

**ERIE COUNTY LEGISLATURE
MEETING NO. 16
SEPTEMBER 20, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was held led by Legislator Kozub.

The Pledge of Allegiance was led by Legislator Kennedy.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – Ms. WHYTE moved to approve the minutes for meetings 11 and 12 of 2007. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. IANNELLO presented a resolution In Remembrance of James J. Coad.

Item 6 – MS. IANNELLO presented a resolution Congratulating Patrick Welch on Being Elected to Vietnam Veterans National Board.

Item 7 – MS. IANNELLO presented a Memorial Resolution for Randall and Rosanne Burgio.

Item 8 – MS. IANNELLO presented a resolution Congratulating Elonora Tiffany for Her 104th Birthday on 9/19/07.

Item 9 – MS. MARINELLI presented a resolution Recognizing the 80th Anniversary of Mount St. Mary Academy and Proclaiming 9/8/07 as "Mount Saint Mary's Day."

Item 10 – MS. MARINELLI presented a resolution Recognizing 9/16/07 - 9/22/07 as National Adult Day Services Week.

Item 11 – MR. KOZUB presented a resolution Honoring Seneca Plumbing and Heating Supply Upon Celebrating Their 75th Anniversary on 9/17/07.

MS. WHYTE presented the above seven items and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above seven items for Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above seven items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 7 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 21 – MR. REYNOLDS presented the following report and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

JULY 31, 2007

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SMITH. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-10 (2007)
COUNTY EXECUTIVE

WHEREAS, the New York State Emergency Management Office has agreed to provide funding in the amount of \$285,079.50 in Federal assistance to assist with the revisions of emergency plans and associated annexes and addendums, and

WHEREAS, these funds are also available for the enhancement to Emergency Operations Centers, and

WHEREAS, Erie County Central Police/Emergency Services is in the process of updating its plans, annexes and addendums, and

WHEREAS, Erie County Central Police/Emergency Services has a need to upgrade its Emergency Operations Center, and

WHEREAS, the grant will fund the cost of equipment, supplies, other expenses and utilizes experienced contractors to evaluate plans.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept this funding and is allowed to authorize the Department of Central Police/Emergency Services to set up a grant to properly account for the receipt and expenditure of \$285,079.50, and be it further

RESOLVED, that the proper equipment, supplies, and other expenses, and contractual fees will be covered under this grant, and be it further

RESOLVED, that these funds will be utilized to update existing plans, annexes, and addendums, and be it further

RESOLVED, that part of these funds will also be utilized to upgrade the Emergency Operations Center at 3359 Broadway, and be it further

RESOLVED, that these funds will also be utilized to purchase the needed equipment, supplies, other expenses and utilizes experienced contractors to evaluate plans, and be it further

RESOLVED, that the following budgetary accounts be authorized in order to complete the above tasks:

**New York State Emergency Management Office
 Grant to Support Disaster Preparedness Initiatives**

	Revenue
SAP414010 Federal Aid-Other	<u>\$285,079.50</u>
Total Revenue	\$285,079.50
Appropriations:	
SAP505000 Office Supplies	\$ 5,000.00
SAP530000 Other Expenses	\$ 1,000.00
SAP510100 Out of Area Travel	\$ 8,079.00
SAP516020 Contractual Svces.	\$ 40,000.00
SAP561410 Lab and Tech. Equipment	<u>\$231,000.50</u>
Total Expenditures	\$285,079.50

and be it further

RESOLVED, that the Director of Budget Management and Finance is hereby authorized to establish and adjust any and all interfund or interdepartmental budgets to facilitate the implementation of this grant, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget, Management and Finance, the Department of Central Police/Emergency Services, the County Comptroller, and the County Attorney.

(4-0)

2. COMM. 14E-23 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County department of Health has been awarded a grant in the amount of \$104,542 from the New York State Department of Health to conduct field epidemiology including case interviews, partner elicitation/notification, counseling and referral services to reduce the morbidity and mortality of sexually transmitted disease, and

WHEREAS, the grant award authorizes budgetary and staffing creation, and

WHEREAS, the New York State Department of Health has approved the creation of two full time Disease Intervention Specialists, JG 6, and

WHEREAS, there are sufficient funds available in the grant to accommodate this staff creation.

NOW, THEREFORE, BE IT

RESOLVED, that two full time positions of Disease Intervention Specialist JG 6 are hereby created on B100 Control # 3089, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health which authorizes the following budgetary items:

STD Disease Intervention 1/1/07 - 12/31/07		
SAP	REVENUE	CURRENT BUDGET
409000	ST AID REVENUE	\$ 104,542.00
	TOTAL	<u><u>\$ 104,542.00</u></u>

EXPENSES

	PERSONAL	
500000	SERVICES	\$ 66,154.00
502000	FRINGE BENEFITS	27,223.00
510000	LOCAL MILEAGE OUT OF AREA	727.00
510100	TRAVEL	1,000.00

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912700	ID - INDIRECTS	9,438.00
	TOTAL	<u>\$ 104,542.00</u>

The following personnel detail is hereby submitted:

TITLE: Disease Intervention Specialist	FUNDING: 100% NYSDOH
JG: 6	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: Recall List
ANNUAL SALARY: \$28,503	
ANNUAL BENEFITS: \$13,612	

and be it further

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

ROBERT B. REYNOLDS
CHAIRMAN

MR. REYNOLDS moved to amend the item to change the attendance by eliminating the reference to "Legislator Smith". MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MR. REYNOLDS moved to approve the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. IANNELLO presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

SEPTEMBER 11, 2007

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 13E-1 (2007)
COMPTROLLER: Potential Change to LL No. 12-1974 – Hotel Occupancy Tax

(4-0)

MICHELE M. IANNELLO
CHAIRPERSON

LEGISLATOR RESOLUTIONS

Item 23 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 16-1 from LEGISLATORS IANNELLO, REYNOLDS, KONST, LOUGHRAN & MARINELLI Re: Designating 10th District Legislator to Erie County Greenway Fund Standing Committee

Item 24 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 16-2 from LEGISLATORS GRANT, KENNEDY, LOCKLEAR, MARINELLI & MAZUR Re: Providing Dedicated Funding for the Arts and Culturals in Erie County to Ensure Viability of Arts and Culturals as an Economic Engine for Erie County

Item 25 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 16-3 from LEGISLATOR REYNOLDS Re: Increase Use of Solar Power in Erie County.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 – MS. WHYTE moved to discharge the PERSONNEL COMMITTEE from further consideration of COMM. 13E-20. MS. KONST seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 228

WHEREAS, the Erie County Department of Health currently coordinates the WNY Coalition for Diabetes Prevention activities on an in-kind basis, and

WHEREAS, the New York State Department of Health now wishes to provide funding to support a dedicated coordinator position, and

WHEREAS, the purpose of this grant is to provide diabetes prevention and self-management activities in the 8 counties of Western New York, and

WHEREAS, the New York State Department of Health has approved a grant revision which includes the creation of one Regular Part Time position of Public Health Educator, JG VIII, and

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

WHEREAS, there are sufficient funds available in the grant budget to accommodate this staffing adjustment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant award from the New York State Department of Health which authorizes a staffing adjustment, and be it further

RESOLVED, that one Regular Part Time position of Public Health Educator, JG VIII, Step 3, is hereby created as indicated on B100 # 3072, and be it further

RESOLVED, the Erie County Legislature hereby authorizes a variable minimum hiring at Step 3, JG VIII – Public Health Educator in order to recruit and retain a qualified individual.

The following personnel detail is hereby submitted:

Title: Public Health Educator RPT	Number of hours to be Worked: 20/wk
JG: VIII	Hourly Wage: \$18.70
County's Share: 0%	Manner in which Position will be Filled: Civil Service
Fringe Benefits: 41.15%	

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

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

CARRIED. (14-1)

Item 27 – MS. WHYTE moved to discharge the PERSONNEL COMMITTEE from further consideration of COMM. 14E-29. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

WHEREAS, the Erie County Department of Health has received a grant award from the New York State Department of Health, Bureau of Community Environmental Health and Food Protection, Center for Environmental Health in the amount of \$398,616 for implementing the “Erie County Lead Poisoning Primary Prevention Pilot Program”, and

WHEREAS, the purpose of the Lead Poisoning Primary Prevention Pilot Program is to identify and address lead hazards in high risk zip codes in Erie County in order to prevent at-risk children from becoming lead poisoned, and

WHEREAS, this will be accomplished through neighborhood surveys, home paint inspections and lead risk assessments, provision of services, distribution of intervention products for hazard control, and education and outreach for property owners and tenants in Erie County, and

WHEREAS, in order to meet the requirements of this program it will be necessary to create one full-time position of Senior Investigating Public Health Sanitarian, JG X, one full-time position of Investigating Public Health Sanitarian, JG VIII, and one full-time position of Senior Clerk Typist, JG IV, and

WHEREAS, the County desires to subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$15,000 for the period 10/1/07 to 9/30/08 for the purpose of providing periodic training courses for lead safe work practices and for clearance sampling and reporting.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Department of Health to accept the grant budgeted as follows:

**Lead Poisoning Primary Prevention Pilot Program
10/1/07 to 9/30/08**

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$398,616</u>
	Total	<u>\$398,616</u>
	 EXPENSES	
500000	Personnel/Salaries	\$153,846
501000	Overtime	7,692
502000	Fringe Benefits	63,723
505000	Supplies (Office)	2,100
505200	Supplies (Clothing)	600
510000	Travel (Local Mileage)	4,365
510100	Travel (Out of Area)	1,500
510200	Training & Education	4,305

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516010	Contractual	15,000
530000	Other Expenses	104,765
561410	Equipment (Lab & Tech)	19,000
561420	Equipment (Office)	1,000
912730	ID Health Lab Services	20,000
980000	DISS Charges	<u>720</u>
	Total	<u>\$398,616</u>

and be it further

RESOLVED, that one (1) full-time position of Senior Investigating Public Health Sanitarian, JG X, one (1) full-time position of Investigating Public Health Sanitarian, JG VIII, and one (1) full-time position of Senior Clerk Typist, JG IV, are hereby created as indicated on B100 number 3091, 3092 and 3093 respectively.

The following personnel detail is hereby submitted:

TITLE: Senior Investigating Public Health Sanitarian

JG: X FUNDING: 100% NYSDOH
STEP: 0 CIVIL SERVICE: Yes
ANNUAL SALARY: \$37,886 CIVIL SERVICE LIST: Yes
ANNUAL BENEFITS: \$15,533

TITLE: Investigating Public Health Sanitarian

JG VIII FUNDING: 100% NYSDOH
STEP: 0 CIVIL SERVICE: Yes
ANNUAL SALARY: \$32,841 CIVIL SERVICE LIST: Yes
ANNUAL BENEFITS: \$13,465

TITLE: Sr. Clerk Typist

JG: IV FUNDING: 100% NYSDOH
STEP: 0 CIVIL SERVICE: Yes
ANNUAL SALARY: \$25,083 CIVIL SERVICE LIST: Yes
FRINGE BENEFIT COST: \$10,284

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$15,000 for the period 10/1/07 to 9/30/08 for the purpose of providing periodic training courses for lead safe work practices and for clearance sampling, and be it further

RESOLVED, that the subcontract with Environmental Education Associates, Inc., is a special service which must be provided immediately and continuously and were originally proposed to the granting agency and are now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

MS. WHYTE moved to amend the item. MR. KENNEDY seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

In the 1st WHEREAS clause **DELETE** “Erie County Lead Poisoning Primary Prevention Pilot Program” and REPLACE with “Erie County Primary Prevention Childhood Lead Poisoning Pilot Program”

In the 2nd WHEREAS clause **DELETE** “Erie County Lead Poisoning Primary Prevention Pilot Program” and REPLACE with “Erie County Primary Prevention Childhood Lead Poisoning Pilot Program”

DELETE the 1st RESOLVED Clause in its entirety and replace with:

Lead Poisoning Primary Prevention Pilot Program
10/1/07 to 9/30/08

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$398,616</u>
	Total	<u>\$398,616</u>
	EXPENSES	
500000	Personnel/Salaries	\$153,846
501000	Overtime	7,692
502000	Fringe Benefits	63,723
505000	Supplies (Office)	2,100
505200	Supplies (Clothing)	600
510000	Travel (Local Mileage)	4,365
510100	Travel (Out of Area)	1,500
510200	Training & Education	4,305
516010	Contractual	15,000
530000	Other Expenses	83,765
561410	Equipment (Lab & Tech)	40,000
561420	Equipment (Office)	1,000
912730	ID Health Lab Services	20,000
980000	DISS Charges	<u>720</u>
	Total	<u>\$398,616</u>

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MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 28 – (COMM. 16E-1) Certificate of Determination - Relative to the Terms, Form and Details of a Statutory Installment Bond in the Principal Amount of \$5.374 Million to be Designated EFC Sewer System Statutory Installment Bond-2007A

Received and filed.

Item 29 – (COMM. 16E-2) Copy of Letter to ECFSA Chair: July 17, 2007 ECFSA Request for Cost Data

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 30 – (COMM. 16E-3) Copy of Letter to ECFSA Chair: Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 31 – (COMM. 16E-4) Interim Financial Report - For the Six Months Ended June 30, 2007

Item 32 – (COMM. 16E-5) Erie County's 2008 Capital Obligation for ECMCC - Bond Resolution

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

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 16E-6) Notice of Public Hearing - Erie County Sewer Districts - 2008 Assessment Rolls

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 34 – (COMM. 16E-7) Copy of Letter to Editor Re: Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 35 – (COMM. 16E-8) Audit of the Dept. of Law - Risk Retention Fund & Professional Services Contracts and Fees Accounts for the Period Jan 1, 2005 to December 31, 2006

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 36 – (COMM. 16E-9) Audit of ECMCC

Received and referred to the HEALTH COMMITTEE.

Item 37 – (COMM. 16E-10) Review of Revenues Derived From Erie County's Sales Tax and the Sharing Thereof With Other Entities

Item 38 – (COMM. 16E-11) Erie County's Financial Position for the First Eight (8) Months of FY2007

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

FROM LEGISLATOR MARINELLI

Item 39 – (COMM. 16E-12) Appointment to the Finance & Management/Budget Committee

Received, Filed and Printed.

September 6, 2007

Mr. Robert Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Please be advised that pursuant to and consistent with the provisions of the 2007 Rules of Order for the Erie County Legislature, Section 3.02, I appoint Legislator Barbara Miller Williams to serve as a member of the Finance & Management/Budget Committee.

Thank you.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

cc: Legislator Barbara Miller Williams

FROM THE COMPTROLLER

Item 40 – (COMM. 16E-13) Bond Resolution - Authorizing the Payment of 2007 Costs From a Judgment Against the County in the Case of ECMCC V. County of Erie

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 14E-14) Senior Services - Authorization to Amend the LTCOP, Senior Aides and Senior Employment Grant Budgets

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 42 – (COMM. 14E-15) Appointment to Erie County Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – (COMM. 14E-16) Appointment to Erie County Board of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 44 – (COMM. 14E-17) Appointment to ECC Board of Trustees

Item 45 – (COMM. 14E-18) 4-Year Successor Agreement - Administrator's Association of ECC

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 46 – (COMM. 14E-19) Social Services - Integrated Domestic Violence Court Advocate

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 47 – (COMM. 14E-20) ECSD Nos. 2 & 6 - Preliminary Design Activities for Energy & Efficiency Upgrades at Wastewater Treatment Facilities

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 14E-21) Social Services - Preventive Services Contract Expansion

Item 49 – (COMM. 14E-22) Social Services - Compeer Mentoring Program

Item 50 – (COMM. 14E-23) Social Services - Expansion of Youth Development
 Delinquency Prevention Contracts

Item 51 – (COMM. 14E-24) Social Services - Professional Services Contracts and Fees
 Budget Transfer

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

Item 52 – (COMM. 14E-25) Social Services - Medicaid Mobility Management Contract

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – (COMM. 14E-26) ECSD No. 2 - Herr Rd., Buffalo Beach and Shorecliff -
 Pumping Station Modification Project

Item 54 – (COMM. 14E-27) WNY Stormwater Coalition - Stormwater Management
 Software

Item 55 – (COMM. 14E-28) Funding for Rail Road Relocation Design and Engineering on
 the Former Bethlehem Steel Site

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

Item 56 – (COMM. 14E-29) Abandonment of State Roads and Bridge to Erie County

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate
 consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

RE: DPW - Como Park Blvd., William St.,
 Dingens St. - Town of Cheektowaga - Request
 to Enter Into an Agreement With The Town of
 Cheektowaga (COMM. 16E-30)

WHEREAS, the County of Erie desires to assist the Town of Cheektowaga to undertake the
 construction of a Town-owned bicycle trail, of which portions will be located within the County
 Highway Right-of-Way on Como Park Boulevard (CR 523), William Street (CR 207) and Dingens
 Street (CR 315), and

WHEREAS, the County and the Town desire to enter into an agreement relating to portions of the construction, operation and maintenance of the Bike Trail which will be located within the County Right-of-Way, and

WHEREAS, the Town is required to pay the County an amount of \$45,000 to cover the costs associated with improvements made to County Right-of-Way to construct the bike trail.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is authorized to enter into an agreement with the Town of Cheektowaga to facilitate the construction of a Town-owned bicycle trail, portions of which will be located within County Right-of-Way, and be it further,

RESOLVED, that the payment of \$45,000 be accepted from the Town of Cheektowaga to the project fund SAP B.00168 for project expenditures, and be it further,

RESOLVED, that fund SAP B.00168 revenues and appropriations be equally increased by the amount of \$45,000 for the purposes of the construction of the Bike Trail, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the Office of the Comptroller.

Item 58 – (COMM. 16E-31) DPW - Transfer of Ownership of "Evans Center" Road Sign

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (COMM. 16E-32) ECSDs 1-6 & 8 - Section 270/271 Resolutions

Item 60 – (COMM. 16E-33) Semi-Annual Attendance Records - Board of Managers

Item 61 – (COMM. 16E-34) Notice of Public Hearing - Erie County Sewer Districts - 2008 Assessment Rolls

Item 62 – (COMM. 16E-35) Notice of Adoption - Erie County Sewer Districts - 2008 Assessment Rolls

Item 63 – (COMM. 16E-36) Revocable Permit Between Erie County and NYS Electric and Gas Corporation

Item 64 – (COMM. 16E-37) ECSD No. 6 - Storm Sewer Rules and Regulations

Item 65 – (COMM. 16E-38) ECSD No. 6 - Intermunicipal Agreement Between Erie County/ECSD No. 6 & the City of Lackawanna

Item 66 – (COMM. 16E-39) ECSD No. 3/8 - 2007 Budget - Transfer of Funds

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

Item 67 – (COMM. 16E-40) PILOT Agreement for Seneca Street Special Needs, Single Room Occupancy

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (COMM. 16E-41) Appointments/Reappointments to the Erie County Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: 18 Mile Creek Cooperative Agreement with
 NYSDEC (COMM. 16E-42)

MS. WHYTE moved to amend the item by adding the following resolution. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Parks, Recreation & Forestry does not have the funding for the development for public access or usage of the County owned Eighteen Mile Creek Park, and

WHEREAS, fishing is a fun recreational activity which is enjoyed by many Erie County families, and

WHEREAS, the New York State Department of Environmental Conservation is willing to enter into an agreement with the County of Erie to develop and manage a public “catch and release” fishing site at Eighteen Mile Creek Park in the Town of Hamburg;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation for the development and management of a public fishing site in Eighteen Mile Creek, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the

Office of the Erie County Comptroller and Assistant County Attorney, Greg Dudek, of the Law Department.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 70 – (COMM. 16D-1) Codification of the Legislation of Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 71 – (COMM. 16D-2) Transmittal of New Claims Against Erie County

Item 72 – (COMM. 16D-3) Transmittal of New Claims Against Erie County

Item 73 – (COMM. 16D-4) Transmittal of New Claims Against Erie County

The above three items were received and filed.

FROM THE BUDGET DIRECTOR

Item 74 – (COMM. 16D-5) BMR for Period Ending 6/30/07

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 75 – (COMM. 16D-6) Transmittal of New Claims Against Erie County

Received and filed.

FROM REAL PROPERTY TAX DIRECTOR

Item 76 – (COMM. 16D-7) Copy of Memo to All School Districts Re: 2007-2008 School Tax Bills

Received and filed.

FROM THE COUNTY ATTORNEY

Item 77 – (COMM. 16D-8) Transmittal of New Claims Against Erie County

Received and filed.

MEETING NO. 16
SEPTEMBER 20, 2007

ERIE COUNTY LEGISLATURE

Item 78 – (COMM. 16D-9) Local Law No. 4-2007

Received, Filed and Printed.

ERIE COUNTY DEPARTMENT OF LAW
MEMORANDUM

TO: Robert Graber, Clerk – Erie County Legislature
FROM: Meredith A. Conner, Assistant County Attorney
RE: Local Law No. 4-2007
DATE: August 14, 2007

Enclosed is a certified original of the above referenced local law for your files.

Enc.

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Erie
- Town _____
- Village _____

Local Law No. 4 of the year 20 07

A local law amending Local Law No. 12-1974 known as the "Erie County Hotel Occupancy Tax Law."
(Insert Title)

Be it enacted by the Legislature of the _____
(Name of Legislative Body)

- County
- City of Erie as follows:
- Town _____
- Village _____

Section 1: LEGISLATIVE INTENT

The purpose of this Local Law is to amend Local Law No. 12-1974 known as the "Erie County Hotel Occupancy Tax Law":

This change would add a new Subdivision C of Section 21 to clarify the intent of the confidentiality provisions set forth in Subdivision B of Section 21. This amendment will clarify that the confidentiality provisions of Subdivision B will only be honored so long as any Person or Operator subject to the reporting, filing and payment provisions of the Hotel Occupancy Tax Law is in compliance with the Hotel Occupancy Tax Law's reporting, filing and payment requirements.

Section 2: AMENDMENT TO ERIE COUNTY LOCAL LAW 12-1974:

NEW SUBDIVISION C OF SECTION 21

(c) In the event that any Person or Operator fails to timely and accurately file a Return and/or collect and remit the tax due and owing to the County, and/or fail(s) to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction on county officers and employees contained in subdivision (b) of this section compelling them to keep certain information secret shall be lifted. Only authorized officers or employees of the Office of Comptroller, Division of Budget and Management, Division of Real Property Tax, and/or Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an Operator, Person or taxpayer's name, including the names of the principals of said Operator and/or taxpayer, and the amount of the delinquency.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(continued from page 1 of Local Law Filing form)

Section 3: EFFECTIVE DATE

Immediately.

Section 4: 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, and shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

(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. 4 of 20 07 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 26, 20 07, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on August 10, 20 07, in accordance with the applicable provisions of law.
(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 _____.
(Elective Chief Executive Officer)*

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.

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.

* 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.

**MEETING NO. 16
SEPTEMBER 20, 2007**

ERIE COUNTY LEGISLATURE

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.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/13/07

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Meredith A. Conner
Signature

Meredith A. Conner

Title

Assistant County Attorney

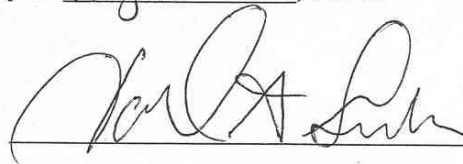
County _____
~~City~~ of Erie
~~Town~~ _____
~~Village~~ _____

Date: 8/13/07

MEETING NO. 16
SEPTEMBER 20, 2007

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2007 on Thursday, August 9, 2007 at 10:15 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 10th day of August, 2007.



A Public Hearing was held on the foregoing Local Law Intro. No. 6-2007 on Thursday, August 9, 2007 at 10:15 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2007.

Item 79 – (COMM. 16D-10) Local Law No. 5-2007

Received, Filed and Printed.

ERIE COUNTY DEPARTMENT OF LAW
MEMORANDUM

TO: Robert Graber, Clerk – Erie County Legislature

FROM: Meredith A. Conner, Assistant County Attorney

RE: Local Law No. 5-2007

DATE: August 14, 2007

Enclosed is a certified original of the above referenced local law for your files.

Enc.

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of Erie

Town

Village

Local Law No. 5 of the year 20 07

A local law entitled The Energy Efficient Products Act which mandates that Erie County only purchase
(Insert Title)
electrical products that are Energy Star rated.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

City of Erie

Town

Village

as follows:

SECTION 1. Findings and Purpose

(A) FINDINGS—The Erie County Legislature finds that:

1. The cost of energy is skyrocketing and will likely continue to increase, as such, Erie County's energy bills will continue to increase.
2. Energy use by municipalities contributes substantially to the problems of pollution and global climate change.
3. Energy costs can be reduced by purchasing energy efficient air conditioning, lights and electrical appliances.

(B) PURPOSE—This law is enacted to more efficiently spend public funds and protect the health and welfare of Erie County residents.

SECTION 2. Definitions

DEFINITIONS. In this section,

1. "Erie County" means every County office, board, commission, committee, bureau, department or public institution of higher education.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Continued from Local Law Filing Form for Local Law No. 5-2007)

2. "Energy Star products" means products that are certified by the United States Department of Energy or the United States Environmental Protection Agency as Energy Star or that are certified under the Federal Energy Management Program.

SECTION 3. Procurement Standards

1. Erie County shall purchase Energy Star products when such products are available. The County may include non-Energy Star rated equipment as an alternate in the bid documents to enable lifecycle costing analysis to be performed as part of the analysis of responsive bids. The County shall be required to award a contract that includes the procurement of Energy Star rated equipment unless the agency can demonstrate, in writing, that the interests of the County would be better served by procuring non-Energy Star rated equipment.

2. Prior to initiating a request for procurement of any product, an agency shall review the specifications for such product to determine whether an Energy Star product is available. If an Energy Star product is available, the agency is required to include in its bid specifications the requirement that the product be an Energy Star product unless the agency can demonstrate, in writing, to the satisfaction of the agency head, that a product with an Energy Star rating meets at least 1 of the following criteria:

- (a) The product is not available competitively,
- (b) The product is not available within a reasonable time frame, or
- (c) The product does not meet appropriate performance standards.

SECTION 4. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 5. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

(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. 5 of 20 07 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 26, 20 07, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on August 16, 20 07, in accordance with the applicable provisions of law.
(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 _____.
(Elective Chief Executive Officer)*

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.

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.
(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.

**MEETING NO. 16
SEPTEMBER 20, 2007**

ERIE COUNTY LEGISLATURE

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.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/28/07

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Meredith A. Conner

Title Assistant County Attorney

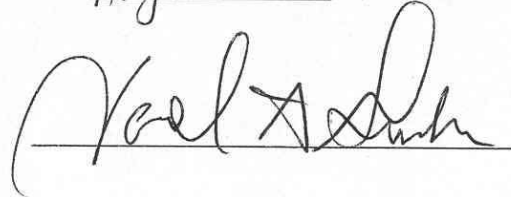
County _____
City of Erie
~~Town~~
~~Village~~

Date: 8/28/07

MEETING NO. 16
SEPTEMBER 20, 2007

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2007 on Thursday, August 9, 2007 at 9:00 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 16th day of August, 2007.



A Public Hearing was held on the foregoing Local Law Intro. No. 4-2007 on Thursday, August 9, 2007 at 9:00 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2007.

Item 80 – (COMM. 16D-11) Local Law No. 6-2007

Received, Filed and Printed.

ERIE COUNTY DEPARTMENT OF LAW
MEMORANDUM

TO: Robert Graber, Clerk – Erie County Legislature
 FROM: Meredith A. Conner, Assistant County Attorney
 RE: Local Law No. 6-2007
 DATE: August 14, 2007

Enclosed is a certified original of the above referenced local law for your files.

Enc.

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Erie
- Town
- Village

Local Law No. 6 of the year 20 07

A local law entitled The Green Buildings Act which adopts LEED standards for the construction or
(Insert Title)
renovation of buildings owned by Erie County.

Be it enacted by the Legislature of the
(Name of Legislative Body)

- County
 - City of Erie
 - Town
 - Village
- as follows:

SECTION 1. Findings and Purpose

FINDINGS—The Erie County Legislature finds that:

1. Energy costs for public buildings are skyrocketing and will likely continue to increase.
2. Energy use by public buildings contributes substantially to the problems of pollution and global climate change.
3. Public buildings can be built and renovated using high-performance methods that save energy costs, preserve the environment, and make workers and students safer and more productive.

(B) PURPOSE—This law is enacted to more efficiently spend public funds and protect the health and welfare of Erie County residents.

SECTION 2. Definitions

DEFINITIONS—In this section:

1. "LEED silver standard" means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as silver standard.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Continued from Local Law Filing Form for Local Law No. 6-2007)

2. "Major facility project" means:

a. A building construction project larger than 2,500 gross square feet of occupied or conditioned space; or

b. A building renovation project when the cost is greater than 50 percent of the assessed value and the project is larger than 2,500 gross square feet of occupied or conditioned space.

3. "Erie County" means every County office, board, commission, committee, bureau, department or public institution of higher education.

SECTION 3.

GREEN BUILDING STANDARDS

All major facility projects of Erie County shall be designed, constructed and certified to at least the LEED silver standard. This provision applies to major facility projects that have not entered the design phase prior to _____, 2007

SECTION 4. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 5. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

(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. 5 of 20 07 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 26, 20 07, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the Erie County Executive and was deemed duly adopted _____
(Elective Chief Executive Officer*)
on August 16, 20 07, in accordance with the applicable provisions of law.

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) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer*)

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.

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) _____
(Name of Legislative Body)
(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.
(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.

**MEETING NO. 16
SEPTEMBER 20, 2007**

ERIE COUNTY LEGISLATURE

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.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/28/07

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

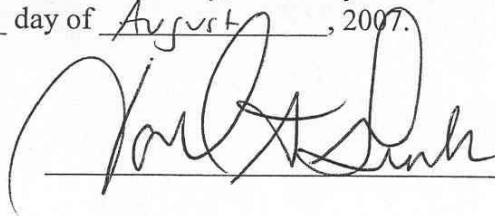
Signature Meredith A. Conner
Title Assistant County Attorney

County _____
~~City~~ of Erie
~~Town~~
~~Village~~
Date: 8/28/07

MEETING NO. 16
SEPTEMBER 20, 2007

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2007 on Thursday, August 9, 2007 at 9:45 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 16th day of August, 2007.



A Public Hearing was held on the foregoing Local Law Intro. No. 5-2007 on Thursday, August 9, 2007 at 9:45 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2007.

FROM THE BUDGET DIRECTOR

Item 81 – (COMM. 16D-12) XSPAND Contract

Item 82 – (COMM. 16D-13) BMR for Period Ending 7/30/07

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

FROM ERIE COMMUNITY COLLEGE

Item 83 – (COMM. 16D-14) ECC Law Enforcement/Police Academy

Received and referred to the PUBLIC SAFETY COMMITTEE.

MEETING NO. 16
SEPTEMBER 20, 2007

ERIE COUNTY LEGISLATURE

FROM THE COUNTY ATTORNEY

Item 84 – (COMM. 16D-15) Audit of the Risk Retention Fund and Professional Services Contract and Fees Accounts for the Period 1/1/05 - 12/31/06

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 85 – (COMM. 16D-16) XSPAND Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 86 – (COMM. 16D-17) Notice from Town of Sardinia - Poor Conditions of County Roads

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 87 – (COMM. 16D-18) Proposed Agenda for 9/20/07

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

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

Item 88 – (COMM. 16M-1) Resolution 233 of May 6, 1975

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 89 – (COMM. 16M-2) NFTA - Compliance W/ FOIL Requirements - Audit Report 2007-S-43

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 90 – (COMM. 16M-3) Notice of Board of Directors Meeting

FROM THE STATE BOARD OF REAL PROPERTY SERVICES

Item 91 – (COMM. 16M-4) List of Certified 2007 State Equalization Rates

Item 92 – (COMM. 16M-5) List of Certified 2007 State Equalization Rates

Item 93 – (COMM. 16M-6) List of Certified 2007 Class Equalization Rates

The above three items were received and filed.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 94 – (COMM. 16M-7) Funding for Group

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 95 – (COMM. 16M-8) Buffalo Architecture & Art Destination Marketing Initiative Six-Month Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 96 – (COMM. 16M-9) Board Minutes for 6/25/07 Meeting

Received and filed.

FROM THE STATE BOARD OF REAL PROPERTY SERVICES

Item 97 – (COMM. 16M-10) List of Certified 2007 State Equalization Rates

Received and filed.

FROM THE LEGAL AID BUREAU

Item 98 – (COMM. 16M-11) Monthly Reports and Monthly Activity Reports for 7/2007

Received and filed.

FROM THE COLLINS TOWN BOARD

Item 99 – (COMM. 16M-12) Certified Reso Re: County Roads

Received and filed.

FROM NYS SENATOR RATH

Item 100 – (COMM. 16M-13) Receipt of Resolution

Received and filed.

FROM ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT

Item 101 – (COMM. 16M-14) Forest Lands Resource Management Proposal

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 102 – (COMM. 16M-15) 17A Report and the Capital Expenditure Reports for the 1st Quarter of FY Ending 3/31/08

Received and filed.

FROM THE NEWSTEAD TOWN BOARD

Item 103 – (COMM. 16M-16) Certified Resolution Re: Crittenden Road Bridge

Received and filed.

FROM THE BOARD OF HEALTH

Item 104 – (COMM. 16M-17) Notice of Meeting

Received and filed.

FROM ASSEMBLYMAN MICHAEL COLE

Item 105 – (COMM. 16M-18) Receipt of Certified Resolution

Received and filed.

FROM COLUCCI & GALLAHER, PC.

Item 106 – (COMM. 16M-19) Erie County Medical Center Corporation

Received and referred to the HEALTH COMMITTEE.

FROM THE BRANT TOWN BOARD

Item 107 – (COMM. 16M-20) Certified Resolution Re: County Roads

Received and filed.

FROM THE TOWN OF ALABAMA

Item 108 – (COMM. 16M-21) Notice of Public Hearing

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 109 – (COMM. 16M-22) NFTA Board Minutes

Received and filed.

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 110 – (COMM. 16M-23) Notice of Board of Directors Meeting

Received and filed.

FROM THE NYS DEPT. OF AGRICULTURE & MARKETS

Item 111 – (COMM. 16M-24) EC Agriculture District No. 9

Received and filed to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO - ASSESSMENT & TAXATION

Item 112 – (COMM. 16M-25) Special Charge Roll

Received and filed.

FROM THE TOWN OF PENBROKE

Item 113 – (COMM. 16M-26) Notice of Public Hearing

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 114 – (COMM. 16M-27) Copy of Resolution Re: Calling Upon Erie County to Request ECFSA Issuance of Bonds to Finance County Capital Expenditures

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 115 – (COMM. 16M-28) Agenda for 9/7/07 Meeting

Received and filed.

FROM THE LEGAL AID BUREAU

Item 116 – (COMM. 16M-29) Monthly Reports and Monthly Activity Report for 8/07

Received and filed.

FROM THE TOWN OF WALES

Item 117 – (COMM. 16M-30) Certified Resolution Re: Urging Erie County to Perform Annual Normal Road Maintenance

Received and filed.

FROM THE ASSN. OF ERIE COUNTY GOVERNMENTS

Item 118 – (COMM. 16M-31) Certified Resolution Re: Support of Sharing \$12.5 Million From the Additional One Percent Sales Tax

Received and filed.

FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 119 – (COMM. 16M-32) Erie County Agricultural District Nos. 2, 6, 8, 12 & 15

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 120 - Legislator Locklear requested that when the Legislature adjourns, it do so in memory of Eleanor Pietszak

Item 121 - Legislator Loughran requested that when the Legislature adjourns, it do so in memory of - Dennis Brinkworth

Item 122 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Robert W. Beck

Item 124 - Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Lawrence C. Moyer.

Item 125 - Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Seymour Strickberger

ADJOURNMENT

Item 126 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 16
SEPTEMBER 20, 2007

ERIE COUNTY LEGISLATURE

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, September 27, 2007 at 2 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, September 27 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE