAIRMAN

LEGISLATOR RESOLUTIONS

Item 21 – CHAIRMAN MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 13-1 from KONST Re: Capital Projects

Item 22 – CHAIRMAN MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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INTRO 13-2 from KOZUB & MAZUR Re: Support for A.10236/S.6963: Restoring Erie County Veterans Services Office as a Stand Alone Agency

Item 23 – CHAIRMAN MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 13-3 from LOUGHRAN, MARINELLI & IANNELLO Re: Saluting the Proposed \$1.5 Billion Investment by NRG Energy in Upgrading the Huntley Generating Station in the Town of Tonawanda

Item 24 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KONST, and LOCKLEAR.
 NOES: HOLT, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 6; NOES:9)

FAILED.

RE: Proposed Charter Change - No. 1
 (INTRO 13-4)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

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WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, Chairwoman Marinelli has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, and Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article 1 of the Charter entitled "Erie County and Its Government" sets forth the general scope of county government, provides for home rule authority as a charter county as well as describing each legislative district in Erie County; and

WHEREAS, the Charter Revision Commission has recommended that Article 1 be amended to mandate that the complete Charter be reviewed again in three and one half years, commencing on February 28, 2010 and every ten years thereafter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Charter be reviewed again on February 28, 2010 and every ten years after; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH, WHYTE. (AYES 15; NOES: 0)

CARRIED.

RESOLUTION NO. 198

RE: Proposed Charter Change - No. 2
(INTRO 13-5)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

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WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, and Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article 1 of the Charter entitled "Erie County and Its Government" sets forth the general scope of county government, provides for home rule authority as a charter county as well as describing each legislative district in Erie County; and

WHEREAS the Charter Revision Commission has recommended that Article 1 be amended to clearly stress the need for the County to play a role in coordinating economic development planning and urging intergovernmental cooperation; and

WHEREAS, the Charter Revision Commission has recommended that Article 1 Section 101 be amended to add on Open Meetings Officer in the Department of the Legislature to advise the Legislature on open meetings and the Freedom of Information Law; and

WHEREAS, the Charter Revision Commission has recommended that all Charter changes passed by the Legislature be effective January 1, 2007; and

WHEREAS, Article 1, Section 105 describes 17 Legislative Districts, the Commission recommends that this be changed to reflect the 15 current Legislative Districts; and

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WHEREAS, throughout the Charter there are references to varying number of Legislative Districts even though there are currently 15 Legislative Districts; and

WHEREAS, the Charter should be amended to consistently refer to 15 Legislative Districts throughout the entire body of the Charter; and

WHEREAS, the Charter should be amended to contain the geographic descriptions of each of the 15 Legislative Districts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Article 1 be amended to clearly stress the need for the County to play a role in coordinating Economic Development planning and urging intergovernmental cooperation; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Article 1 Section 101 be amended to add an Open Meetings Officer in the Department of the Legislature; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendations that all Charter changes passed by the Legislature be effective January 1, 2007; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Article 1, Section 105 of the Charter be amended to accurately reflect that there are 15 Legislative Districts; and be it further

RESOLVED, that the Charter be amended throughout to reflect that there are 15 Legislative Districts; and be it further

RESOLVED, that the Erie County Board of Elections provide the Legislature with geographic descriptions of each of the 15 Legislative Districts and that the descriptions be included in the Charter; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendations and to amend the charter be referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission, the Erie County Board of Elections and to the Office of the County Attorney.

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

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

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AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH, WHYTE. (AYES 15; NOES: 0)

CARRIED.

RESOLUTION NO. 199

RE: Proposed Charter Change - No. 3
(INTRO 13-6)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article II of the charter is entitled "Legislative Branch" and sets forth the powers, duties and procedures of the Legislative branch of government in Erie County; and

WHEREAS, Section 204 of Article II sets the procedure for the introduction and adoption of local laws; and

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WHEREAS, New York State law requires the County Executive to hold a public hearing, to gain public input, prior to voting on a local law; and

WHEREAS, there is currently no procedure for the Legislature to hold a public hearing, to gain public input, prior to voting on a local law; and

WHEREAS, the Charter Revision Commission has recommended that Section 204 be amended to include a requirement that the Legislature hold a public hearing five days before a local law is put to a vote and that acceptable public notice for the hearing includes posting the hearing notice on the county's website and distribution of the hearing notice to local media; and

WHEREAS, Section 211 relates to the approval of independent auditors for Erie County and its departments; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Medical Center and Home and Infirmary be removed from the list as it now has the power to chose its own auditor and the Erie County College be included under Section 211.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation to include a requirement that the Legislature hold a public hearing five days before any vote on local laws and that acceptable public notice for the hearing includes posting the hearing notice on the county's website and distribution of the hearing notice to local media; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Section 211 be amended to exclude all references to the Erie County Medical Center and Home and Infirmary and include Erie Community College; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 27 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. NOES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 5, NOES: 10)

FAILED.

RE: Proposed Charter Change - No. 4
(INTRO 13-7)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, each member of the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article II of the charter is entitled "Legislative Branch" and sets forth the powers, duties and procedures of the Legislative branch of government in Erie County; and

WHEREAS, Section 210 of Article II outlines a system for reapportionment which occurs in the year in which the federal decennial census is taken; and

WHEREAS, currently there is a 15-member bipartisan commission that makes reapportionment recommendations to the Legislature; and

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WHEREAS, the Commission recommended that Section 10 of Article II be amended to include a smaller, 10-person, advisory reapportionment commission with a tie-breaker selected from its members and that the Legislature develop, at a later date, specific standards and detailed procedures of operations to increase the relevance of the Commission.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Article II be amended to include a smaller bi-partisan advisory reapportionment commission with a tie-breaker selected from its members and that the Legislature develop, at a later date, specific standards and detailed procedures of operation be developed in the future, and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, LOCKLEAR, LOUGHRAN, MARINELLI, REYNOLDS, SMITH and WHYTE. NOES: KOZUB and MAZUR. (AYES: 13; NOES: 2)

CARRIED.

RE: Proposed Charter Change – No. 5
(INTRO 13-8)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

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WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, each member of the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article III of the charter is entitled "Executive Branch" and sets forth the powers, duties and procedures of the Executive Branch of government in Erie County; and be it further

WHEREAS, the Erie County Charter Revision Commission has proposed that the Charter be amended to reduce the powers and duties of the County Executive, eliminate the Deputy County Executive and to create a new layer of government titled the Office of the County Manager and to transfer the power and duties of the Office of the County Executive to the Office of the County Manager; and

WHEREAS, the Charter Revision Commission has proposed that the position of County Executive be maintained at its current salary, even though the powers and duties have been substantially reduced, and that the County Executive's new role be mainly symbolic and to participate at ribbon cuttings and attendance at other types of public events; and

WHEREAS, the Erie County Charter Revision Commission has proposed that the Division of Purchasing, which is responsible for advertising and centralized competitive bidding of the purchase and sales of materials, supplies and equipment and rental and servicing of equipment for the county, be abolished.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Article III be amended to reduce the powers and duties of the County Executive and add an new governmental entity of County Manager; and be it further

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RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Article III be amended to abolish the Purchasing Department; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, LOCKLEAR, LOUGHRAN, MARINELLI, REYNOLDS, SMITH and WHYTE. NOES: KOZUB and MAZUR. (AYES: 13; NOES: 2)

CARRIED.

DELETE THE 9TH, 10TH AND 11TH WHEREAS CLAUSES AND REPLACE WITH THE FOLLOWING AFTER THE 8TH WHEREAS CLAUSE:

WHEREAS, the Erie County Charter Revision Commission has proposed that Article III of the Charter be amended to create a hybrid form of government which, among other things, includes a County Executive and County Manager.

DELETE THE 1ST AND 2ND RESOLVED CLAUSES AND REPLACE WITH THE FOLLOWING AS THE FIRST RESOLVED CLAUSE.

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that Article III be amended to create a hybrid form of government which, among other things, includes a County Executive and County Manager; and be it further

MS. WHYTE moved to further amend the item. MR. HOLT seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, LOCKLEAR, LOUGHRAN, MARINELLI, REYNOLDS, SMITH and WHYTE. NOES: KOZUB and MAZUR. (AYES: 13; NOES: 2)

CARRIED.

DELETE THE 9th and 10th WHEREAS CLAUSES:

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WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

DELETE THE 1st RESOLVED CLAUSE:

MS. WHYTE moved for the approval of the item as amended. MR. HOLT seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. NOES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 5; NOES: 10).

FAILED.

Item 29 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. NOES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 5; NOES: 10)

FAILED.

RE: Proposed Charter Change – No. 5(a)
(INTRO 13-9)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

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WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, each member of the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article III of the charter is entitled "Executive Branch" and sets forth the powers, duties and procedures of the Executive Branch of government in Erie County; and

WHEREAS, the Erie County Charter Revision Commission has proposed that the Charter be amended to reduce the powers and duties of the County Executive, eliminate the Deputy County Executive and to create a new layer of government titled the Office of the County Manager and to transfer the power and duties of the Office of the County Executive to the Office of the County Manager; and

WHEREAS, the Erie County Charter Commission has proposed that changes be made throughout several Articles of the Charter to transfer the powers and duties of the County Executive to the County Manager and to replace all reference to County Executive with County Manager and to replace all references to County Executive with County Manager.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that changes be made throughout several Articles of the Charter to transfer the powers and duties of the County Executive with County Manager; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: IANNELLO. (AYES: 14; NOES: 1)

CARRIED.

RESOLUTION NO. 200

RE: Proposed Charter Change – No. 6
(INTRO 13-10)

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions between departments and agencies of the County and various local governments within the County of Erie; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, each member of the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article IV of the charter is entitled “Department of Finance” and sets forth the powers, duties and procedures of the Department whose responsibilities include collecting receiving and depositing of fees, collection of taxes and submitting the tax equalization rates; and

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WHEREAS, the duties of the Department of Finance are split between treasury functions and real property tax functions although, the treasury functions have mostly been taken up by the Director of Budget and the Comptroller, leaving the Department to deal with real property tax functions; and

WHEREAS, the Erie County Charter Revision Commission has proposed that the "Department of Finance" be replaced with the "Department of Real Property Tax Services" which shall be headed by a director whose duties shall encompass all duties related to the administration and collection of real property taxes, along with record keeping and reporting functions; and

WHEREAS, the "Commissioner of Finance" be replaced with the "Commissioner of Real Property Tax Services."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the department of "Commissioner of Finance" be replaced with the "Department of Real Property Tax Services," and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: KENNEDY. (AYES: 14; NOES: 1)

CARRIED.

RESOLUTION NO. 201

RE: Proposed Charter Change – No. 7
 (INTRO 13-11)

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and services to the public and to better coordinate the functions

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between departments and agencies of the County and various local governments within the County of Erie; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, each member of the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, Article V of the charter is entitled "Department of Health" and sets forth the county health district and the structure of the Board of Health; and

WHEREAS, Article V sets for the powers and duties of the Commissioner of Health and the county medical examiners; and

WHEREAS, the Erie County Charter Revision Commission recommends that the charter be amended so that the Commissioner of Health appoint the Director of the County Laboratory and that any addition duties of the Commission of Health be assigned by the county manager.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Commissioner of Health appoint the Director of the County Laboratory; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RE: Proposed Charter Change – No. 8
(INTRO 13-12)

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Legislature combine Article XI-D, relating to the Department of Central Police Services, and Article XI-C, relating to the Department of Emergency Services, to create a new Department of Public Safety; and

WHEREAS, the Charter Revision Commission has also recommended that the new Department of Public Safety be headed by a Commissioner of Public Safety who would be nominated by the Erie County Department of Public Safety Executive Committee and chosen and confirmed by the Erie County Legislature; and

WHEREAS, the Commissioner would be responsible for the supervision of forensic sciences, public safety training, fire safety, disaster preparedness and emergency services; and

WHEREAS, the Erie County Legislature has reviewed, discussed and debated this specific recommendation of the Charter Revision Commission and its supporting documents.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to the creation of a new Department of Public Safety; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

MS. WHYTE moved amend the item. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Delete the 10th WHEREAS clause.

Delete the 1st RESOLVED clause and replace with the following:

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that the Division of Emergency Medical Services and Public Health Preparedness and Response be added to the jurisdiction of the Commissioner of Health.

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST, LOCKLEAR. NOES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 5; NOES: 10)

FAILED.

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

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, SMITH and WHYTE. NOES: REYNOLDS. (AYES: 14; NOES: 1)

CARRIED.

RESOLUTION NO. 204

RE: Proposed Charter Change – No. 9
 (INTRO 13-13)

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

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WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Legislature amend Article VII of the charter relating to the Department of Parks and Recreation specifically to add "forestry" to the formal title of the department; and

WHEREAS, the Erie County Legislature has reviewed, discussed and debated the recommendations of the Charter Revision Commission as it relates to Article VII, relating to the Department of Parks and Recreation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission as it relates to Article VII relating to the addition of "forestry" to the title of the Department of Parks and Recreation; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate the recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: Proposed Charter Change – No. 10
(INTRO 13-14)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the

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functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Legislature amend Article X, Section 1002 of the charter to eliminate reference to ECMC grounds from the purview of the Commissioner of Public Works which is consistent with ECMC's status as an autonomous institution; and

WHEREAS, the Erie County Legislature has reviewed, discussed and debated the recommendations of the Charter Revision Commission as it relates to Article X, Section 1002 relating to the removal of certain language from this section.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission as it relates to Article X, Section 1002; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate the recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST, LOCKLEAR and MAZUR.
NOES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, REYNOLDS, SMITH and WHYTE. (AYES: 6; NOES: 9)

FAILED.

RE: Proposed Charter Change – No. 11
(INTRO 13-15)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County, and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations, and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006, and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission, and

WHEREAS, the Charter Revision Commission has recommended that the Legislature make certain structural changes to implement the "Blue Print for Change" which will allow Erie Country to deliver social services to its residents in a more efficient, effective and outcome-oriented manner, and

WHEREAS, the structural changes necessary to implement the recommendation of the Charter Revision Commission involve changes to Article XI, relating to the Department of Social Welfare, Article XI-B relating to the Department of Mental Health, Article XI-E relating to Department of Senior Services, Article XI-F, relating to the Department of Youth and Article XI-F, relating to the Erie County Community Coordinating Council on Children and Families, and

WHEREAS, the Erie County Legislature has studied the recommendation of the Commission and reviewed the materials developed by the Charter Revision Commission to support its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does accept the recommendation of the Charter Revision Commission relating to the implementation of the "Blue Print for Change," and be it further

RESOLVED, that the Legislature's Staff be instructed to draft a local law or laws to encompass the recommendation of the Charter Revision Commission as it relates to the "Blue Print for Change," and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Proposed Charter Change – No. 11 (a)
(INTRO 13-16)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County, and

WHEREAS, the Charter Revision Commission was convened and fully considered the strengths and weaknesses of the present charter and made numerous recommendations to this honorable body, and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006, and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission, and

WHEREAS, the Chair of the Legislature has reviewed the recommendations of the Commission and has submitted each recommendation to this Honorable Body for its consideration, and

WHEREAS, each member of the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, under the current Charter the Division of Youth Detention is under the Department of Probation; and

WHEREAS, as detaining children is often a human services rather than a punitive service, the Division should be moved to the Department of Social Services; and

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WHEREAS, under the current Charter, the Division of Youth Detention handles matters ranging from detaining youth under the age of 16 years of age to administering summer activities and recreation for children; and

WHEREAS, the Charter Revision Commission has recommended that the title Division of Youth Detention should be changed to the Division of Youth Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Division of Youth Detention be moved to the Department of Social Services; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Division of Youth Services should be renamed Youth Detention be renamed Youth Services; and be it further

RESOLVED, that the Legislature's Staff be instructed to draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 37 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KENNEDY, KONST and LOCKLEAR.
NOES: HOLT, IANNELLO, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 6; NOES: 9)

FAILED.

RE: Proposed Charter Change – No. 12
(INTRO 13-17)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County, and

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WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations, and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006, and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission, and

WHEREAS, the Charter Revision Commission has recommended that the Legislature combine Article XI-D, relating to the Department of Central Police Services and Article XI-C, relating to the Department of Emergency Services to create a new Department of Public Safety; and

WHEREAS, the Charter Revision Commission has also recommended that the new Department of Public Safety be headed by a Commissioner of Public Safety, who would be nominated by the Erie County Department of Public Safety Executive Committee and chosen and confirmed by the Erie County Legislature; and

WHEREAS, the Commissioner would be responsible for the supervision of forensic sciences, public safety training, fire safety, disaster preparedness and emergency services; and

WHEREAS, the Erie County Legislature has reviewed, discussed and debated this specific recommendation of the Charter Revision Commission and its supporting documents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to the creation of a new Department of Public Safety; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 15; NOES: 0)

CARRIED.

RESOLUTION NO. 207

RE: Proposed Charter Change – No. 13
(INTRO 13-18)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Legislature amend Article XII, Section 1202 of the charter be amended to acknowledge the role of a county manager in Erie County government; and

WHEREAS, the Charter Revision Commission has recommended that Article XII, Section 1202 of the charter be amended to authorize the Comptroller to have the authority to review revenue projections, to report to the Legislature on the suitability of those projections and authorize the Legislature to reduce the revenue projections by a two-thirds majority vote; and

WHEREAS, the Charter Revision Commission has recommended that Article XII, Section 1202 be amended to authorize the Comptroller to have sole custody over all county accounts; and

WHEREAS, the Charter Revision Commission has recommended that Article XII, Section 1202 of the charter be amended to authorize the Comptroller to provide all accounting services to all county departments, offices and units as part of a centralized accounting system; and

WHEREAS, the Charter Revision Commission has recommended that the revenue recovery function which is currently assigned to the Executive branch be assigned to the Office of Comptroller; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XII, Section 1202 of the charter be amended to acknowledge the role of a county manager in Erie County government; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XII, Section 1202 of the charter be amended to authorize the Comptroller to have the authority to review revenue projections, to report on the suitability of those projections to the Legislature and to authorize the Legislature to reduce revenue projections by two-thirds majority vote; and be it further

RESOLVED, that Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XII, Section 1202 of the charter be amended to authorize the Comptroller to have sole custody over all county accounts; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XII, Section 1202 of the charter be amended to authorize the Comptroller to provide all accounting services to all county departments, offices and units as part of a centralized accounting systems; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision commission relating to the relocation of the revenue recovery function from the Executive branch to the Office of the Comptroller; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 39 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: Proposed Charter Change – No. 14
(INTRO 13-19)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

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WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Legislature amend Article XVI, Section 1603, relating to the county laboratory and its director be moved to Article V of the charter relating to the Department of Health; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVI, Section 1603 of the charter be eliminated and language contained therein be moved to Article V of the charter relating to the Department of Health; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: Proposed Charter Change – No. 15
(INTRO 13-20)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be

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amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Legislature amend Article XVI, Section 1607, relating to other boards; how appointed to eliminate reference to the board of trustees of Erie county technical institute; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVI, Section 1607 of the charter be amended to eliminate reference to board of trustees of the Erie county technical institute; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 41 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: Proposed Charter Change – No. 16
(INTRO 13-21)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

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WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVI of the charter and its related provisions for various boards and recommends the establishment of a uniform set of standards for advisory boards; and

WHEREAS, the adoption of a uniform set of standards would eliminate the necessity of the repetition of nearly identical language throughout the charter; and

WHEREAS, the Charter Revision Commission's recommended standards cover matters such as the number of members, the appointment process, the length of terms, frequency of meetings and annual reporting requirements; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVI of the charter be amended to include a uniform set of standards relating to advisory boards and be it further

RESOLVED, that those uniform standards cover matters such as the number of members, the appointment process, the length of terms, frequency of meetings and annual reporting requirements; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 42 – MS. WHYTE presented the resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. NOES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 5; NOES: 10)

FAILED.

RE: Proposed Charter Change – No. 17
(INTRO 13-22)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVI, Sections 1608 and 1609 and recommends that these two sections be combined and clarified to state that unless otherwise stated in the charter the county manager would have the authority to appoint the heads of county administrative units who would subject to legislative confirmation; and

WHEREAS, the Charter Revision Commission further recommends that the county manager be responsible for the assignment to an administrative unit any unassigned administrative functions; and

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WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVI, Sections 1608 and 1609 be combined to state that the County Manager shall have the authority to appoint the heads of county administrative units who would be subject to legislative confirmation; and be it further

RESOLVED, that the Erie County Legislature also accepts the recommendation of the Charter Revision Commission that the County Manager be responsible for the assignment to an administrative unit of any unassigned administrative functions; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: Proposed Charter Change – No. 18
(INTRO 13-23)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

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WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVI , Sections 1612 of the charter, relating to the Buffalo and Erie County Library and recommends that this section be deleted and the language contained therein be relocated to a new article entitled Autonomous Institutions; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVI , Sections 1612 of the charter relating to the Buffalo and Erie County Public Library be deleted and the language contained therein be relocated to a new article entitled Autonomous Institutions; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 44 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

RE: Proposed Charter Change – No. 19
(INTRO 13-24)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

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WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVI , Sections 1613 of the charter, relating to Erie County Community College and recommends that this section be deleted and the language relating to Erie County Community College be included in a new article entitled Autonomous Institutions; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVI , Sections 1613 of the charter relating to Erie County Community College be deleted and new language related to Erie County Community College be located in a new article entitled Autonomous Institutions; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: Proposed Charter Change – No. 20
(INTRO 13-25)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

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WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that Article XVI-C, relating to the Erie County Citizens Committee on Rape and Sexual assault be deleted from the Erie County Charter; and

WHEREAS, the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting the recommendation; and

WHEREAS, the Erie County Citizens Committee on Rape and Sexual Assault has previously voted to cease its operations since all aspects of its mission have either been accomplished or assumed by other organizations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission as it relates to Article XVI-C, relating to the Erie County Citizens Committee on Rape and Sexual Assault; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's desire to accept this recommendation of the Charter Revision Commission; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Proposed Charter Change – No. 21
(INTRO 13-26)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

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WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that Article XVI-D, relating to Art and Culture in Public Places Board, be eliminated from the Erie County Charter; and

WHEREAS, the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, it does not appear based on the information available that the Art and Culture in Public Places Board has ever met or functioned on behalf of the citizens of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission as it relates to Article XVI-D, relating to the Art and Culture in Public Places Board; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Proposed Charter Change - No. 22
(INTRO 13-27)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that Article XVII-a, relating to the Narcotics Control Board, be eliminated from the Erie County Charter; and

WHEREAS, the Erie County Legislature has reviewed the recommendation of the Charter Revision Commission and the documents supporting that recommendation; and

WHEREAS, the review by the Erie County Legislature has determined that the Narcotics Control Board is now dormant and non-functioning.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission as it relates to Article XIII-a, relating to the Narcotics Control Board; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

DELETE the FIRST (1st) RESOLVED CLAUSE and REPLACE with the following:

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission as it relates to Article XVII-a, relating to the Narcotics Controls Board; and be it further

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

CARRIED UNANIMOUSLY.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: Proposed Charter Change - No. 23
(INTRO 13-28)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XIII, Section 1802 of the charter and recommends the inclusion of a statement of intent in this section to insure that the principles of transparency, programmatic budgeting, quantification and cost accounting are included in the budget; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVIII, Section 1802 of the charter be amended to include a statement of intent to insure that the principles of transparency, programmatic budgeting, quantification and cost accounting are reflected in future county budgets; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this recommendation and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: Proposed Charter Change - No. 24
(INTRO 13-29)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVIII, relating to financial procedures and after the review recommends that a new section be created entitled Revenue Projections Reviewed within this section the Comptroller be authorized to review revenue projections and certain large expense projections to determine whether they are suitable; and

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WHEREAS, the Charter Revision Commission further recommends that if either the revenue projections or expense estimates are unsuitable then the Legislature may reduce the revenue projections by a two-thirds vote or increase the expense projections by a simply majority; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission, as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVIII of the charter be amended to include a new section entitled Revenue Projections Reviewed; and be it further

RESOLVED, that the new section include language authorizing the Comptroller to review revenue projections and large expense estimates to determine their suitability; and be it further

RESOLVED, that the Erie County Legislature be authorized in the new section to reduce revenue projections by a two-third vote or increase the expense estimates by a simple majority vote; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

RE: Proposed Charter Change - No. 25
(INTRO 13-30)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

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WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVIII, Section 1803 A of the charter and recommends that it be clarified to clearly state the need to vote on each individual line item proposed in an amendment to the budget offered less than forty-eight hours prior to the annual budget meeting of the Legislature; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that Article XVIII, Sections 1803 A of the charter be amended to clarify that each individual line item proposed in an amendment to the budget offered less than forty-eight hours must be voted upon separately by the Legislature; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

RE: Proposed Charter Change - No. 26
(INTRO 13-31)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be

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amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has thoroughly reviewed Article XIII, Section 1803 G of the charter and determined that this subsection is unnecessary as it relates specifically to the 1984 budget; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission to delete Article XVIII, Section 1803 G of the charter; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

RE: Proposed Charter Change - No. 27
(INTRO 13-32)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make

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recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has thoroughly reviewed Article XIII, Section 1804 of the charter and recommends that language authorizing the Legislature to fix a reserve amount for uncollected taxes be deleted because of the inability of the Legislature to make this determination; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to the deletion of certain language from Article XVIII, Section 1804 relating to the Legislature establishing a reserve amount for uncollected taxes; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

RE: Proposed Charter Change - No. 28
(INTRO 13-33)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

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WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission further recommends that Article XVIII, Section 18.02 of the Administrative Code and recommends that the date for submission of budgets by administrative units be changed to August 15th from September 15th of each year; and

WHEREAS, the Charter Revision Commission further recommends that Article XVIII, Section 18.02 be amended to require that all information used in creating revenue estimates be submitted to the Comptroller by October 1 of each fiscal year; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 1802 of the Administrative Code changing the date administrative units must submit their budgets; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 1802 of the Administrative Code requiring that all information used to develop revenue estimates be submitted to the Comptroller by October 1 of each fiscal year; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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Item 54 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

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

AYES: KONST and LOCKLEAR. NOES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 2; NOES: 13)

FAILED.

RE: Proposed Charter Change - No. 28 (a)
(INTRO 13-34)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission further recommends that Article XVIII, Section 18.02 be amended to authorize independently elected officials to submit their proposed budgets to the executive branch for consultation but not alteration without the consent of the independently elected officials by September 15th of each year; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 18.02 be amended to authorizing independently elected officials to submit their proposed budgets to the executive branch for consultation but not alteration without the consent of the independently elected officials by September 15th of each year; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

RE: RE: Proposed Charter Change - No. 29
(INTRO 13-35)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has thoroughly reviewed Article XVIII, Section 1806 of the charter and recommends that a statement of intent be included in this section to emphasize that the maintenance of a balanced budget is essential to the fiscal integrity of Erie County; and

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WHEREAS, the Charter Revision Commission also recommends that language be included in this section to authorize the Comptroller to declare a deficit and report the same to the Legislature so that corrective action may be taken by the Legislature; and

WHEREAS, the Charter Revision Commission also recommends that language added to Article XVIII, Section 1806 to authorize the Executive to make administrative transfers within administrative units up to 10,000 dollars and require that the transfers be reported to the Legislature on a monthly basis; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission to amend Article XVIII, Section 1806 to include a statement of intent emphasizing that a balanced budget is essential to the fiscal integrity of Erie County; and be it further

RESOLVED, that Article XVIII, Section 1806 is amended to authorize the Comptroller to declare a deficit and report the same to the Legislature; and be it further

RESOLVED, that Article XVIII, Section 1806 is amended to authorized to the Executive to make transfers within administrative units up to ten thousand dollars and require that the transfers be reported monthly to the Legislature; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

RESOLUTION NO. 223

RE: RE: Proposed Charter Change - No. 30
(INTRO 13-36)

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make

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recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has thoroughly reviewed Article XVIII, Section 1813 of the charter and recommends the elimination of language relating to the Erie County Medical Center and the Erie County Home and Infirmary since these two entities are now part of a public benefit corporation organized under New York State Public Authorities Law; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to the deletion of language referring to the Erie County Medical Center and the Erie County Home and Infirmary from Article XVIII, Section 1803 of the charter; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

AYES: None. NOES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 0; NOES: 15)

FAILED.

RE: RE: Proposed Charter Change - No. 31
(INTRO 13-37)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission has submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has thoroughly reviewed Article XVIII, Section 1814 of the charter relating to the Citizens' Budget Review Commission and recommends the removal of this section from the charter since this advisory group has never met; and

WHEREAS, the Erie County Legislature has studied this recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 1814 of the charter and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: RE: Proposed Charter Change - No. 32
(INTRO 13-38)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVIII, Section 18.02 of the Administrative Code and recommends that the date for submission of budgets by administrative units be changed to August 15th from September 15th of each year; and

WHEREAS, the Charter Revision Commission also recommends that Article XVIII, Section 18.02 be amended to authorize independently elected officials to submit their proposed budgets to the executive branch for consultation but not alteration without the consent of the independently elected officials by September 15th of each year; and

WHEREAS, the Charter Revision Commission further recommends that Article XVIII, Section 18.02 be amended to require that all information used in creating revenue estimates be submitted to the Comptroller by October 1 of each fiscal year; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 1802 of the Administrative Code changing the date administrative units must submit their budgets; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 1802 of the Administrative Code authorizing independently elected officials to submit their budgets to the executive branch for consultation but not alteration without the consent of the independently elected official by September 15th in each year; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 1802 of the Administrative Code requiring that all information used to develop revenue estimates be submitted to the Comptroller by October 1 of each fiscal year; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate these recommendations of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

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

CARRIED UNANIMOUSLY.

DELETE the 6th WHEREAS Clause.

DELETE the 2nd RESOLVED clause.

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

CARRIED UNANIMOUSLY.

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: RE: Proposed Charter Change - No. 33
 (INTRO 13-39)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make

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recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVIII, Section 18.03 of the Administrative Code and recommends that the date for capital projects submittal be changed to August 15th from September 15th of each year; and

WHEREAS, the Charter Revision Commission also recommends that Article XVIII, Section 18.03 be amended to state that bonded capital may not be used to pay salaries, utilities, supplies or other recurring operating expenses unless authorized under New York State law; and

WHEREAS, the Charter Revision Commission further recommends that Article XVIII, Section 18.03 be amended to require that all a proper fund balance be maintained in the adopted budget; and

WHEREAS, the Erie County Legislature has studied these recommendations of the Commission as well as the materials developed by the Commission in support of its recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 18.03 of the Administrative Code changing the date for capital projects submittal; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 18.03 of the Administrative Code be amended to prohibit the use of bond capital for salaries, utilities, supplies or other recurring expenses unless authorized by New York State law; and be it further

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission relating to Article XVIII, Section 18.03 of the Administrative Code requiring that a proper fund balance be maintained in the adopted budget; and be it further

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RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate these recommendations of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 60 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

RE: RE: Proposed Charter Change - No. 34
(INTRO 13-40)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has extensively reviewed Article XVIII, Section 18.05 of the Administrative Code and recommends that this section be amended to authorize independently elected officials to manage their approved budgets throughout the fiscal year and to authorize the Legislature by simple majority vote to institute appropriate measures in the event of a deficit; and

WHEREAS, the Erie County Legislature has studied these recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission to amend Article XVIII, Section 18.05 of the Administrative Code authorizing independently elected officials to manage their approved budgets throughout the fiscal year and authorizing the Legislature by a simple majority vote to take corrective action in the event of a deficit; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate these recommendations of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 61 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

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

FAILED.

RE: Proposed Charter Change - No. 35
(INTRO 13-41)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

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WHEREAS, the Charter Revision Commission has extensively reviewed Article XIX of the charter and after careful study and deliberation recommends that a new section be added to this article prohibiting a county officer or employee from knowingly soliciting a contribution from any person who has business pending before the county and from soliciting a contribution or campaign work from a subordinate employee except in two circumstances: a general solicitation to a broad class of persons of which the person doing business with the county or the subordinate happen to be members or elected officers could request civil service exempt members of their own staffs to participate in their campaigns; and

WHEREAS, the Erie County Legislature has studied these recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission to amend Article XIX of the charter to prohibit county officers or employees from knowingly soliciting a contribution from a person doing business with the county and from soliciting a contribution or campaign work from a subordinate employee with two exceptions; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate these recommendations of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 62 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MR. KENNEDY, MR. MAZUR and MR. KOZUB voted in the negative.

CARRIED (12-3).

RESOLUTION NO. 227

RE: Proposed Charter Change - No. 36
(INTRO 13-42)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

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WHEREAS, the Charter Revision Commission spent hundreds of hours reviewing the Charter and the Code, hearing testimony and suggestions from residents of Erie County, government professionals and various civic organizations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has recommended that the Erie County Legislature amend Article XI-F, relating to the Office of the Disabled, Article XVI-E, relating to the Erie County Commission on the Status of Women, Article XVI-B, relating to the Consumer Protection Committee and the offices of Equal Employment Opportunity and Veterans Services be combined to create an Office of Public Advocacy; and

WHEREAS, the creation of this new Office of Public Advocacy will reflect present practice and result in a sharing of resources which will result in a savings of cost to taxpayers while enhancing the services available to the public; and

WHEREAS, the Erie County Legislature has studied the recommendation of the Commission as well as the materials developed by the Commission in support of its recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the recommendation of the Charter Revision Commission that an Office of Public Advocacy be created consisting of Article XI-F, relating to the Office of the Disabled; Article XVI-E, relating to the Erie County Commission on the Status of Women, Article XVI-B, relating to the Consumer Protection Committee and the offices of Equal Employment Opportunity and Veterans Services; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to incorporate this recommendation of the Charter Revision Commission accepted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 63 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

RE: Proposed Charter Change - No. 37
(INTRO 13-43)

A RESOLUTION SUBMITTED BY

LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature created the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and Administrative Code and to make recommendations on whether the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision was convened and fully considered and debated the strengths and weaknesses of the present charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on June 20, 2006; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended charter changes to this Honorable Body; and

WHEREAS, the Legislature is required to approve or reject each recommendation of the Erie County Charter Revision Commission; and

WHEREAS, the Chair of the Legislature has reviewed the recommendations of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, under the current Charter the status of self-governing institutions, which are established under New York State law and partially funded by Erie County, such as Erie Community College (ECC), Erie County Medical Center Corporation (ECMCC) and the Buffalo and Erie County Public Library (BECPL), is unclear and they are found in different parts of the Charter; and

WHEREAS, the Charter Revision Commission recommends that a new Article of the Charter be created entitled "Autonomous Institutions" and that ECC, ECMCC and BECPL be placed in this Article; and

WHEREAS, the Charter Revision Commission recommends that the Charter identify ECC as a component of SUNY established under Article 126 of the NYS Education Law and has all the powers set forth in that provision; and

WHEREAS, the Charter Revision Commission recommends that the Charter identify ECMCC as a public benefit corporation chartered pursuant to NYS Public Authorities Law and that if ownership of ECMCC reverts to the County, the County Executive will appoint an interim board of directors (1-year) while a new organization structure is being developed; and

WHEREAS, the Charter Revision Commission recommends that the BECPL be identified as a corporation chartered pursuant to NYS Board of Regents and funded pursuant to NYS Education

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Law Section 259, and that the board of trustees has all the powers set forth in the aforementioned provisions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that a new Article of the Charter be created entitled "Autonomous Institutions" and that ECC, ECMCC and BECPL be placed in this article; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Charter identify ECC as a component of SUNY established under Article 126 of the NYS Education Law and has all the powers set forth in that provision; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the Charter identify ECMCC as a public benefit corporation chartered pursuant to NYS Public Authorities Law and that if ownership of ECMCC revert to the County, the County Executive will appoint an interim board of directors (1-year) while a new organization structure is being developed; and be it further

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's recommendation that the BECPL be identified as a corporation chartered pursuant to NYS Board of Regents and funded pursuant to NYS Education Law Section 259, and that the board of trustees has all the powers set forth in the aforementioned provisions; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

RE: Charter Change – Legislative
 Recommendation No. A (INTRO 13-44)

WHEREAS, gender specific language is used throughout the entirety of both the Erie County Charter and Administrative Code; and

WHEREAS, the Erie County Charter consistently uses masculine pronouns which identify the gender of the person holding leadership positions in the Charter: in Article III the County Executive is referred to as "HE", in Article V the Commissioner of Health is referred to as "HE", Article VI the County Attorney is referred to as "HE", in Article VII the Parks Commissioner is referred to as "HE", and in Article IX the Commissioner of Environment and Planning is referred to as "HE." These are just some of the many examples of the current Charter using language that is not gender neutral; and

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WHEREAS, throughout the United States, most modern governance documents have intentionally eliminated the use of gender specific pronouns and instead use gender neutral language.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the uses of gender neutral language, thus, the Erie County Charter and Administrative Code should be amended to remove all unnecessary gender specific language and replace such language with gender neutral language; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the above and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney.

Item 65 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

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

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

CARRIED.

RESOLUTION NO. 230

RE: Charter Change – Legislative
 Recommendation No. B (INTRO 13-45)

WHEREAS, the Erie County Charter should undergo a scheduled review to ensure that it is a contemporary document that maintains its relevance; and

WHEREAS, a decennial review of the Charter is necessary to keep its relevant and that the review should be mandatory.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Charter shall undergo a mandatory decennial review and that the review should commence by seating a Charter Review Commission by January 15, 2016 which shall report its recommendations to the Erie County Legislature no later than May 15, 2016; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the above and to amend the charter by referendum; and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney

Item 66 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: Charter Change – Legislative
 Recommendation No. C (INTRO 13-46)

WHEREAS, the County Executive is responsible for appointing the heads, or commissioners, of all Departments set forth in the County Charter. There are 14 Departments in the Charter including, but not limited to, Health, Parks and Recreation, Personnel, Public Works and Mental Health; and

WHEREAS, each Commissioner must be confirmed by a majority vote of the County Legislature; and

WHEREAS, the confirmation by the Legislature is a check that balances the Executive's power and is designed to insure that only highly qualified individuals serve as Commissioners; and

WHEREAS, under the current charter there are administrative units or divisions such as the Division of Purchasing, the Division of Budget and Management and the Division of Information and Support Services whose Directors are appointed solely by the Executive without the check of confirmation by the Legislature; and

WHEREAS, the Directors of these division hold positions that are vital to the efficient administration of County government and as such every step should be taken to insure that only highly qualified individuals hold these important positions; and

WHEREAS, the Directors of the Division of Purchasing, Budget and Management and Information and Support Services should be subject to confirmation by the Legislature; and

WHEREAS, the references to appointments and confirmation are currently scattered throughout several Articles of the Charter; and

WHEREAS, the County Charter should be amended to include a section or sub-section in "Article II Legislative Branch" and "Article III Executive Branch" entitled *Legislative Confirmation* which specifies that:

- All appointments by the County Executive of Commissioners and/or Department Heads must be confirmed by a majority vote of the Legislature; and
- All appointments by the County Executive of the Directors of the Division of Purchasing, Budget and Management and Information and Support Services should be subject to confirmation by the Legislature

- That the Executive must file a notice of appointment with the Clerk of the County Legislature within 10 days of the appointment; and
- The Legislature has 30 days thereafter to confirm or reject the appointment or the appointment shall be deemed to be confirmed; and
- All County Executive appointments which are subject to Legislative confirmation shall terminate, unless otherwise specified, at the termination of the elected term of the County Executive and all holdover appointments shall require reconfirmation by the Legislature by the number of votes needed for original confirmation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Charter be amended to make the Directors of the Division of Purchasing, Budget and Management and Information and Support Services subject to confirmation by the Legislature; and be it further

RESOLVED, the County Charter should be amended to include a section or sub-section in "Article II Legislative Branch" and "Article III Executive Branch" entitled *Legislative Confirmation* which specifies that:

- All appointments by the County Executive of Commissioners and/or Department Heads must be confirmed by a majority vote of the Legislature; and
- All appointments by the County Executive of the Directors of the Division of Purchasing, Budget and Management and Information and Support Services should be subject to confirmation by the Legislature; and
- That the Executive must file a notice of appointment with the Clerk of the County Legislature within 10 days of the appointment; and
- The Legislature has 30 days thereafter to confirm or reject the appointment or the appointment shall be deemed to be confirmed; and
- All County Executive appointments which are subject to Legislative confirmation shall terminate, unless otherwise specified, at the termination of the elected term of the County Executive and all holdover appointments shall require reconfirmation by the Legislature by the number of votes needed for original confirmation.

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the above and to amend the charter by referendum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney

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

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

AYES: HOLT, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILS, RANZENHOFER, WEINSTEIN, IANNELLO, KONST and LOCKLEAR. (AYES: 9; NOES: 6)

CARRIED.

RESOLUTION NO. 232

RE: Charter Change – Legislative
Recommendation No. D (INTRO 13-47)

WHEREAS, the County's Four Year Plan to fiscal recovery anticipates significant savings from concessions from organized members of the County's workforce; and

WHEREAS, the chances that those savings will be achieved are unlikely given the fact that there are not productive talks occurring between the Executive branch of government and the representatives of the different organized workforces; and

WHEREAS, the County has a Division of Labor Relations whose primary responsibilities include negotiating and administering collective bargaining agreements, investigating and resolving grievances and representing the County in arbitration; and

WHEREAS, the Division of Labor Relations is currently a Division within the Department of Law; and

WHEREAS, better labor relations is necessary to achieve a productive and efficient workforce; and

WHEREAS, as a significant portion of the County's budget is spent on labor costs, it is of paramount fiscal importance that the County has positive and productive relationships with its organized workforce; and

WHEREAS, the Division of Labor must take on a larger and more prominent role within County government to achieve these necessary goals.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Labor should become a stand-alone Department of Government and the Commissioner of Labor shall be appointed by the County Executive subject to Legislative approval; and be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the above and to amend the charter by referendum; and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Charter Revision Commission and to the Office of the County Attorney

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 68 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 7E-32. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: DPW - Wehrle Drive Reconstruction
Project: Authorization to Pursue Administrative
Settlements and Eminent Domain Proceedings

WHEREAS, the Erie County Department of Public Works, Division of Highways, is planning to reconstruct Wehrle Drive (CR 290) between Youngs Road and Transit Road in the Town of Amherst ("Project"); and

WHEREAS, the Erie County Department of Public Works, Division of Highways, conducted a public hearing on September 12, 2002 to present and take comment on the social, economic and environmental effects of the design alternatives for the Project; and

WHEREAS, the Erie County Legislature has previously approved of the Wehrle Drive reconstruction project and appropriated funds for this public Project in its resolution dated March 6, 2003 (Reference: Comm. 4E-22), and in a resolution dated April 1, 2004 (Reference: Comm. 7E-42), the Legislature determined that the chosen design alternative would not have any significant adverse environmental, economic or social impacts and authorized the County of Erie to acquire through the payment of just compensation fee and/or easement title in the necessary "Subject Properties" as specifically identified in said resolution; and

WHEREAS, a proposed resolution was submitted to the Legislature by the County Executive on or about February 28, 2006 (Reference: Comm. 5E-27) to appropriate additional funds for this purpose; and

WHEREAS, in order to facilitate the Project, it is necessary for the County to acquire, by fee, permanent easement or temporary easement portions of real property in the vicinity of the reconstruction project, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", more specifically set forth below; and

WHEREAS, the County has already acquired most of the Subject Properties at a price that equals the appraised value of such property; and

WHEREAS, six (6) property owners have disputed the appraised value of their property as calculated by the County's consultants, and these property owners have requested an "administrative settlement" which exceeds the appraised value of their property; and

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WHEREAS, the Commissioner of Public Works desires to pay administrative settlements to these six property owners, since the value of the administrative settlements is far less than the cost of acquiring these properties by eminent domain; and

WHEREAS, approximately twenty-four (24) property owners have refused to convey fee and/or easement title to their properties and have refused to accept all reasonable administrative settlements proposed by the County; and

WHEREAS, in order for the Project to move forward, the Commissioner of Public Works desires that eminent domain proceedings be commenced pursuant to the Eminent Domain Procedure Law against the property owners who have refused to convey fee and/or easement title to their properties; and

WHEREAS, the acquisition of the Subject Properties are de minimus in nature so that the public interest will not be prejudiced by the construction of the public Project.

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate administrative settlements with the owners of the following properties towards acquiring a portion of their real property, either by fee or by easement, which is necessary for the Wehrle Drive reconstruction project:

<u>Map #:</u>	<u>Type:</u>	<u>Section-Block-Lot:</u>	<u>Total Settlement Amount:</u>
374-22 & 374-23	FEE, TE	81.01-1-14	\$6,780.00
374-32	TE	81.09-2-6	\$1,000.00
374-34 & 374-35	FEE, TE	81.01-1-13	\$52,084.00
374-39 & 374-40	FEE, TE	81.01-1-10.111 & 81.01-1-10.2	\$45,499.00
374-48 & 374-58	FEE, TE	81.01-1-12.12	\$28,568.00
374-137 & 374-152	FEE, TE	82.09-1-20	\$10,750.00

and be it further,

RESOLVED, that should one or more owners of the above-referenced properties refuse to negotiate an administrative settlement, the Commissioner of Public Works, the County Attorney and/or their authorized representatives are hereby authorized to acquire these properties pursuant to the Eminent Domain Procedure Law; and be it further,

RESOLVED, that due to the fact that the owners of the following properties have refused to convey fee and/or easement title to their properties at the properties' appraised value and have refused to accept any reasonable administrative settlements, the Commissioner of Public Works, the County Attorney and/or their authorized representatives are hereby authorized to acquire the following properties pursuant to the Eminent Domain Procedure Law:

<u>Map #:</u>	<u>Type:</u>	<u>Section-Block-Lot:</u>	<u>Township:</u>
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374-9	TE	81.09-6-001	Vil. of Williamsville
374-13	TE	81-09-2-002 & 81.09-2-003.1	Vil. of Williamsville
374-15 & 374-157	TE/FEE	81.10-1-038	Vil. of Williamsville
374-28	TE	81.10-5-007	Amherst
374-29	TE	81.09-2-004	Vil. of Williamsville
374-30	TE	81.09-2-005	Vil. of Williamsville
374-37 & 374-38	FEE/TE	81.01-1-007.112	Amherst
374-41	TE	81.10-1-041	Vil. of Williamsville
374-42	TE	81.09-2-007	Vil. of Williamsville
374-45 & 374-46	FEE/TE	81.01-1-003.21	Amherst
374-65 & 374-66	FEE/TE	81.02-3-023.112	Amherst
374-71 & 374-72	FEE/TE	81.02-3-031	Amherst
374-75 & 374-76	FEE/TE	81.02-3-032	Amherst
374-78 & 374-79	FEE/TE	81.02-3-008	Amherst
374-80 & 374-81	FEE/TE	81.02-1-004	Amherst
374-86	TE	81.09-2-003.2	Vil. of Williamsville
374-96	TE	81.10-5-002	Amherst
374-97	TE	81.10-5-003	Amherst
374-100	TE	81.01-1-006.111	Amherst
374-113 & 374-114	FEE/TE	81.12-4-012.1	Amherst
374-117 & 374-118	FEE/TE	81.02-2-007.111 & 81.02-2-009.2	Amherst
374-119 & 374-120	FEE/TE	81.02-3-017.1	Amherst
374-133 & 374-134	FEE/TE	82.09-1-008	Amherst
374-146 & 374-147	FEE/TE	82.09-2-009	Amherst

and be it further,

RESOLVED, that the County Attorney or his authorized representative shall prepare, and the County Executive shall be authorized to execute, all appropriate documents relating to acquiring fee and/or easement title to the Subject Properties referenced above; and be it further,

RESOLVED, that the expenses of acquiring the Subject Properties referenced above shall be derived from funds previously appropriated by the County Legislature for the Preliminary Engineering, Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Wehrle Drive reconstruction project, such appropriations having been made by resolutions on March 6, 2003 (Reference: Comm. 4E-22), April 1, 2004 (Reference: Comm. 7E-42) and by a proposed resolution that was submitted to the Legislature by the County Executive on or about February 28, 2006 (Reference: Comm. 5E-27) and which is expected to be voted upon by the Legislature at their session on March 16, 2006; and be it further,

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Public Works, County Attorney, County Comptroller and Director of Budget, Management & Finance, and the Office of the County Executive.

MS. WHYTE moved for the approval of the item. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

Item 69 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 12E-14. MR. MAZUR seconded. MS. KONST and MS. IANNELLO voted in the negative.

CARRIED (13-2)

RESOLUTION NO. 234

RE: Office of County Executive - Valmark Contract:
Market-Based Revenue Opportunities Initiative

WHEREAS, the County of Erie is owner of a number of properties and assets, and

WHEREAS, Erie County seeks to refine a list of possible revenue generating opportunities for the aforementioned properties, and

WHEREAS, Erie County has been submitted a proposal by Valmark Associates to complete a study relating to the market-based revenue initiative, and

WHEREAS, the study would assist in determining the best possible or most feasible way for County properties to further generate revenue, and

WHEREAS, additional appropriations to fund the study is not required for funding is currently available in the budget of the County Executive,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted for the County of Erie to enter into contract with Valmark Associates for the purpose of performing a study on potential market-based revenue opportunities associated with County properties and assets, and be it further

RESOLVED, that funding for this proposal in the amount of \$9,900, is currently available in account 516020, Professional Service Contracts, in the budget of the County Executive, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive's Office, the Office of the Comptroller, the Law Department, and the Division of Budget, Management and Finance.

MS. WHYTE moved for the approval of the item. MR. MAZUR seconded.

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

AYES: HOLT, KENNEDY, LOCKLEAR, LOUGHRAN, MARINELLI, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZNEHOFER, WEINSTEIN, IANNELLO, KONST, KOZUB and MAZUR. (AYES: 8; NOES: 7)

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CARRIED.

Item 70 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 12E-13. MR. HOLT seconded. MS. IANNELLO and MR. SMITH voted in the negative.

CARRIED (13-2)

RESOLUTION NO. 235

RE: Board of Elections Reso on HAVA
Expenses

MS. WHYTE moved to amend the item. MS. LOCKLEAR seconded. MS. IANNELLO and MR. SMITH voted in the negative.

CARRIED (13-2)

WHEREAS, the federal Help America Vote Act (HAVA) of 2002 has been a catalyst for radical change in the election administration process across the United States; and

WHEREAS, the Help America Vote Act (HAVA) makes it the responsibility of the County to run all Federal, State and Local Elections.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive appropriate the following cost to the Board of Elections:

Account #	Account Title	Amount
500000	Full-time Salary	\$ 329,250
502000	Fringe Benefits	\$ 134,993
545000	Rental Charges	\$ 142,374
516020	Contract Expense	\$1,683,925

and be it further

RESOLVED, that the Division of Budget, Management and Finance, and the County Comptroller be authorized to modify the 2006 Budget and transfer \$1,347,455 from Account # 598900 County Contingency and \$943,087 from Account # 525000 to these accounts; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Department of Law, the Commissioner of the Board of Elections and the County Executive.

MS. WHYTE moved for the approval of the item. MR. MAZUR seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: SMITH. (AYES: 14; NOES: 1)

CARRIED.

Item 71 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 12E-42. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

RE: Probation & Youth Detention Services -
Purchase of Equipment

WHEREAS, the Erie County Department of Probation and Youth Detention Services is in desperate need of replacements for the two-way radios at the facility, as the current equipment has been repaired several times and is finally beyond repair, and

WHEREAS, the cost of the replacement equipment is five thousand dollars (\$5,000) for the five sets of two-way radios and chairs needed at the facility, and

WHEREAS, funds are available within Account #51500 - Utilities in the current 2006 Adopted Budget of the Detention Division and can be transferred for this purpose.

NOW THEREFORE, BE IT

RESOLVED, that the following changes be approved and implemented within the Department of Probation and Youth Detention Services' 2006 Adopted Budget.

IN FUND 110, DEPARTMENT 12620

INCREASE

Account Code 561410	Lab and Technical Equipment	\$5,000
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DECREASE

Account Code #515000	Utilities	(\$5,000)
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and be it further

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

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MS. WHYTE moved for approval of the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 72 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 13E-24 from LEGISLATOR MARINELLI Re: Rescheduling 7/20/06 Session to 7/26/06

Received, Filed and Printed.

July 13, 2006

Kevin M. Kelley:

Please be advised that I would like to change the session of the Erie County Legislature scheduled for July 20, 2006 at 2:00 PM to July 27, 2006 at 2:00 PM

Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular session of the Legislature.

Thank you for your prompt attention to this matter.

Sincerely,

Lynn M. Marinelli
Chairperson, Erie County Legislature

Cc: Hon. Maria R. Whyte
Majority Leader, Erie County Legislature

Hon. Barry Weinstein
Minority Leader, Erie County Legislature

Mr. Sean Ryan
Chief of Staff

Item 73 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

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COMM. 13D-10 from the CLERK OF THE LEGISLATURE Re: Change in Session Date

Received, Filed and Printed.

To: All Erie County Legislators
From: Kevin M. Kelley, Clerk of the Legislature
Date: July 13, 2006
Subject: **CHANGE IN SESSION DATE**

PLEASE TAKE NOTICE that pursuant to Rule 2.01 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairperson Lynn M. Marinelli, the Session of the Erie County Legislature originally scheduled for July 20, 2006 has been canceled.

Chairperson Marinelli has rescheduled that session for **Thursday, July 27, 2006 at 2:00 p.m.** in the Erie County Legislative Chambers, 92 Franklin Street, 4th Floor, Buffalo, New York.

This change will not affect any previously scheduled Session dates.

Be advised that the clock-in deadline for items to be considered at the July 27th Session will be before 11:00 a.m. on Tuesday, July 25, 2006.

Item 74- MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

INTRO 13-48 from MARINELLI Re: A Recommendation of the Erie County Charter Revision Commission

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 75 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

INTRO 13-49 from MARINELLI Re: A Recommendation of the Erie County Charter Revision Commission

Item 76 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

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GRANTED.

Received and referred to the PUBLIC SAFETY COMMITTEE.

INTRO 13-50 from MARINELLI Re: A Recommendation of the Erie County Charter Revision Commission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR KENNEDY

Item 77 – (COMM. 13E-1) Copy of Letter to Buffalo Niagara Partnership Re: Worker Training Law

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 78 – (COMM. 13E-2) Alternatives to Incarceration Contract with SUNY at Buffalo Institute for Local Governance & Regional Growth

Item 79 – (COMM. 13E-3) Alternatives to Incarceration - Receipt of Efficiency Grant

Item 80 – (COMM. 13E-4) Integrated Case Management for Social Services - Receipt of Efficiency Grant

Item 81 – (COMM. 13E-5) Master Plan for Space Consolidation and Relocation - Receipt of Efficiency Grant

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

FROM THE SHERIFF

Item 82 – (COMM. 13E-6) Asset Forfeiture Funded Program SAFS

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 83 – (COMM. 13E-7) Apportionment and Distribution of Net Collection from the Four and Three Quarter Percent Sales and Compensating Use Tax for 4/06 - 6/06

Received and filed.

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FROM THE COUNTY EXECUTIVE

Item 84 – (COMM. 13E-18) ECSD No. 3 - Erie County Sewer Agency Report - Town of Hamburg - Northern Sewer District Extension

Item 85 – (COMM. 13E-19) ECSD No. 4 - Erie County Sewer Agency Report - Extension and Consolidation of Sewer District

The above two items were received and filed.

FROM THE COMPTROLLER

Item 86 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: 2006 Capital Bond Resolution (COMM. 13E-10)

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

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

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

CARRIED.

RESOLUTION NO. __-2006

BOND RESOLUTION DATED JULY 13, 2006

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2006 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$22,084,540, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$9,869,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$10,100 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$12,204,740 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO

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**THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES
AND BONDS.**

(Introduced) _____, 2006

(Adopted) _____, 2006

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. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2006 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2006 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes and classes of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2006 Capital Budget for the County. The plan of financing includes the expenditure of \$9,869,700 in State and Federal aid expected to be received, the expenditure of \$10,100 County current funds available or to be available therefor, and the issuance of \$12,204,740 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$12,204,740 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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 respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed

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with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts 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 the issuance of bonds having 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 §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 are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

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

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

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

CARRIED.

FROM THE COUNTY EXECUTIVE

Item 87 – (COMM. 13E-11) Copy of Letter to ECFSA Chairman Re: Provision of Data/Progress Toward Fiscal Recovery

Received and filed.

Item 88 – (COMM. 13E-14) PILOT Agreement for St. John Townhomes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 89 – (COMM. 13E-15) Additional Motor Equipment Operators in the Division of Highways

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 90 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

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

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

CARRIED.

RESOLUTION NO. 238

RE: Probation and Youth Detention Services -
 Operation Primetime Expansion (COMM. 13E-14)

WHEREAS, Operation Primetime provides for an adult supervised environment for the eight week school summer recess period and is available to 7,300 children, and

WHEREAS, program activities consist of structured recreational activities that prevent delinquency, increase socialization and foster respect for authority, and

WHEREAS, the program will require additional monitoring and reporting in accordance with New York State regulations, and

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WHEREAS, there is no fiscal impact to the 2006 Adopted Budget for this proposed resolution, funding being made available from unanticipated revenue and state reimbursement of eligible expense,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the following agencies in the amounts listed below, and be it further

	Grant Amount
Boys & Girls Club Buffalo (5 Sites)	\$21,600
Boys & Girls Club Eden	8,000
Boys & Girls Club EMW	4,000
Boys & Girls Club Holland	8,000
Boys & Girls Club Springville (2 Sites)	12,000
Boys & Girls Club Northtowns	8,000
Be-A-Friend (2 Sites)	12,000
CRUCIAL Human Services	8,000
Lackawanna Sports & Education (2 Sites)	12,000
Lt. Col. Matt Urban C.C. (2 Sites)	12,000
Erie Regional Housing C.C.	8,000
West Side C.C.	8,000
William Elmslie YMCA	8,000
Boy Scouts Of America	8,000
National Inner City Youth Organization	21,000
Seneca Babcock C.C.	8,000
NorthWest Buffalo C.C.	8,000
P.A.L.	8,000
Delavan Grider C.C.	8,000
CAO Kensington- Bailey C.C.	8,000
Valley C.C.	8,000
C.E.P.A.	4,000
Parkside C.C.	4,000
	<hr/> \$214,600

and be it further,

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

<u>Expense Account</u>	<u>Increase/(Decrease)</u>
Youth Bureau, Department 12630	
516010 Operation Primetime	\$214,600
912630 ID Billing Youth Bureau	<u>(214,600)</u>
Total Expenditures	<u>\$ -0-</u>

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<u>Revenue Account</u>	<u>Increase</u>
Division of Budget, Management and Finance 10210	
400010 Exemption Removal Revenue	\$75,110
Department of Social Services, Department 120	
407680 State Aid Services for Recipients	<u>139,490</u>
Total Revenues	<u>\$214,600</u>
 <u>Expense Account</u>	 <u>Increase/(Decrease)</u>
Department of Social Services, Department 120	
912630 ID Billing Youth Bureau	<u>\$214,600</u>
Net Amount	<u>\$ -0-</u>

and be it further

RESOLVED, that 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 Commissioner of the Department of Probation and Youth Detention Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

Item 91 – (COMM. 13E-15) ECSD No. 1 - Contract No. 30 - Revised Contract Close Out - Intercounty Paving Associates, LLC

Item 92 – (COMM. 13E-16) ECSD No. 1 - Contract No. 22PS-C - MKS Plumbing Corp. - Contract Close Out

Item 93 – (COMM. 13E-17) ECSD NO. 1 - Contract No. 22PS-D - O'Connell Electric Co. Close Out

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

Item 94 – (COMM. 13E-18) CPS/Emergency Services - Revision of Homeland Security Exercise and Evaluation Program (HSEEP) Grant Funded by NYS WMD Task Force

Item 95 – (COMM. 13E-19) Probation and Youth Detention Services - United States Dept. of Justice - Violence Against Women Grant

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

Item 96 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: Social Services - Non-Residential Domestic
Violence Contracts (COMM. 13E-20)

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

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 2006 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>

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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.

Item 97 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: Social Services - Goodwill Industries of
WNY (COMM. 13E-21)

WHEREAS, the Department of Social Services is requesting authorization to amend the 2006 Adopted Budget by providing new special funding to Goodwill Industries of Western New York for phase two of the New York State CAMS (Compensations, Assessments, Modifications and Strategies) pilot project, and

WHEREAS, this program will provide employment services including evaluation of learning and behavioral difficulties, training and adaptive equipment to TANF (Family Assistance) individuals for whom special accommodations are necessary to enable entry into the workforce, and

WHEREAS, there is no fiscal impact to the 2006 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Goodwill Industries of Western New York	<u>\$61,000</u>
	Total Appropriations	<u>\$61,000</u>

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414000	Federal Aid	<u>\$61,000</u>
	Total Revenue	<u>\$61,000</u>

and be it further

RESOLVED, that because these special services are needed immediately and due to the fact that the contractor selection was made by New York State, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into a contract with Goodwill Industries of Western New York for phase two of the New York State CAMS pilot program, 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.

Item 98 – (COMM. 13E-22) Rebuild WNY Initiative

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 99 – (COMM. 13E-23) Corrective Action to Allocate Lakeshore Rd. and Bridge Reconstruction from Capital Project B.00017 to Appropriate Capital Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BOARD OF ELECTIONS

Item 100 – (COMM. 13D-1) 2006 Budget - Supplemental Appropriation

Received and filed.

FROM THE COUNTY ATTORNEY

Item 101 – (COMM. 13D-2) Transmittal of New Claims Against Erie County

FROM THE COMMUNITY COLLEGE

Item 102 – (COMM. 13D-3) Agenda for Board of Trustees Meeting Held 6/28/06

Item 103 – (COMM. 13D-4) Minutes from 5/10/06 Board of Trustees Meeting

The above two items were received and filed.

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FROM THE PERSONNEL DEPARTMENT

Item 104 – (COMM. 13D-5) Hires/Fires/Separation May 2006

FROM THE COMMUNITY COLLEGE

Item 105 – (COMM. 13D-6) Minutes from 5/17/06 Board of Trustees Meeting

FROM BUDGET, MANAGEMENT & FINANCE

Item 106 – (COMM. 13D-7) Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF MANAGEMENT INITIATIVES

Item 107 – (COMM. 13D-8) Follow-Up to Mid-Year Budget Hearing

Received and filed.

FROM ENVIRONMENT & PLANNING

Item 108 – (COMM. 13D-9) SEQR - Zoo Site Improvement Plan

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CLARENCE TOWN BOARD

Item 109 – (COMM. 13M-1) Certified Resolution Re: Termination of the 1977 Sales Tax Revenue Distribution Agreement

Received and filed.

FROM THE ELMA TOWN BOARD

Item 110 – (COMM. 13M-2) Certified Resolution Re: Termination of the 1977 Sales Tax Revenue Distribution Agreement

Received and filed.

FROM THE HOLLAND TOWN BOARD

Item 111 – (COMM. 13M-3) Certified Resolution Re: Opposition to the Four-Year Plan for Erie County

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Received and filed.

FROM THE GRAND ISLAND TOWN BOARD

Item 112 – (COMM. 13M-4) Certified Resolution Re: Opposition to the Four-Year Plan for Erie County

Received and filed.

FROM THE BOSTON TOWN BOARD

Item 113 – (COMM. 13M-5) Certified Resolution Re: Opposition to the Four-Year Plan for Erie County

Received and filed.

FROM THE NFTA

Item 114 – (COMM. 13M-6) NFTA Board Minutes for Meeting Held 5/22/06

Received and filed.

FROM THE NEWSTEAD TOWN BOARD

Item 115 – (COMM. 13M-7) Certified Resolution Re: Opposition to the Four-Year Plan for Erie County

Received and filed.

FROM THE NFTA

Item 116 – (COMM. 13M-8) Annual 17A Report

Received and filed.

FROM THE ECFSA

Item 117 – (COMM. 13M-9) Certified Resolution Re: Approval of Payment of Principal and Interest Due on the 2005 RAN

Received and filed.

Item 118 – (COMM. 13M-10) 2005 Financial Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NORTH COLLINS TOWN BOARD

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Item 119 – (COMM. 13M-11) Certified Resolution Re: Opposition to the Four-Year Plan for Erie County

Received and filed.

FROM MEMBERS OF THE WNY DELEGATION TO THE NYS ASSEMBLY

Item 120 – (COMM. 13M-12) Actions Taken by State Legislature Assisting Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS DEPT. OF AGRICULTURE

Item 121 – (COMM. 13M-13) EC Agriculture District No. 16

Item 122 – (COMM. 13M-14) EC Agriculture District No. 17

The above two items were received and filed.

FROM THE LANCASTER TOWN BOARD

Item 123 – (COMM. 13M-15) Certified Resolution Re: Termination of the 1977 Sales Tax Revenue Distribution Agreement

Received and filed.

FROM THE NYS DEPT. OF STATE

Item 124 – (COMM. 13M-16) Receipt of LL No. 2-2006

Received, Filed and Printed.

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ERIE COUNTY LEGISLATURE

Local Law Filing

RECEIVED
ERIE COUNTY LEGISLATURE
NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~CHXX~~

~~XXXX~~

~~XXXX~~

of Erie

Local Law No. 2 of the year 2006

A local law ~~in relation to a requirement for New York State~~
(Insert Title)
Certified Worker Training Programs by contractors and
subcontractors under construction contracts, as defined
herein, with the County of Erie.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

~~CHXX~~

~~XXXX~~

~~XXXX~~

Erie

of _____ as follows:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. New York Labor Law Section 816-b specifically authorizes this Local Law.
- B. There has been a long and productive history of partnership between labor and management in the training of workers in New York State.
- C. New York State Certified Worker Training Programs are valuable educational and training tools for the local workforce by reducing reliance on out-of-area labor for construction projects.
- D. New York State Certified Worker Training Programs provide opportunities to residents in this area through training and education for skilled jobs.
- E. These skilled jobs allow us to reinvest our taxpayer dollars spent on local construction projects so that local workers and local tax dollars remain within the local community.
- F. It would be valuable to encourage labor and business/industry to participate in New York State Certified Worker Training Programs to meet the increased need for trade persons while providing residents the means to earn a better living and fostering the local and regional economies.
- G. It is valuable for local government to encourage broad participation in such New York State Certified Worker Training Programs by the residents of Erie County and to foster the equal opportunity of men and women of all races and backgrounds to participate in order to enhance workforce development and diversification, and to prevent exclusionary practices which have historically excluded women and minorities.
- H. The New York State Department of Labor sets objective standards and provides oversight for New York State Certified Worker Training Programs. These Programs are important because they require on-the-job training and classroom training, and provide objective industry standards. In effect these programs lead to a standardized, cost effective and skilled local workforce.
- I. Nothing in this Local Law should be read to abrogate the duty of Erie County with respect to its MBE/WBE requirements.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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Section 2. Short Title.

This Local Law shall be known as "The Erie County Workforce Development and Diversification New York State Certified Worker Training Program."

Section 3. Definitions.

A. "New York State Certified Worker Training Program" shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:

- (i) An organized, written plan in place that embodies the terms and conditions of employment, and the training and supervision of one or more workers;
- (ii) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor;
- (iii) Equal opportunity and affirmative action plans;
- (iv) Workforce development and diversification goals to ensure that the contractor will diligently work toward a minority workforce goal of 30% minority and female participation combined in project personnel including trades people, trainees, journeymen, apprentices, and supervisory staff; and

(v) A minimum of ten (10%) percent of the total construction workers, trades people, trainees, journeymen, and apprentices employed at any given time on a particular project by any and all contractors or subcontractors must consist of persons participating in a New York State Certified Worker Training Program.

B. "Commissioner" shall mean the Commissioner of the Erie County Department of Public Works.

C. "Construction contract" shall mean projects with a value in excess of \$ 250,000 where Erie County is a direct or indirect party to the contract which includes more than an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A public entity need not be party to the construction contract. A construction contract includes: projects that Erie County funds directly, projects that Erie County funds indirectly by providing funds to a separate entity to perform the construction type activity; privately financed construction projects specifically built with the intent of leasing them to any Department of Erie County government; and construction projects built under Erie County's direction and later paid for with Erie County funds.

D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract as defined in Section 3, subdivision C above.

E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs construction workers, as defined below, under a construction contract or construction subcontract, as defined herein, for which a New York State Certified Worker Training Program is required.

F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind, but does not include professional services employees or those construction workers for which a New York State Certified Worker Training Program does not exist.

Section 4. Requirements.

A. Any contractor, prior to entering into a construction contract as set forth in section 3 (C) above, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Erie is required to have in place and provide written proof of same at the time of bid a New York State Certified Worker Training Program, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate for the type and scope of work to be performed.

B. Any contractor or subcontractor, as defined herein, shall strive to meet the minimum workforce development and diversification goals set forth in section 3(A) (iv) above. Such contractors and/or subcontractors shall provide the Commissioner or designated compliance officer with the following:

(i) A monthly workforce census and such other employment and/or payroll records necessary to verify an attempt to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(ii) Access to and cooperation with the project compliance officer to review records on-site and/or at worksite premises to validate attempts to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(iii) With bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting program directed at attracting candidates to fill positions to meet the minimum workforce development and diversification goals set forth in Section 3(A)(iv) above.

Section 5. Rules & Regulations.

As of the date this Local Law becomes effective, the Commissioner of the Erie County Department of Public Works shall promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 6. Equal Employment Monitoring.

There shall be an Independent Monitor to report on the compliance of each County contractor and subcontractor with this Local Law's workforce development and diversification goals. The Commissioner of DPW shall develop regulations that provide for the compensation of the Independent Monitor.

The Monitor shall monitor and review every facet of construction to report what percentage of the goals that are established for minority and female participation are met or exceeded. The Monitor shall report to the Equal Employment Opportunity Office on the compliance of each contractor and subcontractor with the workforce development and diversification goals.

The Monitor shall file monthly reports with the Equal Employment Opportunity Office regarding the actual workforce development and diversification goals, including reporting all instances of non-compliance; make appropriate recommendations to the Equal Employment Opportunity Office when non-compliance is evident with supportive documentation; develop a database of the workforce of each contractor and subcontractor to provide a visual format of each contractor's workforce, both monthly and year-to-date cumulative totals on each construction contract.

Section 7. Compliance.

The Director of Erie County Division of Equal Employment shall ensure that all contractors and subcontractors entering into a construction contract as it is defined herein, maintain records which prove that each construction worker as it is defined herein, signs in and out at the beginning and end of each day, listing next to his or her name his or her craft, and status as journeyman or apprentice, if applicable.

Section 8. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state laws, rules and regulations governing the termination of such contractual agreements.

Section 9. Severability.

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

Section 10. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 11. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

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JULY 13, 2006

ERIE COUNTY LEGISLATURE

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was ~~(approved)(not approved)~~ repassed after disapproval by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph---2-----, above.

K. M. Kelley
 Clerk of the County legislative body, ~~XXXX XXXXX XXXXX XXXX~~
 or officer designated by local legislative body

(Seal)

Date: 7-6-06

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Theresa D. White
 Signature

Assistant County Attorney

Title

County

~~XXXX~~ of Erie
~~XXXX~~
~~XXXX~~

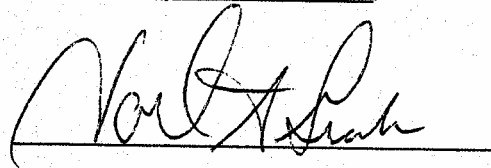
Date: 7/6/06

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A Public Hearing was held on the foregoing Local Law Intro. No. 3-2006 on Thursday, May 25, 2006 at 10:00 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this _____ day of _____, 2006.

A Public Hearing was held on the foregoing Local Law Intro. No. 3-2006 on Thursday, May 25, 2006 at 10:00 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 9th day of June, 2006.



FROM THE NYS DEPT. OF AGRICULTURE

Item 125 – (COMM. 13M-17) EC Agriculture District No. 2

Item 126 – (COMM. 13M-18) EC Agriculture District No. 2

Item 127 – (COMM. 13M-19) EC Agriculture District No. 12

Item 128 – (COMM. 13M-20) EC Agriculture District No. 17

Item 129 – (COMM. 13M-21) EC Agriculture District No. 11

The above five items were received and filed.

MEMORIAL RESOLUTIONS

Item 130 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Margaret Gaughan.

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Item 131 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Edward Billitier.

Item 132 – Ms. Konst requested that when the Legislature adjourns, it do so in memory of Stanley B. Franczyk.

Item 133 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Ellen Grantz.

Item 134 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Mary Sabre.

Item 135 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Michael Buckner.

ADJOURNMENT

Item 136 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. SMITH moved that the Legislature adjourn until Thursday, July 27, 2006 at 2 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 27, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK