

MEETING NO. 4
FEBRUARY 5, 2004

ROLL CALL

INVOCATION - Mr. Schroeder

PLEDGE OF ALLEGIANCE - Ms. Cusack

RULES OF THE LEGISLATURE FOR 2004

NOMINATION & ELECTION OF CLERK

DESIGNATION OF NEWSPAPERS

TABLED ITEMS:

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING :

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING:

MISCELLANEOUS RESOLUTIONS:

WEINSTEIN, McCARVILLE &
MINORITY CAUCUS

Honoring NYS Senator Dale
Volker for Being Named
the 2004 SCI State
Legislator of the Year

WEINSTEIN

Saluting Maplewest
Elementary Student Rachel
Gewurz for Finishing 2nd
Place in the National PTA
Refelctions Contest WNY
Regional Finals

MARSHALL

Honoring the Life of
Norman R. Cole, WW II
Veteran & Founder of the
Depew-Elma-Lancaster
Chamber of Commerce

CHASE

Honoring the American Heart Association, WNY for their "Go Red" Campaign

MARINELLI

Congratulating Lynn Vogel Campbell Upon Being Named 2004 "NCEA Catholic Elementary School Distinguished Graduate"

MARINELLI

Honoring Helen G. Jacob of Veterans Hospital Upon Receiving the National Chaplains Award

SMITH

Honoring Helen L. Laporte

SMITH

Celebrating Mrs. Inez Chestnut 100th Birthday

SMITH & HOLT

In Memory of Detective Danny L. Owens

LOCAL LAWS:

REFERENCE

LL INT 1-1 HOLT

01/21/03

A LL Amd EC LL No.5 - 1994, in Rel to Minority-Owned Business & Women-Owned Business Utilization Commitment Contracting with County of Erie

LL INT 1-2 HOLT, SMITH, KUWIK, DALE, SCHROEDER, FISHER, DUSZA, DEBENEDETTI & MARINELLI

02/07/03

A LL Amd EC LL No.5 of 1994, in Rel to Minority-Owned Business & Women-Owned Business Utilization Commitment Contracting with County of Erie

ECONOMIC DEVELOPMENT

LL INT 2-1 DALE, HOLT, FISHER, DEBENEDETTI, SMITH, DUSZA & MARINELLI

01/29/03

A LL Amd LL No.1-1959, Const EC Charter, as Amd, in Rel to Composition of the County Legislative Districts

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| LL INT 8-1 HOLT 04/30/03 | A LL Amd, LL No.1-1959, as Amd, Cons EC Charter Sec 1802, & Adm Code Sec 18.02 Sub f - Duty of EC Executive to Submit Budget & Capital Program | FINANCE & MANAGEMENT |
| LL INT 15-1 LARSON, SWANICK, 11/26/03 McCARVILLE, CHASE, FALKNER & CUSACK | A LL Req Prior Written Notice of Defective, Out of Repair, Unsafe, Dangerous or Obstructed Conditions of Any Street, Etc. & Water, Snow, Etc. | FINANCE & MANAGEMENT |
| LL INT 16-1 RANZENHOFER, SWANICK, 12/02/03 CHASE, McCARVILLE, CUSACK WEINSTEIN & FALKNER | A LL to Create an Employee Suggestion Program in Erie County | GOVERNMENT AFFAIRS |

COMMITTEE REPORTS:

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| REPORT NO. 1 | ECONOMIC DEVELOPMENT |
| REPORT NO. 1 | FINANCE & MANAGEMENT |
| REPORT NO. 1 | COMMUNITY ENRICHMENT |

LEGISLATORS RESOLUTIONS:

REFERENCE

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| INTRO 4-1 MINORITY CAUCUS | Elma (EC#13) Agricultural District Recertification |
| INTRO 4-2 DEBENEDETTI, DUSZA, KUWIK RANZENHOFER, MARSHALL, CHASE, CUSACK, McCARVILLE | Transfer of Public Benefit Funds ADDITIONAL SPONSORS: SWANICK & WEINSTEIN |

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| INTRO 4-3 | RANZENHOFER | Appointment to the Board Directors of EC Soil & Water Conservation District |
| INTRO 4-4 | HOLT, ET AL | Alden, Clarence, Newstead Agricultural District (EC#1) Clarence, Newstead Agricultural District (EC#14) - 8 Year Review |
| INTRO 4-5 | RANZENHOFER | Urging NYS Legislature to Adopt Early Retirement Incentive Legislation for Erie County |
| INTRO 4-6 | MINORITY CAUCUS | Endorsing Mandate Relief for EC by Requesting that NYS Assume Erie County's Share of the Medicaid Program |
| INTRO 4-7 | RANZENHOFER | Consideration for Public Benefit Funding |
| INTRO 4-8 | WEINSTEIN | Consideration for Public Benefit Funding |
| INTRO 4-9 | SWANICK & KUWIK | Requesting Additional Assistance for Recipients of Low Income Home Energy Assistance Program (LIHEAP) |
| INTRO 4-10 | SWANICK | Opposition to Imposition of Additional Tolls on Roads & Highways in WNY |
| INTRO 4-11 | MINORITY CAUCUS | Opposition to Governor Pataki's Proposed 4% Surcharge on Tickets to Sporting Events |

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| INTRO 4-12 | HOLT, SCHROEDER & WROBLEWSKI | Support for the Bass Pro Shop/Intermodal Transpotation Center Project |
| INTRO 4-13 | HOLT, SCHROEDER, DEBENEDETTI & WROBLEWSKI | Support for Buffalo China Employees and the Purchase of Buffalo China's Factory by its Managers |
| INTRO 4-14 | HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI | Support for Reduction & Reform of Public Authorities in NYS |
| INTRO 4-15 | SWANICK | Consideration for Public Benefit Funding |
| INTRO 4-16 | HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI | Implementation of Help America Vote Act |
| INTRO 4-17 | HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI | Erie County's 2004 Pension Costs |
| INTRO 4-18 | HOLT, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI | Problems with the Temporary & Transitional Housing of the Homeless |
| INTRO 4-19 | MARINELLI | Consideration for Public Benefit Funding |
| INTRO 4-20 | HOLT, KUWIK, DUSZA & SMITH | Consideration for Public Benefit Funding |
| INTRO 4-21 | HOLT & MARINELLI | Legislative Personnel Adjustments |
| INTRO 4-22 | HOLT, SCHROEDER, DUSZA, SMITH & WROBLEWSKI | Understaffing in Erie County's Probation Division |

INTRO 4-23 HOLT, MARINELLI, DUSZA, Erie County Workforce &
DEBENEDETTI, SCHROEDER, 2004 Budget Assumptions
SMITH & WROBLEWSKI

INTRO 4-24 SCHROEDER & WROBLEWSKI Ensuring Reinvestment of
Waterfront Revenue in
Buffalo's Outer Harbor
Lands

INTRO 4-25 HOLT, SCHROEDER, SMITH, ECWA & the Buffalo Water
DUSZA & WROBLEWSKI Board/Buffalo Water
Authority

INTRO 4-26 WROBLEWSKI Consideration for Public
Benefit Funding

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE

| COMMUNICATIONS FROM ELECTED OFFICIALS: | | | REFERENCE | |
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| 4 | E- 1 | RANZENHOFER | Minority Staff Appointments | RFP |
| 4 | E- 2 | HOLT | Lease for Legislative Office Space | |
| 4 | E- 3 | COUNTY EXECUTIVE | Appointments/ Reappointments to EC Fire Advisory Board | |
| 4 | E- 4 | COUNTY EXECUTIVE | Approval & Implementation of EC Forestry Management Plan | ENERGY & ENVIRONMENT |
| 4 | E- 5 | COUNTY EXECUTIVE | Health - Healthy Homes Initiative 10/1/03 - 9/30/06 | HUMAN SERVICES |
| 4 | E- 6 | COUNTY EXECUTIVE | Health - Integration of Hepatitis Prevention Services Grant 9/30/02 - 3/31/04 | HUMAN SERVICES |
| 4 | E- 7 | COUNTY EXECUTIVE | Health - Eat Well, Play Hard Youth Physical Activity & Nutrition Improvement Initiative 10/1/03 - 9/30/04 | HUMAN SERVICES |
| 4 | E- 8 | COUNTY EXECUTIVE | Health - WNY Coalition for Diabetes Prevention 4/1/03 - 3/31/04 | HUMAN SERVICES |
| 4 | E- 9 | COUNTY EXECUTIVE | Health - Women's Health Services 4/1/03 - 3/31/04 | HUMAN SERVICES |
| 4 | E- 10 | COUNTY EXECUTIVE | EC Sewer Construction Projects Annual Change Order Report | ENERGY & ENVIRONMENT |
| 4 | E- 11 | COUNTY EXECUTIVE | 2004 Community Develop- ment Block Grant, Emergency Shelter Grant, Home Investment Partner- ship Program & American | ECONOMIC DEVELOPMENT |

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| 4 | E- 12 | COUNTY EXECUTIVE | Erie County Community Development - Commercial Facade Program - Consultant Services | COMMUNITY ENRICHMENT |
| 4 | E- 13 | COUNTY EXECUTIVE | Community Development Block Grant - Household Income Surveys - Second Amendatory Agreement with Stuart Brown Associates | ENERGY & ENVIRONMENT |
| 4 | E- 14 | COUNTY EXECUTIVE | Senior Services - Authorization to Amend Energy Grants Budgets | HUMAN SERVICES |
| 4 | E- 15 | COUNTY EXECUTIVE | Social Services - Full Service Schools Contract Renewals | HUMAN SERVICES |
| 4 | E- 16 | COUNTY EXECUTIVE | Senior Services - Authorization to Establish POMP Grant & Amend ORT Grant | HUMAN SERVICES |
| 4 | E- 17 | COUNTY EXECUTIVE | Senior Services - Authorization to Amend the AAA, III-C-1 & III-E Grant Budgets | HUMAN SERVICES |
| 4 | E- 18 | COUNTY EXECUTIVE | Emergency Services - Authorization to Revise Grant Funding from HUD to Hire a Student Intern | PUBLIC SAFETY |
| 4 | E- 19 | COUNTY EXECUTIVE | ECSD No.2 - Authorization of Easement Acquisition, Town of Evans | ENERGY & ENVIRONMENT |
| 4 | E- 20 | COUNTY EXECUTIVE | ECSD No.1 -Engineering Services Agreements - Work Order - URS-7 Comm. 18E-41 | ENERGY & ENVIRONMENT |
| 4 | E- 21 | COUNTY EXECUTIVE | ECSD No.3 - Eminent Domain Proceedings - Greenmeadow Pumping Station Elimination | ENERGY & ENVIRONMENT |

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| 4 | E- 23 | COUNTY EXECUTIVE | Semi-Annual Attendance Records - Board of Managers, ECSD's | ENERGY & ENVIRONMENT |
| 4 | E- 24 | COUNTY EXECUTIVE | Health - Medical Examiner Division - Division of Criminal Justice Services National Forensic Sciences Improvement Act 10/1/03 - 9/30/04 | HUMAN SERVICES |
| 4 | E- 25 | COUNTY EXECUTIVE | Rath Building Institutional Energy Services Performance Contracting Program - Services by C J Brown Energy | ENERGY & ENVIRONMENT |
| 4 | E- 26 | COUNTY EXECUTIVE | EC Home Water Services Modifications | ECONOMIC DEVELOPMENT |
| 4 | E- 27 | COUNTY EXECUTIVE | Sheriff's Facilities Institutional Energy Services Performance Contracting Program - Integration of HVAC, Fire & Security | ECONOMIC DEVELOPMENT |
| 4 | E- 28 | COUNTY EXECUTIVE | Roof Replacement & Waterproofing of Various County Facilities A/E Supplemental Agreement | ECONOMIC DEVELOPMENT |
| 4 | E- 29 | COUNTY EXECUTIVE | ECC Request to Utilize Capital Chargeback Funds | COMMUNITY ENRICHMENT |
| 4 | E- 30 | COUNTY EXECUTIVE | Reappointments to CPS Board of Trustees | RFP |
| 4 | E- 31 | COUNTY EXECUTIVE | Reappointment to EC Board of Ethics | |
| 4 | E- 32 | COUNTY EXECUTIVE | Reappointments to Emergency Medical Services Advisory Board | R&F |
| 4 | E- 33 | COUNTY EXECUTIVE | Reappointments to Disaster Preparedness Advisory Board | RFP |

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| 4 | E- 35 | COUNTY EXECUTIVE | Reappointments to Cultural Resources Advisory Board | RFP |
| 4 | E- 36 | COUNTY EXECUTIVE | Appointment to EC Traffic Safety Advisory Board | RFP |
| 4 | E- 37 | RANZENHOFER | Letter to Chairman Holt Recommending 2004 Republican Caucus Committee Assignments | R&F |
| 4 | E- 38 | HOLT | 2004 Committee Assignments | RFP |
| 4 | E- 39 | RANZENHOFER | Minority Caucus Appointment to Audit Committee | RFP |
| 4 | E- 40 | RANZENHOFER | Minority Caucus Appointment to Board of Directors of Buffalo-Niagara CVB | RFP |
| 4 | E- 41 | McCARVILLE | Lease for Legislative Office Space | |
| 4 | E- 42 | COMPTROLLER | Apportionment & Distribution of 4% Sales Tax Revenue for 1/04 | FINANCE & MANAGEMENT |
| 4 | E- 43 | SCHROEDER | 2004 Economic Development Committee Agenda | ECONOMIC DEVELOPMENT |
| 4 | E- 44 | COUNTY EXECUTIVE | Dental Waste Management Program | ENERGY & ENVIRONMENT |
| 4 | E- 45 | COUNTY EXECUTIVE | Copy of Letter from Neal Fatin, III Resigning as a Board Member of ECMCC | HUMAN SERVICES |
| 4 | E- 46 | COUNTY EXECUTIVE | PILOT - Watergate II Apartments - 10-12 Hertel Avenue, City of Buffalo | |
| 4 | E- 47 | COUNTY EXECUTIVE | Social Services - Goodwill Industries of | HUMAN SERVICES |

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| 4 | E- 48 | COUNTY EXECUTIVE | Extension of Additional 1% Sales & Compensating Use Tax | |
| 4 | E- 49 | COUNTY EXECUTIVE | District Attorney - Asset Forfeiture Appropriations | PUBLIC SAFETY |
| 4 | E- 50 | COUNTY EXECUTIVE | CPS - Interoperable Communications Equipment Grant | |
| 4 | E- 51 | COUNTY EXECUTIVE | CPS - Designation of the E-911 PSAP to Receive All Wireless 911 Calls - Enhanced Wireless 911 Services Costs - Req. for Expedited Deployment Fund | |
| 4 | E- 52 | COUNTY EXECUTIVE | Personnel - Underfill (Trainee) Authorization | GOVERNMENT AFFAIRS |
| 4 | E- 53 | COUNTY EXECUTIVE | Personnel - Variable Minimums | GOVERNMENT AFFAIRS |
| 4 | E- 54 | COUNTY EXECUTIVE | NYS Weapons of Mass Destruction Task Force Grant | PUBLIC SAFETY |
| 4 | E- 55 | COUNTY EXECUTIVE | OPEN ITEM: ERP Project & Reengineering Proposal | GOVERNMENT AFFAIRS |
| 4 | E- 56 | COUNTY EXECUTIVE | Authorization to Accept Urban Areas Security Grant | PUBLIC SAFETY |
| 4 | E- 57 | COUNTY EXECUTIVE | ECSD Sewerage Management - Personnel Request | ENERGY & ENVIRONMENT |
| 4 | E- 58 | COUNTY EXECUTIVE | Social Services - Friends to the Elderly & Disabled | HUMAN SERVICES |
| 4 | E- 59 | COUNTY EXECUTIVE | Parks - Chestnut Ridge Park Bridge Engineer Supplemental Agreement | ECONOMIC DEVELOPMENT |

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| 4 | E- 61 | COUNTY EXECUTIVE | Appointment to EC Traffic RFP Safety Advisory Board | |
| 4 | E- 62 | COUNTY EXECUTIVE | Appointments to NYS Region 9 Fish & Wildlife Management Board | |
| 4 | E- 63 | COUNTY EXECUTIVE | Reappointments to Senior Services Advisory Board | RFP |
| 4 | E- 64 | COUNTY EXECUTIVE | Reappointments to Home Health Care Advisory Board | RFP |
| 4 | E- 65 | COUNTY EXECUTIVE | Reappointment to EC Sewer Board No.2 | |
| 4 | E- 66 | COUNTY EXECUTIVE | EC Southtowns Sewage Treatment Agency & ECSD Nos. 1 - 6 Engineering Services Agreements | ENERGY & ENVIRONMENT |
| 4 | E- 67 | COUNTY EXECUTIVE | Agreement with M & T Mortgage Corporation Re: Preferred Lender Status for EC First Time Home Buyer Program | ECONOMIC DEVELOPMENT |
| 4 | E- 68 | COUNTY EXECUTIVE | Award of Contract - Zoeller Road Bridge, Town of Alden | ECONOMIC DEVELOPMENT |
| 4 | E- 69 | COUNTY EXECUTIVE | 2003 Mill & Fill Overlay - Contingency Fund Increase | ECONOMIC DEVELOPMENT |
| 4 | E- 70 | COUNTY EXECUTIVE | Establishment of New Grant for Governor's Traffic Safety Committee Police Lifesaver Patrols | PUBLIC SAFETY |
| 4 | E- 71 | COUNTY EXECUTIVE | ECSD No.2 - Change Order No.1 - Route 5 - Lakecrest Gardens Sewer Rehab | ENERGY & ENVIRONMENT |
| 4 | E- 72 | SHERIFF | Personnel Adjustments | |

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| 4 | E- 74 | HOLT | Copy of Letter to ECMCC Board Appointing Non-Voting Member | RFP |
| 4 | E- 75 | HOLT | Majority Caucus Appointment to EC Audit Committee | RFP |
| 4 | E- 76 | HOLT | Majority Caucus Appointment to CVB Board of Directors | RFP |

COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE

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| 4 | D- 1 | ECMC | Copy of Leter to Chairman Holt Re: ECMCC Guaranty Agreement | R&F |
| 4 | D- 2 | COUNTY ATTRONEY | Notices of Claim | GOVERNMENT AFFAIRS |
| 4 | D- 3 | ECC | Minutes from Trustees Meeting Held 1/21/04 | COMMUNITY ENRICHMENT |
| 4 | D- 4 | ECMC | Sale, Purchase & Operating Agreement Between EC & ECMCC | R&F |
| 4 | D- 5 | ECMC | Ground Lease Between EC & R&F ECMCC | |
| 4 | D- 6 | ECMC | Notice of ECMCC Board of Directors Meeting Held 1/20/04 | R&F |
| 4 | D- 7 | ECMC | Notice of ECMCC Board of Directors Meeting Held 1/22/04 | R&F |
| 4 | D- 8 | ECMC | Notice of ECMCC Board of Directors Meeting Held 1/26/04 | R&F |

Minutes from Board of R&F

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| 4 | D- 10 | HEALTH | Notice of Board of Health Meeting to be Held 2/19/04 & Minutes of Meeting Held 11/20/03 | HUMAN SERVICES |
| 4 | D- 11 | COUNTY ATTORNEY | Letter to Legislator DeBenedetti Re: Response to Questions Regarding EC Risk Retention Fund | FINANCE & MANAGEMENT |
| 4 | D- 12 | COUNTY ATTORNEY | Notices of Claim | GOVERNMENT AFFAIRS |
| 4 | D- 13 | HEALTH | NYS Clean Indoor Air Act - EC Waiver Criteria & Application Form | HUMAN SERVICES |
| COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES: | | | | REFERENCE |
| 4 | M- 1 | EIGHTH JUDICIAL DISTRICT ADMINISTRATIVE JUDGE SHARON TOWNSEND | Magnetometer/Security Policy for All Court Buildings in Erie County | PUBLIC SAFETY |
| 4 | M- 2 | NY POWER AUTHORITY | Receipt of Resolution | R&F |
| 4 | M- 3 | EC ENVIRONMENTAL MANAGEMENT COUNCIL | Notice of Meeting Held 1/20/04 & Minutes of Meeting Held 12/16/03 | R&F |
| 4 | M- 4 | NYSDEC | Fact Sheet - Voluntary Clean-Up - Buffalo Business Park - 1800 Broadway | ENERGY & ENVIRONMENT |
| 4 | M- 5 | NYSDEC | Fact Sheet - Remedial Work at Leica, Inc., Eggert Road - Town of Cheektowaga | ENERGY & ENVIRONMENT |
| 4 | M- 6 | NYS FISH & WILDLIFE MANAGEMENT BOARD | Minutes of Meeting Held 12/4/03 | R&F |
| 4 | M- 7 | SENATOR RATH | Receipt of Resolution | R&F |

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| 4 | M- 9 | NYSDEC | Fact Sheet - Update on Spaulding Composite Site, 310 Wheeler Street, City of Tonawanda | ENERGY & ENVIRONMENT |
| 4 | M- 10 | NYS COMPROLLER | Copy of Town of Colden Application for Permission to Establish Water District | ENERGY & ENVIRONMENT |
| 4 | M- 11 | NYS DEPARTMENT OF AGRICULTURE & MARKETS | Notice & Guidelines for Review of Agriculture District No. 1 | R&F |
| 4 | M- 12 | SENATOR VOLKER | Receipt of Resolution | R&F |
| 4 | M- 13 | EC MENTAL HYGIENE COMMUNITY SERVICES BOARD | Notice of Meeting to be Held 2/12/04 & Minutes of Meeting Held 1/15/04 | HUMAN SERVICES |
| 4 | M- 14 | ERIE COUNTY WATER AUTHORITY | Unaudited Comparative Financial Statements for Years Ended 12/31/03 & 12/31/02 | ENERGY & ENVIRONMENT |
| 4 | M- 15 | CONGRESSWOMAN SLAUGHTER | Receipt of Resolution | R&F |
| 4 | M- 16 | ECIDA | Notice of Board of Directors Meeting to be Held 2/11/04 | R&F |
| 4 | M- 17 | NYS DEPARTMENT OF HEALTH | Health Consultation - Off-Site Residential Properties - Former NL Industries Site - Depew | ENERGY & ENVIRONMENT |

MEMORIAL RESOLUTIONS:

ADJOURNMENT: