

**ERIE COUNTY LEGISLATURE
MEETING NO. 25
DECEMBER 6, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was held led by Legislator Loughran.

The Pledge of Allegiance was led by Legislator Weinstein.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of the minutes from Session 22 of 2007. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

None.

LOCAL LAWS

Item 5 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 6 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 7 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

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

GRANTED.

Item 10 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - 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 13 – MS. KONST presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 294

DECEMBER 4, 2007

PERSONNEL COMMITTEE
REPORT NO. 11

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

1. COMM. 20E-9 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department plays an important role in relieving jail overcrowding, and

WHEREAS, the 2008 Executive Recommended Budget added ten (10) new positions in the Alternative to Incarceration cost center to help relieve overcrowding in the Holding Center, and

WHEREAS, the additional positions are consistent with the recommendations of the University of Buffalo's "Alternatives to Incarceration Strategies for Success" study, and

MEETING NO. 25
DECEMBER 6, 2007

ERIE COUNTY LEGISLATURE

WHEREAS, establishment of these positions in November of 2007 will expedite recruitment and training, and

WHEREAS, funds are available within existing 2007 personnel services accounts in the Probation Department due to vacancy savings and are also subject to New York State reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create the following positions in the 2007 Budget of the Department of Probation:

<u>Title</u>	<u>Job Group</u>	<u>Number of Positions</u>	<u>B-100</u>
Probation Supervisor	12	1	#3329
Probation Officer	11	6	#3330
Probation Assistant	7	1	#3328
Senior Clerk Typist	4	2	#3327

and be it further

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

(4-0)

2. COMM. 20E-11 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Charter, Article 14, section 1401, states there shall be a department of Emergency Services, headed by a commissioner, and

WHEREAS, said position is not currently budgeted, and

WHEREAS, sufficient funds exist to create the Commissioner of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create the position of Commissioner of Emergency Services, job group 16, in the Department of Emergency Services, effective December 3, 2007, and be it further

RESOLVED, that approval is provided to appoint Gregory Skibitsky, currently the Deputy Commissioner of Emergency Medical Services, into this new position, and be it further

RESOLVED, that authorization is provided to establish the following funding in order to create the position of Commissioner in the Department of Emergency Services,

**MEETING NO. 25
DECEMBER 6, 2007**

ERIE COUNTY LEGISLATURE

County Wide Budget Fund Center 14010	Increase
Revenue	
400010 Exemption Removal Revenue	\$ 9,640
Department of Emergency Services Fund Center 16700	
Expense	
500000 Full Time Salaries	\$ 6,886
502000 Fringe Benefits	<u>\$ 2,754</u>
Total Expense	\$ 9,640
Net Change	0

And be it further

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

(4-0)

**KATHY KONST
CHAIRPERSON**

LEGISLATOR RESOLUTIONS

None.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 14 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 25E-5 from the County Executive Re: Levy and Apportion of the Erie County Real Property Tax - 2008

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

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

MEETING NO. 25
DECEMBER 6, 2007

ERIE COUNTY LEGISLATURE

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

CARRIED.

RESOLUTION NO. 295

RE: Levy and Apportion of the Erie County
 Real Property Tax - 2008

WHEREAS, the Erie County budget for the year 2008 has been adopted.

NOW, THEREFORE, BE IT

RESOLVED, that the amounts in said County budget that are required to be raised by taxes by this Legislature, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2008; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to apportion said taxes to be raised for such budget against the taxable property liable therefore, as provided by law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Director of Real Property Tax Services, the Director of Budget & Management, the County Comptroller and the County Attorney.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE MINORITY CAUCUS

Item 15 – (COMM. 25E-1) Minority Caucus Budget Amendments

Received and filed.

FROM THE COMPTROLLER

Item 16 – (COMM. 25E-2) 2007 Cash Flow Projection

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR KOZUB

Item 17 – (COMM. 25E-3) Letter to Clerk of Legislature Re: Absence From Session Held 11/30/07

Received, Filed and Printed.

November 29, 2007

MEETING NO. 25
DECEMBER 6, 2007

ERIE COUNTY LEGISLATURE

Hon. Lynn M. Marinelli, Chairperson
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Chairwoman Marinelli:

I write to you today to inform you that I am unable to attend the Special Meeting of the Erie County Legislature that you have called for Friday, November 29, 2007.

Unfortunately, my absence is unavoidable in that a scheduling conflict will prevent me from attending this Special Meeting.

Thank you.

Sincerely,

Daniel M. Kozub
Erie County Legislator – 1st District

FROM THE SHERIFF

Item 18 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 296

RE: Transfer of Funds (COMM. 25E-4)

WHEREAS, The Erie County Sheriffs Office is mandated to provide services to the citizens of Erie County and to provide for the care and well being of the inmates at Erie County Holding Center and the Erie County Correctional Facility, and

WHEREAS, budgeted funds for the year 2007 are not sufficient to provide for the anticipated expenses for the balance of the year, and

WHEREAS, funds are available in various other accounts to cover these shortages, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized:

**MEETING NO. 25
DECEMBER 6, 2007**

ERIE COUNTY LEGISLATURE

<u>Appropriation</u>	<u>Decrease</u>
Business Area 115 -Sheriff's Division	
SAP Account 500000 -Full Time -Salaries	\$ 200,000
SAP Account 516030 -Maintenance Contracts	\$ 1,050
Business Area 116 -Jail Management Division	
SAP Account 500000 -Full Time -Salaries	\$1,190,000
SAP Account 500010 -Part Time -Wages	\$ 90,000
SAP Account 500320 -Uniform Allowance	\$ 55,500
SAP Account 505200 -Clothing Supplies	\$ 35,000
TOTAL DECREASE	\$1,571,550

<u>Appropriation</u>	<u>Increase</u>
Business Area 115 -Sheriff's Division	
SAP Account 500350 -Other Employee Payments	\$ 35,000
SAP Account 501000 -Overtime	\$ 100,000
SAP Account 505600 -Automotive Supplies	\$ 5,000
SAP Account 516020 -Professional Services & Fees	\$ 7,000
SAP Account 530000 -Other Expenses	\$ 52,000
SAP Account 561440 -Motor Vehicles	\$ 10,500

<u>Appropriation</u>	<u>Increase</u>
Business Area 116 -Jail Management Division	
SAP Account 500330 -Holiday Worked	\$ 60,000
SAP Account 500340 -Line-up Pay	\$ 20,000
SAP Account 501000 -Overtime	\$ 800,000
SAP Account 505400 -Food & Kitchen Supplies	\$ 150,000
SAP Account 505800 -Medical & Health Supplies	\$ 200,000
SAP Account 506200 -Maintenance & Repair	\$ 13,000
SAP Account 516010 -Contract Payments	\$ 39,050
SAP Account 516020 -Professional Services & Fees	\$ 80,000
TOTAL INCREASE	\$1,571,550

NET IMPACT **\$ 0.00**

and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Erie County Comptroller's Office and the Office of the Sheriff for implementation.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 19 – (COMM. 25D-1) Levy and Apportionment of the Erie County Real Property Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 20 – (COMM. 25D-2) Transmittal of New Claims Against Erie County

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF EVANS

Item 21 – (COMM. 25M-1) North Evans Fire District

Received and filed.

FROM SENATOR MARY LOU RATH

Item 22 – (COMM. 25M-2) Receipt of Certified Resolution

Received and filed.

FROM ECMCC BOARD OF DIRECTORS

Item 23 – (COMM. 25M-3) Minutes for Meeting Held 11/29/07

Received and referred to the HEALTH COMMITTEE.

FROM THE DISASTER PREPAREDNESS ADVISORY BOARD

Item 24 – (COMM. 25M-4) Emergency Services

Received and filed.

MEMORIAL RESOLUTIONS

Item 25 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Caroline P. "Carol" (Juliano) Lorigo

Item 26 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Priscilla P. (Phipps) Love

MEETING NO. 25
DECEMBER 6, 2007

ERIE COUNTY LEGISLATURE

Item 27 - Legislator Locklear requested that when the Legislature adjourns, it do so in memory of Mrs. Lorigo

Item 28 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Brenda S. Chiappetta.

Item 29 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Donald B. Noell.

ADJOURNMENT

Item 30 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MR. KOZUB moved that the Legislature adjourn until Thursday, December 13, 2007 at 2 p.m. Eastern Standard Time. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, December 13, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE