

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

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**MEETING NO. 4**  
**February 5, 2004**

The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Cusack.

Item 1 – CHAIRMAN HOLT directed that the Rules of Legislature for 2004 be tabled.

Item 2 – CHAIRMAN HOLT called for nominations and election of the Clerk of the Legislature for the year 2004.

MS. MARINELLI placed in nomination for Clerk of the Legislature **Kevin Kelly**. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby designate **KEVIN M. KELLEY** as Clerk of the Erie County Legislature for 2004.

Edward J. Kuwik  
 George A. Holt, Jr.  
 Demone A. Smith  
 Timothy M. Wroblewski

Mark J.F. Schroeder  
 Albert DeBenedetti  
 Raymond K. Dusza  
 Lynn M. Marinelli

MS. MARINELLI moved for the approval of Kevin Kelly as Clerk of the Legislature for 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 3 – CHAIRMAN HOLT directed that the communications designating the Majority Newspaper for the year 2004 be RECEIVED, FILED & PRINTED.

February 5, 2004

We, the undersigned, a Majority of the Majority Caucus of the Erie County Legislature do hereby designate ***The Buffalo Criterion***, published in Buffalo, New York, having general circulation in the County of Erie, as the concurrent newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2004.

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Item 4 – No tabled items.

Item 5 – No items for reconsideration from previous meeting.

Item 6 – MS. MARINELLI moved the approval of the Minutes for Meeting No. 1 of 2004.  
 MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 7 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 8 –WEINSTEIN, McCARVILLE, & MINORITY CAUCUS, ET AL presented a resolution Honoring NYS Senator Dale Volker for Being Named the 2004 SCI State Legislator of the Year. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. WEINSTEIN, ET AL presented a resolution Saluting Maplewest Elementary Student Rachel Gewurz for Finishing 2<sup>nd</sup> Place in the national PTA Reflections Contest WNY Regional Finals. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARSHALL, ET AL presented a resolution Honoring the Life of Norman R. Cole, WW II Veteran & Founder of the Depew-Elma-Lancaster Chamber of Commerce. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. CHASE, ET AL presented a resolution Honoring the American Heart Association, WNY for their “Go Red” Campaign. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. MARINELLI, ET AL presented a resolution Congratulating Lynn Vogel Campbell Upon Being Named 2004 “NCEA Catholic Elementary School Distinguished Graduate”. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. MARINELLI, ET AL presented a resolution Honoring Helen G. Jacob of Veterans Hospital Upon Receiving the National Chaplains Awards. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. SMITH, ET AL presented a resolution Honoring Helen L. Laporte. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. SMITH, ET AL presented a resolution Celebrating Mrs. Inez Chestnut 100<sup>th</sup> Birthday. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 16 – SMITH and HOLT, ET AL presented a resolution In Memory of Detective Danny L. Owens. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – RANZENHOFER, SWANICK, DEBENEDETTI & HOLT, ET AL presented a resolution Honoring Laurie Manzella. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 18 – MS. MARINELLI moved to received and file Local Law No. 1 (Print #1) 2003. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 20 – MS. MARINELLI moved to received and file Local Law No. 2 (Print #1) 2003. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

**COMMITTEE REPORTS**

Item 25 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 27, 2004

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 1

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

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

a. 

|  |      |       |               |
|--|------|-------|---------------|
| Item   | Page | -2003 | (Comm. 10E-7) |
| <b>DALE:</b> Copy of Letter to Legislator Ranzenhofer Re: Intro 9-7. |      |       |               |
| (6-0) Chairman Holt present as Ex-Officio Member.                    |      |       |               |

b. 

|   |      |       |               |
|---|------|-------|---------------|
| Item  | Page | -2003 | (Comm. 11E-7) |
| <b>DALE:</b> Copy of letter to Majority Leader Ranzenhofer Re: Intro 9-7. |      |       |               |
| (6-0) Chairman Holt present as Ex-Officio Member.                         |      |       |               |

c. 

|   |      |       |               |
|---|------|-------|---------------|
| Item  | Page | -2003 | (Comm. 12E-5) |
| <b>DALE:</b> Copy of letter to Ranzenhofer Re: Intro 9-7. |      |       |               |
| (6-0) Chairman Holt present as Ex-Officio Member.         |      |       |               |

d. 

|  |      |       |                |
|--|------|-------|----------------|
| Item   | Page | -2003 | (Comm. 12E-52) |
| <b>COUNTY EXECUTIVE:</b> Copy of Letter to County Attorney Re: Penalties to be Imposed Upon Contractors and/or Subcontractors Who Hire Illegal Aliens on Public Funded Projects. |      |       |                |
| (6-0) Chairman Holt present as Ex-Officio Member.  |      |       |                |

e. 

|   |      |       |               |
|---|------|-------|---------------|
| Item  | Page | -2003 | (Comm. 14E-9) |
| <b>DALE:</b> Copy of Letter to Legislator Ranzenhofer Re: Comm. 11E-7 (2003). |      |       |               |
| (6-0) Chairman Holt present as Ex-Officio Member.                             |      |       |               |

- f.       Item           Page                           -2003           (Comm. 15E-11)  
**DALE:** Copy of Letter to District Attorney Re: Aurora Highway Garage.  
(6-0) Chairman Holt present as Ex-Officio Member.
- g.       Item           Page                           -2003           (Intro. 15-29)  
**DALE:** Creation of an Ad Hoc EC Legislature Investigative Committee into Allegations of  
Wrong Doing and Misapplication of County Funds in DPW.  
(6-0) Chairman Holt present as Ex-Officio Member.
- h.       Item           Page                           -2003           (Comm. 17E-3)  
**DALE:** Copy of Letter to Commissioner of DPW Re: Information Request.  
(6-0) Chairman Holt present as Ex-Officio Member.
- i.       Item           Page                           -2003           (Comm. 17E-5)  
**DALE:** Copy of Letter to Commissioner of DPW Re: Information Request.  
(6-0) Chairman Holt present as Ex-Officio Member.
- j.       Item           Page                           -2003           (Comm. 18E-5)  
**DALE:** Copy of Letter to County Attorney Re: Document Request.  
(6-0) Chairman Holt present as Ex-Officio Member.
- k.       Item           Page                           -2003           (Comm. 18E-6)  
**DALE:** Copy of Letter to County Attorney Re: Information Request.  
(6-0) Chairman Holt present as Ex-Officio Member.
- l.       Item           Page                           -2003           (Comm. 20E-5)  
**DALE:** Copy of Letter to County Attorney Re: Information Request.  
(6-0) Chairman Holt present as Ex-Officio Member.
- m.       Item           Page                           -2003           (Comm. 20E-11)  
**DALE:** Copy of Letter to County Attorney Re: Document Request.  
(6-0) Chairman Holt present as Ex-Officio Member.

**AS AMENDED**

2.       Item           Page                           -2003           (Intro 12-13)  
**DEBENEDETTI, SCHROEDER, KUWIK, MARINELLI, HOLT, DUSZA,**  
**SWANICK, MARSHALL & SMITH**

WHEREAS, a U.S. Immigration and Naturalization Service released in late 2002 found that between 2.95 million and 5.45 million illegal aliens enter the United States every year through guarded ports of entry, with another 3-5 million illegal aliens entering the U.S. through unguarded areas along the border, and

WHEREAS, federal law enforcement officials recently investigated and arrested illegal aliens working at two construction sites in Erie County, and

WHEREAS, federal law enforcement officials only became aware of the presence of the illegal aliens due to investigations and a tip from local organized labor officials, and

WHEREAS, given the proximity of the Canadian border and highly- trafficked bridges and rail links across the Niagara River, and increased border security measures, the fact that private, non-governmental organizations have uncovered undocumented, illegal workers in Erie County raises troubling questions about federal immigration laws and enforcement measures, and

WHEREAS, the employment of illegal aliens on construction sites in Erie County constitutes not only a breakdown in federal law enforcement measures, but a direct threat to the economic well-being of the community and increased unemployment,

NOW, THEREFORE, BE IT

RESOLVED, that in an environment of terrorism and threats to the United States homeland, the Erie County Legislature supports enhanced federal law enforcement measures to ensure that undocumented, illegal aliens or other persons are not permitted to illegally enter the United States, and be it further

RESOLVED, that this Honorable Body supports measures designed to ensure that illegal foreign workers with limited skills are prohibited from illegally working on construction projects in this community, and be it further

RESOLVED, that the Erie County Legislature supports cooperative measures to ensure that local organized workers are employed on construction projects, and thus, supporting the local economy, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Frances Holmes, Buffalo Director of the Bureau of Citizenship and Immigration Services in the U.S. Department of Homeland Security, US Representatives Thomas Reynolds, Jack Quinn, and Louise Slaughter, US Senators Charles Schumer and Hillary Rodham Clinton, and Daniel Boody, President of the Buffalo Building and Construction Trades Council.

(6-0) Chairman Holt Present as Ex-Officio Member.

3. Item Page -2003 (Comm. 25E-23)

**COUNTY EXECUTIVE**

WHEREAS, in May 2001 the Erie County Legislature authorized the County Executive to enter into contracts with URS Corp. specializing in environment services in an amount not to exceed \$75,000.00, and

WHEREAS, the Commissioner of Public Works had determined a need for Industrial Hygiene & Indoor Air Quality Environmental Engineering Services in many of our County facilities, and

WHEREAS, in order to assure these necessary services, the Commissioner of Public Works is requesting a fee allocation increase of \$50,000.00 from \$75,000.00 to \$125,000.00, paid on a time and material project-by-project basis,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to the General Architectural/Engineering contract with the firm of URS Greiner Corp., and be it further

RESOLVED, that payment for said fees be from the Indoor Air Quality Bond Account, Fund 410, Project 294, in the amount of \$50,000.00, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.  
(6-0) Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 1E-37)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on November 14, 2003, for the Erie County Correctional Facility Lock Replacement project, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Erie County Correctional Facility Lock Replacement project as follows:

George A. Keene, Inc.

|                |                   |
|----------------|-------------------|
| Base Bid:      | \$534,614.00      |
| Alternate E -1 | -46,914.00        |
| Alternate E -2 | <u>-35,744.00</u> |
| Total          | \$451,956.00      |

and be it further

RESOLVED, that the sum of \$42,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments from Project 416, Fund 410, and be it further

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

(6-0) Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 1E-38)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovations on May 22, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

WHEREAS, a new floor was added on the eighth floor above the seventh floor existing Legislative Chambers for additional storage for records, and

WHEREAS, miscellaneous design changes were required in Old County Hall, and

WHEREAS, many unforeseen conditions related to asbestos buried piping and conduits in walls and floors and structural conditions have been discovered in Old County Hall, and

WHEREAS, additional work is required in the New Family Court Building to add ductwork sound insulation to reduce the noise level on several floors,

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency fund be increased by \$384,000.00 from \$5,843,195.00 to \$6,227,195.00, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Owner's, Architect/Engineer's Construction Manager's and miscellaneous contingency within Project 164, Fund 410, in the amount of \$300,000.00 be reallocated to the construction contingency to cover the increased costs, and be it further,

RESOLVED, that \$84,000.00 from the New Family Court Building, Project 750, Fund 410, be allocated for additional duct insulation work required in the New Family Court Building to reduce the noise levels, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of Courts Administration.  
 (6-0) Chairman Holt present as Ex-Officio Member.

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6. Item Page -2004 (Comm. 1E-50)

**COUNTY EXECUTIVE**

**WHEREAS**, the County of Erie has been awarded a \$300,000 grant from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) through the Clean Water/Clean Air Bond Act to construct improvements for Tow Path Park, Phase 2; and

**WHEREAS**, the adopted 2004 Erie County Capital Budget includes \$526,000 as a required match for state grant funds for this project;

NOW, THEREFORE, BE IT

**RESOLVED**, that the County Executive is authorized to enter into a contract with NYSOPRHP for \$300,000 for the Tow Path Park Phase 2 project; and be it further

**RESOLVED**, that said funds shall be added to the \$526,000 in the approved 2004 Erie County Capital Budget for said project; and be it further

**RESOLVED**, that due to the County conversion to SAP a project number will be assigned when the conversion is complete, and a total of \$826,000 in funds will be allocated to the project; and be it further

**RESOLVED**, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Parks, Recreation and Forestry, the Commissioner of the Department of Public Works, and the County Attorney.

(6-0) Chairman Holt present as Ex-Officio Member.

**MARK J. F. SCHROEDER**  
**CHAIRMAN**

MR. SCHROEDER moved to separate item #2 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to amend item #2 to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the item as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

January 27, 2004

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 1

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

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

- |      |   |       |               |       |               |
|------|---|-------|---------------|-------|---------------|
| a.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Comm. 2D-13)</td> </tr> </table> <p><b>BUDGET, MANAGEMENT &amp; FINANCE: OPEN ITEM: Correction of Errors on Petitions.</b><br/>         (6-0) Chairman Holt present as Ex-Officio Member.</p>  | Item  | Page          | -2003 | (Comm. 2D-13) |
| Item | Page  | -2003 | (Comm. 2D-13) |       |               |
| b.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Comm. 2D-14)</td> </tr> </table> <p><b>BUDGET, MANAGEMENT &amp; FINANCE: OPEN ITEM: Sale of County-Owned Inventory.</b><br/>         (6-0) Chairman Holt present as Ex-Officio Member.</p>   | Item  | Page          | -2003 | (Comm. 2D-14) |
| Item | Page  | -2003 | (Comm. 2D-14) |       |               |
| c.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Intro. 5-14)</td> </tr> </table> <p><b>DALE: Consideration for Public Benefit Funding.</b><br/>         (6-0) Chairman Holt present as Ex-Officio Member.</p>  | Item  | Page          | -2003 | (Intro. 5-14) |
| Item | Page  | -2003 | (Intro. 5-14) |       |               |
| d.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Intro. 6-13)</td> </tr> </table> <p><b>MINORITY CAUCUS: Plans for Controlling Spending &amp; Containing Costs in County Budget.</b><br/>         (6-0) Chairman Holt present as Ex-Officio Member.</p>                                 | Item  | Page          | -2003 | (Intro. 6-13) |
| Item | Page  | -2003 | (Intro. 6-13) |       |               |
| e.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Intro. 6-16)</td> </tr> </table> <p><b>MINORITY CAUCUS: Support for NYSAC's Efforts to Urge NYS to Cap Mandatory Local Share Contributions to Medicaid Program.</b><br/>         (6-0) Chairman Holt present as Ex-Officio Member.</p> | Item  | Page          | -2003 | (Intro. 6-16) |
| Item | Page  | -2003 | (Intro. 6-16) |       |               |
| f.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Intro. 7-9)</td> </tr> </table> <p><b>MINORITY CAUCUS: Calling for an Early Release of the County Executive's Proposed 2004 Erie County Budget.</b><br/>         (6-0) Chairman Holt present as Ex-Officio Member.</p>                 | Item  | Page          | -2003 | (Intro. 7-9)  |
| Item | Page  | -2003 | (Intro. 7-9)  |       |               |
| g.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Intro. 7-12)</td> </tr> </table> <p><b>MINORITY CAUCUS: Support for Federal Bill S.201, the State and Local Aid &amp; Economic Stimulus Act of 2003.</b></p>   | Item  | Page          | -2003 | (Intro. 7-12) |
| Item | Page  | -2003 | (Intro. 7-12) |       |               |



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- |     |   |      |       |                |
|-----|---|------|-------|----------------|
|     | Item  | Page | -2003 | (MIS. 14-13)   |
| r.  | <b>DALE:</b> Honoring the Boys & Girls Club of Buffalo for its Dedication & Various Contributions to the Community.<br>(6-0) Chairman Holt present as Ex-Officio Member.                            |      |       |                |
|     | Item  | Page | -2003 | (MIS. 14-14)   |
| s.  | <b>DALE:</b> Honoring Ulinski Senior Center for its Dedication & Various Contributions to the Community.<br>(6-0) Chairman Holt present as Ex-Officio Member.                                       |      |       |                |
|     | Item  | Page | -2003 | (MIS. 14-15)   |
| t.  | <b>DALE:</b> Honoring Lincoln Senior Center for its Dedication & Various Contributions to the Community.<br>(6-0) Chairman Holt present as Ex-Officio Member.                                       |      |       |                |
|     | Item  | Page | -2003 | (MIS. 14-16)   |
| u.  | <b>DALE:</b> Honoring Schiller Park Senior Center for its Dedication & Various Contributions to the Community.<br>(6-0) Chairman Holt present as Ex-Officio Member.                                 |      |       |                |
|     | Item  | Page | -2003 | (MIS. 14-17)   |
| v.  | <b>DALE:</b> Honoring the Neighborhood Information Center for its Dedication & Various Contributions to the Community.<br>(6-0) Chairman Holt present as Ex-Officio Member.                         |      |       |                |
|     | Item  | Page | -2003 | (MIS. 14-18)   |
| w.  | <b>DALE:</b> Honoring the Village of Sloan for its Dedication & Various Contributions to the Community.<br>(6-0) Chairman Holt present as Ex-Officio Member.  |      |       |                |
|     | Item  | Page | -2003 | (Intro. 15-30) |
| x.  | <b>DALE:</b> Plan to Cut County Government in Order to Share with the City of Buffalo a Portion of the Sales and Compensation Use Tax Revenue.<br>(6-0) Chairman Holt present as Ex-Officio Member. |      |       |                |
|     | Item  | Page | -2003 | (Comm. 20E-8)  |
| y.  | <b>HOLT:</b> Copy of Letter to Budget Director Re: Budget Monitoring Report.<br>(6-0) Chairman Holt present as Ex-Officio Member.   |      |       |                |
|     | Item  | Page | -2003 | (Comm. 24E-8)  |
| z.  | <b>COMPTROLLER:</b> Apportionment & Distribution of 4% Sales Tax for 11/03.<br>(6-0) Chairman Holt present as Ex-Officio Member.  |      |       |                |
|     | Item  | Page | -2004 | (Comm. 1D-13)  |
| aa. | <b>BUDGET DIRECTOR:</b> Budget Monitoring Report for Period Ending 9/30/03.<br>(6-0) Chairman Holt present as Ex-Officio Member.  |      |       |                |

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Item Page -2004 (Comm. 1E-1)  
bb. **COUNTY CLERK:** Semi-Annual Report of Receipts & Disbursements of Mortgage Tax  
Monies – 4/1/03 - 9/30/03.  
(6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 1E-24)  
cc. **COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for 12/03.  
(6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 1M-13)  
dd. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2003 Class  
Equalization Rates.  
(6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 1M-14)  
ee. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2003 State  
Equalization Rates.  
(6-0) Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 **AS AMENDED**  
(Comm. 1D-21)  
**BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Erie County Director of Real Property Tax Services has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204002 through 204028 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

**FISCAL YEAR** 2004                      Petition No.                      **204001**

THIS PETITION IS RESERVED FOR ALL ERIE COUNTY OWNED PARCELS IN THE VARIOUS TOWNS & CITIES.

**FISCAL YEAR** 2002                      Petition No.                      **204002**

ASSESSOR    **Cancel**                      \$690.06

**S-B-L** 141.11-1-16                      **140900 LACKAWANNA**

Acct. No. 112                      \$690.06    County  
Acct. No. 132                      \$0.00    Town/SpecialDist/School

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**ERIE COUNTY LEGISLATURE**

**Charge To :                    140900 LACKAWANNA                    \$0.00**

CANCEL - CLERICAL ERROR, PROPERTY IS OWNED BY THE CITY OF LACKAWANNA AND IS EXEMPT FROM ERIE COUNTY TAX. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204003**

ASSESSOR                    **Cancel**                    \$70.26

**S-B-L 78.73-5-4                    140200 BUFFALO**

Acct. No. 112                    \$70.26    County  
 Acct. No. 132                    \$0.00    Town/SpecialDist/School

**Charge To :                    140200 BUFFALO                    \$0.00**

CANCEL - CLERICAL ERROR, PARCEL WAS ACQUIRED ON NOVEMBER 25, 2002. THE EXEMPTION FOR THIS PROPERTY 18040 WAS OMITTED FROM THE TAX ROLL. THIS IS PUBLIC HOUSING. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204004**

ASSESSOR                    **Cancel**                    \$1,559.74

**S-B-L 79.62-1-47                    140200 BUFFALO**

Acct. No. 112                    \$1,559.74    County  
 Acct. No. 132                    \$0.00    Town/SpecialDist/School

**Charge To :                    140200 BUFFALO                    \$0.00**

CANCEL - CLERICAL ERROR, THE ECONOMIC DEVELOPEMENT EXEMPTION IN THE AMOUNT OF 605,500 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2002                    Petition No.                    204005**

ASSESSOR                    **Cancel**                    \$86,222.40

**S-B-L 111.19-2-1.2                    140200 BUFFALO**

Acct. No. 112                    \$86,222.40    County  
 Acct. No. 132                    \$0.00    Town/SpecialDist/School

**Charge To :                    140200 BUFFALO                    \$0.00**

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED . THE ASSESSED VALUE USED WAS 8,596,770 AND SHOULD BE 200,000. RPTL 550(2)A















**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

|                           |                            |               |                         |
|---------------------------|----------------------------|---------------|-------------------------|
|                           | Acct. No. 132              | \$534.86      | Town/SpecialDist/School |
|                           | 41854 BASIC STAR EXEMPTION | \$534.86      |                         |
| <b><u>Charge To :</u></b> | <b>146800 WEST SENECA</b>  | <b>\$0.00</b> |                         |

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 17,920 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 CHECK FOR: NANCY K SYRACUSE WEST SENECA CENTRAL  
 (6-0) Chairman Holt present as Ex-Officio Member.

**ALBERT DEBENEDETTI**  
**CHAIRMAN**

MR. DEBENEDETTI moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

January 27, 2004

COMMUNITY ENRICHMENT  
 COMMITTEE  
 REPORT NO. 1

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

1. Item Page -2004 (Comm. 1E-16)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Rebecca L. Mahoney of 135 Seminole Parkway, Cheektowaga, NY 14225 to the Buffalo and Erie County Public Library Board of Trustees for a term to expire December 31, 2008.  
 (6-0) Chairman Holt present as Ex-Officio Member.

**TIMOTHY M. WROBLEWSKI**  
**CHAIRMAN**

MR. WROBLEWSKI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

Re: Elma (EC#13) Agricultural District  
Recertification. (Intro. 4-1)

A RESOLUTION SUBMITTED BY LEGISLATORS MARSHALL,  
McCARVILLE, CHASE, SWANICK, RANZENHOFER, CUSACK & WEINSTEIN

WHEREAS, the Erie County Legislature held a public hearing on July 14, 2003, regarding the 8-year review of the Elma Agricultural District (#13) which was created in 1979 and recertified every 8 years thereafter; and

WHEREAS, the existing Elma Agricultural District boundaries which extend into the Towns of Aurora and Orchard Park were approved with modification and adopted by the Erie County Legislature by resolution on September 25, 2003; and

WHEREAS, the necessary documentation on the Elma Agricultural District was forwarded to the New York State Department of Agriculture and Markets for State review and recertification as required by law; and

WHEREAS, the New York State Department of Agriculture and Markets has notified Erie County of the State recertification in a communication dated December 10, 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the recertified Elma Agricultural District (#13) with modification with its anniversary date of June 20, 2003; and be it further

RESOLVED, that upon adoption, the Clerk of the Legislature be directed to forward a certified copy of this resolution to Erie County Clerk David J. Swarts, Environment and Planning Commissioner Laurence K. Rubin, Nathan L. Rudgers, Commissioner of the New York State Department of Agriculture and Markets (1 Winners Circle, Albany, NY 12235-0001), the New York State Department of Transportation (Buffalo Office, 125 Main Street, Buffalo, NY 14203), and the Supervisor and Clerk of the Towns of Elma, Aurora and Orchard Park.

FISCAL IMPACT: None for resolution.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

Re: Transfer of Public Benefit Funds.  
(Intro. 4-2)

A RESOLUTION SUBMITTED BY LEGISLATORS, DEBENEDETTI, DUSZA,  
KUWIK, RANZENHOFER, CHASE, CUSACK, MARSHALL,  
McCARVILLE, SWANICK & WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$76,282 from the 2003 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

| <u>NAME</u>  | <u>LINE</u> | <u>AMOUNT</u> | <u>SPONSOR</u> |
|--|-------------|---------------|----------------|
| Harris Hill Volunteer Fire Company   | 830/1507    | \$2,500       | RANZENHOFER    |
| Village of Williamsville   | 830/1380    | \$5,000       | WEINSTEIN      |
| Clarence Senior Citizens, Inc.   | 830/1141    | \$5,000       | RANZENHOFER    |
| Erie Regional Housing Development Corporation                              | 830/1053    | \$10,000      | DEBENEDETTI    |
| Literacy Volunteers of America   | 830/0344    | \$5,282       | MINORITY       |
| Town of Grand Island   | 830/0937    | \$8,000       | SWANICK        |
| Town of Boston Band  | 830/        | \$1,000       | CHASE          |
| Boy Scouts of America NTL Council, 380<br>Greater Niagara Frontier Council | 830/        | \$5,000       | CHASE          |
| Hy View Fire District No. 8  | 830/        | \$4,000       | RANZENHOFER    |

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**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

|   |      |          |             |
|---|------|----------|-------------|
| Town of Wales   | 830/ | \$4,000  | MARSHALL    |
| Buffalo Building Trades Development Partnership, Inc. | 830/ | \$2,000  | McCARVILLE  |
| Buffalo Building Trades Development Partnership, Inc. | 830/ | \$2,500  | DUSZA       |
| Buffalo Building Trades Development Partnership, Inc. | 830/ | \$2,500  | KUWIK       |
| Buffalo Building Trades Development Partnership, Inc. | 830/ | \$5,000  | MINORITY    |
| Buffalo Building Trades Development Partnership, Inc. | 830/ | \$10,000 | DEBENEDETTI |
| Roswell Park Alliance Foundation                      | 830/ | \$1,500  | DUSZA       |
| Resurrection Roman Catholic Church Society            | 830/ | \$3,000  | DUSZA       |
|   |      |          |             |
| Total   |      | \$76,282 |             |

And be it further

RESOLVED, that \$3,000 be returned to the Legislature- Contractual fund (110905100830) from Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services- Children's Rehabilitation Foundation of Variety Club of Buffalo, West Seneca Satellite (110921301830), and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Reallocation of 2003 Budgeted Funds

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

## DELETE the resolution in its entirety and REPLACE with the following:

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$73,282 from the 2003 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

| <u>NAME</u>  | <u>LINE</u> | <u>AMOUNT</u> | <u>SPONSOR</u> |
|--|-------------|---------------|----------------|
| Harris Hill Volunteer Fire Company   | 830/1507    | \$2,500       | RANZENHOFER    |
| Village of Williamsville   | 830/1380    | \$5,000       | WEINSTEIN      |
| Clarence Senior Citizens, Inc.   | 830/1141    | \$5,000       | RANZENHOFER    |
| Erie Regional Housing Development Corporation                              | 830/1053    | \$10,000      | DEBENEDETTI    |
| Literacy Volunteers of America   | 830/0344    | \$5,282       | MINORITY       |
| Town of Grand Island   | 830/0937    | \$8,000       | SWANICK        |
| Town of Boston Band  | 830/        | \$1,000       | CHASE          |
| Boy Scouts of America NTL Council, 380<br>Greater Niagara Frontier Council | 830/        | \$5,000       | CHASE          |
| Hy View Fire District No. 8  | 830/        | \$4,000       | RANZENHOFER    |
| Town of Wales  | 830/        | \$4,000       | MARSHALL       |
| Buffalo Building Trades Development<br>Partnership, Inc.                   | 830/        | \$2,000       | McCARVILLE     |
| Buffalo Building Trades Development<br>Partnership, Inc.                   | 830/        | \$2,500       | DUSZA          |
| Buffalo Building Trades Development<br>Partnership, Inc.                   | 830/        | \$2,500       | KUWIK          |
| Buffalo Building Trades Development<br>Partnership, Inc.                   | 830/        | \$5,000       | MINORITY       |
| Buffalo Building Trades Development<br>Partnership, Inc.                   | 830/        | \$10,000      | DEBENEDETTI    |
| Roswell Park Alliance Foundation   | 830/        | \$1,500       | DUSZA          |
|  |             |               |                |
| Total  |             | \$73,282      |                |

And be it further

RESOLVED, that \$3,000 be returned to the Legislature - Contractual fund (110905100830) from Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services - Children's Rehabilitation Foundation of Variety Club of Buffalo, West Seneca Satellite (110921301830), and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Reallocation of 2003 Budgeted Funds

MS. MARINELLI moved for the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

Re: Appointment to the Board Directors of EC  
 Soil & Water Conservation District.  
 (Intro. 4-3)

A RESOLUTION SUBMITTED BY LEGISLATOR RANZENHOFER

**WHEREAS**, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil and Water Conservation District Board of Directors, and

**WHEREAS**, the Legislative Member, Jeanne Chase, term is due to expire on April 10, 2004 and,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby reappoint: Legislator Jeanne Chase 184 Buffalo St. Hamburg, New York 14075

**AND BE IT FURTHER**

**RESOLVED**, that the reappointment of the Legislative Member will serve a one year term that shall take effect on April 10, 2004 and shall expire on April 10, 2005 and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Erie County Soil and Water Conservation District, 50 Commerce Way, East Aurora, NY 14052, Erie County Farm Bureau, 21 S. Grove Street, East Aurora, NY 14052, Jeanne Chase, 184 Buffalo St., Hamburg, New York 14075.

Fiscal Impact: none

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**# DELETE the 1<sup>st</sup> and 3<sup>rd</sup> RESOLVED and REPLACE with the following:**

**RESOLVED**, that the Erie County Legislature does hereby reappoint: Legislator Jeanne Chase 1564 Cain Road, Angola, New York 14006

**RESOLVED**, that certified copies of this resolution be forwarded to the Erie County Soil and Water Conservation District, 50 Commerce Way, East Aurora, NY 14052, Erie County Farm Bureau, 21 S. Grove Street, East Aurora, NY 14052, Jeanne Chase, 1564 Cain Road, Angola, New York 14006.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

Alden, Clarence, Newstead Agricultural District (EC#1) Clarence, Newstead Agricultural District (EC#14) – 8 Year Review. (Intro. 4-4)

A RESOLUTION SUBMITTED BY LEGISLATORS  
 HOLT, MARINELLI, RANZENHOFER, DEBENEDETTI, DUSZA,  
 KUWIK, SCHROEDER, SMITH, WROBLEWSKI, CHASE, CUSACK,  
 MARSHALL, McCARVILLE, SWANICK & WEINSTEIN

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Alden, Clarence, Newstead Agricultural District (EC#1) and the Clarence, Newstead Agricultural District (EC#14), which were created in 1972 and 1980 respectively, and recertified every 8 years thereafter; and

WHEREAS, a copy of an Agricultural District map containing both districts is on file in the County Clerk's office and the Alden, Clarence and Newstead Town Halls.

NOW, THEREFORE, BE IT

**RESOLVED**, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural districts, that notice be posted in at least five conspicuous places within the district, and that notice also be sent to the affected municipalities, being the Towns of Alden, Clarence and Newstead; and be it further

RESOLVED, that after this 30 day period, the Legislature hereby directs the Clerk to refer the two Agricultural Districts to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning and the Towns of Alden, Clarence and Newstead (Supervisor and Town Clerk of each town).

**Fiscal Impact:** To be determined.

**NOTICE OF PROPOSAL FOR THE 8-YEAR  
 ALDEN, CLARENCE, NEWSTEAD AGRICULTURAL DISTRICT (EC#1)  
 CLARENCE, NEWSTEAD AGRICULTURAL DISTRICT (EC#14)**

**PLEASE TAKE NOTICE**, that the Erie County Legislature has received notification of the eight-year review requirement of the Alden, Clarence, Newstead Agricultural District and the Clarence, Newstead Agricultural District which were created on November 18, 1972, and April 9, 1980, respectively, and recertified every 8 years thereafter, pursuant to Article 25-AA of the Agriculture and Markets Law of the State of New York. A map of the two districts are now on file and open to public inspection in the Erie County Clerk's office in Buffalo, NY, and the Alden Town Hall, 3311 Wende Road, Alden, NY; the Clarence Town Hall, One Town Place, Clarence, NY; and the Newstead Town Hall, Church and John Streets, Newstead, NY.

**PLEASE TAKE FURTHER NOTICE**, that any municipality whose territory encompasses these districts which comprise a total of 46,426 acres, may propose a modification to such districts. Any landowner who owns at least ten percent (10%) of the land in a proposed modification of a district (either a proposal to include or delete land in a district) may propose such modification. Any state agency may also propose modification of these districts.

**PLEASE TAKE FURTHER NOTICE**, that any proposed modifications of these districts must be filed with the Clerk of the County of Erie and Clerk of the Erie County Legislature within thirty (30) days after the publication of such notice.

**PLEASE TAKE FURTHER NOTICE**, that at the termination of the thirty (30) day period, any proposed modifications will be submitted to the Erie County Department of Environment and Planning and the Erie County Agricultural and Farmland Protection Board, thereafter, a public hearing will be held on these districts including proposed modifications and recommendations of the said department and board.

MS. MARINELLI moved for the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 32 –CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES – 6, NOES – 9.)

FAILED.

Intro. 4-5 From LEGISLATOR RANZENHOFER Re: Urging the NYS Legislature to Adopt Early Retirement Incentive Legislation for Erie County.

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**# DELETE the Resolution in its ENTIRETY and REPLACE with the following:**

WHEREAS, the 2004 Erie County Budget, passed 16-1 by the Erie County Legislature and promptly signed by County Executive Giambra, relied on certain assurances not unlike other governments and businesses, and

WHEREAS, the Erie County Legislature and County Executive Giambra were given the impression that: 1) New York State was planning to adopt an early retirement incentive for employees of local governments like Erie County; and 2) that numerous Erie County employees would take advantage of an early retirement incentive offered by New York State and retire, and

WHEREAS, Erie County is aware, from internal surveys, that well over 500 County employees are interested in and would be eligible for early retirement if an early retirement incentive was passed by New York State and offered, and

WHEREAS, without such an incentive, the County will have to fully fund the salary of these employees thereby forcing potential layoffs of other employees, and

WHEREAS, it appears from the figures that Erie County will need to have at least 400 employees retire by March 31, 2004 in order for the 2004 Erie County Budget to remain balanced, and

WHEREAS, if these 400 employees don't retire by March 31, 2004, then a commensurate number of employees will need to be laid off, and

WHEREAS, Erie County expects to save \$17.2 million in costs should 400 employees retire by March 31, 2004, and

WHEREAS, if New York State is reluctant to offer an early retirement incentive statewide, then New York State should at least pass an early retirement incentive for Erie County, and

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**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, to date, no early retirement incentive bill has been introduced in the New York State Legislature for consideration,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the New York State Legislature to promptly introduce and consider the passage of an early retirement incentive for local governments, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon Governor Pataki to promptly sign an early retirement incentive for local governments, and be it further

RESOLVED, that should New York State be reluctant to offer an early retirement incentive statewide, then New York State should at least pass an early retirement incentive for Erie County, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, members of the Western New York delegation to the NYS Legislature, County Executive Giambra, Comptroller Naples, Budget Director Passafiume and Personnel Commissioner Greenan.

FISCAL IMPACT: Positive for the 2004 Erie County Budget.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE as amended.

GRANTED.

Item 33 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 4-6 From The MINORITY CAUCUS Re: Endorsing Mandate Relief for EC by Requesting that NYS Assume Erie County's Share of the Medicaid Program.

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

Re: Consideration for Public Benefit Funding.  
 (Intro. 4-7)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR RANZENHOFER

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| NAME OF ORGANIZATION         | RECOMMENDED AMOUNT | SPONSOR     |
|------------------------------|--------------------|-------------|
| Akron Sports League          | \$2,700            | RANZENHOFER |
| Clarence Concert Association | \$5,000            | RANZENHOFER |
| Town of Clarence             | \$3,100            | RANZENHOFER |
| Amherst Task Force           | \$2,000            | RANZENHOFER |
|                              |                    |             |
| TOTAL                        | \$12,800           |             |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

~~#~~ **DELETE** first **WHEREAS** clause in its entirety and **REPLACE** with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under NY County Law and Erie County Local Law No. 3-2002, and

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☞ DELETE the First RESOLVED Clause in its entirety and REPLACE with:

**RESOLVED**, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| <b>NAME OF ORGANIZATION</b>                 | <b>RECOMMENDED AMOUNT</b> | <b>SPONSOR</b> |
|---|---------------------------|----------------|
| Akron Sports (Akron Little League Football) | \$1,650                   | RANZENHOFER    |
| Clarence Concert Association                | \$5,000                   | RANZENHOFER    |
| Town of Clarence                            | \$3,100                   | RANZENHOFER    |
| Amherst Task Force                          | \$2,000                   | RANZENHOFER    |
| <b>TOTAL</b>                                | <b>\$11,750</b>           |                |

MS. MARINELLI moved the approval of the item as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

Consideration for Public Funding.  
(Intro. 4-8)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

**WHEREAS**, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

**WHEREAS**, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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**ERIE COUNTY LEGISLATURE**

| <b>NAME OF ORGANIZATION</b>                      | <b>RECOMMENDED AMOUNT</b> | <b>SPONSOR</b> |
|--|---------------------------|----------------|
| Amherst Public Library                           | \$25,000                  | WEINSTEIN      |
| Amherst Symphony Orchestra                       | \$2,000                   | WEINSTEIN      |
| Amherst Senior Center                            | \$5,000                   | WEINSTEIN      |
| Mathewson McCarthy Youth Baseball                | \$4,000                   | WEINSTEIN      |
| Safe Homes (ECCPASA)                             | \$2,000                   | WEINSTEIN      |
| Amherst Rodent Control                           | \$1,000                   | WEINSTEIN      |
| Williamsville Business Association               | \$2,000                   | WEINSTEIN      |
| Williamsville South High School PTSA             | \$1,000                   | WEINSTEIN      |
| United Irish American Association of Erie County | \$1,000                   | WEINSTEIN      |
| Williamsville East High School PTSA              | \$1,000                   | WEINSTEIN      |
| Amherst Museum                                   | \$2,600                   | WEINSTEIN      |
| Sweet Home Central School District               | \$2,515                   | WEINSTEIN      |
| LeHigh Valley Railroad Depot                     | \$1,000                   | WEINSTEIN      |
| Amherst Heritage Committee                       | \$1,000                   | WEINSTEIN      |
| Amherst Youth Foundation                         | \$2,000                   | WEINSTEIN      |
|  |                           |                |
| <b>TOTAL</b>                                     | <b>\$53,115</b>           |                |

And be it further

**RESOLVED**, that a 2003 Public Benefit Application for \$10,000 for the Town of Amherst (Dog Park) was not successfully completed, and be it further

**RESOLVED**, that the Amherst Youth Foundation is hereby authorized to received a Public Benefit Funding application for 2003 funds in lieu of the Town of Amherst (Dog Park), and be it further

**RESOLVED**, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl, Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None.

MR. WEINSTEIN moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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☞ **DELETE** first (1<sup>st</sup>) **WHEREAS** clause in its entirety and **REPLACE** with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under NY County Law and Erie County Local Law No. 3-2002, and

☞ **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

**RESOLVED**, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| <b>NAME OF ORGANIZATION</b>                           | <b>RECOMMENDED AMOUNT</b> | <b>SPONSOR</b> |
|---|---------------------------|----------------|
| Amherst Public Library                                | \$25,000                  | WEINSTEIN      |
| Amherst Symphony Orchestra                            | \$2,000                   | WEINSTEIN      |
| Amherst Senior Center                                 | \$5,000                   | WEINSTEIN      |
| Mathewson McCarthy Youth Baseball                     | \$4,000                   | WEINSTEIN      |
| Safe Homes (ECCPASA)                                  | \$2,000                   | WEINSTEIN      |
| Amherst Rodent Control                                | \$1,000                   | WEINSTEIN      |
| Williamsville Business Association                    | \$2,000                   | WEINSTEIN      |
| Williamsville South High School PTSA                  | \$1,000                   | WEINSTEIN      |
| United Irish American Association of Erie County      | \$1,000                   | WEINSTEIN      |
| Williamsville East High School PTSA                   | \$1,000                   | WEINSTEIN      |
| Amherst Museum  | \$2,600                   | WEINSTEIN      |
| Sweet Home Central School District                    | \$2,515                   | WEINSTEIN      |
| LeHigh Valley Railroad Depot                          | \$1,000                   | WEINSTEIN      |
| Amherst Heritage Committee                            | \$1,000                   | WEINSTEIN      |
| Amherst Youth Foundation                              | \$2,000                   | WEINSTEIN      |
| Town of Amherst                                       | \$1,000                   | WEINSTEIN      |
| Buffalo Workforce Development Center                  | \$1,000                   | WEINSTEIN      |
| Buffalo Building Trades Development Partnership, Inc. | \$1,000                   | WEINSTEIN      |
| Excalibur Leisure Skills Center                       | \$1,200                   | WEINSTEIN      |
| Literacy Volunteers of America                        | \$1,200                   | WEINSTEIN      |
| <b>TOTAL</b>  | <b>\$58,515</b>           |                |

MR. WEINSTEIN moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

Re: Requesting Additional Assistance  
for Recipients of Low Income Home  
Energy Assistance Program (LIHEAP).  
(Intro. 4-9)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK & KUWIK

WHEREAS, the Low Income Home Energy Assistance Program (LIHEAP) is a federally funded program that has helped low income residents of Erie County stay warm during the winter months by providing assistance with paying utility bills, and

WHEREAS, New York State will be allocating approximately \$25 - \$30 million of the \$223 million total received from the federal government to the local LIHEAP administrators, and

WHEREAS, the local LIHEAP program processes upwards of 45,000 applications from low income persons in any given year, and

WHEREAS, the winter of 2003-2004 has been particularly difficult for low income persons with the challenge of affording to heat homes during the season with utility bills averaging over \$200.00 per month since November/December 2003 due to prolonged steady snowfalls, frigid temperatures, and high winds, and

WHEREAS, the local LIHEAP has received approximately 42,500 applications so far this year and expects to receive approximately 20,000 additional applications before the season ends, and

WHEREAS, the local LIHEAP has already distributed \$17.5 million to needy recipients this winter, and

WHEREAS, many of the applicants have already received their initial grant of \$300.00 from LIHEAP in November 2003 which has long since been expended, and

WHEREAS, some applicants have received an emergency grant of \$360.00 from LIHEAP to avoid utility shut-offs, and

WHEREAS, many of the LIHEAP applicants, those who have received the regular grant and an emergency grant, would be greatly assisted by a small supplemental grant to assist with their high recent and forthcoming heating bills, and

WHEREAS, the conditions of this winter have acutely demonstrated the need for LIHEAP to help those in need of assistance,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to support the Low Income Home Energy Assistance Program and its undertaking to help low income persons in need of assistance in addressing heating costs during winter months, and be it further

RESOLVED, that this Honorable Body does hereby request that LIHEAP make available a small supplemental grant to those who have already received the regular grant and an emergency grant to assist with their high recent and forthcoming heating bills resulting for the extreme conditions of this winter, and be it further

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, the Western New York Delegation to the U.S. House of Representatives, U.S. Senators Charles E. Schumer and Hillary Rodham Clinton, NYS Governor George E. Pataki, Members of the Western New York Delegation to the NYS Legislature, Erie County Executive Joel A. Giambra, Erie County Commissioner of Social Services Deborah Merrifield, Commissioner of Senior Services Pamela Krawczyk, and James Panczykowski.

FISCAL IMPACT: Positive for LIHEAP Recipients.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWAINCK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. SWAINCK seconded.

CARRIED UNANIMOUSLY.

Item 37 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro 4-10 From LEGISLATOR SWANICK Re: Opposition to Imposition of Additional Tolls on Roads & Highways in WNY.

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

Re: Opposition to Governor Pataki's  
 Proposed 4% Surcharge on Tickets to  
 Sporting Events. (Intro. 4-11)

A RESOLUTION SUBMITTED BY LEGISLATORS McCARVILLE, CHASE,  
 RANZENHOFER, SWANICK, WEINSTEIN, CUSACK & MARSHALL

WHEREAS, Governor Pataki's 2004-2005 New York State Budget proposes no overall tax increases for New York residents, and

WHEREAS, the 2004-2005 New York State Budget contains numerous increases in fees and surcharges paid by New York residents as well as some new fees and surcharges, and

WHEREAS, one of the new surcharges would require a 4% surcharge on tickets to professional and college sporting events as well as tickets to amusement parks, and

WHEREAS, the proposed surcharge will not apply to tickets for movies, concerts, plays, racetracks, and boxing matches, and

WHEREAS, the Governor proposes to use the projected \$10 million "drop in the bucket" raised by this surcharge for homeland security efforts out of a \$99.8 billion total budget, and

WHEREAS, the Western New York area is host to numerous professional and college sporting events and amusement parks, and

WHEREAS, the proposed 4% surcharge on tickets to these events and parks will raise the price of these tickets, which are already seen as expensive from their face price and taxes already assessed, and

WHEREAS, an increase in ticket prices will likely cause spectators and patrons to not attend these events and parks and hereby cause serious economic harm to these businesses, and

WHEREAS, several members of the Western New York delegation to the New York State Legislature have expressed doubt and opposition to this proposal by stating that this surcharge pits one entertainment venue against another, and

WHEREAS, the Erie County Legislature would like to lend its voice to this debate by expressing its opposition to this proposal and asking the New York State Legislature to reject this proposed 4% surcharge on tickets to professional and college sporting events and amusement parks,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its opposition to the proposed 4% surcharge on tickets to professional and college sporting events and tickets to amusement parks, and be it further

RESOLVED, that this Honorable Body does hereby request that the New York State Legislature to reject the proposed 4% surcharge on tickets to professional and college sporting events and amusement parks, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor George E. Pataki, Members of the Western New York Delegation to the New York State Legislature, and Erie County Executive Joel A. Giambra.

FISCAL IMPACT: Potentially Positive for Erie County residents.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Re: Support for the Bass Pro Shop / Intermodal  
 Transportation Center Project.  
 (Intro. 4-12)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT,  
 SCHROEDER AND WROBLEWSKI

WHEREAS, there is interest on the part of Bass Pro Shops, Inc. to locate one of their Outdoor World stores in Buffalo, and

WHEREAS, there exists significant public and private support for the establishment of a Bass Pro store in downtown Buffalo, and

WHEREAS, that support is manifested through pledges of financial support from Bass Pro itself, as well federal transportation funds, state funds, and aid/infrastructural assistance from Erie County and the City of Buffalo, and

WHEREAS, recent discussion has centered on the establishment of a Bass Pro Shop, linked to a new intermodal transportation center, the demolition of the aging General Donovan State Office Building, and reuse plans for the Memorial Auditorium including the potential for the creation of a Great Lakes theme museum and a hotel-restaurant complex, and

WHEREAS, such a multi-purpose project would link to the ongoing redevelopment of the Inner Harbor area and could contribute to the cultural and tourism marketing of our community,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature expresses support for the Bass Pro-Intermodal Transportation Center-Memorial Auditorium-Donovan State Office Building project, particularly as it fits into the redevelopment of the Inner Harbor redevelopment, and be it further

RESOLVED, that this Honorable Body calls on the New York State Assembly, New York State Senate and the Governor to revise the memorandum of understanding for the Adelphia project, to redirect funds for the Bass Pro-Intermodal Transportation Center-Memorial Auditorium-Donovan State Office Building project, and be it further

RESOLVED, that the Erie County Legislature requests the appearance of the Deputy County Executive, Budget Director or Commissioner of Environment and Planning to discuss the project and the County's specific role and proposed financial and infrastructural commitment to the project, and be it further

RESOLVED, that certified copies of this resolution be submitted to Governor George Pataki, the Western New York Delegation of the New York State Legislature, Erie County Executive Joel Giambra, Buffalo Mayor Anthony Masiello, Members of the Buffalo Common Council, the local office of Empire State Development, and Bass Pro President John L. Morris (2500 E Kearney St, Springfield, MO 65803).

Fiscal Impact: Not known at this time.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

€# After the 2<sup>nd</sup> **RESOLVED** clause, **ADD** the following:

RESOLVED, that this Honorable Body expresses its appreciation to Congressman Jack Quinn and Buffalo Mayor Anthony Masiello for their efforts in support of the Bass Pro-Intermodal Transportation Center project, and be it further

€# Delete the fourth (4<sup>th</sup>) **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that certified copies of this resolution be submitted to Governor George Pataki, the Western New York Delegation of the New York State Legislature, Congressman Jack Quinn, Erie County Executive Joel Giambra, Buffalo Mayor Anthony Masiello, Members of the Buffalo Common Council, the local office of Empire State Development, and Bass Pro President John L. Morris (2500 E Kearney St, Springfield, MO 65803).

MR. RANZENHOFER moved to further amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

€# **DELETE** the Second **RESOLVED** clause and **REPLACE** with the following:

RESOLVED, that this Honorable Body calls on the New York State Assembly, New York State Senate and the Governor to redirect funds from the Adelphia project for the Bass Pro-Intermodal Transportation Center-Memorial Auditorium-Donovan State Office Building project, and be it further

CHAIRMAN HOLT directed that the above resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE as amended.

GRANTED.

Item 40 – MS. MARINELLI presented the following resolution and moved for consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Re: Support for Buffalo China Employees and  
the Purchase of Buffalo China's Factory by its  
Managers. (Intro. 4-13)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, SCHROEDER,  
DEBENEDETTI AND WROBLEWSKI

WHEREAS, in August 2003, Oneida Ltd., the parent company of Buffalo China, announced plans to close its Buffalo factory, ending a 103-year tradition in Buffalo and resulting in the layoff of close to 400 employees, and

WHEREAS, over the past five years, Buffalo China has received a myriad of federal, state and county financial and other assistance, including bond financing; property and sales tax abatement; federal tariff removal; grants for new equipment, energy improvements and employee training; low-cost hydroelectricity; and placement in Empire Zones, and

WHEREAS, government has an interest in assisting Buffalo China or its successor company to remain in Buffalo and employing local residents, and

WHEREAS, in January 2003, an entity, BC Acquisition Co., led by Buffalo China's Buffalo factory general manager, announced a plan to purchase the Buffalo factory, retain hundreds of jobs, and maintain an operation in Buffalo, and

WHEREAS, as a part of those discussions, BC Acquisition is seeking government support and incentives, including grants, loans and other inducements from state and county government and has stated that its purchase is premised on governmental aid,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the local managers and employees of Buffalo China in their efforts to purchase the Buffalo factory and retain its operations in our community, and be it further

RESOLVED, that this Honorable Body expresses its interest in assisting the new owners and employees through various appropriate means and measures, and be it further

RESOLVED, that the Erie County Legislature requests that the Deputy County Executive, the President of the ECIDA, representatives from Empire State Development, New York State Power Authority, Niagara Mohawk, and NYS Assemblyman Brian Higgins, appear at a future meeting of the Legislature's Economic Development Committee to discuss the County's and ECIDA's roles in this matter and ECIDA or County financial assistance for BC Acquisition Co., and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Deputy County Executive, ECIDA President (275 Oak Street, Buffalo, NY 14203), New York State Power Authority, Empire State Development, Niagara Mohawk, and Assemblyman Brian Higgins.

Fiscal Impact: None for this Resolution.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that the above resolution as amended be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

Re: Support for Reduction & Reform of  
Public Authorities in NYS. (Intro. 4-14)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI,  
DEBENEDETTI, DUSZA, SCHROEDER, SMITH AND WROBLEWSKI

WHEREAS, under New York State law, the State has the ability to create and maintain public authorities, which are legally constituted as public benefit corporations, and

WHEREAS, these authorities are separate from and not departments of state or local government, while their governing bodies are boards of directors or commissioners who are appointed by the Governor or County Executive or the NYS Legislature or the Erie County Legislature, and

WHEREAS, “public authorities are corporate instruments of the State created by the legislature to further public interests,” “legally and administratively autonomous from the State,” and “subject to neither the state constitutional limits on the incurrence of debt nor legislative budget approval process,” and

WHEREAS, according to the New York State Comptroller, these entities issue 90% of the State’s debt, and

WHEREAS, these public authorities operate public transit systems, airports, water and sewer systems, roads, bridges and tunnels, rail systems, ports, energy systems, economic development agencies, and housing, and

WHEREAS, there are some 100 public authorities and public benefit corporations in New York State, and locally, these public authorities include the New York State Thruway, New York Power Authority, Niagara Frontier Transportation Authority, Buffalo and Fort Erie Public Bridge Authority, New York State Dormitory Authority, New York State Energy Research and Development Authority, State or New York Mortgage Agency, New York State Canal Corporation, Roswell Park Cancer Institute Corporation, Erie County Water Authority, and the new Erie County Medical Center Corporation, and

WHEREAS, these authorities are often said to be non-transparent and unresponsive to the communities they serve, occasionally engaging in actions and behavior for which they are not able to be held accountable by the local voters, and residents, and

WHEREAS, New York State Comptroller Alan Hevesi is calling for reform of the state’s public authorities, criticizing their management and hiring practices, noting their secrecy and unresponsiveness to local officials and citizens, and

WHEREAS, Comptroller Hevesi is asking the State Legislature and Governor to create and approve legislation to establish a panel to review the authorities and determine whether they should remain in existence or be merged into existing state departments that perform the same or similar tasks with full accountability,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature expresses its support for accountability and transparency in government – federal, state, county and local – and be it further

**RESOLVED**, that this Honorable Body expresses its support for Comptroller Hevesi’s proposal to establish a bipartisan, independent panel to review the state and local public authorities, and calls on the New York State Assembly and New York State Senate to draft and pass legislation, and the Governor to sign such legislation into law establishing an independent review panel, and be it further

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RESOLVED, that certified copies of this resolution be submitted to the New York State Governor, New York State Assembly Speaker, New York State Senate Majority Leader, to the local delegation of the New York State Legislature, and to the New York State Comptroller.

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**## DELETE the Second WHEREAS clause and REPLACE with the following:**

WHEREAS, these authorities are separate from and not departments of state or local government, while their governing bodies are boards of directors or commissioners who are appointed by the Governor or the County Executive or the NYS Legislature or the Erie County Legislature, and

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY

RESOLUTION NO. 31

Re: Consideration for Public Benefit  
 Funding. (Intro. 4-15)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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| <b>NAME OF ORGANIZATION</b>                          | <b>RECOMMENDED AMOUNT</b> | <b>SPONSOR</b> |
|--|---------------------------|----------------|
| Village of Kenmore                                   | \$20,000                  | SWANICK        |
| Kenmore Town of Tonawanda Chamber of Commerce        | \$2,500                   | SWANICK        |
| Kenmore Town of Tonawanda Union Free School District | \$2,000                   | SWANICK        |
| Town of Grand Island                                 | \$3,000                   | SWANICK        |
| Grand Island Fire Company                            | \$2,700                   | SWANICK        |
| Tonawanda Senior Housing Corp.                       | \$3,000                   | SWANICK        |
| St. Timothy Park Villas                              | \$2,000                   | SWANICK        |
| MUD PIES Children's Museum                           | \$3,000                   | SWANICK        |
| Summit Educational Resources, Inc.                   | \$5,000                   | SWANICK        |
| Vietnam Veterans of America, Inc.                    | \$3,000                   | SWANICK        |
| American Legion Band - Post 264                      | \$3,000                   | SWANICK        |
| Erie County Fire Chiefs Mutual Aid Organization      | \$2,000                   | SWANICK        |
| City of Tonawanda                                    | \$12,300                  | SWANICK        |
| City of Tonawanda Police Department                  | \$3,000                   | SWANICK        |
| City of Tonawanda Court                              | \$5,000                   | SWANICK        |
| City of Tonawanda Recreation Department              | \$5,000                   | SWANICK        |
|  |                           |                |
| <b>TOTAL</b>   | <b>\$76,500</b>           |                |

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the Legislature – Contractual fund (110905100830) to a separate sub-account under agency payments monitored by the Erie County Department of Environment & Planning, General Fund 110, Project 922, Department 302, Account 830 (110922302830), and be it further

RESOLVED, that Erie County will provide \$20,000 toward the Environmental Study of Spaulding Fibre, and be it further

RESOLVED, that Erie County can enter into contract with the ECIDA or various consultants, or the City of Tonawanda for this study, and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public

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Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

## **DELETE** the First **WHEREAS** Clause in its entirety and **REPLACE** with:

**WHEREAS**, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

## **DELETE** the Second **RESOLVED** Clause in its entirety and **REPLACE** with:

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the fund (1109233108050109) to a separate sub-account under agency payments monitored by the Erie County Department of Environment & Planning, General Fund 110, Project 922, Department 302, Account 830 (110922302830), and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro 4-16 From LEGISLATORS HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI Re: Implementation of Help America Vote Act.

Item 44 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro 4-17 From LEGISLATORS HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI Re: Erie County's 2004 Pension Costs.

Item 45 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

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Intro 4-18 From LEGISLATORS HOLT, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI Re: Problems with the Temporary & Transitional Housing of the Homeless.

Item 46 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 32

Re: Consideration for Public Benefit Funding. (Intro. 4-19)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

**WHEREAS**, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

**WHEREAS**, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

| <u>NAME</u>   | <u>RECOMMENDED AMOUNT</u> | <u>SPONSOR</u> |
|---|---------------------------|----------------|
| Buffalo Building Trades Development Partnership, Inc. | \$ 5,000                  | MARINELLI      |
| Parkside Community Association                        | \$10,000                  | MARINELLI      |
| University Heights Community Center                   | \$18,000                  | MARINELLI      |
| North Buffalo Community Development Corp.             | \$20,000                  | MARINELLI      |
| Hertel-North Park Youth Baseball League               | \$15,000                  | MARINELLI      |
| Literacy Volunteers of America/Buffalo/Erie County    | \$ 3,000                  | MARINELLI      |
| Ellwood Fire District No. 1                           | \$15,000                  | MARINELLI      |
| Ken-Ton Meals on Wheels                               | \$ 5,000                  | MARINELLI      |
| YWCA of WNY   | \$ 2,000                  | MARINELLI      |
| Excalibur Leisure Skills Center, Inc.                 | \$ 2,000                  | MARINELLI      |
| Kenilworth Fire District No. 2                        | \$20,000                  | MARINELLI      |
| <b>TOTAL</b>  | <b>\$115,000</b>          |                |

And be it further

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**RESOLVED**, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

**Fiscal Impact: None.**

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

**# DELETE the first (1<sup>st</sup>) RESOLVED Clause and replace with the following:**

RESOLVED, that the Erie County legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

| <u>NAME</u>  | <u>RECOMMENDED AMOUNT</u> | <u>SPONSOR</u> |
|--|---------------------------|----------------|
| Buffalo Building Trades Development Partnership, Inc.    | \$ 5,000                  | MARINELLI      |
| Parkside Community Association                           | \$10,000                  | MARINELLI      |
| University Heights Community Center                      | \$18,000                  | MARINELLI      |
| North Buffalo Community Development Corp.                | \$20,000                  | MARINELLI      |
| Hertel-North Park Youth Baseball League                  | \$15,000                  | MARINELLI      |
| Literacy Volunteers of America/Buffalo/Erie County       | \$ 3,000                  | MARINELLI      |
| Ellwood Fire District No. 1                              | \$15,000                  | MARINELLI      |
| Ken-Ton Meals on Wheels                                  | \$ 5,000                  | MARINELLI      |
| YWCA of WNY  | \$ 2,000                  | MARINELLI      |
| Excalibur Leisure Skills Center, Inc.                    | \$ 2,000                  | MARINELLI      |
| Kenilworth Fire District No. 2                           | \$20,000                  | MARINELLI      |
| Firefighters Guardian Foundation                         | \$12,000                  | MARINELLI      |
| Town of Tonawanda Youth, Parks and Recreation Department | \$15,000                  | MARINELLI      |
| Village of Kenmore Volunteer Fire Department             | \$5,000                   | MARINELLI      |
| <b>TOTAL</b>   | <b>\$147,000</b>          |                |

And be it further

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MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

Re: Consideration for Public Benefit  
Funding. (Intro. 4-20)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, KUWIK, DUSZA AND SMITH

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

**# ADD the following RESOLVED Clauses:**

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

| <u>NAME</u>                                  | <u>RECOMMENDED<br/>AMOUNT</u> | <u>SPONSOR</u> |
|--|-------------------------------|----------------|
| Group Ministries                             | \$100,000                     | HOLT           |
| Polish Community Center (Dulski Center)      | \$2,000                       | KUWIK          |
| Lackawanna Community Boxing, Inc.            | \$1,000                       | KUWIK          |
| Town of Hamburg DARE                         | \$10,000                      | KUWIK          |
| Lackawanna Chamber of Commerce               | \$2,500                       | KUWIK          |
| Lackawanna Community Development Corporation | \$2,500                       | KUWIK          |
| Lackawanna Yemen Soccer Club, Inc.           | \$3,000                       | KUWIK          |
| Lackawanna Little Loop Football              | \$3,000                       | KUWIK          |
| Lackawanna B.O.Y.S. Association              | \$3,000                       | KUWIK          |

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|  |          |       |
|--|----------|-------|
| Lackawanna Recreation Department   | \$3,500  | KUWIK |
| Lackawanna City Drug Court   | \$4,000  | KUWIK |
| Lackawanna DARE  | \$5,000  | KUWIK |
| Village of Blasdell Sidewalks  | \$7,500  | KUWIK |
| Village of Blasdell Freedomfest  | \$1,500  | KUWIK |
| Village of Blasdell National Night-Out   | \$1,500  | KUWIK |
| Woodlawn Community Revitalization  | \$3,500  | KUWIK |
| Hamburg Natural History Society, Inc.  | \$3,000  | KUWIK |
| Bett-Toomey Detachment – Marine Corps League   | \$1,500  | KUWIK |
| Olivencia Community Center   | \$2,000  | KUWIK |
| Lackawanna Department of Public Works  | \$15,000 | KUWIK |
| Lakeshore Little League  | \$3,000  | KUWIK |
| Town of Hamburg Highway Department   | \$15,000 | KUWIK |
| Lackawanna Senior Citizens   | \$2,000  | KUWIK |
| Town of Hamburg Senior Citizens  | \$2,000  | KUWIK |
| Hamburg Chamber of Commerce  | \$2,500  | KUWIK |
| Hamburg Development Companies  | \$2,500  | KUWIK |
| Woodlawn Volunteer Fire Company, Inc.  | \$2,000  | KUWIK |
| Blasdell Volunteer Fire Department   | \$2,000  | KUWIK |
| Lakeshore Volunteer Fire Company   | \$2,000  | KUWIK |
| Big Tree Volunteer Fire Company  | \$2,000  | KUWIK |
| Newton Abbott Volunteer Fire Company   | \$2,000  | KUWIK |
| Lackawanna Food Pantry   | \$1,500  | KUWIK |
| Lackawanna Fire Department   | \$2,000  | KUWIK |
| Hamburg Hawks Hockey   | \$3,000  | KUWIK |
| Miracles Basketball  | \$2,000  | KUWIK |
| Lackawanna Community Development Corporation – Veterans’ Stadium Restoration Project | \$2,000  | KUWIK |
| Character First of Hamburg   | \$500    | KUWIK |
| Lincoln Field Community Center   | \$200    | KUWIK |
| Lincoln Senior Center  | \$500    | KUWIK |
| B.E.S.T. Community   | \$250    | KUWIK |
| Buffalo and Erie County Botanical Gardens Society, Inc.                              | \$2,500  | KUWIK |
| Carnegie/Scranton Recreational Association (Baseball)                                | \$3,000  | KUWIK |
| United Irish/American Association of Erie County - St. Patrick’s Day Parade          | \$1,000  | DUSZA |
| Buffalo Workforce Development Center   | \$1,000  | DUSZA |
| Arts and Education Council   | \$1,000  | DUSZA |
| Buffalo Economic Renaissance Corporation   | \$8,000  | SMITH |
| Buffalo Arts Studio  | \$1,000  | SMITH |
| Buffalo Building and Construction Trades   | \$3,500  |       |

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|   |                  |       |
|---|------------------|-------|
| Council   |                  | SMITH |
| Citizen's Alliance                              | \$5,000          | SMITH |
| C.O.P.S.  | \$2,000          | SMITH |
| Gloria J. Parks Community Center                | \$1,500          | SMITH |
| Group Ministries                                | \$2,000          | SMITH |
| Langston Hughes Institute                       | \$2,000          | SMITH |
| Masten Boys & Girls Club                        | \$2,000          | SMITH |
| Mudpies Children's Museum                       | \$1,500          | SMITH |
| NICYO   | \$5,000          | SMITH |
| Olmsted Parks Conservancy                       | \$2,000          | SMITH |
| St. Phillips Community Center                   | \$3,500          | SMITH |
| Ujima Theatre                                   | \$3,500          | SMITH |
| African American Cultural Center                | \$21,500         | SMITH |
| Delevan-Grider Community Center                 | \$20,000         | SMITH |
| Jusendo Program                                 | \$49,500         | SMITH |
| Kensington Bailey Neighborhood Housing Services | \$8,500          | SMITH |
| Community Action Organization                   | \$38,000         | SMITH |
| <b>TOTAL</b>                                    | <b>\$412,450</b> |       |

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from the Legislature – Contractual Fund (DAC 110905100830) to the Buffalo and Erie County Public Library (Blasdell Public Library and Lakeshore Public Library – DAC 830973420168), and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual Fund (DAC 110905100830) to the Buffalo and Erie County Public Library (Lackawanna Public Library – DAC 830973420169), and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

Re: Legislative Personnel Adjustments.  
(Intro. 4-21)

A RESOLUTION SUBMITTED BY  
LEGISLATORS HOLT AND MARINELLI

WHEREAS, from time to time certain personnel adjustments are necessary to address the staffing needs of the Legislature,

NOW, THEREFORE, BE IT

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**# After the 1<sup>st</sup> WHEREAS clause, ADD the following:**

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) position of PARL LEG RPT, under Function 3000 -Majority Staff -effective February 2, 2004, and be it further

RESOLVED, that the Erie County Legislature does hereby CREATE two (2) new positions of ADMIN CLK LEG, under Function 2000 - Clerk's Staff - Admin effective February 2, 2004, and be it further

RESOLVED, that the funds necessary to effectuate these adjustments are available within the legislature's 2004 budget for Personal Services as a result of restructuring the Majority Staff and the Clerk's Staff, and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

Fiscal Impact: Reorganization of 2004 Personal Services Budget; funding is available within the current personnel services budget, no additional costs anticipated.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

Item 49 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro 4-22 From LEGISLATORS HOLT, SCHROEDER, DUSZA, SMITH & WROBLEWSKI Re: Understaffing in Erie County's Probation Division.

Item 50 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

Re: Erie County Workforce & 2004  
 Budget Assumptions. (Intro. 4-23)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI,  
 DEBENEDETTI, DUSZA, SCHROEDER, SMITH AND WROBLEWSKI

WHEREAS, the Adopted 2004 Erie County Budget includes a \$70 million deficit, some of which is structural, and

WHEREAS, the 2004 Adopted Budget, which the County Executive himself stated is "fragile," addresses the deficit in part, through a variety of assumptions concerning County employee turnover and reductions in force, and

WHEREAS, the budget assumes that \$33-\$35 million in cost savings will occur in 2004 through the early retirement of at least 400 County employees, the "reengineering" of several County departments and offices leading to the layoff or termination of 147 employees, and concessions and changes in the County's health insurance program for employees and retirees, and

WHEREAS, the County Executive, in proposing his budget with the assumption of an early retirement incentive, repeatedly stated that he had received assurances from the Governor and other state officials that the state would introduce, approve and offer an early retirement incentive in 2004, and

WHEREAS, the New York State Governor's 2004-2005 Executive Budget does not include an early retirement incentive, thus endangering and rendering impossible the County Executive's proposal for early retirements, therefore putting the County's 2004 Budget into deficit, threatening the loss of employment for hundreds of dedicated County employees and portending serious reductions in service,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concerns regarding the “fragile” 2004 Adopted Budget given the above-mentioned assumptions and the potential that an early retirement incentive will not be offered, thus leading to layoffs and service reductions, and be it further

RESOLVED, that this Honorable Body respectfully requests that members of the local delegation of the New York State Legislature consider introducing an early retirement incentive, and be it further

RESOLVED, that the Legislature requests the attendance of the Erie County Budget Director, Erie County Comptroller and Erie County Commissioner of Personnel at a future meeting of the Legislature’s Finance and Management Committee to discuss this situation and the options for the County in addressing this situation, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Budget Director, Comptroller, Personnel Commissioner, New York State Governor, and the local delegation of the New York State Legislature.

Fiscal Impact: Not known at this time.

MR. RANZENHOFER moved to amend the resolution. MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE & RANZENHOFER. (AYES 10, NOES 5).

CARRIED.

Item 51 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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GRANTED.

Intro 4-24 From LEGISLATORS SCHROEDER & WROBLEWSKI Re: Ensuring Reinvestment of Waterfront Revenue in Buffalo's Outer Harbor Lands.

Item 52 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro 4-25 From LEGISLATORS HOLT, SCHROEDER, SMITH, DUSZA & WROBLEWSKI Re: ECWA & the Buffalo Water Board/Buffalo Water Authority.

Item 53 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

Re: Consideration for Public Benefit Funding. (Intro. 4-26)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

| <u>NAME</u>                            | <u>RECOMMENDED AMOUNT</u> | <u>SPONSOR</u> |
|--|---------------------------|----------------|
| West Seneca Girls Softball Association | \$ 3,500                  | WROBLEWSKI     |
| <b>TOTAL</b>                           | <b>\$ 3,500</b>           |                |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited

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agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 54 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 24-5. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

Re: Availability of Surplus Computers.

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, RANZENHOFER, FALKNER, McCARVILLE, CHASE, CUSACK, WEINSTEIN & LARSON

WHEREAS, Erie County is undergoing a major technological infrastructure improvement with the standardization and upgrade of personal desktop computers, and

WHEREAS, one of the built-in costs of this technological upgrade is the need to purchase new desktop computers for system access, and

WHEREAS, the purchase of these new desktop computers will result in numerous old desktop computers which will be unusable by the County and the Department of Information and Support Services, and

WHEREAS, the value of these old desktop computers is minimal at best to the County, and

WHEREAS, the cost of proper disposal or storage of these old desktop computers would be cost prohibitive going forward, and

WHEREAS, it would be useful to the County, both fiscally and logistically, that some portion of these old desktop computers be distributed to various public benefit organizations and government agencies, upon written request to the Department of Information and Support Services,

NOW, THEREFORE, BE IT

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RESOLVED, that the Department of Information and Support Services and Bureau of Purchase identify and make available several old desktop computers, made obsolete by the County's ERP project, for distribution to various public benefit organizations and government agencies, upon written request to the Department of Information and Support Services, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Department of Information and Support Services and Bureau of Purchase.

Fiscal Impact: Positive for the County.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**## AFTER the 1<sup>st</sup> RESOLVED Clause, ADD the following:**

RESOLVED, following the receipt of written requests from outside agencies, the Division of Information and Support Services is hereby required to provide this Honorable Body with a complete inventory of surplus computer equipment and the corresponding recommended designation for distribution of said computer equipment, and be it further

RESOLVED, final distribution of county-owned surplus computer equipment is subject to prior legislative approval, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 55 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

GRANTED.

Comm. 4E-77 from CHAIRMAN HOLT Re: Appointment to Central Police Services.

RECEIVED, FILED & PRINTED.

February 3, 2004

Laurie A. Manzella

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Clerk, Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, NY 14202

Re: Appointment to Central Police Services Board

Dear Madam Clerk:

In accordance with Section XI-D-03 of the Erie County Charter I hereby appoint Legislator Edward J. Kuwik to serve as the Legislature's appointment to the Central Police Services Board of Trustees.

Sincerely,

George A. Holt, Jr.  
 Chairman  
 Erie County Legislature

Item 56 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

GRANTED.

Comm. 4E-78 From the COUNTY EXECUTIVE Re: Reappointments to Emergency Medical Services Advisory Board.

RECEIVED, FILED & PRINTED.

February 2, 2004

The Honorable Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Reappointments to Emergency Medical Services Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby reappoint the following individuals to the Emergency Medical Services Board for a two-year term, expiring December 31, 2005.

Douglas H. Baker  
 4959 Sheridan Drive  
 Williamsville, NY 14221

AI Hopkins  
 4165 Oakwood Drive  
 Williamsville, NY 14221

Robert C. Niedermayer  
 44 Christian Drive  
 Cheektowaga, NY 14225

Scott R. Wander  
 56 Hillcrest Drive  
 Holland, NY 14080

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Kurt F. Buranich  
 5468 S. Freeman Road  
 Orchard Park, NY 4127

Douglas Jensen  
 12981 Jennings Road  
 Collins, NY 14034

Denise C. Perry  
 11583 Gowanda State Rd  
 North Collins, NY 14111

Patricia Ware  
 6531 Hillcrest Drive  
 Orchard Park, NY 14127

Nadean Chamberlain  
 2325 Lenox Road  
 Collins, NY 14034

Lance J. Kohn, Sr.  
 37 Dunlop  
 Tonawanda, NY 14150

Diane L. Randazzo  
 17 Westwood Avenue  
 Tonawanda, NY 14150

Sylvia Young  
 P.O. Box 891  
 Buffalo, NY 14205

John R. Gaglione  
 33 Victoria Blvd  
 Kenmore, NY 14217

Patricia J. Kola  
 9905 Broadway Road  
 Gowanda, NY 14070

Josette Teuscher  
 P.O. Box 336  
 Colden, NY 14033

Christopher P. Zak  
 5597 Country Club Lane  
 Hamburg, NY 14075

David A. Guarino  
 98 Treehaven Road  
 West Seneca, NY 14224

Robert E. Malone, Sr.  
 78 Wellington Road  
 Buffalo, NY 14216

Richard Tillotson  
 17 Park Street  
 Buffalo, NY 14201

Very truly yours,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/dar

cc: Appointees

Commissioner Anthony J. Billittier, Health Department  
 Commissioner Michael V. Walters, Emergency Services  
 Deputy Commissioner Gregory W. Skibitsky, Emergency Services

Item 57 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

GRANTED.  
 RESOLUTION NO. 38

Re: Allowing Property Owners to Make  
 Payments and Avoid Foreclosure on Previously-  
 Sold County Property Tax Liens.  
 (Intro. 4-27)

A RESOLUTION SUBMITTED BY LEGISLATORS  
 DEBENEDETTI, MARINELLI & SMITH.

WHEREAS, on June 12, 2003, at the request of the Erie County Executive, and with the approval of the Erie County Comptroller, the Erie County Legislature's Finance and Management Committee approved Communication 11E-13, the private sale of delinquent county tax certificates, to a private, for-profit company, XSPAND, and

WHEREAS, the Legislature approved that sale in session on June 12, 2003, and

WHEREAS, the Director of Budget Management and Finance and the Director of Real Property/Commissioner of Finance sold, transferred, assigned and conveyed to XSPAND, such County-owned tax certificates, representing delinquent real property taxes from 2002 and prior years, and

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WHEREAS, under the arrangement, these unpaid back taxes totaling some \$35 million were said to immediately generate approximately \$20 million in one-time revenue for the County of Erie, as well as some residual income as the private company collected or foreclosed on the properties, and

WHEREAS, under the arrangement, Erie County entered into a three-year contract with XSPAND, and

WHEREAS, in January 2004, some Erie County Legislators began receiving calls from property owners who had not paid their taxes to the County and for which XSPAND has begun proceedings against the properties, and

WHEREAS, many delinquent property owners inquired about paying their County taxes in order to avert foreclosure or action by XSPAND, and

WHEREAS, in the Finance and Management Committee meeting on January 27, 2004, committee members expressed an interest in developing a procedure by which those property owners could partially or fully pay their back taxes, and the Director of Real Property expressed support for that suggestion,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the development of appropriate procedures and policies between the County and XSPAND, to enable delinquent property owners to make county property tax payments after such properties had been transferred to the jurisdiction of XSPAND, and be it further

RESOLVED, that this Honorable Body directs the Commissioner of Finance/Director of Real Property to work with XSPAND to develop a process to allow the collection of such back taxes in which the property owners may retain their properties while fulfilling their legal obligations, and be it further

RESOLVED, that the Erie County Legislature requests that the Commissioner of Finance/Director of Real Property and representatives of XSPAND attend a future meeting of the Legislature's Finance and Management Committee to discuss and resolve this matter, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, Commissioner of Finance/Director of Real Property, and Comptroller.

Fiscal Impact: Positive for Erie County.

MR. KUWIK moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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MR. RANZENHOFER moved the approval of the resolution as amended. MS.  
 MARINELLI seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR RANZENHOFER**

Item 58 – (Comm. 4E-1) Minority Staff Appointments.

RECEIVED, FILED & PRINTED.

January 16, 2004

The Hon. George A. Holt, Jr.  
 Chairman, Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Dear Chairman Holt:

The following have been named to serve as members of the staff of the Minority of the Erie County Legislature:

|                        |   |
|------------------------|---|
| WAHL, HARRY V.         | <i>Chief of Staff -Minority</i>                   |
| MARCHANT, SCOTT D.     | <i>Executive Assistant Legislature</i>            |
| TURNER, CRAIG W.       | <i>First Administrative Assistant Legislature</i> |
| DUQUIN, CHRISTOPHER J. | <i>Administrative Assistant Legislature</i>       |
| MARKS, FRANK L.        | <i>Senior Administrative Clerk</i>                |
| BURKE, BARBARA H       | <i>Administrative Clerk Legislature</i>           |
| SPINO, JOSEPH A.       | <i>Administrative Clerk Legislature</i>           |
| BENNETT, RONALD P.     | <i>Counsel- Legislature RPT</i>                   |

Please be advised, in accordance to Rule 5 of the Erie County Legislature's Rules of Order, I hereby reserve the right to make additional appointments and changes to the Minority Staff positions at a later date.

Very truly yours,

Michael H. Ranzenhofer  
 Minority Leader, Erie County Legislature  
 Legislator -4th District

FROM CHAIRMAN HOLT

Item 59 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

Re: Lease for Legislative Office Space.  
 (Comm. 4E-2)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Towne Gardens Ltd. located at 440 Clinton Street, Buffalo, New York, and Erie County for Legislative Office Space for Erie County Legislator George A. Holt Jr. at a cost of \$625.00 per month.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded. CHAIRMAN HOLT abstained.

CARRIED. (14-0)

Item 60 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

Re: Appointments/Reappointments of EC Fire  
 Advisory Board. (Comm. 4E-3)

RESOLVED, the Erie County Legislature does hereby confirm the following individuals to the Erie County Fire Advisory Board:

| <u>Name</u>  | <u>Term Expires</u> |
|--|---------------------|
| Mr. Bruce Atkins<br>50 Jamaica Road<br>Tonawanda, NY 14150     | December 31, 2005   |
| Mr. Charles Bethge<br>712 Main Street<br>West Seneca, NY 14224 | December 31, 2005   |
| Mr. William B. Boldt<br>36 Lein Road<br>West Seneca, NY 14224  | December 31, 2005   |
| Mr. Michael D'Orazio   | December 31, 2005   |

**MEETING NO. 4**  
**February 5, 2004****ERIE COUNTY LEGISLATURE**

74 Chatham Avenue  
Buffalo, NY 14216

Mr. Raymond Deuel  
8 Airport Road  
Depew, NY 14043

December 31, 2005

Mr. Chris Higgins  
P.O. Box 124  
Wales Center, NY 14169

December 31, 2005

Mr. Richard F. Mariani, Jr.  
100 Lein Road  
West Seneca, NY 14224

December 31, 2005

Mr. William Szewc  
30 Bielak Road  
Orchard Park, NY 14127

December 31, 2005

Mr. Eugene J. Burger  
4032 Ellsworth Avenue  
Hamburg, NY 14075

December 31, 2005

Mr. James R. Carr  
P.O. Box 252  
North Boston, NY 14110

December 31, 2005

Mr. Donald E. Connolly  
116 Kingsbury Lane  
Tonawanda, NY 14150

December 31, 2005

Mr. Keith V. Dillingham  
2161 Shirley Road  
N. Collins, NY 14111

December 31, 2005

Mr. Dennis Gibbs  
10 Nantucket Drive West  
Cheektowaga, NY 14225

December 31, 2005

Mr. Daniel F. Kanunan  
93 King Street  
Tonawanda, NY 14223

December 31, 2005

Mr. Douglas J. Larkin  
5170 Bank Street  
Clarence, NY 14031

December 31, 2005

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

|  |                   |
|--|-------------------|
| Mr. James C. Lawida<br>15 Amherston Drive<br>Buffalo, NY 14221         | December 31, 2005 |
| Mr. Richard M. Litfm<br>7 Washington Street<br>Akron, NY 14001         | December 31, 2005 |
| Mr. Thomas D. Miller<br>439 Fletcher Street<br>Tonawanda, NY 14150     | December 31, 2005 |
| Mr. Paul R. Morley, Sr.<br>59 Sunset Lane<br>Springville, NY 14141     | December 31, 2005 |
| Mr. Robert L. Mueller<br>6471 Broadway<br>Lancaster, NY 14086          | December 31, 2005 |
| Mr. Edward J. Satemus<br>27 Zeller Lane<br>Cheektowaga, NY 14227       | December 31, 2005 |
| Mr. Tony Schueckler<br>231 California Drive<br>Williamsville, NY 14221 | December 31, 2005 |
| Mr. Clinton L. Soemann<br>99 West Cavalier<br>Cheektowaga, NY 14227    | December 31, 2005 |
| Mr. Gerald J. Whittington<br>2391 Bullis Road<br>Elma, NY 14059        | December 31, 2005 |
| Mr. John R. Wicka<br>5791 Apollo Drive<br>Lakeview, NY 14085           | December 31, 2005 |

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 61 – (Comm. 4E-4) Approval & Implementation of EC Forestry Management Plan.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – (Comm. 4E-5) Health – Healthy Homes Initiative 10/1/03 – 9/30/06.

Item 63 – (Comm. 4E-6) Health – Integration of Hepatitis Prevention Services Grant 9/30/02 – 3/31/04.

Item 64 – (Comm. 4E-7) Health – Eat Well, Play Hard Youth Physical Activity & Nutrition Improvement Initiative 10/1/03 – 9/30/04.

Item 65 – (Comm. 4E-8) Health – WNY Coalition for Diabetes Prevention 4/1/03 – 3/31/04.

Item 66 – (Comm. 4E-9) Health – Women’s Health Services 4/1/03 – 3/31/04.

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

Item 67 – (Comm. 4E-10) EC Sewer Construction Projects Annual Change Order Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 68 – (Comm. 4E-11) 2004 Community Development Block Grant, Emergency Shelter Grant, Home Investment Partnership Program & American Dream Downpayment Init.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 69 – (Comm. 4E-12) Erie County Community Development – Commercial Facade Program – Consultant Services.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 70 – (Comm. 4E-13) Community Development Block Grant – Household Income Surveys – Second Amendatory Agreement with Stuart Brown Associates.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 71 – (Comm. 4E-14) Senior Services – Authorization to Amend Energy Grants Budgets.

Item 72 – (Comm. 4E-15) Social Services – Full Service Schools Contract Renewals.

Item 73 – (Comm. 4E-16) Senior Services – Authorization to Establish POMP Grant & Amend ORT Grant.

Item 74 – (Comm. 4E-17) Senior Services – Authorization to Amend the AAA, III-C-1 & III-E Grant Budgets.

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

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

Item 75 – (Comm. 4E-18) Emergency Services – Authorization to Revise Grant Funding from HUD to Hire a Student Intern.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 76 – (Comm. 4E-19) ECSD No.2 – Authorization of Easement Acquisition, Town of Evans.

Item 77 – (Comm. 4E-20) ECSD No.1 – Engineering Services Agreements – Work Order – URS-7 Comm. 18E-41.

Item 78 – (Comm. 4E-21) ECSD No.3 – Eminent Domain Proceedings – Greenmeadow Pumping Station Elimination.

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

Item 79 – (Comm. 4E-22) ECSD No.2 – Route 5 – Lakecrest Gardens Sewer Rehabilitation – Change Order No.1 Sicar Inc.

Received and filed.

Item 80 – (Comm. 4E-23) Semi-Annual Attendance Records – Board of Managers, ECSD's.

Referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 81 – (Comm. 4E-24) Health – Medical Examiner Division – Division of Criminal Justice Services National Forensic Sciences Improvement Act 10/1/03 – 9/30/04.

Referred to the HUMAN SERVICES COMMITTEE.

Item 82 – (Comm. 4E-25) Rath Building Institutional Energy Services Performance Contracting Program – Services by C J Brown Energy.

Referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – (Comm. 4E-26) EC Home Water Services Modifications.

Item 84 – (Comm. 4E-27) Sheriff's Facilities Institutional Energy Services Performance Contracting Program – Integration of HVAC, Fire & Security.

Item 85 – (Comm. 4E-28) Roof Replacement & Waterproofing of Various County Facilities A/E Supplemental Agreement.

The above three items were referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Item 86 – (Comm. 4E-29) ECC Request to Utilize Capital Chargeback Funds.

Referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 87 – (Comm. 4E-30) Reappointment to CPS Board of Trustees.

RECEIVED, FILED & PRINTED.

January 21, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Reappointment to Central Police Services Board of Trustees

Honorable Members:

Pursuant to Article 11-D-03 of the Erie County Administrative Code, I, Joel A. Giambra, Erie County Executive, do hereby reappoint the following individual to the Central Police Services Board of Trustees:

| <u>Name</u>   | <u>Term Expires</u> |
|---|---------------------|
| D. Patrick Curley<br>48 Harvard Place<br>Orchard Park, New York 14127 | December 31, 2004   |

Very truly yours,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/dar

cc: D. Patrick Curley  
 Commissioner Kevin Comerford

Item 88 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

Re: Reappointment to EC Board of Ethics.  
 (Comm. 4E-31)

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Ms. Anne S. Simet at 5068 Lakeshore Road, Hamburg, New York to Erie County Board of Ethics for a Term Expiration on December 31, 2008.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 89 – (Comm. 4E-32) Reappointments to Emergency Medical Services Advisory Board.

Received and filed.

Item 90 – (Comm. 4E-33) Reappointments to Disaster Preparedness Advisory Board.

RECEIVED, FILED & PRINTED.

January 21, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

**Re: Reappointments to Disaster Preparedness Advisory Board**

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint and/or reappoint the following individuals to the Disaster Preparedness Advisory Board for the term expiring December 31, 2005.

**APPOINTMENT**

| <u>NAME &amp; ADDRESS</u>  | <u>TERM EXPIRATION</u> |
|--|------------------------|
| Michael Muscarella<br>257 Commonwealth Avenue<br>Buffalo, NY 14216 | December 31, 2005      |

**REAPPOINTMENTS**

| <u>NAME &amp; ADDRESS</u>                               | <u>TERM EXPIRATION</u> |
|---|------------------------|
| Linda A. Burey<br>1490 Church Street<br>Alden, NY 14004 | December 31, 2005      |

**MEETING NO. 4**  
**February 5, 2004****ERIE COUNTY LEGISLATURE**

|  |                   |
|--|-------------------|
| Donald E. Harder, Jr.<br>14 Hunters Lane<br>Lancaster, NY 14086        | December 31, 2005 |
| Louis G. Henry<br>4549 Copperfield Drive<br>Hamburg, NY 14075          | December 31, 2005 |
| Richard E. Hetrick<br>160 North Pearl Street<br>Buffalo, NY 14202      | December 31, 2005 |
| Michael G. Kerl<br>310 Tudor Blvd.<br>West Seneca, NY 14224            | December 31, 2005 |
| Earl Loder<br>75 Greenleaf Lane<br>Cheektowaga, NY 14225               | December 31, 2005 |
| James R. McSweeney<br>2488 Sylvan Place<br>Niagara Falls, NY 14304     | December 31, 2005 |
| Lucy Mysiak<br>31 Autumn Lane<br>Depew, NY 14043                       | December 31, 2005 |
| Roy M. Scheifla<br>5861 Goodrich Road -4C<br>Clarence Center, NY 14032 | December 31, 2005 |
| Jack W. Sniderhan<br>195 Court Street<br>Buffalo, NY 14202             | December 31, 2005 |
| Kenneth A. Swain<br>18 Girdle Road<br>East Aurora, NY 14052            | December 31, 2005 |
| James J. Zymanek<br>74 Orchard Street<br>Williamsville, NY 14221       | December 31, 2005 |

Very truly yours,

JOEL A. GIAMBRA

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

ERIE COUNTY EXECUTIVE

JAG/dar

cc: Appointees  
 Commissioner Michael Walters  
 Deputy Commissioner Dean Messing

Item 91 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

Re: Reappointments to EC Development  
 Coordination Board. (Comm. 4E-34)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individuals to the Erie County Development Coordination Board:

| <u>NAME &amp; ADDRESS</u>  | <u>TERM EXPIRATION</u> |
|--|------------------------|
| Paul L. Battaglia<br>162 Washington Highway<br>Snyder, NY 14226      | December 31, 2005      |
| John S. Bis<br>142 Lexington Street<br>Buffalo, NY 14222             | December 31, 2005      |
| Laurie Dann<br>771 West Ferry Street<br>Buffalo, NY 14222            | December 31, 2005      |
| Philip DiCarlo<br>100 Oakridge<br>Buffalo, NY 14217                  | December 31, 2005      |
| Anthony S. Illos<br>68 Heritage Road West<br>Williamsville, NY 14221 | December 31, 2005      |
| Rosanne Lettieri<br>24 Kennedy Road<br>Cheektowaga, NY 14227         | December 31, 2005      |
| Sal C. Muscarella<br>77 Crosby Avenue<br>Kenmore, NY 14217           | December 31, 2005      |

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Ronald R. Norman  
 1869 East River Road  
 Grand Island, NY 14072

December 31, 2005

Thomas A. Ruffino  
 370 LeBrun Road  
 Buffalo, NY 14226

December 31, 2005

Catherine M. Weiss  
 70 Fennec Lane  
 East Amherst, NY 14051

December 31, 2005

Sandy E. White  
 533 Humbolt Parkway  
 Buffalo, NY 14208

December 31, 2005

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 92 – (Comm. 4E-35) Reappointments to Cultural Resources Advisory Board.

RECEIVED, FILED & PRINTED.

January 21, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Reappointments to Cultural Resources Advisory Board (CRAB)

Honorable Members:

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I am reappointing the following to the Erie County Cultural Resources Advisory Board for the terms noted below.

NAME & ADDRESS

TERM EXPIRATION

Ms. Barbara T. Baker  
 Hunt Real Estate  
 6225 Sheridan Drive  
 Williamsville, NY 14221

December 31, 2005

**MEETING NO. 4**  
**February 5, 2004****ERIE COUNTY LEGISLATURE**

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|  |                   |
|--|-------------------|
| Mr. Steven G. Biltekoff<br>28 Church Street<br>Buffalo, NY 14202   | December 31.2005  |
| Ms. Constance S. Constantine<br>600 North Davis Road<br>Elma, NY 14059   | December 31. 2005 |
| Mr. Wick Hannan<br>49 Chatham Avenue<br>Buffalo, NY 14216  | December 31.2005  |
| Mr. Burton Notarius<br>Premier Group<br>3445 Delaware Ave<br>Kenmore, NY 14217                                   | December 31.2005  |
| Mr. Hal D. Payne<br>Buffalo State College<br>Cleveland Hall Room 513<br>1300 Elmwood Avenue<br>Buffalo, NY 14222 | December 31.2005  |
| Ms. Margaret Roblin<br>Buffalo Arts Commission<br>922 City Hall<br>Buffalo, NY 14202                             | December 31. 2005 |
| Ms. Catherine F. Schweitzer<br>The Baird Foundation<br>11 Summer Street<br>Buffalo, NY 14209                     | December 31.2005  |
| Mr. Roger B. Simon<br>Gibson, Mckill & Crosby, LLP<br>69 Delaware Ave Suite 900<br>Buffalo, NY 14202             | December 31.2005  |
| Mr. Robert Skerker<br>Robinson Knife Company<br>2615 Walden Avenue<br>Buffalo, NY 14225                          | December 31.2005  |
| Ms. Sandy E. White<br>BURA<br>65 Niagara Square, Rm 920<br>Buffalo, NY 14208                                     | December 31.2005  |

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Mr. Dennis H. Wisniewski  
 Avenue Art and Frame  
 441 Delaware Avenue  
 Buffalo, NY 14202

December 31, 2005

Item 93 – (Comm. 4E-36) Appointment to EC Traffic Safety Advisory Board.

RECEIVED, FILED & PRINTED.

January 16, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Appointment to Erie County Traffic Safety Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individual to the Traffic Safety Advisory Board, for the term stated.

APPOINTMENT

NAME AND ADDRESS

TERM EXPIRATION

Deborah Dean-Schachner  
 121 Commercial Street  
 Angola, New York 14006

December 31, 2006

Respectfully submitted,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/dar

cc: Ms. Deborah Dean-Schachner  
 John Sullivan, Director, Erie County Stop DWI

FROM LEGISLATOR RANZENHOFER

Item 94 – (Comm. 4E-37) Letter to Chairman Holt Recommending 2004 Republican Caucus Committee Assignments.

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM CHAIRMAN HOLT

Item 95 – (Comm. 4E-38) 2004 Committee Assignments.

RECEIVED, FILED & PRINTED.

**2004 COMMITTEE ASSIGNMENTS**

**ECONOMIC DEVELOPMENT**

Chair: Mark J. F. Schroeder  
 Vice Chair: Edward J. Kuwik  
 Members: Demone A. Smith  
 Charles M. Swanick  
 Denise E. Marshall

Clerk: Timothy Callan

**FINANCE & MANAGEMENT**

Chair: Albert DeBenedetti  
 Vice Chair: Lynn M. Marinelli  
 Members: Demone A. Smith  
 Michael H. Ranzenhofer  
 Denise E. Marshall

Clerk: Timothy Callan

**ENERGY & ENVIRONMENT**

Chair: Raymond K. Dusza  
 Vice Chair: Edward J. Kuwik  
 Members: Lynn M. Marinelli  
 Michael H. Ranzenhofer  
 Jeanne Z. Chase

Clerk: Jeremy Rosen

**PUBLIC SAFETY**

Chair: Edward J. Kuwik  
 Vice Chair: Timothy M. Wroblewski  
 Members: Raymond K. Dusza  
 Charles M. Swanick  
 Jeanne Z. Chase

Clerk: Jeremy Rosen

**HUMAN SERVICES**

Chair: Demone A. Smith  
 Vice Chair: Albert DeBenedetti  
 Members: Mark J. F. Schroeder  
 Barry A. Weinstein  
 Elise M. Cusack

Clerk: Paul Henderson

**COMMUNITY ENRICHMENT**

Chair: Timothy M. Wroblewski  
 Vice Chair: Mark J. F. Schroeder  
 Members: Lynn M. Marinelli  
 Steven P. McCarville  
 Elise M. Cusack

Clerk: Paul Henderson

**GOVERNMENT AFFAIRS**

Chair: Lynn M. Marinelli  
 Vice Chair: Raymond K. Dusza  
 Members: Albert DeBenedetti  
 Jeanne Z. Chase  
 Steven P. McCarville

Clerk: Janet Jamison

FROM LEGISLATOR RANZENHOFER

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

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Item 96 – (Comm. 4E-39) Minority Caucus Appointment to Audit Committee.

RECEIVED, FILED & PRINTED.

January 26, 2004

Laurie A. Manzella  
Clerk, Erie County Legislature  
25 Delaware Avenue -7th Floor  
Buffalo, New York 14202

RE: MINORITY CAUCUS APPOINTMENT TO THE AUDIT COMMITTEE  
FOR ERIE COUNTY

Dear Madam Clerk:

Please be advised, pursuant to Section 1813 of the Erie County Charter, I am hereby appointing legislator Denise E. Marshall as the Minority Caucus' representative to the Audit Committee for Erie County.

Very truly yours,

MICHAEL H. RANZENHOFER  
Minority Leader, Erie County Legislature  
Legislator -4th District

CC:: Joseph J. Surdyk, Jr. -Secretary, Audit Committee For Erie County

Item 97 – (Comm. 4E-40) Minority Caucus Appointment to Board of Directors of Buffalo-Niagara CVB.

RECEIVED, FILED & PRINTED.

January 26, 2004

Laurie A. Manzella  
Clerk, Erie County Legislature  
25 Delaware Avenue -7th Floor  
Buffalo, New York 14202

RE: MINORITY CAUCUS APPOINTMENT TO THE BOARD OF  
DIRECTORS OF THE BUFFALO-NIAGARA CONVENTION & VISITORS BUREAU

Dear Madam Clerk:

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Please be advised, that in the accordance with their by-laws, legislator **Elise M. Cusack** will serve as the Minority Caucus appointment to the Board of Directors of the Buffalo-Niagara Convention & Visitors Bureau.

Very truly yours,

Michael H. Ranzenhofer  
 Minority Leader, Erie County Legislature  
 Legislator -4th District

CC:: Richard Geiger, CEO, Buffalo-Niagara Convention & Visitors Bureau

FROM LEGISLATOR McCARVILLE

Item 98 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

Re: Lease for Legislative Office Space.  
 (Comm. 4E-41)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Town of Concord located at Concord Town Hall, 96 Franklin Street, Springville, New York, and Erie County for Legislative Office Space for Erie County Legislator Steven P. McCarville at a cost of \$0 per month.

MS. MARINELLI moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 99 – (Comm. 4E-42) Apportionment & Distribution of 4% Sales Tax Revenue for 1/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SCHROEDER

Item 100 – (Comm. 4E-43) 2004 Economic Development Committee Agenda.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 101 – (Comm. 4E-44) Dental Waste Management Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 102 – (Comm. 4E-45) Copy of Letter from Neal Fatin, III Resigning as a Board Member of ECMCC.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 103 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

Re: PILOT – Watergate II Apartments – 10-12  
 Hertel Avenue, City of Buffalo.  
 (Comm. 4E-46)

WHEREAS, Watergate II Properties Housing Development Fund Company, Inc.(Watergate II Properties) will develop housing for low-income households (Project), pursuant to Article 11 of the New York Private Housing Finance Law; and

WHEREAS, the Project is located at 10-12 Hertel Avenue, Buffalo, New York and will contain 195 residential units for low-income households; and

WHEREAS, Watergate II Apartments will be managed by Related Management Company, L.P.; and

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

WHEREAS, in order to make the Project economically feasible for Watergate II Properties, it is necessary to obtain tax relief from the County of Erie and the City of Buffalo,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute Payment in Lieu of Taxes (PILOT) Agreements with Watergate II Properties and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$67,583 in the first year of the PILOT Agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

## **ADD** the following **RESOLVED** clause after the second (2<sup>nd</sup>) RESOLVED:

RESOLVED, that the Erie County Legislature requests that the owner of the Watergate II Apartments, Watergate II Properties Housing Development Fund Company, Inc., and the property manager, Related Management Company, L.P., enter into negotiations with the appropriate governmental entity to provide an easement for public access to the waterfront and Niagara River, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 104 – (Comm. 4E-47) Social Services – Goodwill Industries of WNY.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 105 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

Re: Extension of Additional 1% Sales &  
 Compensating Use Tax.  
 (Comm. 4E-48).

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax, pursuant to Chapter \_\_ of the Laws of 2004.

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending February [twenty-ninth, two

thousand four] twenty-eighth, two thousand five, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are hereby further amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending February [29, 2004] 28, 2005, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after March first, [two thousand four] two thousand five. With respect to the tax rate of 3 percent effective March first, [two thousand four] two thousand five, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to March first, [two thousand four] two thousand five, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February [twenty-nine, two thousand four] twenty-eight, two thousand five. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March first, [two thousand four] two thousand five, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

**SECTION 4. Imposition of compensating use tax.**

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not

offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand four] two thousand five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand four] two thousand five, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand four] two thousand five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand four] two thousand five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand four] two thousand five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (D) of clause (1) of Section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

(D) With respect to the additional tax of one percent imposed effective for the period beginning March first, nineteen hundred eighty-nine, and ending February [twenty-nine, two thousand four] twenty-eight, two thousand five, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

Section 5. This enactment shall take effect March first, two thousand four.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. AYES – 15, NOES – 0.

CARRIED UNANIMOUSLY.

Item 106 – (Comm. 4E-49) District Attorney – Asset Forfeiture Appropriations.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 107 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

Re: CPS – Interoperable Communication  
 Equipment Grant. (Comm. 4E-50)

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

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WHEREAS, since 9-11 the consequence of not having interoperability between first responders has led to devastating results, and

WHEREAS, since 2000, Erie County has been working to identify partners and sources of funds to upgrade their existing Public Safety Communications System, and

WHEREAS, the Department of Homeland Security FEMA has solicited proposals asking jurisdictions for proposals that will explore the uses of equipment and technologies to increase interoperability among first responders, and

WHEREAS, Erie County submitted a proposal, and has been awarded \$6,000,000 to help develop interoperable communications among the regions first responders,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, through the Department of Central Police Services, is authorized to enter into an agreement with FEMA to accept funding in the amount of \$6,000,000 to be used to begin to upgrade the County's Public Safety Communications System, and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended and authorization is hereby provided to increase the regional Public Safety Campus Project 410 – 341 in the amount of \$6,000,000 to be utilized for Interoperable Communications Equipment in the new Communications Center, and be it further

RESOLVED, that the source of funding for this project shall be \$6,000,000 in Federal revenue, Account 684-0100, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make all budgetary transactions required to implement this project, and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 108 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

Re: CPS – Designation of the E-911 PSAP to Receive All Wireless 911 Calls – Enhanced Wireless 911 Services Costs – Req. for Expedited Deployment Fund.

(Comm. 4E-51)

WHEREAS, the volume of emergency 911 calls made on cellular telephones, a/k/a Wireless 911 calls, has steadily increased with the vast increase in the use of cellular telephones by the general public, and;

WHEREAS, since 1992, Wireless 911 calls made on AT&T, Cricket, Cingular, Sprint and T Mobile cellular telephones from within Erie County have all been automatically routed for appropriate emergency dispatching and response to the E-911 Public Safety Answering Point [PSAP] operated by the Erie County Department of Central Police Services [CPS] within the City of Buffalo Police Department Headquarters Building, while Wireless 911 calls made on Verizon & Nextel cellular telephones have been automatically routed to the PSAP which is operated by the New York State Police out of its Clarence Barracks, and;

WHEREAS, pursuant to the provisions of County Law § 330, which became effective in 2002, Erie County is empowered to designate the one or more than one PSAP to receive Wireless 911 calls in Erie County, and;

WHEREAS, rather than continuing to have more than one PSAP receive Wireless 911 calls, CPS has recommended that all Wireless 911 calls be automatically routed to and received by a single PSAP in Erie County, namely, the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building, and;

WHEREAS, the New York State Police are on-record as being in-support of the CPS recommendation that Erie County designate the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building as the one PSAP in Erie County to receive all Wireless 911 calls and the elimination the New York State Police as the operator of a PSAP for Wireless 911 calls in Erie County, and;

WHEREAS, in connection with the advent of Enhanced Wireless 911 Service, to include Automatic Number Identification [“ANI”] and Automatic Location Information [“ALI”] for Wireless 911 calls, as mandated by Order(s) of the Federal Communications Commission, and the estimated costs to be incurred for such enhanced service, the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building is eligible to receive expedited deployment funding for such costs pursuant to the provisions of County Law § 333, and;

WHEREAS, the application by Erie County CPS to the New York State 911 Board for such expedited deployment funding is to consist of an Enhanced Wireless 911 Plan and said plan must include a resolution of the Erie County Legislature in support of the request for expedited deployment funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby designates the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building as the one and only PSAP in Erie County to receive all Wireless 911 calls; and it is further

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RESOLVED, that the Erie County Legislature hereby makes known its support for the application for expedited deployment funding to be submitted by Erie County CPS to the New York State 911 Board; and it is further

RESOLVED, that the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Commissioner of Central Police Services, the Budget Director, the County Comptroller and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 109 – (Comm. 4E-52) Personnel – Underfill (Trainee) Authorization.

Item 110 – (Comm. 4E-53) Personnel – Variable Minimums.

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 111 – (Comm. 4E-54) NYS Weapons of Mass Destruction Task Force Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 112 – (Comm. 4E-55) OPEN ITEM: ERP Project & Reengineering Proposal.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 113 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

Re: Authorization to Accept Urban Areas  
 Security Grant. (Comm. 4E-56)

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

~~##~~ **DELETE** the entirety and **REPLACE** with the following

WHEREAS, Erie County has also been selected to receive grant monies from the United States Department of Homeland Security and the Office of Domestic Preparedness through the Urban Areas Security Initiative (UASI) program; and

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WHEREAS, these funds will be utilized to provide the equipment, training, planning, exercise and operational needs of large urban areas to build an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, a position is needed to administer these and various other Homeland Security / Weapons of Mass Destruction grants;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Environment & Planning is hereby authorized to enter into the necessary agreements with the United States Department of Homeland Security and the Office of Domestic Preparedness through the Urban Areas Security Initiative (UASI) program to accept grant funding in an amount not to exceed \$10,266,607 to provide the equipment, training, planning, exercise and operational needs of large urban areas to build an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and be it further

RESOLVED, that in order to effectively and efficiently administer these grants the following personnel changes are hereby authorized in the Department of Environment and Planning:

Add - Sr. Administrative Assistant / Homeland Security – CE, JG 13

and be it further

RESOLVED, that the budget of the Department of Environment and Planning is hereby revised as follows:

REVENUES:

|                |  |          |
|----------------|--|----------|
| Acct. 685-6709 | Interfund Revenue – Emergency Services | \$80,010 |
|                | Grants                                 |          |

|                |  |                 |
|----------------|--|-----------------|
| TOTAL REVENUES |  | <u>\$80,010</u> |
|----------------|--|-----------------|

EXPENSES:

|           |                   |               |
|-----------|-------------------|---------------|
| Acct. 800 | Personal Services | \$61,546      |
| 805       | Fringe Benefits   | <u>18,464</u> |

|                |  |                 |
|----------------|--|-----------------|
| TOTAL EXPENSES |  | <u>\$80,010</u> |
|----------------|--|-----------------|

and be it further,

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, Comptroller Nancy A. Naples, Director of the Division of Budget, Management &

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Finance Joseph Passafiume, Commissioner of Personnel John W. Greenan, County Attorney Frederick A. Wolf, Commissioner of the Department of Environment & Planning Laurence K. Rubin, and Deputy Commissioner of Environment & Planning Michael Raab.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 114 – (Comm. 4E-57) ECSD Sewerage Management – Personnel Request.

Received and referred to ENERGY & ENVIRONMENT COMMITTEE.

Item 115 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

Re: Social Services – Friends to the Elderly & Disabled. (Comm. 4E-58)

WHEREAS, the Department of Social Services is requesting authorization to amend the 2004 Adopted Budget by restoring funding to that amount provided in 2003 to the Friends to the Elderly and Disabled, and

WHEREAS, it is necessary to increase this budget amount for community based job search activities to prevent severe impact to the clientele served by this program who would otherwise not have access to assistance from another service provider, and

WHEREAS, significant reductions in the levels of funding awarded to counties by New York State have made the planning and budgeting process considerably more complex, and a proposed cut of funding for this organization was included in the budget recommendation made to the Erie County Legislature, and

WHEREAS, this increase in funds for 2004 will utilize a Legislative appropriation set aside for this purpose, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Fund 282, Department 200, Project 233

INCREASE/

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| <u>ACCOUNT</u> | <u>DESCRIPTION</u>                  | <u>(DECREASE)</u> |
|----------------|-------------------------------------|-------------------|
| 830-0263       | Friends to the Elderly and Disabled | <u>\$120,000</u>  |
|                | Total Appropriations                | <u>\$120,000</u>  |
| 608            | State Aid                           | \$30,000          |
| 657            | Federal Aid                         | 60,000            |
| 686-1000       | Interfund – Legislature             | <u>30,000</u>     |
|                | Total Revenue                       | <u>\$120,000</u>  |

Erie County Legislature, Fund 110, Department 100

| <u>ACCOUNT</u> | <u>DESCRIPTION</u>                 | <u>INCREASE/<br/>(DECREASE)</u> |
|----------------|------------------------------------|---------------------------------|
| 830            | Contractual Expense                | (\$30,000)                      |
| 886-2009       | Interfund – Social Services Grants | <u>30,000</u>                   |
|                | Total Appropriations               | <u>-0-</u>                      |

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 116 – (Comm. 4E-59) Parks – Chestnut Ridge Park Bridge Engineer Supplemental Agreement.

Item 117 – (Comm. 4E-60) Award of Contract – Northrup Road Bridge Over Cazenovia Creek, Town of Elma – Joint & Approach Slab Rehabilitation.

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

Item 118 – (Comm. 4E-61) Appointment to EC Traffic Safety Advisory Board.

RECEIVED, FILED & PRINTED.

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**ERIE COUNTY LEGISLATURE**

January 23, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Appointment to Erie County Traffic Safety Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individuals to the Traffic Safety Advisory Board, for the term stated.

**APPOINTMENT**

NAME AND ADDRESS

Thomas R. Daugherty  
 19 West Toulon Drive  
 Cheektowaga, NY 14227

TERM EXPIRATION

December 31, 2006

Charles R. Jasinski  
 41 West Girard  
 Kenmore, NY 14217

December 31, 2006

Respectfully submitted,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/dar

cc: Thomas R. Daugherty  
 Charles R. Jasinski  
 John Sullivan, Director, Erie County Stop DWI

Item 119 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

Re: Appointment to NYS Region 9 Fish &  
 Wildlife Management Board.  
 (Comm. 4E-62)

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RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individuals to the NYS Region 9 Fish & Wildlife Management Board.

| <u>Reappoint</u>  | <u>Term Expires</u> |
|---|---------------------|
| Robert Church<br>P.O. Box 294<br>Springville, New York 14141          | December 31, 2005   |
| Robert L. Miechowicz<br>40 Lackawanna Avenue<br>Depew, New York 14043 | December 31, 2005   |

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 120 – (Comm. 4E-63) Reappointments to Senior Services Advisory Board.

RECEIVED, FILED & PRINTED.

January 26, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

RE: Senior Services Advisory Board Reappointments

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby reappoint the following individuals to a two-year term on the Senior Services Advisory Board, ending December 31, 2005.

Ms. Arta Davis  
 P.O. Box 362  
 Buffalo, New York 14231

Ms. Sylvia Rodriguez  
 P.O. Box 452  
 Buffalo, New York 14215

Mr. Leonard Sikora  
 100 Treehaven Lane  
 Elma, New York 14059

Ms. Donna W. Sundell  
 3801 North Boston Road  
 Eden, New York 14057

Very truly yours,

JOEL A. GIAMBRA

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ERIE COUNTY EXECUTIVE

JAG/dar

cc: Appointees

Commissioner Pamela Krawczyk

Item 121 – (Comm. 4E-64) Reappointments to Home Health Care Advisory Board.

RECEIVED, FILED & PRINTED.

January 26, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Reappointments to Home Health Care Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 2, Local Law No.5, do hereby reappoint the following individuals to the Erie County Home Health Care Advisory Board for the terms ending December 31, 2006.

Dr. Amy Alvarez  
 957 Delaware Avenue  
 Buffalo, New York 14209

James R. Totaro  
 33 Sunset Boulevard  
 Angola, New York 14006

Very truly yours,  
 JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG:dar

Cc: Appointees

Item 122 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

Re: Reappointment to EC Sewer Board No.2.  
 (Comm. 4E-65)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Michael V. Walters at 995 Milestrip Road, Irving, New York to Erie County Sewer District Board of Managers #2 for a Term Expiration on December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 123 – (Comm. 4E-66) EC Southtowns Sewage Treatment Agency & ECSD Nos. 1 - 6 Engineering Services Agreements.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 124 – (Comm. 4E-67) Agreement with M & T Mortgage Corporation Re: Preferred Lender Status for EC First Time Home Buyer Program.

Item 125 – (Comm. 4E-68) Award of Contract - Zoeller Road Bridge, Town of Alden.

Item 126 – (Comm. 4E-69) 2003 Mill & Fill Overlay - Contingency Fund Increase.

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

Item 127 – (Comm. 4E-70) Establishment of New Grant for Governor's Traffic Safety Committee Police Lifesaver Patrols.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 128 – (Comm. 4E-71) ECSD No.2 - Change Order No.1 - Route 5 - Lakecrest Gardens Sewer Rehab.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 129 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

Re: Personnel Adjustments.  
 (Comm. 4E-72)

WHEREAS, the Erie County Sheriff's Office has identified the need to create a Receptionist position at the Town of Evans Domestic Violence Call Center and a Jr. Dispatcher in the 911 Dispatch Center located at the Sheriff's Patrol Headquarters and, .

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WHEREAS, funding for these new positions will be offset by the position deleted and positions that will remain vacant throughout 2004 therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Receptionist, Job Group 3, and one Jr. Dispatcher, Job Group 7 in the Sheriff's Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one Chief Account Clerk Civil, Job Group 7, in the Sheriff's Division, and be it further,

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

FROM CHAIRMAN HOLT

Item 130 – (Comm. 4E-73) Copy of Letter to Personnel Commissioner Appointing Legislator Smith as EAP Contact.

RECEIVED, FILED & PRINTED.

January 29, 2004

Commissioner John Greenan  
Erie County Department of Personnel  
95 Franklin Street, Room 604  
Buffalo, NY 14202

Dear Commissioner Greenan:

Please be advised, Erie County Legislator Demone A. Smith will serve as the Erie County Legislature's designated contact person in matters associated with the Employee Assistance Program.

Sincerely,

George A. Holt, Jr.  
Chairman  
Erie County Legislature

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cc: Legislator Demone A. Smith

Item 131 – (Comm. 4E-74) Copy of Letter to ECMCC Board Appointing Non-Voting Member.

RECEIVED, FILED & PRINTED.

January 29, 2004

Mr. Jody Lomeo, Chairman  
Erie County Medical Center Corporation Board  
Erie County Medical Center  
462 Grider Street  
Buffalo, NY 14215

Dear Chairman Lomeo:

In accordance with the legislation creating the Erie County Medical Center Corporation, I hereby appoint the following to serve as a non-voting member of the Corporation:

Michael Mullins  
4336 Coventry Green Circle  
Williamsville, NY 14221

Thank you for your attention to this matter.

Sincerely,

George A. Holt, Jr.  
Chairman  
Erie County Legislature

cc: Hon. Joel A. Giambra, County Executive  
Roger E. Kaiser, Jr., MD, ECMCC CEO

Item 132 – (Comm. 4E-75) Majority Caucus Appointment to EC Audit Committee.

RECEIVED, FILED & PRINTED.

January 29, 2004

Ms. Laurie A. Manzella, Clerk  
Erie County Legislature  
25 Delaware Avenue, 7<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Madame Clerk:

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In accordance with Section 1813 of the Erie County Charter, I hereby appoint Legislator Albert DEBENEDETTI to serve as the Majority Caucus appointment to the Audit Committee for 2004.

Sincerely,

George A. Holt, Jr.  
Chairman  
Erie County Legislator

cc: Joe Surdyk, Secretary, Erie County Audit Committee

Item 133 – (Comm. 4E-76) Majority Caucus Appointment to CVB Board of Directors.

RECEIVED, FILED & PRINTED.

February 2, 2004

Laurie A. Manzella  
Clerk, Erie County Legislature  
25 Delaware Avenue -7<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Majority Caucus appointment to the Board of Directors of the  
Buffalo-Niagara Convention & Visitors Bureau

Dear Madam Clerk:

Please be advised, in accordance with their by-laws, Legislator Demone A. Smith will serve as the Majority Caucus appointment to the Board of Directors of the Buffalo-Niagara Convention & Visitors Bureau.

Sincerely,

George A. Holt, Jr.  
Chairman  
Erie County Legislature

cc: Richard Geiger, CEO, Buffalo-Niagara Convention & Visitors Bureau

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM ECMC

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Item 134 – (Comm. 4D-1) Copy of Letter to Chairman Holt Re: ECMCC Guaranty Agreement.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 135 – (Comm. 4D-2) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 136 – (Comm. 4D-3) Minutes from Trustees Meeting Held 1/21/04.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ECMC

Item 137 – (Comm. 4D-4) Sale, Purchase & Operating Agreement Between EC & ECMCC.

Item 138 – (Comm. 4D-5) Ground Lease Between EC & ECMCC.

Item 139 – (Comm. 4D-6) Notice of ECMCC Board of Directors Meeting Held 1/20/04.

Item 140 – (Comm. 4D-7) Notice of ECMCC Board of Directors Meeting Held 1/22/04.

Item 141 – (Comm. 4D-8) Notice of ECMCC Board of Directors Meeting Held 1/26/04.

The above five items were received and filed.

FROM ECC

Item 142 – (Comm. 4D-9) Minutes from Board of Trustees Meeting Held 12/17/03.

Received and filed.

FROM THE HEALTH DEPARTMENT

Item 143 – (Comm. 4D-10) Notice of Board of Health Meeting to be Held 2/19/04 & Minutes of Meeting Held 11/20/03.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

Item 144 – (Comm. 4D-11) Letter to Legislator DeBenedetti Re: Response to Questions Regarding EC Risk Retention Fund.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 145 – (Comm. 4D-12) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE HEALTH DEPARTMENT**

Item 146 – (Comm. 4D-13) NYS Clean Indoor Air Act -EC Waiver Criteria & Application Form.

Received and referred to the HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE EIGHTH JUDICIAL DISTRICT ADMINISTRATIVE**  
**JUDGE SHARON TOWNSEND**

Item 147 – (Comm. 4M-1) Magnetometer / Security Policy for All Court Buildings in Erie County.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE NY POWER AUTHORITY**

Item 148 – (Comm. 4M-2) Receipt of Resolution.

Received and filed.

**FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL**

Item 149 – (Comm. 4M-3) Notice of Meeting Held 1/20/04 & Minutes of Meeting Held 12/16/03.

Received and filed.

**FROM NYSDEC**

Item 150 – (Comm. 4M-4) Fact Sheet -Voluntary Clean-Up -Buffalo Business Park -1800 Broadway.

Item 151 – (Comm. 4M-5) Fact Sheet -Remedial Work at Leica, Inc., Eggert Road -Town of Cheektowaga.

**MEETING NO. 4**  
**February 5, 2004**

**ERIE COUNTY LEGISLATURE**

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

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 152 – (Comm. 4M-6) Minutes of Meeting Held 12/4/03.

Received and filed.

FROM SENATOR RATH

Item 153 – (Comm. 4M-7) Receipt of Resolution.

Received and filed.

FROM NYSDEC

Item 154 – (Comm. 4M-8) Fact Sheet – Voluntary Clean-Up of National Fuel Gas, 249 West Genesee Street – City of Buffalo.

Item 155 – (Comm. 4M-9) Fact Sheet -Update on Spaulding Composite Site, 310 Wheeler Street, City of Tonawanda

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

FROM THE NYS COMPTROLLER

Item 156 – (Comm. 4M-10) Copy of Town of Colden Application for Permission to Establish Water District.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 157 – (Comm. 4M-11) Notice & Guidelines for Review of Agriculture District No.1.

Received and filed.

FROM SENATOR VOLKER

Item 158 – (Comm. 4M-12) Receipt of Resolution.

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 159 – (Comm. 4M-13) Notice of Meeting to be Held 2/12/04 & Minutes of Meeting Held 1/15/04.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 160 – (Comm. 4M-14) Unaudited Comparative Financial Statements for Years Ended 12/31/03 & 12/31/02.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CONGRESSWOMAN SLAUGHTER

Item 161 – (Comm. 4M-15) Receipt of Resolution.

Received and filed.

FROM THE ECIDA

Item 162 – (Comm. 4M-16) Notice of Board of Directors Meeting to be Held 2/11/04.

Received and filed.

FROM THE NYS DEPARTMENT OF HEALTH

Item 163 – (Comm. 4M-17) Health Consultation - Off-Site Residential Properties - Former NL Industries Site - Depew.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 164 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Helen Grubka.

Item 165 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Charles Shields.

Item 166 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Jennifer Krebuszewski.

Item 167 – Ms. Marshall requested that when the Legislature adjourns, it do so in memory of Roy Lawrence Wheeler Jr.

**ADJOURNMENT**

Item 168 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, February 19, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 19, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY**  
**CLERK**