

MEETING NO. 8
April 1, 2004

ERIE COUNTY LEGISLATURE

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MEETING NO. 8
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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. Chase.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 4, 5, 6 & 7 of 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – HOLT & SMITH presented a resolution Recognizing Achievements of Upstate New York Transplant Services During National Donate Life Month. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 6 – DUSZA & DEBENEDETTI presented a resolution Honoring Buffalo Area Bowler Tom Baker on Winning 2004 Professional Bowlers Association World Championship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

Item 7 – MR. SCHROEDER presented a resolution Honoring Mount Mercy Academy During Spirit Week. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 8 – MR. DUSZA presented a resolution Honoring Joseph J. Macielag Upon His Retirement as WNY Polish American Congress President. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA presented a resolution Recognizing April as Cheektowaga Volunteer Firefighter Recruitment Month. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 10 – HOLT, MARINELLI & RANZENHOFER, ET AL presented a resolution giving Support for ECC's Accreditation MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 12 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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Item 14 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – MS. MARINELLI moved that Local Law No. 2 (Print #1) 2004 be received and filed. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. RANZENHOFER presented the following Local Law and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 2 -2004 (Print #2)
LOCAL LAW NO. _____

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. Driving While Intoxicated and Driving While Ability Impaired are serious criminal offenses which have tragic effects on Erie County, New York, and the United States.
- B. In order to help law enforcement curb these offenses, the Erie County Legislature is initiating legislation calling for an absolute minimum twelve hour vehicle impoundment when some one is arrested for drunk driving.
- C. There are numerous stories and instances of drunk drivers being released from jail on a bond, picking up their car and getting involved in a subsequent serious and/or fatal vehicle accident.
- D. Data has shown that vehicle impoundment has been consistently effective in reducing DWI offenses among convicted drinking drivers.
- E. First-time offenders who had their vehicles impounded had 25 percent fewer crashes than those who did not; repeat offenders who had their vehicles impounded had 38 percent fewer crashes than those who did not.
- F. Even two years after the impoundment, drivers whose vehicles were impounded had at least 35 percent fewer DWI's when compared with those who had not.
- G. Various municipalities in Erie County already support vehicle impoundment in DWI cases; however, the Erie County Legislature finds that there is the need to make mandatory impoundment an across-the-board punishment to curb drunk driving and save lives.
- H. Only through mandatory impoundment can we help to ensure that DWI and DWAI drivers are prohibited from driving until they are completely sober.

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Section 2. Short Title.

This Local Law shall be known as "The Erie County DWI/DWAI Vehicle Impoundment Law."

Section 3. Impoundment of Vehicles.

A. Whenever a person has been arrested for a violation of N.Y. Vehicle & Traffic Law Sections 1192(1), 1192(2), 1192(3), 1192(4), 1192(5), 1192(6) and/or 1192-a, the arresting law enforcement agency or its duly authorized agent shall impound and take possession of the vehicle the person was operating at the time of their arrest.

B. A vehicle impounded pursuant to Section 3(A) shall remain in the possession of the arresting law enforcement agency or its duly authorized agent until and when the following conditions are met:

1. the vehicle may be released to the arrestee no earlier than twelve (12) hours after the time of arrest;
2. the vehicle may be released to a party other than the arrestee if:
 - (a) the vehicle is owned or leased by the individual claiming the vehicle other than the arrestee; or
 - (b) the vehicle is owned or leased by the arrestee, the arrestee is eighteen or older, and the arrestee gives their written permission, pursuant to the requirements of the arresting law enforcement agency or its duly authorized agent, to another individual to claim the vehicle; or
 - (c) the vehicle is owned or leased by the arrestee, the arrestee is under eighteen and unemancipated, the vehicle may be released to the parent or legal guardian of the arrestee.
3. A vehicle impounded under this section shall not be released to any person unless the person claiming the vehicle from the arresting law enforcement agency or its duly authorized agent:
 - (a) presents a valid license, proof of ownership or lawful authority to operate a motor vehicle;
 - (b) would not be in violation of N.Y. Vehicle & Traffic Law 1192(1), 1192(2), 1192(3), 1192(4), 1192(5), 1192(6) and/or 1192-a in connection with operating the vehicle and is otherwise able to operate the vehicle in a safe manner; and
 - (c) meets any other reasonable conditions established for release of the vehicle established by the arresting law enforcement agency or its duly authorized

agent, including but not limited to, reasonable fees for towing and storage of the vehicle until the time the vehicle is claimed. The arresting law enforcement agency or its duly authorized agent may retain custody of the vehicle until such conditions are complied with or fees paid.

4. Nothing in this Local Law shall be construed to prevent or supercede a court of competent jurisdiction from exercising its authority in connection with the release of a vehicle impounded under this Local Law.

Section 4. Effect of Other Laws

Notwithstanding any provision of this Local Law to the contrary, this Local Law is not intended to supercede or compromise any local, state or federal law, rule or regulation that would authorize the continued impoundment of a vehicle for evidentiary or other legal purposes.

Section 5. Rules & Regulations.

The Erie County Sheriff or the Chief Law Enforcement Officer of any other law enforcement agency in Erie County or their duly authorized agents are hereby authorized to promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date.

This Local Law shall take effect immediately upon its filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

DENISE E. MARSHALL
 MICHAEL H. RANZENHOFER
 ELISE M. CUSACK
 EDWARD J. KUWIK
 TIMOTHY M. WROBLEWSKI
 MARK J.F. SCHROEDER
 GEORGE A. HOLT, JR.

JEANNE Z. CHASE
 CHARLES M. SWANICK
 STEVEN P. McCARVILLE
 RAYMOND K. DUSZA
 LYNN M. MARINELLI
 ALBERT DeBENEDETTI
 DEMONE A. SMITH

MR. RANZENHOFER moved the approval of the Local Law. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 18 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

March 23, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 5

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

1. RESOLVED, that the following item is hereby received, filed and referred to the HUMAN SERVICES COMMITTEE.

- | | | | | |
|----|-------------------------|---|-------|--------------|
| | Item | Page | -2004 | (Comm. 6D-4) |
| a. | SOCIAL SERVICES: | Copy of United Way Board Meeting Minutes. | | |
| | | (6-0) Chairman Holt present as Ex-Officio member. | | |

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

- | | | | | |
|----|-------------------------------------|---|-------|----------------|
| | Item | Page | -2003 | (Comm. 20E-57) |
| a. | COUNTY EXECUTIVE: OPEN ITEM: | Labor Management Health Care Coalition. | | |
| | | (6-0) Chairman Holt present as Ex-Officio member. | | |

- | | | | | |
|----|--------------|--|-------|--------------|
| | Item | Page | -2004 | (Comm. 1E-3) |
| b. | DALE: | Request for Audit of County Furniture Purchase/Repeating Request for Audit of Credit/Fuel Cards. | | |
| | | (6-0) Chairman Holt present as Ex-Officio member. | | |

- | | | | | |
|----|--------------------|--|-------|--------------|
| | Item | Page | -2003 | (Comm. 1E-5) |
| c. | COMPROLLER: | Notice of Schedule to Close on Bond Sale Transactions. | | |
| | | (6-0) Chairman Holt present as Ex-Officio member. | | |

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- d. Item Page -2004 (Comm. 4E-42)
COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Revenue for 1/04.
(6-0) Chairman Holt present as Ex-Officio member.
- e. Item Page -2004 (Comm. 6D-1)
BUDGET, MANAGEMENT & FINANCE: Letter to Legislator DeBenedetti Detailing
Schedule of Tobacco Settlement Proceeds.
(6-0) Chairman Holt present as Ex-Officio member.
- f. Item Page -2004 (Comm. 6D-5)
BUDGET, MANAGEMENT & FINANCE: Letter to Legislator DeBenedetti Re: Request
for Tobacco Settlement Proceeds Information.
(6-0) Chairman Holt present as Ex-Officio member.
- g. Item Page -2004 (Comm. 6E-1)
COMPTROLLER: Certificate of Determination Sale & Issuance of \$669,791 & \$442,468
Sewer System Serial Bonds.
(6-0) Chairman Holt present as Ex-Officio member.
- h. Item Page -2004 (Comm. 6E-13)
COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 2/04.
(6-0) Chairman Holt present as Ex-Officio member.
- i. Item Page -2004 (Comm. 6E-16)
DEBENEDETTI: Copy of Letter to Budget Director Re: Early Retirement Incentive.
(6-0) Chairman Holt present as Ex-Officio member.
- j. Item Page -2004 (Comm. 6M-1)
ERIE COUNTY ASSESSORS ASSOCIATION: Copy of Letter to Legislator Marinelli
Re: Proposed Local Laws for Partial Property Tax Exemptions for Senior Citizens & the
Disabled.
(6-0) Chairman Holt present as Ex-Officio member.
- k. Item Page -2004 (Comm. 7D-4)
BUDGET, MANAGEMENT & FINANCE: BMR for Period Ending 10/31/03.
(6-0) Chairman Holt present as Ex-Officio member.
- l. Item Page -2004 (Comm. 7D-5)
DISS: Fleet Services – 2003 Report.
(6-0) Chairman Holt present as Ex-Officio member.
- m. Item Page -2004 (Comm. 7D-12)
BUDGET, MANAGEMENT & FINANCE: Response to Legislator DeBenedetti's 3/1/04
Letter Re: An Early Retirement Incentive.
(6-0) Chairman Holt present as Ex-Officio member.

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n. Item Page -2004 (Comm. 7E-7)
DEBENEDETTI: Copy of Letter to Senator Volker Requesting Status of S.6125 – Providing an Early Retirement Incentive to EC Employees.
 (6-0) Chairman Holt present as Ex-Officio member.

o. Item Page -2004 (Comm. 7E-8)
DEBENEDETTI: Copy of Letter to Assembly Majority Leader Tokasz Requesting Status of A9862 Providing an Early Retirement Incentive to EC Employees.
 (6-0) Chairman Holt present as Ex-Officio member.

p. Item Page -2004 (Comm. 7E-12)
DEBENEDETTI: Copy of Letter to Budget Director Re: Questions Related to an Early Retirement Incentive.
 (6-0) Chairman Holt present as Ex-Officio member.

q. Item Page -2004 (Comm. 7M-5)
CITIZEN SALARY REVIEW COMMISSION: 2004 Final Report.
 (6-0) Chairman Holt present as Ex-Officio member.

3. Item Page -2004 **AS AMENDED** (Comm. 1D-21)
DIRECTOR OF BUDGET, MANAGEMENT & FINANCE
 WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204121 through 204137 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.	204121
ASSESSOR		Cancel	\$321.26
S-B-L		26.03-2-8.112	142289 AMHERST
Acct. No. 112	\$108.88		County
Acct. No. 132	\$212.38		Town/SpecialDist/School
22026	AMHERST # 9	FIRE PROTECTION	\$24.23
Charge To :		142289 AMHERST	\$188.15

CANCEL - CLERICAL ERROR, THIS IS A ROAD IN THE TOWN OF AMHERST.

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RPTL 550(2)A

FISCAL YEAR2004 Petition No. **204122**

ASSESSOR **Cancel** \$51,705.69

S-B-L 55.01-1-1 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$51,705.69 Town/SpecialDist/School

22591 SAN TRK SEWER \$51,705.69

Charge To : **142289 AMHERST** **\$0.00**

CANCEL - CLERICAL ERROR, INCORRECT SANITARY SEWER TAX. GALLONAGE BILLED WAS 232,948 AND SHOULD BE 10120. RPTL 550(2)E

FISCAL YEAR2001 Petition No. **204123**

ASSESSOR **Refund** \$563.10

S-B-L 56.62-1-1./45G8 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$563.10 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$563.10

Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: MARIE PULLMAN WILLIAMSVILLE CENTRAL

FISCAL YEAR2001 Petition No. **204124**

ASSESSOR **Cancel** \$371.28

S-B-L 68.05-2-42 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$371.28 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$371.28

Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: DAVID J BIELECKI SWEET HOME CENTRAL

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FISCAL YEAR2002 Petition No. **204125**

ASSESSOR **Refund** \$380.90

S-B-L 68.05-2-42 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$380.90 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$380.90
Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: DAVID BIELECKI SWEET HOME CENTRAL

FISCAL YEAR2003 Petition No. **204126**

ASSESSOR **Refund** \$423.51

S-B-L 68.05-2-42 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$423.51 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$423.51
Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR2004 Petition No. **204127**

ASSESSOR **Cancel** \$1,652.54

S-B-L 81.02-3-44.11 **142289 AMHERST**

Acct. No. 112 \$762.14 County
 Acct. No. 132 \$890.40 Town/SpecialDist/School
Charge To : **142289 AMHERST** **\$890.40**

CANCEL - CLERICAL ERROR, THE IDA EXEMPTION IN THE AMOUNT OF 168,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR2003 Petition No. **204128**

ASSESSOR **Refund** \$180.40

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S-B-L 125.29-1-14./8132 **142289 AMHERST**

Acct. No. 112 \$66.37 County
 Acct. No. 132 \$114.03 Town/SpecialDist/School
Charge To : **142289 AMHERST** **\$114.03**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 9,175 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 **Petition No. 204129**

ASSESSOR **Cancel** \$559.24

S-B-L 342.09-2-13.111 **143601 COLLINS**

Acct. No. 112 \$122.54 County
 Acct. No. 132 \$436.70 Town/SpecialDist/School
 22591 SAN TRK SEWER \$0.00
 22591 SAN TRK SEWER \$0.00
 36020 COLLINS FIRE PROTECT \$20.73
 36020 COLLINS FIRE PROTECT \$20.73

Charge To : **143601 GOWANDA** **\$395.24**
Relevy School \$315.49 047201 GOWANDA CENTRAL

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE TOWN OF COLLINS AND IS MAKING IT WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

FISCAL YEAR 2003 **Petition No. 204130**

ASSESSOR **Cancel** \$42.21

S-B-L 341.02-3-36 **143601 COLLINS**

Acct. No. 112 \$25.06 County
 Acct. No. 132 \$17.15 Town/SpecialDist/School
Charge To : **143601 GOWANDA** **\$17.15**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 4,100 SHOULD BE 8,200. RPTL 550(2)B

FISCAL YEAR 2004 **Petition No. 204131**

ASSESSOR **Cancel** \$164.99

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S-B-L 322.00-1-13.211 **143889 CONCORD**

Acct. No. 112 \$116.40 County
 Acct. No. 132 \$48.59 Town/SpecialDist/School
Charge To : **143889 CONCORD** **\$48.59**

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 71,913 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004 **Petition No. 204132**

ASSESSOR **Cancel** \$1,120.32

S-B-L 209.00-1-28.12 **144000 EDEN**

Acct. No. 112 \$579.83 County
 Acct. No. 132 \$540.49 Town/SpecialDist/School
Charge To : **144000 EDEN** **\$540.49**

CANCEL - CLERICAL ERROR, THE TEMPORARY GREENHOUSE EXEMPTION IN THE AMOUNT OF 108,400 WAS OMITTED FROM THE TAX ROLL. RPTL550(2)C

FISCAL YEAR 2004 **Petition No. 204133**

ASSESSOR **Cancel** \$143.21

S-B-L 208.00-4-20.1 **144000 EDEN**

Acct. No. 112 \$74.12 County
 Acct. No. 132 \$69.09 Town/SpecialDist/School
Charge To : **144000 EDEN** **\$69.09**

CANCEL - CLERICAL ERROR, THE TEMPORARY GREENHOUSE EXEMPTION IN THE AMOUNT OF 13,920 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 **Petition No. 204134**

ASSESSOR **Cancel** \$45.66

S-B-L 208.00-4-20.1 **144000 EDEN**

Acct. No. 112 \$0.00 County

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Acct. No. 132 \$45.66 Town/SpecialDist/School
Charge To: 144000 EDEN \$45.66

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 9,264 SHOULD BE 18,464 FOR THE TOWN. RPTL 550(2)B

FISCAL YEAR 2004 Petition No. **204135**

ASSESSOR **Cancel** \$132.71

S-B-L 209.00-4-12.11 **144000 EDEN**

Acct. No. 112 \$68.69 County
 Acct. No. 132 \$64.02 Town/SpecialDist/School
Charge To: 144000 EDEN \$64.02

CANCEL - CLERICAL ERROR, THE TEMPORARY GREENHOUSE WAS OMITTED IN THE AMOUNT OF 12,900 FROM THE TAX ROL. RPTL 550(2)C

FISCAL YEAR2004 Petition No. **204136**

ASSESSOR **Refund** \$64.02

S-B-L 54.63-4-10 **146489 TONAWANDA**

Acct. No. 112 \$63.08 County
 Acct. No. 132 \$0.94 Town/SpecialDist/School
Charge To: 146489 TONAWANDA \$0.94

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION FOR THE COUNTY WAS 12,480 AND SHOULD BE 20,800. RPTL 550(2)C
 CHECK FOR: LUCIA C BECK

FISCAL YEAR 2004 Petition No. **204137**

ASSESSOR **Refund** \$979.66

S-B-L 65.26-4-4.2 **146489 TONAWANDA**

Acct. No. 112 \$275.19 County
 Acct. No. 132 \$704.47 Town/SpecialDist/School
Charge To: 146489 TONAWANDA \$704.47
Relevy School \$418.13 146401 KEN-TON UNION FREE

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REFUND - CLERICAL ERROR, THE RPTL 520 WAS POSTED TO THIS PARCEL IN
ERROR. RPTL 550(2)A

CHECK FOR:LUCIENE STEINMETZ

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

4. Item Page -2004 (Comm. 7E-14)
COMPTROLLER

RESOLUTION NO. 128 -2004

BOND RESOLUTION DATED _____,2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2004 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$5,385,100, APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$5,385,100 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

(Introduced) MARCH 12, 2004, 2004

(Adopted) _____, 2004

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column B of the attached schedule and the duly adopted 2004 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2004 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 2 and 4 of the attached schedule, and (b) the classes of objects or purposes set forth in rows 1 and 3 of the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column C of the attached schedule, and said respective amounts are hereby appropriated therefore pursuant to the duly adopted 2004 Capital Budget for the County. The plan of financing includes the issuance of \$5,385,100 aggregate principal amount of bonds of the County to finance said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

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Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$5,385,100 bonds herein authorized are to be issued, within the limitations of § 11.00 a. of the Law, is set forth in column D of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts, as are necessary to pay the costs of the respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved to separate items #2q and #4 and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved to amend item #4. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

~~#~~ **ATTACH the following:**

RESOLUTION NO. 128

	A	B	C	D
ROW NO	PROJECT DESCRIPTION (object or purpose)	PROJECT DETAILS	ESTIMATED MAXIMUM COST/ AMOUNT OF BONDS AUTHORIZED	PPU Sec. 11.00a reference
1	Wireless Infrastructure Improvements	Police cars to be equipped with wireless cards to provide transmission of high-speed data	\$225,000	10 yrs Par. 25
2	Office Renovations – Erie County Clerk	Renovations and related furnishings and equipment for the office of the County Clerk	\$300,000	15 yrs. Par. 12(a)(2)
3	Library Books and Media Equipment	Purchase of books and media equipment for use in various libraries throughout the County	\$4,500,000	5 yrs. Par. 32
4	Office Renovations -Erie County District Attorney	Renovations and related furnishings and equipment for the office of the District Attorney	\$360,100	15 yrs. Par. 12(a)(2)

MR. DEBENEDETTI moved the approval of item #4 as amended. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that item #2q remain on the table.

GRANTED.

Item 19 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

March 25, 2004

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 5E-19)
COUNTY EXECUTIVE: Parks – Master Plan Implementation – Engineer Supplement Agreement.
(5-0)
 - b. Item Page -2004 (Comm. 7E-24)
COUNTY EXECUTIVE: Southtowns Sewage Treatment Agency – Southtowns Sand Filter Project – Falter Construction Corporation – Dispensation of Hours.
(5-0)
 - c. Item Page -2004 (Comm. 7E-25)
COUNTY EXECUTIVE: ECSD No. 6 – Bethlehem Park Sewer Rehab Phase I – C. Destro Development – Dispensation of Hours.
(5-0)
 - d. Item Page -2004 (Comm. 7E-28)
COUNTY EXECUTIVE: ECSD No. 3 – A/E Agreement – Change Order No. 1 – Consolidation of Blasdell & ECSD No. 3 / Southtowns Sewage Treatment Agency Services.
(5-0)

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE****AS AMENDED**

2. Item Page -2003 (Intro. 24-7)
HOLT, SMITH, DUSZA, MARINELLI, SCHROEDER, CHASE & RANZENHOFER

WHEREAS, in New York State there are approximately 6,000 cemeteries and in Erie County, there are numerous cemeteries, many small and often poorly-known, and

WHEREAS, paralleling similar problems across the state, many of those cemeteries are not maintained or kept-up for a variety of reasons, and

WHEREAS, one well-known example of that distressing situation is the Concordia Cemetery on Walden Avenue, and

WHEREAS, the New York State Department of State's Division of Cemeteries has previously held discussions with City of Buffalo officials concerning the disposition of that specific cemetery, including ways in which local government may be a conduit for state financial assistance, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry maintains County parks and other parcels, and utilizes prison work crews from the Erie County Correctional Facility, and

WHEREAS, the Commissioner of that department has expressed satisfaction with the inmate work program, and has utilized those crews for a variety of projects in County parks and County-owned parcels, including beautification, weed and brush-clearing, mowing, and flower/shrub planting, and

WHEREAS, the Erie County Sheriff's Department and the Erie County Department of Social Services have separately and previously utilized inmates and Work Fare recipients for clean-up projects at Concordia Cemetery, including brush, tree, weed and grass clearing and disposal, and those departments have expressed support for the continuation of such work projects at that cemetery and other locations as appropriate and based on the availability of work crews, and,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its desire that lacking other alternatives, the County of Erie work to develop ways with local officials and other private entities to help maintain or clean-up neglected and/or abandoned cemeteries in Erie County, and be it further

RESOLVED, that this Honorable Body expresses its interest in exploring ways in which the County can help maintain neglected or abandoned cemeteries and adjacent lots owned by cemetery associations or local municipalities through the inmate work program, the Department of Social Services Work Fare program, and the County's Department of Parks, Recreation and Forestry, and be it further

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RESOLVED, that this Honorable Body requests that the appropriate officials from the Department of Parks, Recreation and Forestry; Erie County Sheriff; and Department of Social Services form an interagency team and work with the appropriate officials from Concordia Cemetery and Beth Jacobs Cemetery, other appropriate cemeteries and local government officials to develop an action plan to use inmate work crews and Work Fare participants in clean-up and maintenance projects, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Executive, Commissioner of Parks, Recreation and Forestry, Erie County Sheriff, Superintendent of the Erie County Correctional Facility, Commissioner of Social Services, the New York State Division of Cemeteries (41 State Street, Albany, NY 12231-0001), and Elizabeth Triggs of the Concordia Cemetery Board of Directors (P.O. Box 813, Buffalo, NY 14205).

Fiscal Impact: Unknown at this time.
(5-0)

AS AMENDED

3. Item Page -2003 (Intro. 24-9)
HOLT, MARINELLI, SMITH, DEBENEDETTI, DUSZA & SCHROEDER
WHEREAS, in 1980, in large part prompted by the environmental and public health crisis at Love Canal in Niagara Falls, the United States Congress established the Superfund program to locate, investigate, and clean-up the worst toxic and hazardous waste sites in the country, and

WHEREAS, Superfund was created by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a bill signed into law on December 11, 1980 that created an initial trust fund of \$1.6 billion over five years, and

WHEREAS, CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA), enacted October 17, 1986 establishing a trust fund of \$8.5 billion over 5 years, and which was extended to September 30, 1994 and an additional \$5.1 billion was authorized, and

WHEREAS, under Superfund, the responsible polluting parties are identified, prosecuted, and forced to pay for the remediation and clean-up of their properties, and

WHEREAS, under the program an "orphan fund" was established to pay for the clean-up of properties in which the responsible parties or polluters cannot be identified or located or which are bankrupt, and

WHEREAS, the orphan fund was funded by taxes on chemical and oil companies and others, in such a way as to create and maintain a sustainable revenue source for the clean-up of contaminated properties, and

WHEREAS, by the end of 2002, over 22 years, the Superfund, along with its state and local partner programs, had assessed nearly 44,418 sites, with 33,106 sites, or 75% of the total, having been removed from the Superfund inventory to help encourage economic redevelopment, while

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11,312 sites remain active with the site assessment program, or are on the National Priorities List, and

WHEREAS, Superfund is administered by the U.S. Environmental Protection Agency, and

WHEREAS, according to the EPA's Comprehensive Environmental Response, Compensation, and Liability Information System database, among the many national, state-wide and regional Superfund or related state or local contamination sites, there are Superfund or related sites in Erie and Niagara Counties including Love Canal, Hickory Woods, Altift Realty, Ashland I and II, Babcock Warehouse, Bern Metals, Buffalo Color, Buffalo Weaving and Belting, 379 Genesee Street site, Chemical Sales Corp., Clinton Bailey site, Columbus McKinnon Tonawanda site, Envirotek Tonawanda site, Feldman Barrel and Drum, Fillmore Trailer site, Germania Street, Hertel Avenue, High Street Warehouse, Hopkins Avenue, Lackawanna Foundry, Madison Wire Works West Seneca, Morgan Chemicals, Newstead site, Niagara Mohawk Cherry Farm, NL Industries Depew, Pfohl Brothers landfill Cheektowaga, Polymer Applications Tonawanda, Seaway Industrial Waste Disposal Tonawanda, Tonawanda LF, Union Carbide Tonawanda, Union Road site Cheektowaga, Universal Irons and Metal, West Seneca Transfer, and Wide Beach Development Brant, and

WHEREAS, in 1995, the orphan fund tax expired and was not renewed, and

WHEREAS, no new monies have been paid into the orphan fund since 1995, and in 2004, the fund will be completely exhausted of monies for the clean-up of contaminated properties, leaving thousands of contaminated properties unremediated and posing significant dangers to the environment and to public health,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Superfund, and be it further

RESOLVED, that this Honorable Body calls on the U.S. House of Representatives and U.S. Senate to renew the orphan tax, and for President Bush to sign the renewal into law, and be it further

RESOLVED, that certified copies of this resolution be submitted to President George W. Bush, EPA Administrator Michael Leavitt, U.S. Senators Charles Schumer and Hillary Rodham Clinton, and U.S. Representatives Thomas Reynolds, Jack Quinn, Louise Slaughter and Amo Houghton.

Fiscal Impact: Positive for our community.
(5-0)

4.	Item	Page	-2004	AS AMENDED (Comm. 4E-19)
	COUNTY EXECUTIVE			

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Town of Evans; and

WHEREAS, Erie County Sewer District No. 2 would like to acquire an easement (SBL 193.00-1-2.111) adjacent to the Hamilton Street Pumping Station for the future construction of sanitary sewers to enable the elimination of the existing pumping station; and

WHEREAS, an independent appraisal has been prepared of the easement area for Erie County Sewer District No. 2

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 2 be authorized to acquire the easement adjacent to the Hamilton Street Pumping Station owned by Stasia T. Vogel, Estelle T. Zoladz, Aloysius S. Zoladz, Victor E. Zoladz and Louise M. Hacken (SBL No. 193.00-1-2.111) for the sum not to exceed \$52,700.00; and be it further

RESOLVED, that any necessary agreements with the property owners required for the County to secure the easement are hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement to provide the needed easements subject to approval as to form by the County Attorney's Office and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$52,700.00 from Erie County Sewer District No. 2 Sewer Capital 430-913; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0)

5. Item Page -2004 (Comm. 7E-26)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management hereby requests approval to transfer several positions in the 2004 Budget within the Division of Sewerage Management and the Erie County Sewer Districts; and

WHEREAS, said transfers will allow for an easier transition and the ability to conform to the new SAP accounting software system to be implemented.

NOW, THEREFORE, BE IT

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RESOLVED, that the following positions be transferred as listed below:

	DEPARTMENT:	TITLE:	POSITION CONTROL# (SAP NO.)
FROM:	850 D.S.M.	Clerk-Typist - PT	811687 (1728)
TO:	820 ECSD NO. 2		
FROM:	850 D.S.M.	Eng. Asst. 55-A	811951 (3356)
TO:	830 ECSD NO. 3/STNS		
FROM:	850 D.S.M.	Clerk-Typist	811955 (1614)
TO:	830 ECSD NO. 3/STNS		
FROM:	830 STNS/SD3	Asst. San. Engineer	804130 (513)
TO:	850 D.S.M.		

and be it further

RESOLVED, that the funding for the transfers for the affected positions be taken out of the 2004 Budget, Unexpended Salaries in each District affected and be it further

RESOLVED, that certified copies of the approved resolution be sent to Joel A. Giambra, County Executive; Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning; the Erie County Personnel Department and the Erie County Budget Office.
(5-0)

6. Item Page -2004 (Comm. 7E-31)

COUNTY EXECUTIVE

WHEREAS, The Pfohl Brother's Landfill is an inactive hazardous waste landfill in the Town of Cheektowaga that is listed on the New York State Registry of Inactive Hazardous Waste Sites; and

WHEREAS, The Pfohl Brother's Landfill has been remediated as a properly designed and capped landfill with a smaller footprint than the original landfill, resulting in available land for redevelopment along Transit Road and Aero Drive; and

WHEREAS, The existing parcels that make up the Pfohl Brother's Landfill have back tax liens which prevent the redevelopment of the properties; and

WHEREAS, The Erie County Industrial Development Agency has agreed to assist Erie County in the redevelopment of the site by accepting the tax liens and if necessary, taking title to the properties to allow development proposals to move forward; and

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WHEREAS, The County holds tax liens on nineteen parcels that make up the Pfohl Brothers Landfill, described as:

1. SBL#81.040-1-26
2. SBL#81.04-1-27
3. SBL#81.040-1-28.100
4. SBL#81.04-2-9.1
5. SBL#81.040-2-10.100
6. SBL#81.040-2-11
7. SBL#82.03-4-5
8. SBL#82.03-4-6
9. SBL#82.030-4- 7
10. SBL#82.03-4-8
11. SBL#82.03-4-9.11
12. SBL#82.030-4-9.120
13. SBL#82.030-4-9.2
14. SBL#82.03-4-10
15. SBL#82.030-4-11
16. SBL#92.020-3-6
17. SBL#92.02-3-13
18. SBL#92.02-3-14
19. SBL#93.01-1-1

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into any necessary agreements and other documents with the Erie County Industrial Development Agency and the parties responsible for the clean-up of the Pfohl Brother's Landfill in order to transfer the County's interest in the above-referenced parcels; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management, and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

7. Item Page -2004 (Intro. 7-1)
DUSZA

WHEREAS, Governor George Pataki has presented an executive budget for New York State for Fiscal Year 2004-2005 and

WHEREAS, that budget, like recent state budgets, again cuts transportation funding in certain key areas including nearly \$200 million in reductions from FY 2003-2004 in the areas of contract letting, the Consolidated Highway Improvement Program (CHIPS) program, and design and engineering, and

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, those cuts in state funding will result in negative consequences for roads, highways and bridges in Erie County – highways, roads and bridges of which many already have significant deterioration and are in poor condition, leading to potentially dangerous situations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the continued comprehensive state funding of transportation projects and programs in FY 2004-2005 and beyond, and be it further

RESOLVED, that this Honorable Body urges the New York State Legislature to carefully review the Governor's proposed budget and make appropriate revisions to appropriate additional funds for transportation, specifically contract letting, CHIPs, and design and engineering, and be it further

RESOLVED, that certified copies of this resolution be provided to the Governor, local delegation of the New York State Legislature, and the Erie County Commissioner of Public Works. Fiscal Impact: Positive for Erie County.
(5-0)

**RAYMOND K. DUSZA
CHAIRMAN**

MR. DUSZA moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

March 25, 2004

PUBLIC SAFETY
COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

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

MEETING NO. 8

April 1, 2004

ERIE COUNTY LEGISLATURE

a. Item Page -2004 (L.L. Intro. 2-1)
MARSHALL, CHASE, RANZENHOFER, SWANICK, CUSACK & McCARVILLE: A
 LL Req. Impoundment of Vehicles Subsequent to an Arrest for Driving While Intoxicated /
 Ability Impaired.
 (5-0)

b. Item Page -2004 (Comm. 7E-2)
SHERIFF: Proposed Multi-Agency Strategy for Public Safety.
 (5-0)

2. Item Page -2004 (Comm. 7E-17)
SHERIFF

WHEREAS, the Sheriff's Office will receive a special one time appropriation of \$9,530 from the State of New York through the Erie County Department of Mental Health to continue their Public Awareness is Prevention Program and,

WHEREAS, that appropriation was not included in the budget adopted by the Erie County Legislature, and

WHEREAS, expenses have been incurred for the purchase of Life Skills Workbooks used for School-based Tobacco Prevention Training and,

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

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE
PUBLIC AWARENESS IS PREVENTION -PROJECT #720

<u>APPROPRIATION</u>		<u>Decrease</u>
883-2409	Interdepartment - Mental Health Grants	\$ 9,530
 <u>APPROPRIATION</u>		 <u>Increase</u>
826 Other Expenses		<u>\$ 9,530</u>
	NET IMPACT	<u>\$ 0</u>

and be it further

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

(5-0)

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

3. Item Page -2004 (Comm. 7E-18)

SHERIFF

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$23,348 to The Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program, and

WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to reducing unsafe driving behavior in an effort to decrease serious injury or death from traffic accidents.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$23,348 from the State of New York Governor's Traffic Safety Committee and it be further,

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Department 931 – Sheriffs Office

<u>REVENUE</u>	<u>Increase</u>
Acct. 639 -State Aid Miscellaneous	<u>23,348</u>
 TOTAL REVENUE	 <u>23,348</u>
 <u>APPROPRIATIONS</u>	 <u>Increase</u>
Acct. 801 -Overtime	20,388
Acct. 933 -Lab & Technical Equipment	2,960
TOTAL APPROPRIATIONS	<u>23,348</u>

and it be further

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

(5-0)

4. Item Page -2004 (Comm. 7E-19)

SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriffs Office in the Asset Forfeiture Trust Account, and

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

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ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that \$55,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriffs Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT PROJECT #493

<u>REVENUE</u>		<u>Increase</u>
Acct. 502	Forfeiture Crime Proceeds	<u>55,000</u>
	Total Revenue	<u>55,000</u>
<u>APPROPRIATION Increase</u>		
Acct. 825	Out-of-Area Travel	30,000
Acct. 933	Lab & Technical Equipment	<u>25,000</u>
	Total Appropriations	<u>55,000</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller and the Office of the Sheriff for implementation.
 (5-0)

5. Item Page -2004 (Comm. 7E-20)

COUNTY EXECUTIVE

WHEREAS, construction on the new Public Safety Building is nearing completion, and

WHEREAS, it is essential to have qualified staff operating that facility, and

WHEREAS, one (1) Chief Stationary Engineer, five (5) Stationary Engineers, one (1) Head Janitor, and two (2) Head Laborers are required for that facility, and

WHEREAS, the Chief Stationary Engineer is needed soon as the HV AC system is up and running while construction is being completed and the Stationary Engineers are not needed until one month prior to the building opening (scheduled for October 2004) and the Janitors and Laborers are not required until the building is opened, and

WHEREAS, a Control Technician is needed at the new Youth Detention Center for maintaining the automatic locks on all doors throughout the facility, and

WHEREAS, the Department of Public Works also desires to add one Control Technician for this purpose,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature authorizes the addition of the position of one (1) Chief Stationary Engineer, J.G. 9; five (5) Stationary Engineers, J.G. 7; one (1) Head Janitor, J.G. 6 and two 2 Head Laborers, J.G. 4; and be it further

RESOLVED, that the Erie County Legislature authorizes the addition of one Control Technician- Electric, J.G. 9; and be it further

RESOLVED, that the source of funds for the positions to be added to the budget of the Division of Buildings and Grounds shall be unexpended balances in the personal services and fringe benefit accounts of that administrative unit; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the County Executive, the Commissioner of Personnel, the Director of Budget, Management and Finance and the Office of the Comptroller. (5-0)

6. Item Page -2004 (Comm. 7E-35)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to conduct a Hazard Analysis for each of the 44 communities of Erie County, and

WHEREAS, these funds will be used to assist in conducting the All-Hazard Risk Analysis and to prepare a County-Wide All Hazard Mitigation Plan, and

WHEREAS, this plan must be completed by November 2004 in order to comply with the federal mandate, in order to be eligible for FEMA funding after a federal disaster declaration, and

WHEREAS, two student interns have been hired to help with the development of this All-Hazard Mitigation Plan which includes fringe benefits that are covered under the grant funding, and

WHEREAS, that an extension of time for the present two student interns under this grant is requested to complete the goals and objectives of this grant by using funds previously designated for Ecology and Environment, Inc. to copy the plan for all 44 municipalities.

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to amend the All-Hazard Mitigation Grant to cover the extension of time and related costs of the two student interns, and be it further

RESOLVED, that Ecology and Environment, Inc. will not be utilized to enhance and duplicate 50 copies of the plan for all municipalities of Erie County through this grant, and be it further

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RESOLVED that the present student interns have the capabilities to complete the All-Hazard Mitigation Plan and to duplicate of copies for all 44 municipalities within the County, and be it further

RESOLVED, that funds be utilized to complete the All-Hazard Mitigation Plan- to meet the Federal Mandate of November 2004, and be it further

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

Department of Emergency Services
All-Hazard Mitigation Planning Grant

Revenue	Present Legislation	Proposed Revision	New Grant
SFG684 - Federal Aid -Other	<u>\$40,000</u>	\$ 0	<u>\$40,000</u>
TOTAL	<u>\$40,000</u>	\$ 0	<u>\$40,000</u>
Appropriations			
SFG800 -Personnel Costs	\$12,700	\$+ 8000	\$20,700
SFG805 -Fringe Benefits	4,000	0	4,000
SFG810 -Office Supplies	0	+ 3000	3,000
SFG825 -Long Distance Travel	500	0	500
SFG826 -Other Expenditure	3,000	+ 2000	5,000
SFG830 -Contractual	15,000	- 15000	0
SFG933 -Lab and Technical Equipment	<u>4, 800</u>	<u>+ 2000</u>	<u>6,800</u>
TOTAL	\$ 40,000	\$ 0	\$40,000

and be it further

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

(5-0)

7. Item Page -2004 (Comm. 7E-36)

COUNTY EXECUTIVE

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended, and

WHEREAS, said funds are required to be expended for law enforcement and prosecutorial operations and efforts, and

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WHEREAS, the Department of Public Works desires to add five (5) Building Guard positions for this purpose staged throughout the year as the necessary equipment is added to the buildings,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the addition of five (5) Building Guard, J. G. IV, positions, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works and one copy each to the County Executive, the Commissioner of Personnel, the Director of Budget, Management and Finance and the Office of the Comptroller.
(5-0)

**EDWARD J. KUWIK
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 21 – MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

March 25, 2004

HUMAN SERVICES
COMMITTEE
REPORT NO. 4

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

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

a.

Item	Page	-2004	(Comm. 5E-28)
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COUNTY EXECUTIVE: Health – Clean Indoor Air Act Smoking Waiver Fees.
(5-0)

b.

Item	Page	-2004	(Comm. 6E-17)
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SMITH: Copy of Letter to Health Commissioner Re: Smoking Waiver Process.
(5-0)

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c. Item Page -2004 (Comm. 7D-6)
HEALTH: Response to Legislator Smith's 3/2/04 Letter Re: Clean Indoor Air Act Policies
& Fees.
(5-0)

d. Item Page -2004 (Comm. 7D-13)
SOCIAL SERVICES: Response to Request for Information on Wraparound Services
Expansion.
(5-0)

e. Item Page -2004 (Comm. 7E-15)
SMITH: Request for Written Legal Opinion – Smoking Waiver Fees.
(5-0)

2. Item Page -2004 (Comm. 7E-4)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is requesting authority to create the position
of Executive Director -Office of Self Sufficiency, and

WHEREAS, the duties of this position will include direct County administrative oversight as
well as a primary advocacy and liaison role with all levels of government for all major client
eligibility programs including Medicaid, Food Stamps, Family Assistance, Safety Net, Child
Support, Daycare and Employment, and

WHEREAS, this position is to be funded by the deletion of four vacant staff positions that
are not to be utilized due to the end of a demonstration program, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following position changes are effective March 5, 2004 :

Number	Title	Job Grade
--------	-------	-----------

ADD

1	Executive Director -Office of Self Sufficiency	20
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DELETE

4	Transitional Opportunity Workers	8
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(a B-100 is attached)

and be it further

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

(5-0)

3. Item Page -2004 (Comm. 7E-21)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant from the New York State Health Department in the amount of \$163, 787 for the period 10/1/03 through 9/30/04, with an option for two one-year extensions, and

WHEREAS, this grant also authorizes the creation of one part-time position of Associate Public Health Sanitarian, JG XIV, to manage the increased legal requirements mandated by the grantor, and

WHEREAS, over 300,000 people in the United States die of causes directly related to smoking, and

WHEREAS, most smokers start using tobacco before the age of eighteen, and

WHEREAS, the Health Department's Environmental Health Unit will conduct an informational campaign targeted toward merchants, informing them of the New York State Law prohibiting the sale of tobacco products to persons under the age of eighteen, and

WHEREAS, the County desires to subcontract with various Police agencies in Erie County and the Wellness Institute of Greater Buffalo and Western New York, Inc. to conduct compliance checks of merchants by using underage operatives who will attempt to purchase tobacco products, and

WHEREAS, the County desires to contract for the services of a software developer to maintain the program that was developed to be used with the existing tablet computers to collect a wide variety of information in the field for not only the Tobacco Enforcement Program but other Health Department Programs and to integrate the developed system with existing State Health Department requirements and conduct the associated training.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an amended contract with the New York State which is budgeted as follows:

YOUTH TOBACCO ENFORCEMENT AND PREVENTION
10/1/03- 9/30/04 PROJECT
#870

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SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
428	Penalties & Fines Transfers Previous	\$ 10,000	\$(1,500)	\$ 8,500
549-101	Grant Program	0	58,157	58,157
553	State Aid	<u>161,400</u>	<u>2,387</u>	<u>163,787</u>
	TOTAL	<u>\$171,400</u>	<u>59,044</u>	<u>\$ 230,444</u>

EXPENSES

800	Personal Services	\$ 57,816	\$19,085	\$ 76,901
801	Overtime	0	16,100	16,100
805	Fringe Benefits	15,599	3,189	18,788
810	Office Supplies	1,000	-650	350
811	Clothing Supplies	0	2,500	2,500
821	Dues & Fees	14,331	-4,331	10,000
824	Travel & Mileage	2,000	500	2,500
825	Out Of Area Travel	2,500	2,200	4,700
826	Other Expenses	5,500	-3,500	2,000
830	Contractual	50,250	6,855	57,105
880-2700	Interfund -Health	0	12,000	12,000
880-5100	Interfund -DISS	500	500	1,000
932	Office Equipment	3,500	-2,500	1,000
933	Lab & Tech Equipment	<u>18,404</u>	<u>7,096</u>	<u>25,500</u>
	TOTAL	<u>\$171,400</u>	<u>59,044</u>	<u>\$230,444</u>

Health Increases

685-2709	Interfund – Health Grants	\$-12,000
821	Dues & Fees	\$-12,000

and be it further

RESOLVED, that one part-time position of Associate Public Health Sanitarian, JG XIV, is hereby created. The following personnel detail is hereby submitted:

TITLE: Associate P .H. Sanitarian Part-Time	FUNDING: 100% State Reimbursed
STEP: 1	CIVIL SERVICE: Non Competitive
JG: XIV	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$26,600	
ANNUAL BENEFITS: \$3,195	

and be it further

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is hereby authorized to subcontract with the Erie County Sheriff's Department and other police agencies, and the Wellness Institute of Greater Buffalo and Western New York, Inc. to conduct compliance checks of merchants by using underage operatives to attempt to purchase tobacco products to carry out this project, and be it further

RESOLVED, that police agencies will be reimbursed at the rate of \$35.00 per compliance check, and be it further

RESOLVED, that the Wellness Institute of Greater Buffalo and Western New York, Inc. will be reimbursed at a sum not to exceed \$2,500 per year, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to contract for a computer software developer from qualified individuals within the bounds of the appropriations stated above for those categories as listed in Exhibit B incorporated herein,

EXHIBIT B
Annual Compensation Less Than \$10,000

TITLE	RATE
Software Developer	\$65.00/hour

and be it further

RESOLVED that the subcontracts with the Wellness Institute of Greater Buffalo and Western New York, Inc., various police agencies and the Software Developer are special services which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that one half of the fines collected by the Health Department will be returned to the police agencies where the violation occurred to be used for educational programs designed to prevent adolescents from smoking as provided in Article 13-F of the New York State Public Health Law, and be it further

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

(5-0)

4. Item Page -2004 (Comm. 7E-22)

COUNTY EXECUTIVE

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

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Department of Health has received a revised grant award which extends the end date of this contract to end on 8/31/05, and

WHEREAS, the Erie County Department of Health wishes to amend the contract with SUNY AB School of Engineering for the provision of ground water analyses services in the amount of \$12,144 for the purpose of GWUDI (Ground Water Under Direct Influence of Surface Water) Assessment to end on 8/31/05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised grant award which extends the existing grant end date from 3/31/04 to 8/31/05, and be it further

RESOLVED, that the contract with SUNY AB School of Engineering is hereby extended until 8/31/05, and be it further

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

(5-0)

**DEMONE A. SMITH
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 22 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

March 25, 2004

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 4

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

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

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Item Page -2004 (Comm. 1M-1)
 a. **TOWN OF AMHERST:** Certified Resolution Re: Opposition to Consolidation of ECC
 Campuses.
 (5-0)

Item Page -2004 (Comm. 7E-16)
 b. **WROBLEWSKI:** Update on Draft GEIS for ECC Facilities Master Plan.
 (5-0)

Item Page -2004 (Comm. 7M-17)
 c. **BHNT ARCHITECTS:** Draft GEIS for ECC Facilities Master Plan 1/16/04.
 (5-0)

2. Item Page -2004 (Comm. 7E-29)
COUNTY EXECUTIVE

WHEREAS, regional cultural assets located in Buffalo and Erie County are increasingly recognized nationally and internationally for their historic, architectural and cultural tourism significance, and these regional assets are integral components in Erie County's regional economic revitalization strategy which includes promoting the business of cultural tourism in our region; and

WHEREAS, in August 2002, the Erie County Legislature's Cultural Funding Working Group endorsed the County Executive's proposal for Erie County to assume sole ownership responsibility from the City of Buffalo for Shea's Performing Arts Center (Shea's), the Buffalo Zoological Gardens (Buffalo Zoo), and Kleinhans Music Hall (Kleinhans), and the County Legislature's Working Group further agreed with the County Executive's proposal to appropriate approximately \$700,000 annually in operating expenses for these three regional assets; and

WHEREAS, based on negotiations that Erie County has held throughout the last several months with representatives from the City of Buffalo, Shea's, Kleinhans, and the Buffalo Zoo, it has been determined that the transfer of ownership of these three city-owned regional cultural assets will relieve the City of Buffalo from significant annual operational financial obligations which approximate \$700,000, in addition to future costs that would be incurred by the City for on-going capital repair and replacement needs for these three regional cultural assets; and

WHEREAS, based on these findings and in consideration of the City of Buffalo's fiscal crisis, the Common Council of the City of Buffalo in late 2003 approved the "City of Buffalo - Erie County Regional Assets Sales Agreement for the Buffalo Zoological Gardens, Shea's Performing Arts Center, and Kleinhans Music Hall", as prepared by staff from the County of Erie and the City of Buffalo; and

WHEREAS, as a result of these City-County negotiations, the County has further determined it appears feasible and advisable for the County to assume ownership of these three facilities from the City of Buffalo in order to protect and enhance the legacy and role of these three facilities that are truly regional in scope and focus, and by doing this, the City of Buffalo will be relieved of

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

significant financial obligations that include annual operational expenses, as well as on-going capital repair and replacement costs; and

WHEREAS, the Erie County Division of Budget, Management and Finance has confirmed that sufficient funds are available in the Erie County General Fund to address the ownership transfer needs and costs, as noted above, for the Buffalo Zoo, Shea's and Kleinhans,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby granted the authority to execute the "City of Buffalo -Erie County Regional Assets Sales Agreement for the Buffalo Zoological Gardens, Shea's Performing Arts Center, and Kleinhans Music Hall", subject to approval of the final form of the Agreement by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Mayor of the City of Buffalo, located at 65 Niagara Square, Buffalo, New York 14202; Donna Fernandes, President of the Zoological Society of Buffalo, located at 300 Parkside Avenue, Buffalo, New York 14214; and Anthony Conte, CEO of Shea's O'Connell Preservation Guild, located at 646 Main Street, Buffalo, New York 14202.

(5-0)

3. Item Page -2004 (Comm. 7E-33)

COUNTY EXECUTIVE

WHEREAS, Dr. V. Roger Lalli is a retired educator and lifelong resident of Buffalo, who created a series of watercolor paintings based on Buffalo's phenomenal architecture to reflect his admiration for this city; and

WHEREAS, the 42 subjects in the "Buffalo My City" collection reflect aesthetic quality, historical significance, architectural importance, nostalgia, and popularity; and

WHEREAS, the completed collection was first exhibited in May 2001 as part of the Pan-American Centennial Celebration; and

WHEREAS, the Karpeles Manuscript Museum, a City of Buffalo based not-for-profit organization, has agreed to display this 42-piece collection as part of a Visitor Center Gallery to be installed at the Museum, and this display will provide an opportunity for residents and visitors to reflect on the uniqueness of this city as an architectural gem; and

WHEREAS, based on a funding request from Karpeles Manuscript Museum, Erie County has been asked to provide \$5,000 towards the display of the "Buffalo My City" collection,

NOW, THEREFORE, BE IT

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is hereby authorized to enter into the necessary Agreement to provide funds to this organization for purposes noted above; and be it further

RESOLVED, that funds in the amount of \$5,000 are hereby transferred from the Regionalism – Economic Development Fund (DAC 110 9043038301299) to the following new sub-account under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Karpeles Manuscript Museum	\$5,000
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and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and Christopher Kelly, Director of Karpeles Manuscript Museum, located at 453 Porter Avenue, Buffalo, New York 14201.
(5-0)

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MR. WROBLEWSKI moved to separate items #2 and #3 and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved the approval of item #2. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved the approval of item #3. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 23 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

March 25, 2004

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 3

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

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. 16D-8)
PERSONNEL & LABOR RELATIONS: Collective Bargaining Agreements.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - b. Item Page -2004 (Comm. 1E-11)
HOLT: Copy of Letter to County Executive Re: ERP/SAP Project.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - c. Item Page -2004 (Intro. 4-5)
RANZENHOFER: AS AMENDED – Urging NYS Legislature to Adopt Early Retirement Incentive Legislation for Erie County.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Comm. 6D-7)
COUNTY ATTORNEY: Notice of Claims.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - e. Item Page -2004 (Comm. 6M-6)
LEGAL AID BUREAU OF BUFFALO: Unaudited Financial Statements for 9 Months Ending 9/30/03.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - f. Item Page -2004 (Comm. 6M-7)
VOLKER: Copy of S.6125 – An Act to Provide Temporary Retirement Incentive for Certain Public Employees Within Erie County.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - g. Item Page -2004 (Comm. 6M-12)
TOWN OF CHEEKTOWAGA: Copy of Letter to Erie County Personnel Commissioner Re: Civil Service List.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - h. Item Page -2004 (Comm. 7D-10)
COUNTY ATTORNEY: Notice of Claims.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - i. Item Page -2004 (Comm. 7M-3)
ONEIDA COUNTY LEGISLATURE: Certified Resolution in Support of State Bills A.1757 & S.675.
 (6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

2. Item Page -2003 (Intro. 12-10)

KUWIK, SCHROEDER, SMITH & DEBENEDETTI

WHEREAS, there has been an effort by business groups and major US employers over the past decade to establish cash balance pension plans and to move their employees into those new plans, and out of existing traditional, defined benefit pension plans, and

WHEREAS, cash balance pension plans combine features of traditional pensions with the 401(k), but in so doing, they transfer significant risk to the employee, particularly older workers nearing retirement, and

WHEREAS, cash balance plans implicitly encourage employers to move their employees with many years seniority in the company from traditional pensions to cash balance plans, so as to reduce the company's contribution to the employee's retirement, and

WHEREAS, national surveys of companies and employees who have been moved from traditional, defined benefit pensions to cash balance plans find that employees' retirement benefits have often been reduced severely (called "wear away"), and

WHEREAS, a 2002 audit of 60 corporate pension conversions conducted by the US Department of Labor's Inspector General uncovered instances in 20% of the time, workers were unfairly and improperly deprived of their retirement benefits due to the cash balance conversion, and

WHEREAS, older workers have filed lawsuits and complaints alleging age discrimination in the conversion of their retirement benefits, including complaints with the US Equal Employment Opportunity Commission, and a pending class action lawsuit against IBM on behalf of its 140,000 employees, and

WHEREAS, in 1999, the Internal Revenue Service established a moratorium on conversions in order to research and determine the legality of such conversions of retirement benefits, and

WHEREAS, the US Treasury Department seeks to lift that moratorium and allow many more employers to convert their pension plans, and

WHEREAS, legislation has been introduced in the US Congress by a number of members to regulate cash balance plan conversions and to allow older workers the opportunity to choose whether or not they would like to switch retirement plans, specifically, H.R. 1677, the Pension Benefits Protection Act of 2003 and S. 9, the Pension Protection and Expansion Act of 2003, and

WHEREAS, organizations representing seniors and workers have endorsed H.R. 1677 and S. 9, and

WHEREAS, major US employers including Kodak, Motorola, and CSX have voluntarily allowed their employees to choose between the traditional and cash balance pension plans,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its opposition to H.R. 1119, and urges the Congress to reject legislation that rolls back workers' rights, and be it further

RESOLVED, that this Honorable Body expresses its support for working men and women and for their right to earn a living wage, and to continue to receive fair and equitable monetary compensation for their hourly work in excess of 40 hours in a week, and be it further

RESOLVED, that certified copies of this resolution be submitted to President George W. Bush (The White House, 1600 Pennsylvania Avenue, NW, Washington, DC 20500), the Western New York Delegation of the U.S. House of Representatives, U.S. Senators Charles Schumer and Hillary Rodham Clinton, U.S. Secretary of Labor Elaine Chao (200 Constitution Avenue, NW, Washington, DC 20210), Buffalo AFL-CIO Central Labor Council President John Kaczorowski (532 Ellicott Square Building, 295 Main Street, Buffalo, NY 14203) and Daniel Boody, WNY Central Labor Federation President (585 Aero Drive, Buffalo, NY 14225).

Fiscal Impact: None for this resolution.

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

AS AMENDED

4. Item Page -2003 (Intro. 15-5)
DEBENEDETTI, HOLT, MARINELLI, WROBLEWSKI, MCCARVILLE, CHASE, KUWIK, SCHROEDER & SWANICK

WHEREAS, identify theft is rapidly becoming one of the largest crimes in the United States, with some 12 million Americans falling victim to identity theft and another 1 million likely to be victims in 2003, and

WHEREAS, identity theft is the illegal and fraudulent use of a person's name, address, Social Security number, and bank information, and access to credit and banking instruments, and

WHEREAS, based on reports to the federal government, losses in 2002 alone due to fraud totaled \$343 million, and

WHEREAS, the impact on the individual is much, much worse, as persons who have had their identity stolen often cannot buy a home, purchase an automobile, get credit, obtain loans, and even open bank accounts or get jobs, and

WHEREAS, consumer groups have repeatedly called for Americans to review their credit report at least annually to ensure they are not falling victim to theft nor being victimized by unscrupulous financial institutions, and

WHEREAS, many Americans also are victims when the three major credit agencies (Equifax, Experian, and TransUnion) and others do not update their records or carry inaccurate or

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

incorrect information in a person's credit report, thus denying credit or access to banking and financial products at reasonable prices or rates, and

WHEREAS, under federal law, consumers currently have the right to receive a free credit report annually only if they are denied credit or employment based on the information in the credit report, or if they are the victim of fraud, and

WHEREAS, six states (Colorado, Georgia, Maryland, Massachusetts, New Jersey, and Vermont) now require the three credit bureaus to provide consumers with one free copy of their credit report annually, and

WHEREAS, individuals in all other states, including New York, are forced to pay \$9.00 per credit report from each agency just to see one's own credit report, and consumers have to pay additional charges to see their credit score, and

WHEREAS, legislation has been introduced in the New York State Legislature to create a state law to allow you to see a copy of your credit report (A01562 and S00833), and

WHEREAS, the U.S. Congress now has pending legislation (H.R. 2546 and S.223) to allow Americans to receive one free annual report from each of the three credit-reporting agencies,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for stronger federal and state laws to protect against, and make it easier to prosecute those who engage in identity theft and credit fraud, and be it further

RESOLVED, that this Honorable Body expresses its support for federal and/or state legislation that will guarantee residents of New York State and Erie County the right to receive one free annual copy of their credit report from each of the credit agencies, and be it further

RESOLVED, that certified copies of this resolution be submitted to members of the Western New York Delegation of the New York State Legislature, to U.S. Reps. Louise Slaughter, Jack Quinn, and Tom Reynolds, to U.S. Senators Charles Schumer and Hillary Rodham Clinton, to the Better Business Bureau of Buffalo (741 Delaware Avenue, Suite 100 Buffalo, NY 14209), and the Western New York Law Center (295 Main Street, Suite 454, Buffalo, NY, 14203).

Fiscal Impact: Positive for Erie County residents.
(6-0) Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 **AS AMENDED**
(Intro. 7-10)
MARINELLI, WROBLEWSKI AND DEBENEDETTI

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, many counties in New York State and other states typically retain outside individuals, organizations or law firms as lobbyists to represent their federal and/or state interests, and

WHEREAS, the current County Executive and his predecessor have retained lobbyists to represent Erie County Government's interests in Albany and Washington, DC, and

WHEREAS, those lobbyists have been compensated for his/her services through the Dues and Fees budget line in the Department of Law, and

WHEREAS, the hiring of a lobbyist has traditionally not been advertised through a RFP or discussed and the Legislature has not been notified of such expenditures of County funds, and

WHEREAS, in recent years, the Legislature has raised questions concerning the retention of a lobbyist, specifically the process by which an individual or organization has been retained through a request for proposal, or a less formal mechanism, and some Legislators have requested that the lobbyist appear before a legislative committee prior to his/her hiring to answer questions, and

WHEREAS, the County Attorney has previously cited as his/her legal authority to hire a lobbyist without legislative approval the fact that the lobbyist is a practicing lawyer and the County Attorney is allowed to retain outside legal counsel without such legislative approval,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its desire to engage in its proper legislative oversight over the County's federal and state lobbyists, and be it further

RESOLVED, that this Honorable Body expresses its desire that the County Executive and County Attorney appear at a future meeting of the Legislature's Government Affairs Committee to discuss this issue and to develop appropriate procedures for the future retention of lobbyists including appropriate legislative review and approval, and be it further

RESOLVED, that the County Executive, through the County Attorney, shall submit a document to the Legislature providing the names of the County's lobbyists, including their firm name, name of the registered individuals lobbying on behalf of Erie County, their compensation, and the written goals and objectives of their advocacy on behalf of Erie County, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive and County Attorney.

Fiscal Impact: None for this resolution.
(6-0) Chairman Holt present as Ex-Officio Member.

LYNN M. MARINELLI
CHAIRPERSON

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved to separate items #2, #3 and #4 and moved the approval of the balance of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #2. MR. DEBENEDETTI seconded. MR. RANZENHOFER in the negative.

CARRIED. (14-1)

MS. MARINELLI moved the approval of item #3. MR. DEBENEDETTI seconded. LEGISLATORS RANZENHOFER and WEINSTEIN in the negative.

CARRIED. (13-2)

MS. MARINELLI moved to amend item #4. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

~~##~~ **ATTACH the following:**

Federal Bills HR2546 & S.223 and New York State Bills S.833/A.1562.

MS. MARINELLI moved the approval of item #4 as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

March 25, 2004

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 5

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

1. RESOLVED, that the following item is hereby received and filed.

Item Page -2003 (Intro. 4-8)

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

- a. **MARINELLI & DEBENEDETTI:** Support for the EC DPW Effort Add Kenmore Avenue to the Transportation Improvement Program.
(5-0)

AS AMENDED

2. Item Page -2003 (Intro. 7-14)
HOLT, KUWIK, SCHROEDER, DEBENEDETTI, SMITH, DUSZA & MARINELLI
WHEREAS, over the last several years this Honorable Body has been supportive of economic development initiatives such as the expansion of General Motors Powertrain in Tonawanda and Ouebecor Printing in Lancaster which provide economic stimulus to the local economy and quality jobs for local working families, and

WHEREAS, while public/private partnerships with larger businesses is vital to the economic health of our region, the thousands of small businesses in Western New York play an equally important role in economic growth and job creation and retention, and

WHEREAS, during the 2003 budget process members of this legislature proposed the establishment of a Regional Coordinated Small Business Stimulus Fund, however funding for this project was never specifically allocated in the 2003 adopted budget, and

WHEREAS, the New York State Assembly has recently unanimously approved several pieces of legislation designed to help New York's small businesses thrive, and

WHEREAS, New York State Assembly bill A.1512 offers small businesses assistance through the State's Industrial Effectiveness Program, which helps businesses keep up with rapidly changing environmental regulations, and

WHEREAS, Assembly bill A.314 provides for regional offices of the Department of Economic Development to offer information and assistance to small businesses on environmental compliance and pollution prevention and promote technical and financial assistance to promote compliance with environmental standards, and

WHEREAS, bill A.4531/S.3334 is designed to help ease the burden of costly start-up expenses by allowing small business to defer payment of telephone installation charges for up to one year, and

WHEREAS, bill A.2078/S.1151 authorizes credit unions to participate in the Excelsior Linked Deposit Program which provides small businesses with low - cost loans, and

WHEREAS, bill A.3913 requires the State Department of Economic Development to give small businesses and entrepreneurs priority consideration in the awarding of state economic development assistance,

NOW, THEREFORE, BE IT

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WHEREAS, NAFTA has also allowed foreign investors to challenge the functions of state and local governments by permitting preemption or changes in state or local laws as illustrated a \$970 million claim challenging California's phase out of the gasoline additive MTBE, and

WHEREAS, "Fast Track" negotiating power will allow the provisions of FTAA to pass through Congress with limited debate and no amendments,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the elected officials in the Western New York area to work for modifications to NAFTA and the FTAA in order to protect Western New York manufacturing jobs, and be it further

RESOLVED, that this Honorable Body does hereby urge our Congressional representatives to work for fair trade agreements and for modifications to NAFTA and the FTAA, and be it further

RESOLVED, that this Honorable Body does hereby support the activities of individuals and groups working for fair trade policies and for modifications to NAFTA and the FTM in order to protect Western New York manufacturing jobs, and be it further

RESOLVED, that the Erie County Legislature calls upon the local congressional delegation and the President of the United States to promote transparency in all negotiations of all multilateral trade and investment agreements and to ensure that the interests of all constituencies are represented in such discussions and agreements, and be it further

RESOLVED, that this Honorable Body expresses its strong support for the rights of workers and its belief that any multilateral trade and investment agreements between the United States and other countries shall assert the rights of workers and their communities, including guarantees for labor rights and environmental standards, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bush, Congress Members Reynolds, Quinn and Slaughter, Senators Schumer and Clinton, Governor Pataki and Members of the Western Delegation to the NYS Legislature.

Fiscal Impact: None for the Resolution.
(5-0)

4. Item Page -2004 (Comm. 6E-27)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning carries out a variety of federally funded housing rehabilitation programs for low/moderate income households residing in the Erie County Community Development Consortium; and

WHEREAS, said households execute contracts with home improvement contractors to complete desired rehabilitation work; and

WHEREAS, from time to time disagreements occur between the aforementioned parties concerning warranty of work issues, time of performance, work quality, and other matters,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the Better Business Bureau Foundation of Western New York, Inc. and the County of Erie in order to carry out dispute resolution services associated with the Erie County Housing Rehabilitation Program; and be it further

RESOLVED, that said agreement shall authorize an amount not to exceed \$9,000; and be it further

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposals do not apply to the award of this contract which is for an amount less than \$10,000; and be it further

RESOLVED, that the source of said funds shall be Project Number 290-839620821 from the 2003 Federal Community Development Block Grant Program Year; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the County Executive, the Commissioner of the Department of Environment and Planning, and the County Comptroller.

(5-0)

				AS AMENDED
5.	Item	Page	-2004	(Comm. 7E-30)

COUNTY EXECUTIVE

WHEREAS, The County of Erie desires to participate in the attraction of Geico to Erie County; and

WHEREAS, The company desires to locate their regional insurance service center to Amherst, New York; and

WHEREAS, The expansion of the activity in Erie County will initially create 450 to 500 jobs, and over the next several years approximately 2,500 new jobs; and

WHEREAS, The offer of job training for new employees at the Erie County facilities was important to the decision by Geico to locate in Erie County; and

WHEREAS, The Workforce Investment Board is expected to approve funding in the amount of approximately \$200,000 for this project,

NOW, THEREFORE, BE IT

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RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, in amounts not to exceed \$200,000, for the purpose of providing job skills training to employees of Geico; and be it further

RESOLVED, That funds in the amount of \$200,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning; and be it further;

RESOLVED, that the Executive Director of the Buffalo and Erie County Workforce Investment Board shall provide a written report to the Erie County Legislature's Economic Development Committee six (6) months after the approval date of this item regarding the status of the training of the workers for GEICO, and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management, and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

6.	Item	Page	-2004	AS AMENDED (Comm. 7E-34)
	COUNTY EXECUTIVE			

WHEREAS, The County of Erie, desires to participate in Niagara Ceramics Corporation's efforts to preserve a century-old tradition (Buffalo China, Inc.) and jobs in Erie County; and

WHEREAS, The company desires to acquire the factory and preserve jobs; and

WHEREAS, The activity in Erie County will be the preferred alternative to the termination of 150 jobs; and

WHEREAS, The offer of job training for employees at the Erie County facilities was important to the decision by Niagara Ceramics Corporation to stay and preserve jobs in Erie County; and

WHEREAS, The Workforce Investment Board, Inc. is expected to approve funding in the amount of approximately \$100,000 for this project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, in amounts not to exceed \$380,000, for the purpose of providing job skills training to employees of Niagara Ceramics Corporation; and be it further

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RESOLVED, That the source of these funds shall be:

- \$92,654.79 previously allocated to the Workforce Investment Board (WIB) for the Tower/Fed Ex project which is available in account: DAC 110 9223028301512
- \$205,000.00 previously allocated to the Workforce Investment Board for the Buffalo China/Oneida Ltd. project, of which \$153,750 is available in account: DAC 1109223028301607, and \$51,250 which was refunded by the WIB is available in DAC 110922302214922
- \$82,345.21 available in the Regionalism/Economic Development Fund, in account: DAC 1109043038301299 which will be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, that the Executive Director of the Buffalo and Erie County Workforce Investment Board shall provide a written report to the Erie County Legislature's Economic Development Committee six (6) months after the approval date of this item regarding the status of the training of the workers for Niagara Ceramics Corporation, and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management, and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

7. Item Page -2004 (Comm. 7E-42)

COUNTY EXECUTIVE

WHEREAS, ownership and maintenance of Wehrle Drive (CR 290) in the Town of Amherst, County of Erie, State of New York, is the responsibility of the Erie County Department of Public Works, Division of Highways, and

WHEREAS, the County of Erie has considered the general effect of the proposed project on the residents of the locality in which the proposed project is to be undertaken, and

WHEREAS, the proposed project will not have any significant adverse environmental, economic or social impacts, and

WHEREAS, the proposed Alternative 2 (Modified) has been determined to be the preferred alternative and would require the County of Erie to acquire easements and/or fee interests in strips of land from approximately 99 properties, and

WHEREAS, in order to facilitate the reconstruction of Wehrle Drive (CR 290), it will be necessary for the County to acquire by fee, permanent easement and/or temporary easement in and to portions of approximately 99 parcels of real property located on both sides of Wehrle Drive (CR 290), Garrison Road and Youngs Road within the project area, such properties to be acquired by the

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County being more specifically set forth in Schedule A, attached hereto and hereinafter referred to as the "Subject Properties", and

WHEREAS, in order to acquire the fee title, permanent easements and/or temporary easements required for the project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts, and

WHEREAS, the acquisitions of the portions of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the improved pavement conditions, addition of the travel lanes and turning lane, improvements of the intersections and other general improvements to the subject section of Wehrle Drive (CR 290).

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to acquire fee and/or easement title in and to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned 2.34 mile section of Wehrle Drive (CR 290), and be it further

RESOLVED, that the Commissioner of Public Works, is hereby authorized to establish the amounts which she believes to represent just compensation for the real property to be acquired, and be it further

RESOLVED, that the Commissioner of Public Works or her authorized representatives, are hereby authorized to offer just compensation amounts to the owners of the "Subject Properties" as set forth in Schedule A, attached hereto, for the purpose of acquiring interests in and to portions of their respective parcels of real property, either by fee or by temporary or permanent easement, which acquisitions are necessary for the Wehrle Drive (CR 290) highway reconstruction project, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties, and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature, and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to execute all necessary agreements and documents on behalf of the County of Erie in connection with the County of Erie's acquisition of fee title, permanent easements and/or temporary easements in and to portions of the aforementioned Subject Properties, and be it further

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RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated by the County Legislature for the Right-of-Way Incidentals and Right- of-Way Acquisition Phases for the Wehrle Drive (CR 290) Reconstruction project, such appropriations having been made by Resolution Communication Number 4E-22 on March 6, 2003, and included in the 1999 Federal Aid Various Road & Bridge Design Program (SFG 134), and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner -Highways, the County Comptroller, the Director of Budget, Management and Finance, and the County Attorney.

(5-0) 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 resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MR. SCHROEDER moved to amend item #2. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ATTACH the following:

New York State Bill A.1512, A.314, A.4531/S.3334, A.2078/S/1151 and A.3913.

MR. SCHROEDER moved the approval of item #2 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 25 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 8-1 From LEGISLATORS SWANICK & CHASE Re: Support for State Legislation Establishing The Save-NY Child Protection Act of 2004 (A.09402).

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Item 26 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 8-2 From LEGISLATORS SWANICK & CHASE Re: Supporting a Multi-Agency Effort to Combat Violence & Illegal Use of Weapons & Illicit Narcotics.

Item 27 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 8-3 From MINORITY CAUCUS Re: NYS Agriculture Protection.

Item 28 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro 8-4 From MINORITY CAUCUS Re: Addressing the Rising Price of Gasoline.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

Re: Consideration for Public Benefit Funding. (Intro. 8-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR DUSZA

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, and

WHEREAS, on October 16, 2003, the Erie County Legislature unanimously approved Intro 18-9 designating Buffalo Saints Youth Hockey to receive an application for \$1,000 in Public Benefits Funding, and

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WHEREAS, on November 20, 2003, the Erie County Legislature unanimously approved Intro 22-3 designating Neighborhood Information Center to receive an application for \$1,150 in Public Benefits Funding,

NOW, THEREFORE, BE IT

RESOLVED, that the designation of \$1,000 for Buffalo Saints Youth Hockey per Intro 18-9 (2003) and \$1,150 for Neighborhood Information Center per Intro 22-3 (2003) be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

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>
Boy Scout Troup 54	\$ 1,000	DUSZA
Fireman's Memorial Exhibit Center	\$ 1,150	DUSZA
TOTAL	\$ 2,150	

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 to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

⌘ After the 4th WHEREAS clause, ADD the following:

WHEREAS, on October 16, 2003, the Erie County Legislature unanimously approved Intro 18-9 designating Acciari Memorial – Roswell Cancer Institute to receive an application for \$1,500 in Public Benefits Funding,

⌘ DELETE the first two RESOLVED clauses in their entirety and replace with the following three RESOLVED clauses:

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RESOLVED, that \$1,500 be returned to the Legislature- Contractual fund (110905100830) from Fund 110, Project 921, Department 301 Agency Payment & Grants- Public Benefit Services- Roswell Park Alliance Foundation (110921301830), and be it further

RESOLVED, that the designation of \$1,000 for Buffalo Saints Youth Hockey per Intro 18-9 (2003), \$1,150 for Neighborhood Information Center per Intro 22-3 (2003), and \$1,500 for Roswell Park Alliance Foundation per Intro 18-9 (2003) be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

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>
Boy Scout Troup 54	\$ 1,000	DUSZA
Fireman's Memorial Exhibit Center	\$ 1,150	DUSZA
Roswell Park Cancer Institute	\$ 1,500	DUSZA
TOTAL	\$ 3,650	

And be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

Re: Consideration for Public Benefit
Funding. (Intro. 8-6)

A RESOLUTION SUBMITTED BY
LEGISLATORS DUSZA AND 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,

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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>
Lancaster Sports Boosters	\$ 2,000	DUSZA
St. Josaphat's Parish Outreach Center	\$ 2,000	DUSZA
St. Philip The Apostle	\$ 3,000	DUSZA
Fr. Thomas M. Conway Memorial	\$ 1,000	DUSZA
Buffalo Green Fund	\$ 500	DUSZA
Group Ministries	\$ 1,000	DUSZA
West Seneca Youth Hockey Booster Club	\$ 1,500	WROBLEWSKI
TOTAL	\$11,000	

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. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI moved to reconsider Intro. 8-6. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsor KUWIK.

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€# DELETE the first resolved clause in its entirety 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>
Lancaster Sports Boosters	\$ 2,000	DUSZA
St. Josaphat's Parish Outreach Center	\$ 2,000	DUSZA
St. Philip The Apostle	\$ 3,000	DUSZA
Fr. Thomas M. Conway Memorial	\$ 1,000	DUSZA
Buffalo Green Fund	\$ 500	DUSZA
Group Ministries	\$ 1,000	DUSZA
American Red Cross Lifeline Group	\$ 2,000	DUSZA
West Seneca Youth Hockey Booster Club	\$ 1,500	WROBLEWSKI
Pulaski Day Parade	\$ 2,500	WROBLEWSKI
Excalibur Leisure Skills Center, Inc.	\$ 600	KUWIK
TOTAL	\$14,100	

And be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

Re: Transfer of Public Benefit Funds.
(Intro. 8-7)

A RESOLUTION SUBMITTED BY LEGISLATOR MARSHALL

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,

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NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 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>
Townline Volunteer Fire Department, Inc.	830/	\$10,000	MARSHALL
TOTAL		\$10,000	

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; Crystal L. Quick- Assistant Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

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

CARRIED UNANIMOUSLY.

Item 33 – MR. RANZENHOFER moved to reconsider Intro. 8-7. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsors: KUWIK and RANZENHOFER:

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

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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 \$12,700 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>
East Amherst Fire Department, Inc.	830/1506	\$2,500	RANZENHOFER
Police Athletic League of Buffalo, Inc. (Lincoln Field Community Center)	830/	\$200	KUWIK
Townline Volunteer Fire Department, Inc.	830/	\$10,000	MARSHALL
TOTAL		\$12,700	

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; Crystal L. Quick- Assistant Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 138

Re: Transfer of Public Benefit Funds.
(Intro. 8-8)

A RESOLUTION SUBMITTED BY
LEGISLATORS DUSZA AND SCHROEDER

WHEREAS, the Legislature set aside funds in the 2004 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 \$70,000 from the 2004 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>
South Buffalo Economic and Community Development Corporation	830/	\$2,000	SCHROEDER
Bishop Timon - St. Jude High School	830/	\$6,000	SCHROEDER
Advisory Board for Lovejoy Elderly and Youth (A.B.L.E.Y)	830/	\$15,000	SCHROEDER
Union Health Care Corporation	830/	\$45,000	DUSZA
Mount Mercy Academy	830/	\$2,000	SCHROEDER
TOTAL		\$70,000	

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; Crystal L. Quick- Assistant Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

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Fiscal Impact: Appropriation of 2004 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 2004 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 \$75,000 from the 2004 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>
South Buffalo Economic and Community Development Corporation	830/1265	\$2,000	SCHROEDER
Bishop Timon - St. Jude High School	830/1833	\$6,000	SCHROEDER
Advisory Board for Lovejoy Elderly and Youth (A.B.L.E.Y)	830/0304	\$15,000	SCHROEDER
Union Health Care Corporation	830/0970	\$45,000	DUSZA
Mount Mercy Academy	830/1863	\$2,000	SCHROEDER
South Buffalo ALIVE, Inc.	830/1674	\$5,000	SCHROEDER
TOTAL		\$75,000	

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; Crystal L.

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Quick- Assistant Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

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

CARRIED UNANIMOUSLY.

Item 35 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

Re: Consideration for Public Benefit Funding. (Intro. 8-9)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARSHALL

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 an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Elma Primary School	\$25,000	MARSHALL

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

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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; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.
 Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 36 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

Re: Consideration for Public Benefit Funding. (Intro. 8-10)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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 an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Hamburg Chamber of Commerce	\$3,500	CHASE
Village of Farnham	\$5,000	CHASE
Lake Shore Association of Churches (<i>Operation Good Neighbor</i>)	\$5,000	CHASE
Hamburg American Legion Post #527	\$2,000	CHASE
Lawtons Fire Company	\$2,000	CHASE

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East Eden Fire Company	\$4,000	CHASE
Friends of Schoolhouse #8, Inc.	\$1,000	CHASE
North Boston Elementary	\$5,000	CHASE
TOTAL		\$27,500

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. RANZENHOFER moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

Re: Consideration for Public Benefit
Funding. (Intro. 8-11)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

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 an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Village of Williamsville	\$5,000	WEINSTEIN
Food Bank of WNY	\$1,000	WEINSTEIN
Mill Middle School	\$3,000	WEINSTEIN
TOTAL	\$9,000	

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; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

Re: Consideration for Public Benefit Funding. (Intro. 8-12)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

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,

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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
Grand Island Chamber of Commerce	\$6,000	SWANICK
Youth Night on the Town	\$6,000	SWANICK
TOTAL	\$12,000	

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; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 39 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

Re: Consideration for Public Benefit Funding. (Intro. 8-13)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

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

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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
Boys & Girls Clubs of Buffalo	\$10,000	CUSACK

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; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

~~#~~ **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:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Boys & Girls Clubs of Buffalo	\$10,000	CUSACK
Edison Elementary School	\$5,000	CUSACK
Alexander Hamilton Elementary School	\$5,000	CUSACK
Heritage Heights Elementary School	\$2,500	CUSACK
Amherst Central Little League	\$5,000	CUSACK

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TOTAL	\$27,500
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MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Intro. 8-14 From CUSACK & McCARVILLE Re: Support for ECC's Accreditation.

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

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that the resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

Re: Creation of a "Wall of Honor" for
Fallen Members of Fire Depts. in EC
(Intro. 8-15)

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

WHEREAS, career and volunteer firefighters have had a long tradition of distinguished and heroic service in Erie County, and

WHEREAS, we have asked our career and volunteer firefighters to risk their personal safety and health to protect citizens from harm, either by fire, disaster or other peril which could befall us, and

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WHEREAS, our career and volunteer firefighters have consistently and without hesitation undertaken their duty in innumerable instances and sometimes under difficult conditions, and

WHEREAS, through the years, many of our career and volunteer firefighters have made the ultimate sacrifice, their lives, in the name of protecting us from danger, and

WHEREAS, it is only fitting that we honor and pay tribute to these brave and valiant people with a memorial that properly recognizes their vital role in our community, and

WHEREAS, the Erie County Legislature does hereby authorize the creation of a "Wall of Honor" to those career and volunteer firefighters in Erie County who have sacrificed so much for our protection, and

WHEREAS, the "Wall of Honor" should be located prominently at the Erie County Emergency Services Training and Operations Center in Cheektowaga maintained by the Erie County Department of Emergency Services to serve as an appropriate memorial to those courageous individuals who have chosen to protect us from harm, and

WHEREAS, the Erie County Legislature does hereby authorize the Erie County Fire Advisory Board to receive and review the nominations of career and volunteer firefighters in Erie County for inclusion on the "Wall of Honor" and to grant their induction and placement on the "Wall of Honor,"

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the creation of a "Wall of Honor" to those career and volunteer firefighters in Erie County who have sacrificed so much for our protection, and be it further

RESOLVED, that this "Wall of Honor" be located prominently at the Erie County Emergency Services Training and Operations Center in Cheektowaga maintained by the Erie County Department of Emergency Services to serve as an appropriate memorial to those courageous individuals who have chosen to protect us from harm, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Fire Advisory Board to receive and review the nominations of career and volunteer firefighters in Erie County for inclusion on the "Wall of Honor" and to grant their induction and placement on the "Wall of Honor," and be it further

RESOLVED, that certain Legislators have expressed a desire to assist in the financing of this "Wall of Fame" in the following amounts: Legislator Charles M. Swanick \$2000.00; Legislator Raymond K. Dusza \$2000.00; Legislator Jeanne Z. Chase \$1000.00; Timothy M. Wroblewski \$1000.00; and Elise M. Cusack \$1000.00, and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Deputy County Executive Calabrese, Emergency Services Commissioner Walters, Erie County Fire Advisory Board and the career and volunteer fire departments of Erie County.

FISCAL IMPACT: Positive.

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

CARRIED UNANIMOUSLY.

ADD the following **WHEREAS** Clause after the existing eighth (8th) WHEREAS:

WHEREAS, on November 17, 1994, the Erie County Legislature approved Intro. 22-4 naming the academy building at the Erie County Fire Training Academy after Vernon J. Callahan of the Town of Cheektowaga, a former president of the Erie County Volunteer Firefighters Association, Fire Chief of Doyle Hose Company #1, and a firefighter for 28 years,

ADD the following **RESOLVE** Clause between the existing third (3rd) and fourth (4th) RESOLVE Clauses:

RESOLVED, that in honoring career and volunteer firefighters in Erie County who have protected our community, the first name on the "Wall of Honor" shall be Vernon J. Callahan, and be it further

MR. DUSZA moved to further amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

DELETE the Fourth RESOLVED Clause in its entirety and REPLACE with:

RESOLVED, that certain Legislators have expressed a desire to assist in the financing of this "Wall of Honor" in the following amounts: Legislator Charles M. Swanick \$2500.00; Legislator Raymond K. Dusza \$2000.00; Legislator Jeanne Z. Chase \$2000.00; Legislator Timothy M. Wroblewski \$2000.00; Legislator Elise M. Cusack \$1000.00; Legislator Steven P. McCarville \$500.00, and be it further

ADD & INSERT the following Fifth RESOLVED Clause:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000.00 from the fund (110905100830) to a separate sub-account under agency payments monitored by the Erie County Department of Emergency Services Contractual Expense, General Fund 110, Project 935, Department 670, Account 830 (110935670830), and be it further

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

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CARRIED UNANIMOUSLY.

Item 42 – CHAIRMAN HOLT directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 8-16 From LEGISLATOR RANZENHOFER, and the MINORITY CAUCUS Re: Request to Obtain Erie County's Share of FYE 2004 CHIPS Funding.

Item 43 – CHAIRMAN HOLT directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 8-17 From LEGISLATOR CUSACK, and the MINORITY CAUCUS Re: Support for the Independence of the ECC Board of Trustees.

Item 44 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

RESOLUTION NO. 145

Re: Consideration for Public
Benefit Funding. (Intro. 8-18)

A RESOLUTION SUBMITTED BY LEGISLATOR McCARVILLE

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 an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Aurora Adult Day Care Center	\$2,500	McCARVILLE
Blossom Garden	\$3,500	McCARVILLE

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Boys and Girls Club of Springville	\$5,000	McCARVILLE
Cornell Cooperative Extension	\$4,000	McCARVILLE
East Aurora Boys & Girls Club	\$5,000	McCARVILLE
East Aurora Senior Center	\$2,500	McCARVILLE
Friends of Emery Park	\$5,000	McCARVILLE
Gowanda Fire Dept	\$3,000	McCARVILLE
Gowanda Recreation Dept	\$10,000	McCARVILLE
LK Painter	\$6,000	McCARVILLE
Lothlorian Therapeutic Riding Center Inc,	\$1,000	McCARVILLE
North Haven Therapeutic Riding Aquatic Center	\$1,000	McCARVILLE
Orchard Park Boys & Girls Club	\$5,000	McCARVILLE
Star Swimming	\$3,000	McCARVILLE
Suburban Adult Services Inc.	\$2,500	McCARVILLE
TOTAL		\$59,000

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

CARRIED UNANIMOUSLY.

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:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Aurora Adult Day Care Center	\$2,500	McCARVILLE
Blossom Garden	\$3,500	McCARVILLE

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Boys and Girls Club of Springville	\$5,000	McCARVILLE
Cornell Cooperative Extension	\$4,000	McCARVILLE
East Aurora Boys & Girls Club	\$5,000	McCARVILLE
East Aurora Senior Center	\$2,500	McCARVILLE
Friends of Emery Park	\$5,000	McCARVILLE
Gowanda Fire Dept	\$3,000	McCARVILLE
Gowanda Recreation Dept	\$10,000	McCARVILLE
LK Painter	\$6,000	McCARVILLE
Lothlorian Therapeutic Riding Center, Inc.	\$1,000	McCARVILLE
North Haven Therapeutic Riding Aquatic Center	\$1,000	McCARVILLE
Orchard Park Boys & Girls Club	\$5,000	McCARVILLE
Star Swimming	\$3,000	McCARVILLE
Suburban Adult Services Inc.	\$2,500	McCARVILLE
Town of Aurora	\$3,500	McCARVILLE
Town of Collins Public Library	\$3,500	McCARVILLE
Village of East Aurora	\$5,000	McCARVILLE
YMCA of Greater Buffalo (Southtowns)	\$2,000	McCARVILLE
TOTAL		\$73,000

And be it further,

☞ **ADD & INSERT** the following as a Second **RESOLVED** Clause:

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	SPONSORS
Southtown Meals on Wheels	\$6,000	CHASE, MARSHALL & McCARVILLE

And be it further,

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

CARRIED UNANIMOUSLY.

Item 45 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

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RESOLUTION NO. 146

Re: Citizen Salary Review Commission.
(Intro. 8-19)

A RESOLUTION SUBMITTED BY LEGISLATOR DEBENEDETTI

WHEREAS, in late 2003, the County Executive sent a communication to the Legislature requesting the re-establishment of the Citizen Salary Review Commission, to review and make recommendations regarding the salaries of all Erie County elected officials, and

WHEREAS, on March 5, 2004, after three months of meetings, that commission presented its salary recommendations to the Erie County Legislature, and

WHEREAS, under Article II, Section 202.3 of the Erie County Charter, the Legislature shall hold "at least one public hearing to solicit public input on said commission's recommendations,"

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk and Chairman of the Erie County Legislature are hereby directed to organize, advertise, and hold a public hearing in the Chambers of the Erie County Legislature concerning the recommendations of the Citizen Salary Review Commission within 30 days of the adoption of this resolution, and be it further

RESOLVED, that the time, date and location of said public hearing shall be established by the Chairman of the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Comptroller, Sheriff, County Clerk, and District Attorney.

Fiscal Impact: Unknown at this time.

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

CARRIED UNANIMOUSLY.

Item 46 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 8-20 From LEGISLATORS HOLT & DEBENEDETTI Re: Quarterly Reporting of EC's Furniture Purchases.

Item 47 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

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GRANTED.

Intro. 8-21 From LEGISLATORS HOLT & MARINELLI Re: Countywide Personal Computer Upgrade.

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

RESOLUTION NO. 147

Re: Veterans Health Care Benefits.
(Intro. 8-22)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA

WHEREAS, the County of Erie is home to 110,000 persons who proudly served in the United States Armed Forces, putting their lives at risk defending the American way of life from various foes, and

WHEREAS, Americans have the moral obligation and responsibility to provide quality healthcare to those individuals who have served in our Armed Forces, and

WHEREAS, Veterans Affairs funding, which presently is discretionary, does not guarantee adequate funds for the health care needs of Veterans and their beneficiaries, and

WHEREAS, the use of discretionary funding has prevented the U.S. Department of Veterans Affairs (VA) from being able to adequately plan for and meet the growing needs of veterans seeking medical treatment due to the year to year uncertainty of available funds, and

WHEREAS, the cost to provide healthcare has risen quicker than funding to the VA, which has resulted in diminished health care services available to Veterans and their beneficiaries, and

WHEREAS, in order to make up the gap in the VA budget, some veterans now have to pay a \$250 charge in order to use the VA's health care services, including treatments for disabilities incurred during combat, and a \$15 co-payment for a 30 day supply of prescription drugs, and

WHEREAS, the United States Senate and House of Representatives have introduced legislation (S.50 and H.R. 2318) which would provide for a guaranteed adequate level of funding for veterans health care,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature recognizes and applauds the sacrifices and contributions that the 110,000 veterans of Erie County have made for the United States of America in protecting democracy and American values, and be it further

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RESOLVED, the Erie County Legislature urges the President and the WNY congressional delegation to make Veterans Affairs funding mandatory so that shortfalls, which often result into abated care for veterans, would no longer occur, and be it further

RESOLVED, that the Erie County Legislature urges the President and the WNY congressional delegation to work to increase funding to the Department of Veterans Affairs so that Veterans have access to modern facilities equipped with the necessary state of the art equipment, so that the men and women who risked their lives for our nation have the best possible healthcare available to them, and be it further

RESOLVED, the Erie County Legislature urges the President and the WNY congressional delegation to eliminate the \$250 yearly charge some veterans have to pay in order to receive healthcare from the Department of Veterans Affairs, and to reduce the \$15 charge for a 30 day supply of prescription drugs to its former amount, \$7, and be it further

RESOLVED, that this Honorable Body calls upon the United States Senate and House of Representatives to approve S.50 and H.R. 2318 and President George W. Bush to sign said legislation into law, guaranteeing adequate funding for veterans health care, and be it further

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, the WNY congressional delegation, Secretary of Veterans Affairs Anthony J. Principi, Erie County Department of Veterans' Services Director Lou Palma, and the American Legion Legislative Action Center (1608 Kay St., Washington D.C., 2006).

Fiscal Impact: To be determined.

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

CARRIED UNANIMOUSLY.

Item 49 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

Re: Transfer of Public Benefit Funding.
(Intro. 8-23)

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

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

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WHEREAS, four out of five child safety seats are improperly installed, resulting in a greater risk to children in automobile accidents, increasing the likelihood of serious injury or death, and

WHEREAS, the Erie County Office of Traffic Safety is in need of additional funds in order to have trained public safety officers conduct Child Car Seat Checkpoint Events which allows residents to drive up and have their car seats inspected for proper installation, and

WHEREAS, Child Car Seat Checkpoint Events have the potential to save the lives of many children in car accidents by ensuring that the child safety seat is properly installed,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,000 from the fund (DAC: 1109233108050109) to the Erie County Office of Traffic Safety, General Fund 281, Project 849, Department 110, Account 686, Sub-Account 1100 (DAC: 2818491106861100), in order to assist funding Child Car Safety Seat Events, 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: Reallocation of 2004 Budgeted Funds.

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

CARRIED UNANIMOUSLY.

Item 50 – MR. KUWIK moved to reconsider Intro. 8-23. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

€# DELETE the first resolved clause in its entirety and replace with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,000 from the fund (DAC: 1109233108050109) to the Erie County Office of Traffic Safety, Grant Fund 281, Project 849, Department 110, Account 686, Sub-Account 1100 (DAC: 2818491106861100), in order to assist funding Child Car Safety Seat Events, and be it further

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

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CARRIED UNANIMOUSLY.

Item 51 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

Re: Consideration for Public Benefit
 Funding. (Intro. 8-24)

A RESOLUTION SUBMITTED BY LEGISLATOR RANZENHOFER

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 an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Newstead Public Library	\$1,200	RANZENHOFER

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; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

Fiscal Impact: None

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

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CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 52 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 7E-23. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

Re: Health – Clinical Practice
 Development Consultant Fee-For-
 Service Rate.

WHEREAS, the Erie County Health Department operates public health clinics at various locations throughout Erie County, and

WHEREAS, the Erie County Department of Health wishes to contract with a Clinical Practice Development Consultant to advise the Department in methods of quality improvement, team building and staff development and process improvement, strategic and business plan development and overall clinical program enhancements aimed at maximizing revenues and services to the public, and

WHEREAS, funds are available in Account 821, Dues & Fees, in the Health Department's 2004 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition by the Erie County Department of Health of such necessary services from qualified individuals within the bounds of the appropriations stated above for those categories as are listed in Exhibit B, incorporated herein, and be it further

RESOLVED, inasmuch as it is impractical to follow the request for proposal (RFP) procedure in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives the procedure for these categories of service as provided for in Local Law No. 6, Section 19.08.

Exhibit B
 Erie County Department of Health
 Contractual Service Rate for Fee-For-Service Personnel
 Annual Compensation Will Be \$10,000 or More

TITLE	RATE
Clinical Practice Development Consultant	\$75.00 per hour

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and be it further

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

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

CARRIED UNANIMOUSLY.

ADD the following as the new third (3rd) WHEREAS Clause:

WHEREAS, the Erie County Department of Health wishes to retain Thomas Pause as the Clinical Practice Development Consultant, and

ADD the following as the new third (3rd) and fourth (4th) RESOLVE Clauses:

RESOLVED, that the fees to be paid to Thomas Pause, the Clinical Practice Development Consultant by the County of Erie shall be capped at a maximum of \$25,000 over a twelve (12) month period, and be it further

RESOLVED, that the consultant shall provide a written report concerning his/her findings and observations regarding Erie County's health clinics to the Department of Health and to the Legislature at a period of six (6) months within the start of his/her analysis and a final report at twelve (12) months, and be it further

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

CARRIED UNANIMOUSLY.

Item 53 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 7E-32. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

Re: St. John Baptist Church Hospice House Project.

WHEREAS, the St. John Baptist Church has requested \$100,000 to assist in the construction of a new eight-bed Hospice House on vacant lots on Maple Street, adjacent to the St. John Baptist Church; and

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WHEREAS, the proposed building and site will provide a location that will create the potential for end-of-life services for the African-American community that is growing older and experiencing the need for life transitional services in the City of Buffalo; and

WHEREAS, St. John Baptist Church and Hospice Buffalo are working together to increase access to and improve end-of-life services for the minority community; and

WHEREAS, the St. John Baptist Church requires the assistance of Erie County to achieve these objectives.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements with the St. John Baptist Church for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$100,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, County Comptroller, the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the County Attorney.

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

CARRIED UNANIMOUSLY.

Item 54 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 7E-44. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

Re: Department of Social Services
Contract with CMA Consulting
Services.

WHEREAS, the Department of Social Services has been awarded \$175,000 by New York State for the development and implementation of a system to improve the delivery of child care services, and

WHEREAS, many of the functions necessary for determination of client eligibility for daycare benefits are currently done manually, and

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WHEREAS, the contract with CMA Consulting Services will improve the efficiency of the current system by adding modules to provide connectivity and to automate payment processing, and

WHEREAS, CMA Consulting is a State approved vendor and no Request for Proposals is required, and

WHEREAS, there is no local share to the funding award.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into an agreement with CMA Consulting Services for the design and implementation of a Daycare software system, and be it further

RESOLVED, the Department of Social Services is authorized to accept the State award, and be it further

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

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830-xxxx	CMA Consulting Services	<u>\$175,000</u>
	Total Expenditures	<u>\$175,000</u>
640	Federal Aid	<u>\$175,000</u>
	Total Revenues	<u>\$175,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 55 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 4-6. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

Re: Endorsing Mandate Relief for
 Erie County By Requesting that New
 York State Assume Erie County's
 Share of the Medicaid Program.

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

WHEREAS, Medicaid, a federal and state mandated and partially funded program, is the single largest expense in the 2004 Erie County Budget, and

WHEREAS, this expense is a result of Erie County being forced to fund approximately one-quarter of the overall Medicaid program, and

WHEREAS, in 2003, every single dollar of Erie County's Property Tax levy along with an additional \$29.3 million from other sources was spent on the local share of the Medicaid program, and

WHEREAS, it is expected that Medicaid expenses will account for 115% of the 2004 Erie County Property Tax levy, and

WHEREAS, in 2003, the Medicaid program cost Erie County approximately \$155.6 million as a result of new programs being added by New York State to Medicaid and from the overall increased expense of programs, and

WHEREAS, it has become increasingly difficult for Erie County to continue to fund the Medicaid program under these conditions and something needs to be done to alleviate this difficult burden, and

WHEREAS, Erie County currently receives 4% of the 8.25% rate of Sales Tax collected in Erie County, and

WHEREAS, 1% of that 4% is kept exclusively by Erie County for funding in its budget minus a 1/8 distribution to the NFTA, and

WHEREAS, in 2003, the 1% of the Sales Tax kept exclusively by Erie County resulted in \$119 million to the County minus \$14.8 million contributed by the County to the NFTA or \$104.2 million, and

WHEREAS, there have been numerous proposals made by various government officials with regard to Medicaid relief, and

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WHEREAS, one such proposal put forth was for New York State to assume the entire amount Erie County's Medicaid expenses with Erie County agreeing to forego 1% of the Sales Tax received by the County, and

WHEREAS, such an agreement would result in a savings of \$21.8 million to Erie County which should used and divided pursuant to the parameters and percentages of the remaining 3% of sales tax revenue received by the County, and

WHEREAS, due to the severity of this situation and the potential time required to craft such a proposal, the sponsors of this resolution would request immediate consideration and passage of this resolution,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby endorse the proposal that New York State assume Erie County's Medicaid burden by funding it with Erie County's exclusive 1% percent of sales tax revenue, and be it further

RESOLVED, that the adoption of this proposal would tremendously lessen the incredible Medicaid burden heaped on Erie County, and be it further

RESOLVED, that the potential savings from such an agreement should be divided pursuant to the parameters and percentages of the remaining 3% of sales tax revenue received by the County, and be it further

RESOLVED, that should New York State be reluctant to implement such a system statewide, then New York State should utilize Erie County as pilot program to test the proposal offered herein, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Assembly Speaker Silver, Senate Majority Leader Bruno, the Western New York delegation to the New York State Legislature, County Executive Giambra, and the New York State Association of Counties.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

DELETE the eleventh (11th) **WHEREAS** Clause in its entirety and **REPLACE** with the following:

WHEREAS, one such proposal put forth was for New York State to assume the entire amount of Erie County's Medicaid expenses with Erie County agreeing to forego the County's exclusive 1% sales tax revenue, and

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DELETE the twelfth (12th) **WHEREAS** Clause in its entirety and **REPLACE** with the following:

WHEREAS, such an agreement would result in a savings of \$21.8 million to Erie County which should be used and divided pursuant to the parameters and percentages of the existing 3% sales tax distribution formula, and

DELETE the third (3rd) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the potential savings from such an agreement should be used and divided to all local municipalities and school districts pursuant to the parameters and percentages of the existing 3% sales tax distribution formula, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 56 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 7E-45. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154 -2004

BOND RESOLUTION DATED _____, 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING IMPROVEMENTS TO THE VARIOUS FACILITIES OF THE ERIE COUNTY BOTANICAL GARDENS TO IMPLEMENT ENERGY SAVING FACILITY IMPROVEMENT MEASURES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,150,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,150,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) _____ MARCH 16, _____, 2004
(Adopted) _____, 2004

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RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to construct improvements to the Erie County Botanical Gardens to implement Energy Saving Facility Improvement Measures, including but not limited to (i) retrofitting of lighting and controls, (ii) decentralization of the current heating system, installation of incremental boiler systems, (iii) installation of new energy management system (EMS) and (iv) automation of the hand-cranked ventilation systems. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,150,000, and said amount is hereby appropriated therefore. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2004 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$3,150,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$3,150,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$3,150,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 13 of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing

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agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MS. 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 57 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 7-12. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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ERIE COUNTY LEGISLATURE

RESOLUTION NO. 155

Re: Accrued Vacation Bank Time.

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, on July 15, 1999 this Honorable Body adopted, at the request of the then-County Executive, Resolution Comm. 14E-14 authorizing the execution of a collective bargaining agreement (“CBA”) with the Civil Service Employees Association (“CSEA”) which resolution extended to all County employees not covered by the CBA, including managerial/confidential, part-time, hourly, seasonal and flat salaried employees certain provisions of the CSEA CBA, and

WHEREAS, thereafter this Honorable Body adopted Resolution Comm. 5E-11, on March 2, 2000 which changed certain of the terms and conditions of employment contained in the CSEA CBA, as they related to Giambra appointees as said term is defined in said resolution (the “Giambra Appointees”), and

WHEREAS, Resolution Comm. 5E-11 provided in part that, notwithstanding any other terms and conditions contained therein, Giambra Appointees would continue to be able to “cash out” vacation time accrued prior to April 1, 2000, and

WHEREAS, the County’s Commissioner of Personnel has determined that the “cash out” of such accrued vacation time to a discrete category of Giambra Appointees was necessary and appropriate to effectively implement the County’s new SAP payroll system, and

WHEREAS, this Resolution is intended to confirm and ratify the “cash outs” of such accrued vacation time by the County’s Commissioner of Personnel to Giambra Appointees are described in this Honorable Body’s Comm. 6E-5 (2004), a copy of which is attached hereto, including, but not limited to, payments that were made to those employees currently serving in the titles of Director for the Office of the Disabled and Deputy Commissioner, Highways, and

WHEREAS, an issue has been raised as to whether Comm. 5E-11 authorized the “cashing out” of vacation for Giambra Appointees prior to their separation from service, and

WHEREAS, a new resolution is necessary to clarify how the “cashing out” of vacation time prior to separation of service shall be handled for Giambra Appointees going forward,

NOW, THEREFORE, BE IT

RESOLVED, that in the future, should the County Executive and/or Commissioner of Personnel determine that it is necessary to “cash out” or pay a Giambra Appointee for accrued and accumulated, but unused vacation time, at times other than when a Giambra Appointee dies while in service or separates from service from the County of Erie, that the County Executive and/or Commissioner of Personnel shall give written notice to the Legislature of their intent to make such payment prior to making such payment, and be it further

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RESOLVED, that after the County Executive and/or Commissioner of Personnel have given written notice to the Legislature of their intent to make such payment, such payment shall not be made until the County Attorney has rendered a legal opinion that said payment is legal and does not violate any applicable terms of any collective bargaining agreement involving the County of Erie, and be it further

RESOLVED, that the title of Director for the Office of the Disabled was inadvertently left off of Resolution Comm. 5E-11 as a Giambra Appointee title and that consequently the title of Director for the Office of the Disabled is hereby deemed included as a Giambra Appointee in said resolution, retroactive to April 1, 2000, and be it further

RESOLVED, that this Resolution authorizes, confirms and ratifies the payouts of accrued vacation time to Giambra Appointees as listed in Comm. 6E-5 (2004) including, but not limited to, payments that were made to those employees currently serving in the titles of Director for the Office of the Disabled and Deputy Commissioner, Highways, and be it further

RESOLVED, that certified copies of this Resolution be delivered to the Erie County Executive, the Erie County Commissioner of Personnel, the Erie County Comptroller and the Erie County Attorney.

FISCAL IMPACT: Positive in the Long Term for Erie County

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

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and replace with the following:

WHEREAS, on July 15, 1999 this Honorable Body adopted, at the request of the then-County Executive, Resolution Comm. 14E-14 authorizing the execution of a collective bargaining agreement ("CBA") with the Civil Service Employees Association ("CSEA") which resolution extended to all County employees not covered by the CBA, including managerial/confidential, part-time, hourly, seasonal and flat salaried employees certain provisions of the CSEA CBA, and

WHEREAS, thereafter this Honorable Body adopted Resolution Comm. 5E-11, on March 2, 2000 which changed certain of the terms and conditions of employment contained in the CSEA CBA, as they related to Giambra appointees as said term is defined in said resolution (the "Giambra Appointees"), and

WHEREAS, Comm. 5E-11 (2000) provided in part that, notwithstanding any other terms and conditions contained therein, certain Giambra Appointees would be allowed to "cash out" vacation time accrued prior to April 1, 2000, and

NOW, THEREFORE, BE IT

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that in the future, no “cash out” for accrued and accumulated, but unused vacation time shall be allowed at any point other than following the Giambra Appointee’s death or separation from service from the County of Erie, without specific approval of the Erie County Legislature through an official resolution for such cash outs prior to such payment, and be it further

RESOLVED, that any such cash out payment to Giambra Appointees shall not be made until after the County Attorney has rendered a written legal opinion to the Legislature affirming that such payment is legal and does not violate any applicable terms of any collective bargaining unit involving the County of Erie, and be it further

RESOLVED, that according to the Administration, the title of Director for the Office of the Disabled was inadvertently left off of Comm. 5E-11 as a Giambra Appointee title, and that consequently the title of Director for the Office of the Disabled is hereby deemed included as a Giambra Appointee in said resolution, and be it further

RESOLVED, that this Resolution authorizes the payout of accrued vacation time to the employee currently serving in the title of Deputy Commissioner, Highways, and be it further

RESOLVED, that certified copies of this Resolution be delivered to the Erie County Executive, the Erie County Commissioner of Personnel, the Erie County Comptroller and the Erie County Attorney.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 58 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

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

GRANTED.

Comm. 8E-55 From the COUNTY EXECUTIVE Re: Letter of Intent – The Buffalo and Erie County Botanical Gardens.

Item 59 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

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GRANTED.

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

GRANTED.

Intro. 8-25 From LEGISLATOR CHASE Re: Increased Funding for NYS Office of Fire Prevention & Control.

Item 60 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

GRANTED.

Comm. 8E-56 From LEGISLATOR RANZENHOFER Re: Erie County Surplus Computers.

RECEIVED, FILED & PRINTED.

April 1, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, NY 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers

Dear Mr. Kelley:

I have received a request from the Erie County Department of Social Services for thirty (30) computers for their Wraparound Demonstration Project. An additional seventy (70) computers will be needed as the program progresses. A copy of the request letter from the Erie County Department of Social Services is attached for your reference.

Very truly yours,
Michael H. Ranzenhofer
Erie County Legislator
4th District

Attachment

Cc: Mr. Kenneth Beam
DISS Administration

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ERIE COUNTY LEGISLATURE

Memorandum

To: Legislator Michael Ranzenhofer, Minority Leader
 From: Commissioner Kevin J. Helfer
 Re: Personal Computers For Families In The Wraparound Demonstration Project
 Date: March 29, 2004

As you know Erie County Department of Social Services, along with the Erie County Department of Mental Health and Probation are currently implementing the Wraparound Demonstration Project. The goal of this initiative is to reduce the length of stay children spend in residential settings. Unlike some traditional care models, Wraparound truly empowers the family by providing them the formal and informal intensive supports they believe they need to keep their families together. It is the program's goal to provide Wraparound families the ability to share in the creation of their own progress record. In order to accomplish this most efficiently, personal computers are needed in their homes. Sadly, many of our families cannot afford this luxury.

It is my understanding that under Intro 24-5 (2003) the Legislature has the authority to donate obsolete Rath Building personal computers to community causes. I am therefore respectfully requesting your assistance in allowing the Wraparound Demonstration Project to redeploy 100 pcs into client's homes for the purpose described above. Our immediate need is for 30 pcs with the remaining 70 to be accessed as the program progresses.

Thank you in advance for your consideration of this request and should you have any questions, please do not hesitate to contact me at 858-2816.

Cc: Harry Wahl

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SMITH

Item 61 – (Comm. 8E-1) Copy of Letter to Social Services Re: Impact to Homeless Due to Fire at Buffalo Tourist Lodge.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM CHAIRMAN HOLT

Item 62 – (Comm. 8E-2) Notice of Change in April Session Date.

RECEIVED, FILED & PRINTED.

MEETING NO. 8
April 1, 2004

ERIE COUNTY LEGISLATURE

March 18, 2004

Kevin M. Kelley
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Mr. Kelley:

Please be advised that I would like to change the session of the Erie County Legislature scheduled for April 29, 2004 at 2:00 pm. to April 28, 2004 at 2:00 pm.

Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular sessions of the Legislature.

Thank you for your prompt attention to this matter.

cc: Hon. Lynn Marinelli
Majority Leader, Erie County Legislature

Hon. Michael Ranzenhofer
Minority Leader, Erie County Legislature

Mr. William Benfanti
Chief of Staff

FROM LEGISLATOR MARINELLI

Item 63 – (Comm. 8E-3) Request for Information on Household Hazardous Waste Collection Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR McCARVILLE

Item 64 – (Comm. 8E-4) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

March 18, 2004

Hon. Kevin Kelley
Clerk, Erie County Legislature
25 Delaware Ave. 7th Floor
Buffalo, NY 14202

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Re: Intro. 24-5 (2003) Availability of Surplus Computers.

Dear Mr. Clerk,

I have received a request from the Cornell Cooperative Extension, 21 South Grove St, East Aurora, NY 14052 for seven (7) surplus computers for the establishment of The Cornell Cooperative Extension. A copy of the request letter from the Cornell Cooperative Extension is attached for your reference.

Sincerely,
Steven P. McCarville
Erie County Legislator
13th District

Attachment

Cc: Kenneth Beam, DISS

March 15, 2004

TO: Steve McCarville
County Legislator - 13th District

FROM: Christine Schmitz
Associate Director of Operations

RE: Computer surplus

Attached please find our request for any surplus computers and printers that meet the following minimum requirements. We appreciate your willingness to help and any assistance that can be provided is greatly appreciated. If you have any questions please feel free to call me at 652-5400 ext. 135. Once again thank you for all of your help and support.

Request for 7 computers with the following minimum specifications:

Pentium III Processor
1.5 Ghz
512MB DDR SDRAM at 400MHz
15 in monitor
keyboard
3.5 floppy
XP Professional
Intel Pro integrated card
36X CD ROM (RW if possible)

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graphics card if possible
mouse

Request for 2 laser printers and 3 color ink jet printers

FROM LEGISLATOR DEBENEDETTI

Item 65 – (Comm. 8E-5) Letter to Budget Director Re: \$85 Million in Unanticipated Revenue from the Sale of ECMC to ECMCC.

Item 66 – (Comm. 8E-6) Letter to County Attorney Re: Status of a Position in the Social Services Department.

Item 67 – (Comm. 8E-7) Letter to Personnel Department Re: County's Effort to Offer Municipalities Access to Labor Management Health Care Coalition.

Item 68 – (Comm. 8E-8) Letter to Budget Director Re: Request for Information Concerning ECMC's \$9 Million Deficit in 2003.

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

FROM THE CLERK

Item 69 – (Comm. 8E-9) 2003 Annual Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 70 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

Re: Amendment to Comm. 4E-72
Adopted 2/5/04. (Comm. 8E-10)

WHEREAS, the first resolved clause of the Resolution adopted February 5, 2004 (Reference: Comm. 4 E-72) contained a typographical error concerning the proper pay grade for the new position Jr. Dispatcher; and

WHEREAS, the Erie County Sheriff's Office requests this typographical error be corrected and a new Certified Resolution be created;

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NOW, THEREFORE, BE IT

RESOLVED, the first resolved clause of the Resolution adopted on the fifth day of February, 2004 (Reference: Comm. 4 E-72) be corrected to read:

"RESOLVED, that the Erie County Sheriff's Office be authorized to create one Receptionist, Job Group 3, and one Jr. Dispatcher, Job Group 5 in the Sheriff's Division; and be it further"; and be it further

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 71 – (Comm. 8E-11) DPW – Personnel Adjustment –Asbestos Abatement Workers.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 72 – (Comm. 8E-12) Grant Programs – Authorization to Contract.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 73 – (Comm. 8E-13) County Clerk Office – Personnel Adjustment.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 74 – (Comm. 8E-14) ECSD No. 1 – EC Sewer Agency Report – Increase & Improvement of Facilities (2004).

Item 75 – (Comm. 8E-15) No-Cost Budget Resolution – EC Alternative Fuel Consortium Grant – Project & Rebuild WNY Initiative.

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

Item 76 – (Comm. 8E-16) Social Services – Grandparents Advocacy Program.

Received and referred to the HUMAN SERVICES COMMITTEE.

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Item 77 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

Re: EC Regional Public Safety Campus
 – Bid Package #5, Contracts 501 & 502.
 (Comm. 8E-17)

WHEREAS, the Department of Public Works received bids on March 4, 2004 for the EC Regional Public Safety Campus, Bid Package #5, Contracts 501 & 502, and

WHEREAS, the Architect and Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for EC Regional Public Safety Campus, Bid Package #5, Contracts 501 & 502, as follows:

CONTRACT #501 – FACILITIES MANAGEMENT SYSTEM

Siemens Building Technologies

Base Bid	\$619,520.00
Alternate Bid #1 – Voice Evacuation System	<u>\$ 10,715.00</u>
Total Contract:	\$630,235.00

CONTRACT #502 – SECURITY SYSTEM & ACCESS CONTROL

U&S Services, Inc.

Base Bid	\$304,800.00
Alternate Bid #1 – Lab Access Control	\$ 4,700.00
Alternate Bid #2 – Photo I.D.	\$ 7,800.00
Alternate Bid #3 – Lab Cameras	\$ 20,700.00
Alternate Bid #4 – Lobby Cameras	<u>\$ 7,500.00</u>
Total Contract	\$345,500.00

Total of both contracts: \$975,735.00

and be it further

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RESOLVED, that the sum of \$200,000 be allocated for a construction contingency fund for the Department of Public Works' temporary move to the Great Lakes Building, providing an open 14th floor to start the asbestos abatement of the Rath Building, with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Cannon Design, Inc.'s Architectural/Engineering Agreement for providing additional Architectural services for enhanced security, signage and updates to the work, for an amount not to exceed \$150,000, including reimbursables, and be it further

RESOLVED, that the sum of \$4,000 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from the following:

Project 341, Fund 410 - \$1,129,735 and a contingency fund increase from:

Project 398, Fund 410	\$ 50,000.00
Project 400, Fund 410	\$ 60,000.00
Project 401, Fund 410	\$ 60,000.00 and
Project 298, Fund 410	\$ 30,000.00

and be it further,

RESOLVED, that two 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 the County Executive.

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

CARRIED UNANIMOUSLY.

€# **ADD** the **ATTACHED** Bid Tabulations for Contracts 501 and 502:

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CANNONDESIGN

Project: Public Safety Campus
Location: Buffalo, New York

BID TABULATION

CONTRACT 501: Facilities Management System

Contractor	Base Bid	Alternate 501-1	Total	Bond	Appendix A M/WBE	Addenda		Notes/ Qualifications
						1	2	
BCS	723495	29792	753287	Y	N	N	N	
O'Connell Electric	902000	59000	961000	Y	N	N	N	
Siemens Bldg. Tech.	619520	10715	630235	Y	Y	Y	Y	
Frey Electric	892000	27000	919000	Y	Y			
U&S Services	732400	11600	744000	Y	Y	Y	Y	
Alt 502-1 Voice Evacuation System								

CANNONDESIGN

Project: Public Safety Campus
Location: Buffalo, New York

BID TABULATION

CONTRACT 502: Security System & Access Control

Contractor	Base Bid	Alternate 502-1	Alternate 502-2	Alternate 502-3	Alternate 502-4	Total	Bond	Appendix A M/WBE	Addenda		Notes/ Qualifications
									1	2	
Sonitrol	396546	0	5085	1500	5395	408526	Y	Y	Y	Y	
U&S Services	304800	4700	7800	20700	7500	345500	Y	Y	Y	Y	
O'Connell Electric	282700	63500	1800	69400	46795	464195	Y	N	N	N	
Siemens Bldg. Tech.	364922	5400	15200	23400	8300	417222	Y	Y	Y	Y	
Life Safety	553719	58221	11000	26208	10650	659798	Y	Y	Y	Y	
BCS	368592	20932	10976	22288	30464	453252	Y	N	Y	N	
Frey Electric	393000	6000	7000	12000	9000	427000	Y	N	N	N	
Alt 502-1 Lab Access											
Alt 502-2 Photo ID System											
Alt 502-3 Lab Cameras											
Alt 502-4 Lobby Cameras											

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

CARRIED UNANIMOUSLY.

Item 78 – (Comm. 8E-18) Dunn Tire Park – County Lease – Capital Improvements.

Item 79 – (Comm. 8E-19) DPW – Replacement of Glen Avenue Bridge, Village of Williamsville.

Item 80 – (Comm. 8E-20) DPW – Lake Shore Road Bridge, Town of Evans.

Item 81 – (Comm. 8E-21) DPW – Reconstruction of Maple Road – Intersection at Flint, North Forest & Hopkins Roads, Town on Amherst.

Item 82 – (Comm. 8E-22) Funding for Curtis Screw Company Through ECIDA.

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

Item 83 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

Re: Home Rule Request Re: EC
Ownership of Buffalo Zoological
Gardens. (Comm. 8E-23)

WHEREAS, the City of Buffalo (City) and the County of Erie (County) have entered into a Regional Assets Sales Agreement (Sales Agreement) for the transfer and conveyance of, *inter alia*, the Buffalo Zoological Gardens (Zoo) located in Delaware Park, from the City to the County; and

WHEREAS, the Sales Agreement proposes that the Zoo shall be transferred from the City to the County without consideration and on the condition that the Zoo shall be held by the County for the continued operation and maintenance of a zoological garden for the benefit of the residents of the City of Buffalo, County of Erie and the Western New York region; and

WHEREAS, the Sales Agreement further proposes that the County be authorized to enter into a lease with the Buffalo Zoological Society (Society) for a term of up to twenty-five (25) years for operation and maintenance of the Zoo; and

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WHEREAS, Assembly Bill No. A.10229 and Senate Bill No. S.6522 now pending before the New York State Legislature, would authorize transfer and conveyance of the Zoo without consideration and further authorizes the City to execute and deliver to the County a deed of conveyance of valid title in fee simple of such real property with a provision that such land be maintained as a park and zoological garden by the County, and further authorizes the County to enter into a lease for the management, operation and maintenance of the zoological gardens with the Society for a term of up to twenty-five years.

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.10229 entitled "AN ACT to authorize the City of Buffalo to transfer certain parkland to the County of Erie to be maintained as a park and zoological garden."

It is hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows:

The Local governments do not have power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The financial situation of the City of Buffalo questions its continued ability to adequately fund, maintain and operate the Buffalo Zoological Gardens which is more accurately described as a regional cultural asset enjoyed by residents of the County of Erie and Western New York, as well as those of the city proper.

In recognition of these factors the City and County wish to effectuate the transfer and conveyance of the Zoo to ensure its continued viability and to enhance its role as a historical, architectural and cultural asset integral to tourism and the regional economic revitalization strategy of the City and County.

Towards that end the County requires authorization to enter into a lease for the management, operation and maintenance of the Zoo with the Society for a term of up to twenty-five years.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

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

CARRIED UNANIMOUSLY.

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€# **ATTACH** the following:

ASSEMBLY Bill A.10229 and SENATE Bill S.6522.

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

CARRIED UNANIMOUSLY.

Item 84 – (Comm. 8E-24) EC Community Development – Circuit Rider Program Consultant Services Second Amendatory Agreement.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 85 – (Comm. 8E-25) ECSD No. 2 – Personnel Adjustments – 2004 Budget.

Item 86 – (Comm. 8E-26) ECSD/WNY Council on Occupational Safety & Health Proposed Agreement.

Item 87 – (Comm. 8E-27) ECSD No. 6 – Construction Inspection Service Agreement.

Item 88 – (Comm. 8E-28) ECSD No. 5 – Dodge Road Relief Sewer Evaluation.

Item 89 – (Comm. 8E-29) ECSD No. 1 – Engineering Service Agreements.

Item 90 – (Comm. 8E-30) ECSD No. 1 – Engineering Service Agreements.

Item 91 – (Comm. 8E-31) ECSD No. 1 – Engineering Service Agreements – URS Corporation – Change Order No. 1.

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

Item 92 – (Comm. 8E-32) Health – Partners for Prevention Cancer Screening Services 4/1/03 – 3/31/04.

Item 93 – (Comm. 8E-33) Health – Bathing Beach Water Quality Monitoring & Notification Program 5/1/04 – 9/15/04.

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

Item 94 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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April 1, 2004

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 159

Re: Authorization to Create the Position
of Director of the Center for Cooperative
Economic Growth. (Comm. 8E-34)

WHEREAS, it has been determined that there is a need for the creation of the position of Director of the Center for Cooperative Economic Growth, and

WHEREAS, the Director of the Center for Cooperative Economic Growth will assist the County in developing a program which coordinates and integrates public, private, and non-profit economic development activities within the County and region, and

WHEREAS, the Director for the Center for Cooperative Economic Growth will work in conjunction with the Erie County Industrial Development Agency, the Buffalo Niagara Enterprise, various Chambers of Commerce and other developmental agencies and organizations, and

WHEREAS, the Director of the Center for Cooperative Economic Growth will assist in implementing County economic development priorities by analyzing and recommending policy with respect to proposed economic development programs and legislation, and

WHEREAS, funds are available in the County's Regionalism / Economic Development account to fund such a position,

NOW, THEREFORE, BE IT

RESOLVED, that one position of Director of the Center for Cooperative Economic Growth be established in the County Executive's Office effective April 5, 2004 at a job group 17 step 2, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the transfer of \$70,136 from the Regionalism/Economic Development DAC 1109043038301299, comprised of \$53,922 to Personal Services DAC 110906110800 and \$16,214 to Fringe Benefits DAC 110906110805 to fund this position for the remainder of the year, and be it further

RESOLVED, that the County Executive, the Commissioner of Personnel, and the Director of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this personnel adjustment, and be it further

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

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

CARRIED UNANIMOUSLY.

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Item 95 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

Re: Creation of Position of Senior
Administrative Assistant Homeland
Security Contract Administrator.
(Comm. 8E-35)

WHEREAS, Erie County will be the recipient of nearly \$10 million worth of Homeland Security Grants, and

WHEREAS, in order to effectively and efficiently administer these grants it has been determined that the position of Homeland Security Contract Administrator is necessary, and

WHEREAS, funds are available through the Urban Areas Security Initiative Grant from the United States Department of Homeland Security and the Office of Domestic Preparedness to partially fund this position,

NOW, THEREFORE BE IT,

RESOLVED, that one position of Senior Administrative Assistant / Homeland Security Contract Administrator is hereby created in the County Executive's office effective January 1, 2004 at job group 13 step 5, and be it further

RESOLVED, that funds in the amount of \$30,000 are available through the Urban Areas Security Initiative Grant from the United States Department of Homeland Security and the Office of Domestic Preparedness to partially fund this position, and be it further

RESOLVED, that the remaining funds necessary to effectuate this personnel adjustment are available through the transfer of \$48,753 from Contingency DAC 11092331029010001997, comprised of \$30,547 to Personal Services DAC 110906110800 and \$18,206 to Fringe Benefits DAC 110906110805, and be it further

RESOLVED, that the County Executive, the Commissioner of Personnel, and the Director of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate these personnel adjustments, and be it further

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

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

CARRIED UNANIMOUSLY.

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Item 96 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

Re: Office of County Executive –
Personnel Adjustments. (Comm. 8E-36)

WHEREAS, from time to time certain personnel adjustments are necessary to maintain adequate staffing in the County Executive's Office,

NOW, THEREFORE, BE IT

RESOLVED, that one position of Junior Administrative Consultant – Social Services (Position #281447) is hereby deleted in the Department of Social Services effective January 1, 2004, and be it further

RESOLVED, that one position of Receptionist is hereby created in the County Executive's office effective January 1, 2004 at a job group 3 step 4, and be it further

RESOLVED, that one position of Junior Administrative Consultant – CE is hereby created in the County Executive's office effective January 1, 2004 at a job group 10 step 4, and be it further

RESOLVED, that one position of Administrative Assistant to the Chief of Staff is hereby created in the County Executive's office effective April 5, 2004 at a job group 12 step 4, and be it further

RESOLVED, that \$42,811 be transferred from the Department of Social Services Personal Services DAC 120200800 to County Executive – Personal Services DAC 110906110800, and be it further

RESOLVED, that the remaining funds necessary to effectuate the personnel adjustments listed above are available through the transfer of \$97,947 from Contingency DAC 11092331029010001997, comprised of \$65,406 to Personal Services DAC 110906110800 and \$32,541 to Fringe Benefits DAC 110906110805, and be it further

RESOLVED, that the County Executive, the Commissioner of Personnel, and the Director of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate these personnel adjustments, and be it further

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

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

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CARRIED UNANIMOUSLY.

Item 97 – (Comm. 8E-37) Senior Services – Authorization to Amend the CSE Grant Budget & Related Contract.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 98 – (Comm. 8E-38) CPS – Niagara County Agreement to Provide DNA Laboratory Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 99 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

Re: Appointment & Reappointments to
 ECSD No. 6 Board of Managers.
 (Comm. 8E-39)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following to the Erie County Sewer District #6 Board of Managers for a term to expire December 31, 2005:

Appointment

Name and Address

Term Expiration

Hon. Norman Polanski
 Mayor, City of Lackawanna
 614 Ridge Road
 Lackawanna, New York 14218

December 31, 2005

Reappointment

Mr. Anthony Collareno
 93 Cloverleaf Avenue
 Lackawanna, New York 14218

December 31, 2005

Mr. Thomas J. Whetham, P.E.
 95 Franklin Street
 Buffalo, New York 14202

December 31, 2005

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

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CARRIED UNANIMOUSLY.

Item 100 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

Re: Reappointments to ECSD No. 5
Board of Managers. (Comm. 8E-40)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following to the Erie County Sewer District #5 Board of Managers for a term to expire December 31, 2005:

Mr. Timothy J. Kane
436 Shetland
Williamsville, New York 14221

Mr. Daniel A. Herberger
8280 County Road
East Amherst, New York 14051

Hon. Ian McPherson
5840 Creekview Drive
Clarence Center, New York 14032

Hon. Michael McGuire
Deputy Supervisor, Town of Amherst
5583 Main Street
Williamsville, New York 14221

Mr. Charles J. Alessi, P .E.
Franklin Street
Buffalo, New York 14202

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

CARRIED UNANIMOUSLY.

Item 101 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

Re: Appointment & Reappointments to
ECSD No. 4 Board of Managers.
(Comm. 8E-41)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following to the Erie County Sewer District #4 Board of Managers:

Appointment

<u>Name and Address</u>	<u>Term Expiration</u>
Robert Labenski, P .E. Engineer, Town of Lancaster 21 Central Avenue Lancaster, New York 14086	December 31, 2005

Reappointments

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. Robert H. Giza Town of Lancaster Supervisor 21 Central Avenue Lancaster, New York 14086	December 31, 2005
Mr. Robert M. Kucewicz Administrator, Village of Depew 85 Manitou Street Depew, New York 14043	December 31, 2005
Mr. Edward G. Meyer 54 Laverack Avenue Lancaster, New York 14086	December 31, 2005

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

CARRIED UNANIMOUSLY.

Item 102 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

Re: Appointment & Reappointments to
ECSD No. 3 Board of Managers.
(Comm. 8E-42)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following to the Erie County Sewer District #3 Board of Managers:

Appointment

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. Mary Lou Pew Town of Eden 2795 East Church Street Eden, New York 14057	December 31, 2005

Reappointments

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. David R. Kaczor 23 Silent Meadow Orchard Park, New York 14127	December 31, 2005
Hon. Gordon Hessel, Jr. 12367 Church Street Holland, New York 14080	December 31, 2005
Mr. James F. Connolly 5035 Clarice Drive Hamburg, New York 14075	December 31, 2005
Mr. Gerald L. Devlin, P.E. Asst. Deputy Commissioner, DEP 95 Franklin Street Buffalo, New York 14202	December 31, 2005

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

Re: Reappointments to ECSD No. 2
Board of Managers. (Comm. 8E-43)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following to the Erie County Sewer District #2 Board of Managers:

Reappointment

<u>Name and Address</u>	<u>Term Expiration</u>
Mr. John H. Crosta 1430 North Creek Road Lakeview, New York 14085	December 31, 2005
Ms. Anna M. Knack Town of Eden 2795 East Church Street Eden, New York 14057	December 31, 2005

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

CARRIED UNANIMOUSLY.

Item 104 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

Re: Reappointments to ECSD No. 1
Board of Managers. (Comm. 8E-44)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following to the Erie County Sewer District #1 Board of Managers:

Reappointment

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. Paul T. Clark 1325 Union Road West Seneca, New York 14224	December 31, 2005
Hon. Dennis H. Gabryszak 36 Ely Road Depew, New York 14043	December 31, 2005

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

CARRIED UNANIMOUSLY.

Item 105 – (Comm. 8E-45) Appointments to Erie County Youth Services Board.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

RECEIVED, FILED & PRINTED.

March 30, 2004

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

Re: Appointments to Erie County Youth Services Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 11-F-03 of the Erie County Code, do hereby appoint the following individuals to the Erie County Youth Services Board for the terms indicated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Kimberly C. Trent 79 Briar Hill Road Orchard Park, New York 14127	December 31, 2005
BeHai T. Tran 770 West Ferry Street, 27B Buffalo, New York 14222	December 31, 2005
Patricia R. Jensen 6 Morris Avenue Buffalo, New York 14214	December 31, 2005

Respectfully submitted,
JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 George Alexander, Commissioner, Probation & Youth Detention Services
 Joseph Abdallah, Deputy Commissioner, Youth Division

Item 106 – (Comm. 8E-46) Appointment to EMS Advisory Board.

RECEIVED, FILED & PRINTED.

March 30, 2004

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

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

Re: Appointment 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 appoint the following individual to the Emergency Medical Services Board for a two year term, expiring December 31, 2005.

Chief Allan Brown
 Snyder Fire Department
 4531 Main St.
 Snyder, New York 14226

Very truly yours,
JOEL A. GIAMBRA
COUNTY EXECUTIVE

JAG/jda

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

MEMORANDUM

TO: THOMAS DEMARTINO, SR. EXECUTIVE ASSISTANT
 TO THE COUNTY EXECUTIVE

FROM: Gregory Skibitsky, Deputy Commissioner
 Emergency Medical Services

DATE: March 17th, 2004

Attached please find a letter from the Amherst Fire Chiefs' Association, Inc. They are requesting that Gary Spoth be replaced by Chief Allan Brown on the Erie County EMS Advisory Board.

Please take the necessary actions to affect this change.

If you have any questions, please contact me at the EMS Office at 681-6070.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

GS:pms

Enclosure (1)

Cc: Michael Walters, Commissioner, Emergency Services
Anthony Billittier, IV, M. D., Commissioner, Department of Health
Chief Allan Brown, Amherst Fire Chiefs' Association

February 26, 2004

Emergency Medical Services Board
Erie County
3359 Broadway
Cheektowaga, NY 14227

This letter is to notify you that the Amherst Fire Chiefs' Association has changed our EMS Advisory Board representative. Chief Allan Brown has been appointed to replace Gary Spoth effective immediately.

Please forward any future information to the attention of Chief Brown.

Chief Allan Brown
Snyder Fire Department
4531 Main Street
Snyder, NY 14226
Phone 839.3440
FAX 839.1160

We look forward to actively participating again on the board.

Stephen Hodges
Secretary/Treasurer

Cc: T. Sciortino
file

Item 107 – (Comm. 8E-47) Appointment to the Erie County Cultural Resources Advisory Board.

RECEIVED, FILED & PRINTED.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

March 30, 2004

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

Re: Appointment to the Erie County 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 hereby appoint the following individual to the Erie County Cultural Resources Advisory Board for the term noted below.

NAME & ADDRESSTERM EXPIRATION

Melonya L. Johnson
 c/o Buffalo Niagara Convention & Visitors Bureau
 617 Main Street, Suite 400
 Buffalo, New York 14203

December 31, 2005

Very truly yours,
JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
 Commissioner Laurence K. Rubin

FROM LEGISLATOR SWANICK

Item 108 – (Comm. 8E-48) Intro 24-5 (2003) Availability of Surplus Computers.

RECEIVED, FILED & PRINTED.

March 30, 2004

Hon. Kevin M. Kelley
 Clerk, Erie County Legislature
 25 Delaware Avenue, 7th Floor
 Buffalo, NY 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers

MEETING NO. 8
April 1, 2004

ERIE COUNTY LEGISLATURE

Dear Mr. Kelley:

I have received a request from the City of Tonawanda Senior Center, 35 Main Street, Tonawanda, NY for eight (8) computers for classes that are offered at the center. A copy of the request letter from the Tonawanda Senior is attached for your reference.

Very truly yours,
 Charles M. Swanick
 Erie County Legislator
 10th District

Attachment

Cc: Mr. Kenneth Beam
 DISS Administration

March 25, 2004

Legislator Charles Swanick
 3200 Elmwood Avenue
 Tonawanda, New York 14150

Legislator Swanick:

There is a Computer class offered at the Center, if possible we could use 8 computers and printers if possible so more members would be able to attend this class.

Doreen Harris
 Director

FROM LEGISLATOR DEBENEDETTI

Item 109 – (Comm. 8E-49) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 110 – (Comm. 8E-50) New Position – Comptroller's Office – SAP.

Item 111 – (Comm. 8E-51) – Bond Reso – \$3,500,000 Amending Bond Reso Adopted 7/10/03 Authorizing Improvements to Various County Facilities.

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

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Item 112 – (Comm. 8E-52) Bond Reso - \$5,000,000 – Improvements to ECSD No. 3.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 113 – (Comm. 8E-53) Bond Reso - \$47,791, 200 – Various Projects in the 2004 Capital Budget.

Item 114 – (Comm. 8E-54) Bond Reso - \$1,700,000 – 2001 Urban Brownfield Development Project.

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

COMMUNICATIONS FROM THE DEPARTMENTS**FROM THE DEPARTMENT OF SOCIAL SERVICES**

Item 115 – (Comm. 8D-1) Response to Request for Information Re: Death of Child in Foster Care.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF ENVIRONMENT AND PLANNING

Item 116 – (Comm. 8D-2) Letter to Chairman Holt Agreeing to Provide Bi-Monthly Updates on Study of Regional Collaboration to Improve Educational Services.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 117 – (Comm. 8D-3) Compliance with FOIL Request for Audio Tape from Session #4 – 2004.

RECEIVED, FILED & PRINTED.

March 19, 2004

Hon. Charles M. Swanick
Legislator 10th District
3200 Elmwood Avenue Room 101
Kenmore, New York 14217

Dear Mr. Swanick,

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Per your request and compliance of the Erie County Local Law No. 8- 1978; I have enclosed a copy of the audio tapes of the Erie County Legislature Session #4.

If I can be of any further assistance you may contact me at 716-858-7045.

Sincerely,
Kevin Kelley
Clerk, Erie County Legislature
25 Delaware Avenue- 7th Floor
Buffalo, NY 14202

FROM THE COUNTY ATTORNEY

Item 118 – (Comm. 8D-4) Notice of County Executive’s Public Hearing on Local Law Intro. No. 8 – 2003.

Received and filed.

Item 119 – (Comm. 8D-5) Process for Filing Quarterly Reports Re: County Funds Provided for Indigent Defense.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 120 – (Comm. 8D-6) Notice of County Executive’s Public Hearing on Local Law Intro. No. 8 – 2003.

RECEIVED, FILED & PRINTED.

March 18, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 8-2003

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on March 4, 2004 and which was delivered to our office on March 15, 2004.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,
 FREDERICK A. WOLF
 Erie County Attorney

By: MELISSA O. HEIMERL
 Assistant County Attorney

encl.

cc: Frederick A. Wolf, Erie County Attorney
 Thomas P. DeMartino, Esq., Senior Executive Assistant
 (all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, April 6, 2004 at 11 :00 a.m., concerning:

A LOCAL LAW amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.02 Sub. f with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On March 4, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No.8 of 2003. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

Item 121 – (Comm. 8D-7) Notice of County Executive’s Public Hearing on Local Law Intro. No. 1 – 2004

RECEIVED, FILED & PRINTED.

March 21, 2004

VIA HAND DELIVERY

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 1-2004

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on March 18, 2004 and which was delivered to our office on March 19, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,
FREDERICK A. WOLF
Erie County Attorney

By: SUSANNAH M. BOCHENEK
2nd Assistant County Attorney

encl.

cc: Frederick A. Wolf, Erie County Attorney
Thomas P. DeMartino, Esq., Senior Executive Assistant
(all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, April 6, 2004 at 10:30 a.m., concerning:

A LOCAL LAW amending, Local Law No. 2-2003, granting a partial exemption from real property taxation, pursuant to Section four hundred fifty-nine-c of the Real Property Tax Law, to persons with disabilities who have limited incomes.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On March 18, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 1 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

MEETING NO. 8
April 1, 2004

ERIE COUNTY LEGISLATURE

JOEL A. GIAMBRA
Erie County Executive

Item 122 – (Comm. 8D-8) Notice of County Executive’s Public Hearing on Local Law Intro. No. 3 – 2004.

RECEIVED, FILED & PRINTED.

March 21, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 3-2004

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on March 18, 2004 and which was delivered to our office on March 19, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,
FREDRICK A. WOLF
Erie County Attorney

By: SUSANNAH M. BOCHENEK
2nd Assistant County Attorney

encl.

cc: Frederick A. Wolf, Erie County Attorney
Thomas P. DeMartino, Esq., Senior Executive Assistant
(all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, April 6, 2004 at 11:30 a.m., concerning:

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

A LOCAL LAW amending, Local Law No. 1-1959, constituting the Erie County Charter as amended, in relation to the re-establishment, restructuring and reconvening of the Erie County Charter Revision Commission.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On March 18, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No.3 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

Item 123 – (Comm. 8D-9) Legal Opinion on Smoking Waiver Application Fees.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 124 – (Comm. 8D-10) Notice of Change in April Session Date to 4/28/04.

RECEIVED, FILED & PRINTED.

March 24, 2004

To: All Erie County Legislators
From: Kevin M. Kelley, Clerk of the Legislature
Subject: **CHANGE IN SESSION DATE**

PLEASE TAKE NOTICE that pursuant to Rule 2.01 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairman George A. Holt, Jr., the Session of the Erie County Legislature originally scheduled for April 29, 2004 has been changed.

Chairman Holt has rescheduled that session for **Wednesday, April 28, 2004 at 2:00 p.m.** in the Erie County Legislative Chambers, 92 Franklin Street, Part 6, Ceremonial Courtroom, Buffalo, New York.

This change will not affect any other previously scheduled Session dates.

Be advised that the clock-in deadline for items to be considered at the April 28th Session will be before 11:00 a.m. on Monday, April 26, 2004.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

ATTACHMENT-1

c: Hon. Joel A. Giambra, County Executive (*w/Attachment*)
 Hon. Frank J. Clark, District Attorney (*w/Attachment*)
 Hon. Patrick M. Gallivan, Sheriff (*w/Attachment*)
 Hon. Nancy A. Naples, Comptroller (*w/Attachment*)
 Hon. David J. Swarts, County Clerk (*w/Attachment*)
 Other Interested Parties (*w/Attachment*)

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 125 – (Comm. 8D-11) Funding Breakdown for Saint John Baptist Hospice House Project.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

Item 126 – (Comm. 8D-12) Notice & Agenda for Trustees Meeting held 3/31/04.

Received and filed.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 127 – (Comm. 8D-13) Response to Request for Information Re: Resolution to Award Contract to CMA Consulting for Computer Software Development without RFP.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 128 – (Comm. 8D-14) Highway Department Policies Re: Open Cutting of County Highway & Paved Shoulders – Residential Driveways.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE

Item 129 – (Comm. 8D-15) Parks – Report of Unauthorized Use of Erie County's Sales Tax Exempt Status.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SENATOR RATH

Item 130 – (Comm. 8M-1) Receipt of Resolutions.

Received and filed.

FROM DANIEL SEAMAN

Item 131 – (Comm. 8M-2) Notice of Public Hearing – Town of Lockport – Zoning Amendment, Construction Moratorium.

Received and filed.

FROM THE TOWN OF CHEEKTOWAGA COUNCILMAN JOHNSON

Item 132 – (Comm. 8M-3) Letter to Legislator Dusza Re: Various County Issues.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR VOLKER

Item 133 – (Comm. 8M-4) Receipt of Resolution.

Received and filed.

Item 134 – (Comm. 8M-5) Receipt of Resolution.

Received and filed.

FROM THE REGION 9 FOREST PRACTICE BOARD

Item 135 – (Comm. 8M-6) Minutes of Meeting Held 9/18/03.

Received and filed.

FROM THE NYS COMMISSION OF CORRECTIONS

Item 136 – (Comm. 8M-7) Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Holding Center.

Item 137 – (Comm. 8M-8) Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Holding Center.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Item 138 – (Comm. 8M-9) Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Correctional Facility.

Item 139 – (Comm. 8M-10) Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Holding Center.

Item 140 – (Comm. 8M-11) Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Correctional Facility.

Item 141 – (Comm. 8M-12) Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Correctional Facility.

The above six items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM SENATOR VOLKER

Item 142 – (Comm. 8M-13) Receipt of Resolution.

Received and filed.

FROM THE TOWN OF LANCASTER

Item 143 – (Comm. 8M-14) Copy of Letter to Legislator Marinelli Re: Govern Tax Collection System.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 144 – (Comm. 8M-15) Adoption of Resolutions Related to Various Public Safety Issues.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPEW/CHEEKTOWAGA TAXPAYERS ASSOCIATION

Item 145 – (Comm. 8M-16) Copy of Letter to Commissioner of DPW Re: Weight Limit Posting on Como Park Boulevard.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM TOWN OF CHEEKTOWAGA COUNCILMAN JOHNSON

Item 146 – (Comm. 8M-17) Copy of Letter to Commissioner of DPW Re: Weight Limit Posting on Como Park Boulevard.

MEETING NO. 8
April 1, 2004

ERIE COUNTY LEGISLATURE

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NFTA

Item 147 – (Comm. 8M-18) Minutes from Meeting Held 2/23/04.

Received and filed.

FROM THE TOWN OF AMHERST

Item 148 – (Comm. 8M-19) Certified Resolution in Support of ECC Study Evaluating Feasibility of Development of North Athletic Field as Multi-Constituent Outdoor Field.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 149 – (Comm. 8M-20) EC Agricultural District No. 9.

Received and filed.

MEMORIAL RESOLUTIONS

Item 150 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Mathew Zyla.

Item 151 – Mr. Kuwik requested that when the Legislature adjourns, it do so in memory of James P.

Item 152 – Mr. Schroeder requested that when the Legislature adjourns, it do so in memory of Mr. Murphy.

Item 153 – Mr. Schroeder requested that when the Legislature adjourns, it do so in memory of Anna Bongiorammi.

Item 154 – Ms. Marshall requested that when the Legislature adjourns, it do so in memory of Erica Lyons.

Item 155 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Edward Dempsey.

Item 156 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Viola Rychlick.

MEETING NO. 8**April 1, 2004****ERIE COUNTY LEGISLATURE**

Item 156 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Louise Kubat.

Item 158 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Anne Herr.

ADJOURNMENT

Item 159 – 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. Wednesday, April 28, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Wednesday, April 28, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**