

MEETING NO. 10
May 22, 2003

ERIE COUNTY LEGISLATURE

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MEETING NO. 10
May 22, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present except Legislator Holt.

The invocation was led by Pastor Derrick Yoder, First Congregational Church.

The Pledge of Allegiance was led by Mr. Smith.

Item 1 – CHAIRMAN SWANICK directed that Comm. 20E-2 (2002) remain on the table.

Item 2 – MR. RANZENHOFER moved the reconsideration of Intro. 10-10 from the previous meeting. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

Re: Creating an Equitable Countywide
 Infrastructure Improvement Program.

A RESOLUTION SUBMITTED BY LEGISLATORS
 SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, DALE,
 PEOPLES & DUSZA

WHEREAS, a coordinated and well maintained road transportation system impacts economic development, tourism and the overall quality of life in a region, and

WHEREAS, the Erie County Department of Public Works – Highway Division is responsible for approximately 1,200 lane miles of road and 282 bridges across the county, and

WHEREAS, each piece of this extensive infrastructure network is either maintained through county resources or maintained by local municipalities which are then reimbursed for their service to these roads and bridges, and

WHEREAS, while most towns and villages across Erie County have county owned infrastructure within their boundaries and therefore receive support for this infrastructure maintenance, the Cities of Buffalo, Lackawanna and Tonawanda do not receive a dedicated source of county funding for road and bridge improvement, and

WHEREAS, this circumstance has led to a historic inequity in road services between residents living in urban and those living in suburban areas, and

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WHEREAS, in an effort to alleviate the financial burden for maintenance of roads upon the three Cities, from 1996 until 2001 the county provided funding within its annual budget earmarked for snow removal efforts on city infrastructure, and

WHEREAS, a disparity in road conditions are most evident on major thoroughfares stretching across several municipalities of which the county may own portions of the road and one of the cities may own a portion of the same road, and

WHEREAS, in the City of Buffalo there are thirteen County highways that either border the City of Buffalo or extend into the City, and

WHEREAS, as one crosses municipal boundaries on these roads, jurisdictional control, and therefore maintenance responsibility, reverts to the City of Buffalo within the boundaries of the city, and

WHEREAS, examples of roads owned and maintained in part by the county and in part by the Cities of Buffalo, Lackawanna or Tonawanda include: Kensington Avenue, Eggert Road, Elmwood Avenue, William Street, Seneca Street, Abbott Road, Two Mike Creek Road, Ellicott Creek Road, Colvin Boulevard and Kenmore Avenue, and

WHEREAS, in the past the county has successfully developed intermunicipal cooperative agreements for repair and resurfacing to multi-jurisdictional roads such as Kenmore Avenue and Ridge Road, and

WHEREAS, all residents of Erie County, including those living within the boundaries of the three cities, deserve their fair share in county funded road services,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance of having a properly maintained road and bridge system throughout all municipalities in Erie County, and be it further

RESOLVED, it is the goal of this Honorable Body to promote a seamless transition on roads that cross municipal borders, and be it further

RESOLVED, that this Honorable Body does hereby seek to develop a regional plan that rectifies the historic inequity for maintenance of roads within the Cities of Buffalo, Lackawanna and Tonawanda, including the annual designation of funds from the county's general fund budget for transfer to the cities of Buffalo, Lackawanna and Tonawanda for the purposes of surface repair of city-owned roads of intermunicipal character, and be it further

RESOLVED, that the Commissioner of Public Works, Deputy Commissioner – Highways and the Budget Director are hereby requested to attend a future meeting of the Legislature's Government Affairs Committee to discuss this proposal, and be it further

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RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner – Highways, and the Budget Director.

Fiscal Impact: Ensures residents in the Cities of Buffalo, Lackawanna and Tonawanda receive a fair share of county funding for road services.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER, SMITH, CUSACK, FALKNER, LARSON & SWANICK. NOES: CHASE, McCARVILLE & RANZENHOFER. ABSENT FOR VOTE: WEINSTEIN.

CARRIED. (WEIGHTED VOTE: 11.932 – 3.345)

Item 3 – MR. RANZENHOFER moved the approval of minutes for Meeting No. 9 of 2003. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 4 – MR. SWANICK, MR. RANZENHOFER, MR. FALKNER, MS. CHASE, MR. McCARVILLE, MS. CUSACK, MR. WEINSTEIN & MR. LARSON presented a resolution Honoring Law Enforcement Officers to be Recognized at the 2003 Annual DWI Awards Ceremony. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. McCARVILLE & MS. CHASE presented a resolution Honoring Donald & Wendy O'Bryant for Being Named the 2003 Citizens of the Year by the Boston Chamber of Commerce. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. McCARVILLE & MS. CHASE presented a resolution Honoring Emerling Chevrolet for Being Named the 2003 Business of the Year by the Boston Chamber of Commerce. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MR. McCARVILLE & MS. CHASE presented a resolution Honoring Orchard Park's "Hometown Heroes" & Students of Orchard Park High School Who's Work Will be Sent to the Library of Congress. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. CHASE & MR. McCARVILLE presented a resolution Honoring David Buyer for Being Named the 2003 Republican of the Year by the Orchard Park Republican Committee. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA presented a resolution Honoring Reverend Monsignor Matthew Kopacz Upon his 40th Anniversary of Ordination to the Priesthood. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 11 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

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Item 18 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2003 remain on the table.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 10 (Print #1) 2003 remain on the table.

Item 21 – MS. FISHER moved to reconsider Local Law Intro. 8-1. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER & SWANICK. ABSENT FOR VOTE: WEINSTEIN.

FAILED. (WEIGHTED VOTE: 7.622 – 7.655)

Item 22 – MS. FISHER moved to reconsider Local Law Intro. 10-1. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER & SWANICK. ABSENT FOR VOTE: WEINSTEIN.

FAILED. (WEIGHTED VOTE: 7.622 – 7.655)

COMMITTEE REPORTS

Item 23 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

May 15, 2003

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 6

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ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received, filed and referred to the REGIONALISM AD HOC COMMITTEE.

Item Page -2003 (Comm. 5E-1)
 a. **COMPTROLLER:** Copy of Letter to Acting Comptroller City of Buffalo Re: Information Request.
 (5-0) Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 5M-5)
 b. **ACTING COMPTROLLER CITY OF BUFFALO:** Copy of Letter to Deputy Comptroller Erie County Re: Information Request.
 (5-0) Chairman Swanick present as Ex-Officio Member.

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

Item Page -2002 (Comm. 20E-7)
 a. **SWANICK, FISHER & DALE:** Copy of Letter to County Executive Re: Request for Confirmation of Comments Made in Regard to Sale of Additional Revenue Anticipation Notes.
 (5-0) Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 9D-11)
 b. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period Ending 3/31/03.
 (5-0) Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 9E-2)
 c. **HOLT & DeBENEDETTI:** Letter to Legislator Larson Re: Comm. 7E-11.
 (5-0) Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 9E-9)
 d. **COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax – 4/03.
 (5-0) Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 9E-16)
 e. **MARINELLI & DeBENEDETTI:** Copy of Letter to Comptroller Re: 7E-11.
 (5-0) Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 **AS AMENDED**
 (Comm. 2D-13)
BUDGET, MANAGEMENT & FINANCE

A

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ASSESSOR **Refund** \$242.16**S-B-L** 40.68-1-43./27A **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$242.16 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$242.16

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

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C SWEET HOME CHECK IN FAVOR OF: LINDA CZARNECKI

FISCAL YEAR 2001 Petition No. **203218**ASSESSOR **Refund** \$371.28**S-B-L** 40.68-1-43./27A **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 SWEET HOME CHECK FOR: LINDA CZARNECKI

FISCAL YEAR 2002 Petition No. **203219**ASSESSOR **Refund** \$380.90**S-B-L** 40.68-1-43./27A **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**

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S-B-L 42.11-5-34

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,511.10	Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$1,511.10**

REFUND - CLERICAL ERROR, THE SANITARY SEWER WAS CHARGED TWICE ON THE TAX ROLL RPTL 550(2)E
CHECK FOR: JOEL & ELINOR WEISS

FISCAL YEAR 2000

Petition No.

203223

ASSESSOR	Refund	\$370.36
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S-B-L 42.18-1-46

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$370.36	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$370.36	

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

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUN OF 20,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENT
CHECK FOR : TAHERA & SONWALA SAIFUDDIN

FISCAL YEAR 2001

Petition No.

203224

ASSESSOR	Refund	\$563.09
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S-B-L 42.18-1-46

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$563.09	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$563.09	

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 WILLIAMSVILLE CENT

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Charge To : 142600 BOSTON \$110.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR 3 UNITS OF REFUSE AND SHOULD BE CHARGED FOR 2 UNITS. RPTL 550(2)E
CHECK FOR: RICHARD A SCHUNK

FISCAL YEAR 2002 Petition No. 203233

ASSESSOR **Refund** \$110.00

S-B-L 258.09-1-10.1 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$110.00 Town/SpecialDist/School

Charge To : 142600 BOSTON \$110.00

REFUND - CLERICAL ERROR, THIS PARCEL HAS A PRIVATE TRASH CONTRACTOR. PARCEL WAS CHARGED FOR REFUSE TAX . RPTL 550(2)E
CHECK FOR: BOSTON FIRE HALL

FISCAL YEAR 2003 Petition No. 203234

ASSESSOR **Refund** \$110.00

S-B-L 258.09-1-10.1 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$110.00 Town/SpecialDist/School

Charge To : 142600 BOSTON \$110.00

REFUND - CLERICAL ERROR, THIS PARCEL HAS A PRIVATE TRASH CONTRACTOR. PARCEL WAS CHARGED FOR REFUSE TAX. RPTL 550(2)E
CHECK FOR: BOSTON FIRE HALL

FISCAL YEAR 2002 Petition No. 203235

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ASSESSOR **Refund** \$628.91**S-B-L** 114.16-5-8**143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$628.91 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$628.91

Charge To : **143089 CHEEKTOWAGA** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED ON THE TAX ROLL. RPTL 550(2)C DEPEW CENTRAL
CHECK FOR: RICHARD & DAWN DICARLO

FISCAL YEAR 2002 Petition No. **203236**ASSESSOR **Refund** \$269.64**S-B-L** 256.00-1-2.2**144000 EDEN**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$269.64 Town/SpecialDist/School

Charge To : **144000 EDEN** **\$269.64****Relevy School** \$269.64 144001 EDEN CENTRAL

REFUND- CLERICAL ERROR, THE ASSESSED VALUE WAS 22,400 AND SHOULD BE 6,600. RPTL 550(2)A
CHECK FOR: DANA & JUDY ZIMBARDI

FISCAL YEAR 2003 Petition No. **203237**ASSESSOR **Refund** \$222.73**S-B-L** 304.00-4-9.1**145889 NORTH COLLINS**

Acct. No. 112 \$108.93 County

Acct. No. 132 \$113.80 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$113.80**

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF

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S-B-L 53.59-3-8

146489 TONAWANDA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$418.61 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$418.61

Charge To : 146489 TONAWANDA \$0.00

REFUND- CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR FOR 21,130.
 PARCEL SHOULD HAVE THE ENHANCED STAR EXEMPTION FOR 35,210. RPTL550(2)B
 CHECK FOR; JOAN E WILCOX

FISCAL YEAR 2003

Petition No.

203241

ASSESSOR

Refund

\$988.72

S-B-L 67.37-1-27

146489 TONAWANDA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$988.72 Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$988.72

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION FOR THE RPTL 520
 WAS PLACED ON THE WRONG PARCEL. RPTL 550(2)E
 CHECK FOR: CARL ELLIS TRUST

FISCAL YEAR 2002

Petition No.

203242

ASSESSOR

Refund

\$567.89

S-B-L 67.37-1-27

146489 TONAWANDA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$567.89 Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$567.89

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION FOR THE RPTL 520
 WAS PLACED ON THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR : CARL ELLIS TRUST

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(5-0) Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 8E-9)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has been authorized to enter into an agreement with the New York State Canal Corporation to coordinate design and construction of the Erie Canalway Trail through parts of the Towns of Amherst and Tonawanda in accordance with Resolution Comm. 2E-39 adopted February 15, 2001; and

WHEREAS, the New York State Canal Corporation had initially allocated Two Hundred Ninety-Two Thousand Dollars (\$292,000) to fund this project; and

WHEREAS, the New York State Canal Corporation has increased this amount by an additional One Million Two-Hundred Eight Thousand Dollars (\$1,208,000).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to amend said agreement with the New York State Canal Corporation to increase the prior appropriation by an additional One Million Two-Hundred Eight Thousand Dollars (\$1,208,000); and be it further

RESOLVED, that the 2001 Erie County capital budget shall be amended to include an additional One Million Two Hundred Eight Thousand Dollars (\$1,208,000) in state funding in an appropriate account for the Erie Canalway Trail Project; and be it further

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

(5-0) Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 **AS AMENDED**
(Comm. 9E-55)

COUNTY EXECUTIVE

WHEREAS, the 2001 Erie County adopted Capital Budget includes \$400,000 for planning studies pertaining to the Erie County Parks System from the following sources:

- 1) \$275,000 for a Comprehensive Plan for the Erie County Parks System in Fund 410, Project 200; and
- 2) \$75,000 for a Regional Parks Study in the budget of the Department of Environment and Planning in Account 830 (DAC 110 945620830); and
- 3) \$50,000 for Bicycle Paths – Rails to Trails in the budget of the Department of Environment and Planning in Account 830-1032 (DAC 110 9456208301032); and

WHEREAS, the Erie County Legislature on December 13, 2001 in Resolution 20E-10 authorized the execution of contracts for consulting services with Parsons Transportation Group to complete a portion of this work for an amount not to exceed \$215,000, and with Wendel-Duchscherer for a portion of this work for an amount not to exceed \$170,000; and

WHEREAS, Parsons Transportation Group and Wendel-Duchscherer have been requested to provide additional services beyond those specified in the original contract pertaining to public meetings and mapping services,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendment to the original contract with Parsons Transportation Group to compensate for said additional services for an additional amount of \$7,015, thereby establishing an amended final contract amount not to exceed \$222,015; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendment to the original contract with Wendel-Duchscherer for said additional services for an additional amount of \$5,850, thereby establishing an amended final contract amount not to exceed \$175,850; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute the Amendment for Parsons Transportation Group out of Fund 410, Project 200 and the Amendment for Wendel – Duchscherer from out of Account 830 (DAC 110 945 620 830), Account 830 –1032 (DAC 110 945 620 830 132), and Fund 410, Project 200, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the County Comptroller, the Commissioner of the Department of Environment and Planning, and the Commissioner of the Department of Parks, Recreation and Forestry.
(5-0) Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 9E-66)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry, in conjunction with the Department of Environment and Planning, recently completed a new Master Plan for the Erie County Parks System; and

WHEREAS, the County Executive has pledged \$15 million from the Tobacco Trust Fund to implement the recommendations of that plan over a five year period; and

WHEREAS, an amendment to the 2003 Capital Budget is required to establish a new capital project in the amount of \$3,000,000 to implement the first phase of these improvements; and

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WHEREAS, funding for this project is available within the Tobacco Trust Fund; and

WHEREAS, completion of these improvements will enhance the recreational experience of County residents; and

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of adding the temporary position of Parks Master Plan Coordinator, Job Group 13, due to the special nature of the Parks Master Plan Capital Project;

NOW, THEREFORE, BE IT

RESOLVED, That the 2003 Capital Budget is hereby amended to include a new capital project in the amount of \$3,000,000 for renovation and construction of parks facilities for the first phase of implementing the recommendations of the Erie County Parks System Master Plan; and be it further

RESOLVED, That the source of funds shall be a transfer in the amount of \$3,000,000 from the Tobacco Trust Fund; and be it further

RESOLVED, That effective immediately, the temporary position of Parks Master Plan Coordinator, Job Group 13, be created within the Parks Master Plan Capital Project; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of Personnel, the Commissioner of the Department of Parks, Recreation and Forestry and the County Attorney.

(5-0) Chairman Swanick present as Ex-Officio Member.

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate item #6 and moved the balance of the report. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MR. FALKNER seconded. MR. DeBENEDETTI voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.248 – 0.959)

Item 24 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

May 15, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

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

	Item	Page	-2003	(Comm. 8M-1)
a.	ERIE COUNTY WATER AUTHORITY:	Audited Financial Statements for Years Ended 2001 & 2002.		
		(5-0)		

				AS AMENDED
	Item	Page	-2003	(Comm. 9D-1)
b.	DEP:	Memo Re: ECSD No. 3 Bond Resolution - \$500,000.		
		(5-0)		

	Item	Page	-2003	(Comm. 9D-2)
c.	DEP:	SEQR – Negative Declaration Re: Bethlehem Park Rehab\Replacement.		
		(5-0)		

	Item	Page	-2003	(Comm. 9D-3)
d.	DPW:	Status of Troy & Banks Contract.		
		(5-0)		

	Item	Page	-2003	(Comm. 9D-12)
e.	DPW:	SEQR – Negative Declaration – Improvements to NY Route 325, Sheridan Drive at Kenmore Avenue.		
		(5-0)		

	Item	Page	-2003	(Comm. 9E-43)
f.	COUNTY EXECUTIVE:	Erie County Southtowns Sewage Treatment Agency – Engineering Services Agreements.		
		(5-0)		

	Item	Page	-2003	(Comm. 9E-52)
g.	COUNTY EXECUTIVE:	EC/ECSSTA Southtowns Advanced Wastewater Treatment Facility Energy Performance Program.		
		(5-0)		

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2. Item Page -2002 (Comm. 9E-19)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6PS-A, General to Kande Company, Inc., and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 6PS-A, General in the amount of \$835,289.47 which includes Change Order No. 1 (final), a decrease of (\$7,710.53) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6PS-A, General between the County of Erie and Kande Company, Inc., 19 Ransier Drive, West Seneca, New York 14224, be accepted in the amount of \$835,289.47 which includes Change Order No. 1 (final), a decrease of (\$7,710.53); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6PS-A, General between the County of Erie and Kande Company, Inc. in the amount of \$835,289.47 and make final payment from Sewer Capital Account SD No. 5, Fund No. 430, Project No. 526, Project No. 534 and Project No. 798, and return the unused portion \$7,710.53 to Unallocated Account 891, Project No. 526, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller.
 (5-0)

3. Item Page -2003 (Comm. 9D-8)
DEP

RESOLUTION NO. _____
 RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT No. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April 25 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller,

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, the Agency and Village has on April 22, 2003 entered into an agreement whereby the Village shall transfer ownership of various sewer facilities to the Agency; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on October 31, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

Whereas, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

Interceptor, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County.

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The increase and improvement of such facilities consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast Interceptor, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on October 31, 2002 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$11.48. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,
 _____, 2003.

BY ORDER OF THE COUNTY
 LEGISLATURE OF THE COUNTY OF
 ERIE, NEW YORK

By _____
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in

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the “ Amherst Bee ” and in the “ The Front Page ”, the official newspapers of said County, as well as the “ Hamburg Sun “, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

4. Item Page -2003 (Comm. 9D-9)

DEP

RESOLUTION NO. ____

RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April 29 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the “District”) to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the “Southtowns Agency”) has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the “Southtowns Agreement”) for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the “Southtowns Treatment Facility”) for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the “Village”) has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village’s treatment plant to enter the Agency’s system; and

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May 22, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Treatment Agency on April 24, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of the partial reconstruction of and construction of improvements, alterations and energy efficiency measures to the Southtowns Advanced Wastewater Treatment Facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June 2003, at 1:30 o'clock P. M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of the Southtowns Advanced Wastewater Treatment Facility in said County.

The increase and improvement of such facilities consisting of the partial reconstruction of and construction of improvements, alterations and energy efficiency measures to the Southtowns Advanced Wastewater Treatment Facility, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 24, 2003 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$6.50. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,

_____, 2003.

MEETING NO. 10
May 22, 2003

ERIE COUNTY LEGISLATURE

BY ORDER OF THE COUNTY
 LEGISLATURE OF THE COUNTY OF
 ERIE, NEW YORK

By _____
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the “ Amherst Bee ” and in the “ Front Page ”, the official newspapers of said County and in “ Hamburg Sun ” a newspaper of general circulation, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

5. Item Page -2003 (Comm. 9E-29)

COUNTY EXECUTIVE

WHEREAS, the Erie County Law Department has successfully negotiated an out-of-court settlement with Paul J. Gallo Contracting, Inc. on a pending construction claim to Contract 22SA-G (the Contract); and

WHEREAS, payment to the Contractor in the total amount of the settlement will be made from the Law Department’s Risk Retention Fund; and

WHEREAS, the amount of \$5,600.00 of said total amount of the settlement represents a contribution from the County’s consulting engineer on the Project, Malcolm Pirnie, Inc. (MPI); and

WHEREAS, MPI has issued a credit memo to be applied to future engineering consulting services to be provided by it to Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that \$5,600.00 be transferred from Sewer Capital Account, Sewer District No. 6, Fund No. 430, Project No. 111, to the Erie County Law Department’s Risk Retention Fund (DAC 110961601832); 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, Department of Environment and Planning; the Director of Budget, Management and Finance; Gregory J. Dudek, Assistant County Attorney; and Nancy A. Naples, Erie County Comptroller.

(5-0)

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

6. Item Page -2003 (Comm. 9E-47)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to retain an Engineer to complete engineering design services for the implementation of energy and cost savings measures at the Southtowns Advanced Wastewater Treatment Facility and at the pumping stations and treatment facilities within Erie County Sewer District Nos. 1, 3, 4, and 5; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Siemens Building Technologies, be retained at a cost not-to-exceed \$240,000; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

- ECSD Nos. 1, 4, and 5 Fund Balance:
 - District No. 1 220 851 811 698 105 Use of Fund Balance \$7,000.
 - District No. 4 220 851 812 698 105 Use of Fund Balance \$12,000.
 - District No. 5 220 851 813 698 105 Use of Fund Balance \$1,000.
 - District Nos. 1, 4 & 5 220 851 810 830 Contractual Services \$20,000.
- ECSD No. 3 Holland Fund Balance
 - Holland 220 853 835 698 105 Use of Fund Balance \$500.
 - 220 853 830 830 Contractual Services \$500.
- Southtowns Treatment Agency Sewer Capital Account 430 915 \$219,500.

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney.
(5-0)

7. Item Page -2003 (Comm. 9E-48)

COUNTY EXECUTIVE

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May 22, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Sewer District No. 2 (ECSD No. 2) has identified the need to retain an engineering firm to provide services required for a disinfection system upgrade at the ECSD No. 2 Big Sister Creek Wastewater Treatment Plant (WWTP); and

WHEREAS, ECSD No. 2 and the Erie County Department of Environment and Planning, Division of Sewerage Management have recommended the firm of Stearns & Wheler, LLC, University Centre, 415 North French Road, Suite 100, Amherst, New York 14228, to perform the Engineering services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Stearns & Wheler, LLC, be retained at a cost not-to-exceed \$360,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Stearns & Wheler, LLC, University Centre, 415 North French Road, Suite 100, Amherst, New York 14228, to provide the Engineering services required, subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED that the County Comptroller be authorized and directed to allocate \$360,000.00 from ECSD No. 2 Sewer Capital, Fund No. 430, Project No. 533, for payment of the Engineering services contained in the Agreement; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one (1) copy to Nancy Naples, Erie County Comptroller, and one (1) copy to Gregory Dudek, Assistant County Attorney.
 (5-0)

8. Item Page -2003 (Comm. 9E-49)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC, to provide engineering services and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC dated November 5, 1998 at the final contract amount of \$5,284.31.

NOW, THEREFORE, BE IT

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Engineering Agreement November 5, 1998 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$5,284.31, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer District No.2 and Stearns & Wheler, LLC dated November 5, 1998, and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller. (5-0)

9. Item Page -2003 (Comm. 9E-50)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates, LLP to provide engineering design services and general services during construction associated with the Farmington Woods and Hidden Oaks Pumping Station Elimination Contract in Erie County Sewer District No.5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated September 24, 1998 with Pratt & Huth Associates, LLP at the final contract amount of \$85,748.56;

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated September 24, 1998, between the County of Erie and Pratt & Huth Associates, LLP be formally closed in the final amount of \$85,748.56; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated September 24, 1998, between the County of Erie and Pratt & Huth Associates, LLP and return the unused contract balance to unallocated account, Erie County Sewer District No.5 Fund No.430, Project 798; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and John Rizzo, Deputy Comptroller. (5-0)

10. Item Page -2003 (Comm. 9E-51)

MEETING NO. 10

May 22, 2003

ERIE COUNTY LEGISLATURE

COUNTY EXECUTIVE

WHEREAS, Erie County/ Erie County Southtowns Sewage Treatment Agency herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Treatment Plant Energy Performance Program and identified as CWSRF Project No. 6647-05, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with

the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

11. Item Page -2003 (Comm. 9E-65)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2002-2003 snowmobile season in an amount not to exceed \$118,802.00, and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2003 Adopted Budget of the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$118,802.00 as pertains to snowmobile trail maintenance performed during the 2002-2003 snowmobile season, and be it further

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$111,548.00 for the purpose of snowmobile trail maintenance on club trails during the 2002-2003 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$10,640.50
Eden Trail Blazers Inc.	\$ 6,815.00
Grand Island Snowmobile Club Inc.	\$ 3,348.00
Hamburg Snowmobile Club Inc.	\$12,365.00
Holland Sno-Rascals Inc.	\$ 7,848.00
Marilla Sno-Mob Inc.	\$11,817.00
Northern Erie Snowseekers Inc.	\$15,676.00
Pioneer Sno-Surfers Inc.	\$ 7,037.50
Southern Tier Snowdrifters Inc.	\$16,772.00
WNY Snowmobile Club of Boston Inc.	\$19,229.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of \$111,548.00, and an increase in appropriations in the amount of \$111,548.00, in the Division of Parks, fund 110, project 942, dept. 640, account 830, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and Assistant County Attorney, Greg Dudek, of the Law Department.

(5-0)

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate items #3, #4, #7 & #8 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #3. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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MR. LARSON moved the approval of item #4. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK moved to send item #7 back to committee.

GRANTED.

CHAIRMAN SWANICK moved to send item #8 back to committee.

GRANTED.

Item 25 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

May 15, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

				AS AMENDED
1.	Item	Page	-2002	(Comm. 3E-29)
	COUNTY EXECUTIVE			

WHEREAS, bids were taken for the Replacement of Hall Road Bridge 333-1, over Little Buffalo Creek, BIN 3-32729-0, in the Towns of Lancaster and Elma, on April 14, 2003, and the low bidder was Lakestone Development Incorporated, of Williamsville, New York, at a low bid amount of \$542,009.01, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Foit Albert Associates and it has been determined that the contract must be increased to include additional engineering and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 333-1-03 (NYS PIN 5755.92) for the Replacement of Hall Road Bridge 333-1, over Little Buffalo Creek, BIN 3-32729-0, in the Towns of Lancaster and Elma, and

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the low bidder, Lakestone Development Incorporated, at a low bid amount of \$542,009.01, and be it further

RESOLVED, that an amount of \$542,009.01 be allocated from the 2002 Federal Aid Bridge Projects Program (SFG 420-321), and be it further

RESOLVED, that an additional amount of \$67,988.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$67,988.00 from the 2002 Federal Aid Bridge Projects Program (SFG 420-321), and be it further

RESOLVED, that an amount of \$60,000.00 be allocated from the 2002 Federal Aid Bridge Projects Program (SFG 420-321), for a change order to the contract for additional engineering services and construction inspection with Foit Albert Associates, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Commissioner of Public Works and one copy to the Erie County Comptroller.
(5-0)

2. Item Page -2003 (Comm. 9E-26)

COUNTY EXECUTIVE

WHEREAS, design services are required for the Botanical Gardens Implementation of the Master Plan, Architectural/Engineering Agreement, and

WHEREAS, the firm of URS Corporation Group presently has a General Engineering contract with the County of Erie to provide design services, and

WHEREAS, the firm of URS Corporation Group has the Architectural/Engineering expertise to provide the required services to implement the long-range master plan,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to enter into a supplemental agreement with URS Corporation Group with a maximum fee not-to-exceed \$200,000, including testing, reimbursables, and miscellaneous expenses relative to the design services for master plan implementation, and be it further,

RESOLVED, that the \$200,000 fee allocation be taken from the 2001 Botanical Gardens, Project 203, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management and Finance; one copy to the Office of the Comptroller; and one copy to the Department of Parks and Recreation.
(5-0)

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3. Item Page -2003 (Comm. 9E-27)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Buildings & Grounds, uses Work for Relief Supervisors to supervise the work of the Welfare workers, and

WHEREAS, AFSCME Local 1095 grieved the work assigned by the Division of Buildings & Grounds to the Work for Relief Supervisors when they had few or no people to supervise, and

WHEREAS, as part of the settlement, it was agreed that the Department would seek authorization to add six RPT Grade 3 Laborers to the budget, and

WHEREAS, these six additional positions are expected to be 80% reimbursed through the Courts,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the creation of six RPT Grade 3 Laborer positions to the Department of Public Works, Division of Buildings & Grounds, as settlement of various grievances, and be it further,

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

(5-0)

4. Item Page -2003 (Comm. 9E-39)

COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Rehabilitation (Multi-Course Overlay) of CR 137, Ridge Road from I-190, the New York State Thruway, to Seneca Street and Seneca Street (CR 215) from Ridge Road to Route 78, Transit Road, in the Town of West Seneca, Erie County, PIN 5755.85, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection Phases of the Project, PIN 5755.85, and

WHEREAS, the current Master Superceding Agreement decreases the total project amount by \$500.00, and includes an allocation of \$336,825 in Marchiselli aid toward the non-Federal cost of the Project PIN 5755.85.

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NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$1,199,200 has been appropriated from the 2000 Multi-Course Overlay Program \$61,200 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) Phase via County Resolution No. 16E-10 adopted on the 13th day of July, 2000 and \$1,138,000 previously appropriated for the Project's Construction & Construction Inspection Phase via County Resolution No. 16E-22 adopted on the 12th day of July 2001) and made available to cover the cost of Erie County's share to participate in the above phases of the Project, and be it further

RESOLVED, that Erie County adjusts the current Federal project total from \$2,246,000 to \$2,245,500, a decrease of \$500.00 and accept \$336,825 in Marchiselli aid toward the non-Federal cost of the Project PIN 5755.75, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection Phases exceeds the amount appropriated \$1,199,200 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction Inspection Phase exceeds \$2,245,500, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

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RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy to the Commissioner of Public Works and one copy to the Erie County Comptroller.

(5-0)

5. Item Page -2003 (Comm. 9E-42)

COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the East Church Street Bridge, BR 488-1, over the South Branch of Eighteen Mile Creek, BIN 3-32781-0, in the Town of Eden, Erie County, PIN 5754.59, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the cost of the Construction & Construction Inspection Phase of the Project, PIN 5754.59.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Construction & Construction Inspection Phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$395,800 has been appropriated from 2001 East Church Street Bridge Reconstruction Program (SFG 420-214) for the Project's Construction & Construction Inspection Phase via County Resolution No. 3E-29, adopted on March 21, 2002, and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction & Construction Inspection Phase exceeds the amount appropriated \$395,800 and/or 100% of the full Federal and non-Federal shares of the costs of the Project's Construction & Construction Inspection Phase exceeds \$1,637,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the

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administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and to the County Comptroller.

(5-0)

6. Item Page -2003 (Comm. 9E-57)

COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of the Youngs Road (CR 554) and Aero Drive (CR 324) Intersection, in the Town of Cheektowaga, Erie County, PIN 5756.46 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.46.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further

RESOLVED, that a sum of \$122,000 is hereby appropriated from the 2002 Federal Aid Road and Bridge Projects Program (SFG 420-317) and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design V-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(5-0)

7. Item Page -2003 (Comm. 9E-58)

COUNTY EXECUTIVE

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of Abbott Road (CR 4) from US Route 20A, Big Tree Road to Milestrip Road (CR 460), in the Towns of Hamburg and Orchard Park, Erie County, PIN 5755.84, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I - VI) and Construction and Construction Inspection Phases of the Project, PIN 5755.84.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I - VI) and Construction and Construction Inspection Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$192,000 has been appropriated from the 2001 Highway Reconstruction Project – Federal Aid Program (SFG 420-204) \$38,800 previously appropriated for the project's Preliminary Engineering (Scoping and Design I - VI) Phase via County Resolution No.

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16E-11 adopted on the 13th day of July 2000 and \$153,200 previously appropriated for the project's Construction and Construction Inspection Phase via County Resolution No. 15E-12 adopted on the 12th day of July 2001, and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Preliminary Engineering (Scoping and Design I - VI) and Construction and Construction Inspection Phases exceeds the amount appropriated \$192,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I - VI) and Construction and Construction Inspection Phases exceeds \$890,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid and State aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(5-0)

8. Item Page -2003 (Comm. 9E-59)

COUNTY EXECUTIVE

WHEREAS, a Project for Intersection Reconstruction at Maple Road (CR 192) @ Flint Road, North Forest Road (CR 294) and Hopkins Road (CR 87), in the Town of Amherst, Erie County, PIN 5755.33 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.33, and

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WHEREAS, the design and engineering services contract for the project was awarded to Hatch Mott MacDonald for a sum not to exceed the original project cost of \$2,140,000 on July 15, 1999, Communication No. 13D-11.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-V1), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the project or portions thereof, and be it further

RESOLVED, that a sum of \$19,000 is hereby appropriated from the 1999 Federal Aid Various Road and Bridge Design Projects (SFG 420-134) in addition to \$428,000 previously appropriated for the project's Preliminary Engineering (Scoping and Design I-V1) Phase via County Resolution No. 6D-26 adopted April 29, 1999 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-V1), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$447,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-V1), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$2,235,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, the design and engineering services contract with change orders for the project, awarded to Hatch Mott MacDonald, be proportionately increased for a sum not to exceed the new project cost of \$2,235,000, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

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ERIE COUNTY LEGISLATURE

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(5-0)

**MICHAEL H. RANZENHOFER
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

May 15, 2003

PUBLIC SAFETY
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|--|------|-------|--------------|
| | Item | Page | -2003 | (Comm. 7M-3) |
| a. | TOWN OF HOLLAND: Resolution in Favor of an Equitable & Dedicated Share of NYS Wireless Surcharge for Local Governments. | | | |
| | (5-0) | | | |
| | Item | Page | -2003 | (Comm. 9M-2) |
| b. | NIAGARA COUNTY LEGISLATURE: Resolution Re: Equitable & Dedicated Share of NYS Wireless Surcharge. | | | |
| | (5-0) | | | |
| | Item | Page | -2003 | (Comm. 9M-4) |
| c. | COUNTY OF LEWIS BOARD OF LEGISLATORS: Resolution Re: NYS Assembly Bill No. A04901 – Operation of Snowmobiles. | | | |
| | (5-0) | | | |

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d. Item Page -2003 (Comm. 9M-5)
COUNTY OF LEWIS BOARD OF LEGISLATORS: Resolution Re: NYS Assembly Bill
 No. A06291 – Boating While Intoxicated.
 (5-0)

e. Item Page -2003 (Comm. 9M-6)
COUNTY OF LEWIS BOARD OF LEGISLATORS: Resolution Re: NYS Assembly Bill
 No. A03905 – Recreational Vehicle Usage.
 (5-0)

f. Item Page -2003 (Comm. 9M-7)
COUNTY OF LEWIS BOARD OF LEGISLATORS: Resolution Re: NYS Assembly Bill
 No. A01084 – Maximum Speed Limit for Snowmobiles.
 (5-0)

2. Item Page -2003 (Comm. 9E-28)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Comprehensive Assault, Abuse and Rape Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2002, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Comprehensive Assault, Abuse and Rape Grant to reflect actual funds received and to properly close out the grant as of March 31, 2003, to be adjusted as follows:

COMPREHENSIVE ASSAULT, ABUSE AND RAPE GRANT – Project #611

April 1, 2002 – March 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ - 0 -	\$ 75,000	\$ 75,000
Acct. 686 1400 Interfund DA	<u>358,992</u>	<u>(57,003)</u>	<u>301,989</u>
Total Revenue	<u>\$ 358,992</u>	<u>\$ 17,997</u>	<u>\$ 376,989</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 305,264	\$ 570	305,834
Acct. 803 M/C Salary Adj.	(13,780)	- 0 -	(13,780)
Acct. 805 Fringe Benefits	<u>67,508</u>	<u>17,427</u>	<u>84,935</u>
Total Appropriations	<u>\$ 358,992</u>	<u>\$ 17,997</u>	<u>\$ 376,989</u>

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.

(5-0)

3. Item Page -2003 (Comm. 9E-30)

COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Laboratory has been awarded a Federal National Institute of Justice Grant to be administered by the New York State Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 300 unsolved sexual assault cases and other violent crimes,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$224,304 with the New York State Division of Criminal Justice Services, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-Department 650
Central Police Services
Forensic Laboratory
08/01/02 – 07/31/03

<u>Revenue</u>	<u>Increase</u>
State Aid – Account 627	<u>\$224,304</u>
 Total Revenue	 \$224,304
 <u>Appropriation</u>	 <u>Increase</u>
Acct. 801 Overtime	\$ 80,850
Acct. 933 Equipment	100,480
Acct. 814 Supplies	<u>42,974</u>
 Total Appropriation	 \$224,304

And be it further,

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RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.

(5-0)

4. Item Page -2003 (Comm. 9E-31)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing secure and non-secure detention services in Erie County, and

WHEREAS, by resolution date July 18, 2002 (Ref 3E-30), this Honorable Body approved a contract with Jacob Inc. to provide assistance in design and staffing procedures for American Corrections Association (ACA) accreditation for the new 64 bed detention facility. John Welch is currently a subcontractor with Jacob Inc., charged with writing the policy and procedures manual for operation in accordance with ACA guidelines, and

WHEREAS, current staff and management will have to be trained on the new central control, locking mechanisms, operations, movement and procedures in the new state of the art juvenile facility. As the Department moves from planning to actual operations, Mr. Welch will move from a capital consultant, to a hands on trainer, troubleshooter, and guide for the successful launching of operations and training, and

WHEREAS, Mr. Welch's knowledge of correction operations, ACA accreditation standards, and specific knowledge from the construction and architectural/engineering design phase of this facility, make him a sole source for the task of assisting in the set up and training for the new state of the art juvenile detention facility, in order to facilitate a smooth transition to the new modular quad operations, and

WHEREAS, funds are available within Account 830, Contractual Services, in the 2003 adopted Budget of the Youth Detention Division to fund this contract,

NOW, THEREFORE, BE IT

RESOLVED, that inasmuch as it is impractical to follow the request for proposal (RFP) procedure in the case of the professional service needed immediately to facility the operation, training, and accreditation for the new Secure Detention facility, the Erie County Legislature hereby waivers the request for proposals procedure for this personal services contract as provided for in Section 19.08, of the Erie County Administrative Code, since this special service must be provided immediately, and authorization is hereby provided to enter into a personnel services contract with Mr. John Welch for the sum of thirty-six thousand dollars (\$36,000) for a period of six months, and be it further

RESOLVED, that funds are available in Account 830, Contractual Services, in the 2003 adopted budget of the Division of Youth Detention Services, and be it further

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RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the County Comptroller and the Division of Budget, Management and Finance.

(5-0)

5. Item Page -2003 (Comm. 9E-36)

COUNTY EXECUTIVE

WHEREAS, Erie County has been awarded a block grant from the New York State Governor's Traffic Safety Committee for traffic safety awareness and enforcement, which includes "Child Passenger Safety", and

WHEREAS, as part of the grant requirements, Erie County Office of Traffic Safety must provide training for law enforcement and other public safety agencies, and

WHEREAS, the County has a need for the services of New York State Certified Child Passenger Seat Technician Instructors to educate these agencies at various training classes, and

WHEREAS, these individuals are the only certified instructors within a reasonable distance of Erie County, and

WHEREAS, these Instructors need to maintain their experience by attending various conferences and training, and

WHEREAS, these services will be required for two years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into personal service contracts, which include reimbursement for conference expenses, with the following Instructors for a period of two years.

- 1) **Trooper Thomas McDonnell** - training & travel expenses,
4525 West Saile Dr. approximately \$500
Batavia, NY
- 2) **Trooper David Miller** - conference & travel expenses,
4525 West Saile Dr. approximately \$2,000
Batavia, NY
- 3) **Ms. Sharon Ganey** - fee for service & travel expenses,
216 Mullet St. approximately \$1,500 per session, 4 sessions
Dunkirk, NY
- 4) **Mr. Patrick Ambrose** - fee for service & travel expenses,
274 Berry Rd. approximately \$1,250 per session, 2 sessions

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Fredonia, NY

and be it further

RESOLVED, that funds are available in Account 826, Other Expenses, Project 684, Office of Traffic Safety in the grant fund, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive, the Office of the Comptroller, the Department of Law, Erie County STOP-DWI, Sheriff's Department and the Office of Traffic Safety.

(5-0)

6. Item Page -2003 (Comm. 9E-37)

COUNTY EXECUTIVE

WHEREAS, Erie County has been awarded a grant from the New York State Governor's Traffic Safety Committee for Drunken Driving enforcement, and

WHEREAS, Erie County has been awarded additional funds for operation of sobriety checkpoints called Police Lifesaver Patrols, and

WHEREAS, the County budget must be amended to include the approved State grant award, and

WHEREAS, the City of Tonawanda has agreed to administer payments to the various police agencies that participate in the Lifesaver Patrol Operations.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the 2003 STOP-DWI budget will include the State grant award:

ERIE COUNTY STOP-DWI**Project # 850****1/1/03 - 12/31/03**

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>CHANGE</u>	<u>TO</u>
ACCT 810 OFFICE SUPPLIES	1,655	800	2,455
ACCT 826 OTHER EXPENSES	17,850	5,279	22,529
ACCT 830 CONTRACTUAL SERVICES			
CITY OF TONAWANDA, PLP	0	31,532	31,532
TOTAL CHANGE		<u>\$37,611</u>	

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**REVENUES

ACCT 592 STATE AID DEPT OF TRANSPORTATION	<u>\$ 0</u>	<u>\$ 37,611</u>	<u>\$ 37,611</u>
TOTAL CHANGE	<u>\$ 0</u>	<u>\$ 37,611</u>	<u>\$ 37,611</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with GTSC for the purpose of receiving the grant, and be it further

RESOLVED, that the County Executive enter into contract with the City of Tonawanda to administer payments to participating police agencies, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Office of the Comptroller, and the Erie County STOP-DWI Office.

(5-0)

7. Item Page -2003 (Comm. 9E-41)

COUNTY EXECUTIVE

WHEREAS, five trailers and accompanying equipment are being donated to the County of Erie, and

WHEREAS, the trailers and accompanying equipment will be utilized by the Erie County Department of Emergency Services staff, and

WHEREAS, these trailers and accompanying equipment will be utilized to address Weapons of Mass Destruction (WMD) incidents

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to accept the donation of these trailers and accompanying equipment with a value of approximately \$500,000.00, and be it further

RESOLVED, that these trailers and accompanying equipment will be accepted at no cost to the County of Erie from the Federal Government through the New York State Emergency Management Agency, and be it further

RESOLVED, that the County of Erie will take possession of these trailers and accompanying equipment for the Erie County Department of Emergency Services, and be it further

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

(5-0)

8. Item Page -2003 (Comm. 9E-60)

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, funds are available to hire up to two student interns to assist in completing this project by the mandatory deadline, 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,

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to amend the previous resolution to hire up to two student interns through this grant from the New York State Emergency Management Office through the Federal Government to assist in completion of the All-Hazard Risk Analysis, 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 created in order to complete the above tasks:

Department of Emergency Services
All-Hazard Mitigation Planning Grant

Revenue	Present Legislation	ProposedNew Revision	Grant
SFG684 - Federal Aid – Other	\$40,000.	\$0	\$40,000.
TOTAL	\$40,000.	\$0	\$40,000.
 Appropriations			
SFG800-000 – Personnel Costs	\$ 0	\$ 28,700	\$28,700
SFG821 – Dues and Fees	1,000	0	1,000

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SFG825 – Long Distance Travel	500	0	500
SFG826 – Other Expenditures	5,000	0	5,000
SFG830 – Contractual	28,700	- 28,700	0
SFG933 – Lab and Technical Equipment	<u>4,800</u>	<u>0</u>	<u>4,800</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 Comptroller and the Department of Emergency Services. (5-0)

9. Item Page -2003 (Comm. 9E-61)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to update the Comprehensive Emergency Management Plan, its annexes and addendum, and

WHEREAS, an agreement with the consultant, Ecology and Environment, Inc., in the amount of \$93,000, was approved by Resolution 2002, 25E-20 to be paid by County funds transferred from the E-911 Reserve Fund Balance to the Department of Emergency Services' operating budget, and

WHEREAS, this grant will pay for Erie County's portion of Ecology and Environment's consultation fees, and

WHEREAS, these funds will also be used to hire two part-time interns,

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to enter into a contract with the New York State Emergency Management Office, and to accept \$206,209 awarded by them to update the Erie County Comprehensive Emergency Management Plan, its annexes, and addendum, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish a grant which will assist the Department of Emergency Services:

Department of Emergency Services
Erie County Comprehensive Emergency Planning Grant

Revenue

SFG684 - Federal Aid – Other

\$206,209.

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TOTAL	\$206,209.
Appropriations	
SFG800-000 – Personnel (Interns) Fees	\$ 50,000
SFG810 - Office Supplies	10,000
SFG821 – Dues and Fees	8,000
SFG825 – Long Distance Travel	10,000
SFG826 – Other Expenditures	17,209
SFG830 – Contractual	100,000
SFG933 – Lab and Technical Equipment	<u>11,000</u>
TOTAL	\$206,209

And, be it further

RESOLVED, that two part-time intern positions, JG 1, are hereby created, and be it further

RESOLVED, that Ecology and Environment, Inc. will be paid for Erie County's portion of the costs authorized by Resolution 2002, 25E-20 from this grant, 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 Comptroller and the Department of Emergency Services. (5-0)

10. Item Page -2003 (Comm. 9E-71)
SHERIFF

WHEREAS, the Erie County Sheriff's Office has identified the need to restructure the supervisory and support staff of the Erie County Sheriff's Office requiring personnel adjustments in both in the Sheriff's and Jail Management Divisions and,

WHEREAS, funding for these position adjustments will be offset by the positions deleted and positions that have remained vacant throughout 2003 therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Lieutenant, Job Group 10, in the Sheriff's Division and two Correction Sergeant, Job Group 10 in the Correctional Facility Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to transfer one Senior Executive Assistant Sheriff, Job Group 11, from the Holding Center Division budget to the Sheriff's Division budget, and be it further,

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RESOLVED, that the Erie County Sheriff's Office be authorized to upgrade the position of Administrative Coordinator Sheriff in the Sheriff's Division from a Job Group 14 to a Job Group 15 and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one Captain, Job Group 11 from the Sheriff's Division budget and two Correction Sergeant from the Correctional Facility Division budget and be it further,

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

(5-0)

**JEANNE Z. CHASE
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 27 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

May 15, 2003

HUMAN SERVICES
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

a.

Item	Page	-2002	(Intro. 5-20)
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PEOPLES & SWANICK: Guaranteeing Flexibility and Accountability at ECMC.
(4-0) Legislator Fisher absent.

b.

Item	Page	-2002	(Comm. 7E-4)
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SWANICK: Letter to Clerk of Legislature Re: Conversion of ECMC to a Public Benefit Corporation.
(4-0) Legislator Fisher absent.

Item	Page	-2002	(Comm. 8E-2)
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- c. **COUNTY EXECUTIVE:** Letter to Legislator Swanick Re: Creation of ECMC Corporation.
(4-0) Legislator Fisher absent.

Item	Page	-2002	(Intro. 9-3)
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- d. **SWANICK & PEOPLES:** Calling Upon State and County Officials to Pattern Legislation Concerning ECMC Flexibility After Existing NYS Legislation.
(4-0) Legislator Fisher absent.

Item	Page	-2002	(Comm. 16M-12)
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- e. **NYS COMPTROLLER:** Inmate Medical Costs at EC Holding Center & Alden Correctional Facility.
(4-0) Legislator Fisher absent.

Item	Page	-2002	(Comm. 22E-6)
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- f. **SCHROEDER:** Copy of Letter to Nassau County Medical Center Re: Communication on PBC.
(4-0) Legislator Fisher absent.

Item	Page	-2002	(Comm. 22M-4)
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- g. **NYS COMPTROLLER:** Report of County Inmate Health Care Costs.
(4-0) Legislator Fisher absent.

Item	Page	-2003	(Comm. 2E-4)
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- h. **COUNTY EXECUTIVE:** OPEN ITEM: Legislation Creating a PBC for ECMC.
(4-0) Legislator Fisher absent.

Item	Page	-2003	(Intro. 8-2)
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- i. **HOLT, SMITH & FISHER:** Requesting the Presence of Commissioner Billittier to Explain EC's Response to Severe Acute Respiratory Syndrome (SARS).
(4-0) Legislator Fisher absent.

Item	Page	-2003	(Comm. 9M-16)
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- j. **CENTER FOR DISEASE CONTROL & PREVENTION:** Information Re: Smallpox & Smallpox Vaccine.
(4-0) Legislator Fisher absent.

2.

Item	Page	-2003	(Comm. 9E-24)
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COUNTY EXECUTIVE

WHEREAS, Hispanics United of Buffalo has conducted a Preventive Services program for children and families targeted to the Spanish-speaking community, and

WHEREAS, the services provided by this program are important to the community and the Department to help avoid out of home placement of children, and the agency demonstrates good outcomes, and

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WHEREAS, the State funding for this program has expired, and a loss of this service would severely reduce the availability of services to the Spanish-speaking population, and

WHEREAS, the Department of Social Services is seeking authorization to transfer funds within the PINS and Preventive Services Grant in the amount of \$50,000 to provide for interim funding for a critical preventive services contract with Hispanics United of Buffalo, and

WHEREAS, undesignated funds were budgeted for this purpose in the "Other Expenses" account of the PINS and Preventive Services Grant in anticipation of the need to provide critical services such as these, and

WHEREAS, the Department will work with Hispanics United of Buffalo to identify and evaluate options for alternative funding in the future, and

WHEREAS, there is no fiscal impact to the 2003 Adopted Budget based on this funds transfer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute a contract with Hispanics United of Buffalo, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 829

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830-0220	Hispanics United of Buffalo	\$50,000
826	Other Expenses	<u>(50,000)</u>
	Total Expenditures	<u>-0-</u>

and be it further

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

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

(4-0) Legislator Fisher absent.

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3. Item Page -2003 (Comm. 9E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates district offices for the provision of Public Health Services in various locations throughout the County, and

WHEREAS, the County wishes to extend the current lease renewal agreement with Franklin Street Associates, L.L.C. (Clover Management) for rental of space in the building located at 499 Franklin Street, Buffalo, New York, to be utilized as an environmental health district office, and

WHEREAS, the current lease covers the period commencing June 1, 2001 through May 31, 2003, and

WHEREAS, the Department of Public Works is in the process of renovating Building BB on the ECMC campus to house a number of Health Department services, including the Buffalo Environmental Health District office. It is anticipated that this project will be completed by the end of September, 2003, and

WHEREAS, the purpose of this resolution is to extend this lease for a four-month period from June 1, 2003 to September 30, 2003 at the same terms and conditions, and

WHEREAS, funds are available through a transfer of funds as follows:

Increase Account 822 – Rental Charges	\$30,000
Decrease Account 880-4000 Interfund ECMC	\$30,000

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an extended lease renewal agreement with Franklin Street Associates, L.L.C. (Clover Management), for rental of space at 499 Franklin Street, Buffalo, New York, to be utilized by the Department of Health's Environmental Health Buffalo District Office, and be it further

RESOLVED, that the terms of the lease extension shall be for a four-month period commencing June 1, 2003 and ending September 30, 2003, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Increase Account 822 Rental Charges	\$30,000
Decrease Account 880-4000 Interfund ECMC	\$30,000

and be it further

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RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Health, the Real Property Unit in the Division of Budget, Management and Finance, the Division of Budget Management and Finance, the Office of the Comptroller and the Department of Law.

(4-0) Legislator Fisher absent.

4. Item Page -2003 (Comm. 9E-33)

COUNTY EXECUTIVE

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation, and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay the costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B.

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 3/31/03 to 8/31/03, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of the Medical Examiner's Toxicology Laboratory, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0) Legislator Fisher absent.

5. Item Page -2003 (Comm. 9E-35)

COUNTY EXECUTIVE

WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 5/1/03 to 9/15/03 in the amount of \$13,395, and

WHEREAS, each beach will be tested by the Erie County Department of Health at least two times per week throughout the bathing season, and

WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for fecal coliform and *E.coli* bacteria using proposed EPA methodologies, and

WHEREAS, sampling, collection, delivery and reporting will be conducted by a part time fee-for-service Engineering Intern, and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards, and

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WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official, and closing may be reported to the media as well as a county telephone beach hotline, and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

BEACH WATER QUALITY MONITORING PROGRAM
05/01/03 - 09/15/03

ACCT	SUB-ACCT	REVENUE	NEW BUDGET
553		STATE AID	<u>\$ 13,395</u>
		TOTAL	<u><u>\$ 13,395</u></u>
EXPENSES			
821		DUES AND FEES	\$ 3,310
824		TRAVEL AND MILEAGE	1,298
826		OTHER EXPENSES	147
880	2720	INTERFUND - PH LAB	<u>8,640</u>
		TOTAL	<u><u>\$ 13,395</u></u>

PUBLIC HEALTH LAB

Increase Account	814	MEDICAL SUPPLIES	\$ 8,640
Increase Account	685-2709	INTERFUND - HEALTH GRANTS	\$ 8,640

and be it further

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

(4-0) Legislator Fisher absent.

6. Item Page -2003 (Comm. 9E-53)

COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

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WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,294,000 for fiscal year 2002 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a first amendatory agreement to the March 20, 2002 contract with Episcopal Community Housing Development Organization, Inc. (ECHDO), and said amendatory agreement shall increase the authorized contract amount from \$200,000 to \$300,000 for the purpose of developing rental housing in the Town of Evans for low income senior households; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$300,000 in federal HOME Investment Partnership funds to ECHDO; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing project.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

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

ATTACHMENT A

NAME OF PROJECT: HOME/Community Housing Development Organizations
(CHDO) Funding for Program Year 2003

SKILL REQUIRED: Funds Available Only to Qualified CHDO's as Required by HUD

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ERIE COUNTY LEGISLATURE

COMMITTEE MEMBERS' PROJECT RANKING

Episcopal Community Housing Development Organization	Southern Tier Environment for Living, Inc.	Committee Members
2	1	Thomas J. Dearing, Community Planning Coordinator, EC Department
1	2	Chris Hull, Community Development Town of Hamburg
2	1	David Young, Executive Director, Buffalo Neighborhood Housing Services
1	2	Jack Maloney, Deputy Director Buffalo Office - Fannie Mae
6	6	TOTAL

NOTE: The lower number indicated a higher rank by the viewer.

In my opinion in recommending Episcopal Community Housing Development Organization to develop housing for seniors in the Town of Evans, Southern Tier Environment for Living, Inc. to develop housing for individuals who are 55 years and older or physically disabled in the Town of Collins, the Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of Erie County Administrative Code.

Scoring sheets and other material related to this matter area available for review at the DEP offices during regular business hours.

LAURENCE K. RUBIN, Commissioner
Department of Environment and Planning

(4-0) Legislator Fisher absent.

7. Item Page
COUNTY EXECUTIVE

-2003

(Comm. 9E-54)

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WHEREAS, under the Steward B. McKinney Homeless Assistance Act of 1987, the Secretary of the U. S. Department of Housing and Urban Development is authorized to make grants to units of local government to finance an Emergency Shelter Grant Program; and

WHEREAS, the County has received funds under the Act to fund non-profit organizations for essential services for homeless persons and for operational and renovation expenses associated with homeless shelters; and

WHEREAS, in order to implement the Emergency Shelter Grant Program, the County of Erie must enter into individual agreements with non-profit organizations that serve homeless persons.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Fillmore-Leroy Area Residents, Inc. (FLARE) for \$9,142 for essential services and operating expenses associated with their transitional home for young homeless women located in the City of Buffalo, New York; and be it further

RESOLVED, that said contract authorizations are contingent upon the receipt of year 2003 federal Emergency Shelter Grant funding assistance through the U. S. Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the request for proposal process is attached to this resolution; and be it further

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

ERIE COUNTY 2003 EMERGENCY SHELTER PROJECT EVALUATION NAME OF ORGANIZATION	Thomas J. Dearing Community Planning Coord., Erie County Dept. of Environment And Planning	Deborah Goldman, Coord., of Mental Health Services Erie County Dept. of Mental Health	Diane Bessel, Erie County Homelessne ss Commission	Joseph Kulger, Head Welfare Examiner, E.C. Dept. of Social Services	TOTA L
ADDS (Ivy House)	93	83	86	82	344
ADDS (Women's Community Residence)	81	83	85	83	332

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Buffalo Urban League	82.5	86	87	69	324.5
Compass House	71	72	70	69	282
FLARE	79.5	71	78	69	297.5
Group Ministries *					
Interfaith Hospitality	80.5	87	82	84	333.5
New Life Residential Center	52	66	53	66	237
The Franciscan Center	86	86	80	84	336
WHRD	79	71	72	70	292
WNY Veteran's Housing Coalition	73	65	74	71	283
YWCA of Western New York	94.5	93	90	92	369.5

In my opinion, in recommending ADDS (Ivy House), ADDS (Women's Community Residence), Buffalo Urban League, Inc., FLARE, Inc., Interfaith Hospitality Network of Greater Buffalo, Inc., The Franciscan Center, and YWCA of Western New York, Inc., the Department of Environment and Planning has complied with all applicable provisions of Section 19.08 of the Erie County Administration Code. Scoring sheets and other material related to this matter are available for review at the Erie County Department of Environment and Planning office during regular business hours.

LAURENCE K. RUBIN, Commissioner
Department of Environment and Planning

* Project Ineligible

(4-0) Legislator Fisher absent.

8. Item Page -2003 (Comm. 9E-62)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for various nutrition sites in the Congregate Dining Nutrition Program (III-C-1) for the period January 1, 2003 to December 31, 2003; and

WHEREAS, the Department of Senior Services (Department) received authorization from your Honorable Body in January to enter into a contract with the new owner of Brent Manor, one of the dining sites for the nutrition program, under the name, JVL Management Company, and

WHEREAS, the Department received notice from the new owner that the legal name is APL Property Group, not JVL Management, and

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WHEREAS, the Department is requesting that the County Executive be authorized to enter into the 2003 contract with APL Property Group, rather than JVL Management.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contract with APL Property Group for the period January 1, 2003 to December 31, 2003 for an amount not to exceed \$1,684, and be it further

RESOLVED, that the III-C-1 grant, Project 762, Account 830/1667 be revised to reflect the name change, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Attorney's Office, the Comptroller's Office and the Department of Senior Services.

(4-0) Legislator Fisher absent.

9. Item Page -2003 (Comm. 9E-63)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Retired and Senior Volunteer Program (RSVP) grant for the period July 1, 2002 to June 30, 2003, and

WHEREAS, the Corporation for National Service has made available an additional \$3,303 in funds for the 2002/2003 RSVP grant to provide support services to 1,150 RSVP volunteers working in community agencies throughout the County, and

WHEREAS, the Department desires to use a portion of RSVP funds to cover the payroll costs of a part time Community Service Aide, position number 792462, who is currently working on activities relating to this project as of March 31, 2003, and, if necessary, a part time Community Service Aide, position number 815100, who is currently working on activities relating to this project through a State grant which is eliminated in the proposed 2003 State budget, and

WHEREAS, the county budget for this program is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the RSVP grant, project 658, for the period July 1, 2002 to June 30, 2003, be revised as follows:

	CURRENT	AMENDED
	BUDGET	CHANGES BUDGET
REVENUES		
Account Description		
664 Federal Aid	\$82,572	\$3,303 \$85,875

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TOTAL CHANGE		<u>\$3,303</u>	
APPROPRIATIONS			
800 Personal Services	\$85,643	-\$5,164	\$80,479
805 Fringe Benefits	18,504	7,212	25,716
812 Food & Kitchen Supplies	225	-225	0
823 Repairs & Maintenance	0	12	12
824 Local Mileage	55,571	-4,171	51,400
825 Out of Area Travel	1,000	-611	389
880/5100 Interfund Expenses	0	6,000	6,000
933 Lab & Technical Equip	0	250	250
TOTAL CHANGE		<u>\$3,303</u>	

and be it further

RESOLVED, that the payroll costs of the part time Community Service Aide, position number 792462, be transferred to the RSVP grant for the period March 31, 2003 through June 30, 2003, and that the payroll costs of the part time Community Service Aide position, position number 815100, be transferred to the RSVP grant for the period April 1, 2003 through June 30, 2003 in the event that the State eliminates the State RSVP grant, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.
(4-0) Legislator Fisher absent.

10. Item Page -2003 (Comm. 9E-64)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has received notice from the New York State Division of Criminal Justice Services of a State award to the Boys and Girls Clubs of Buffalo to conduct a program entitled the West Side Delinquency Prevention Program, and

WHEREAS, the award in the amount of \$90,514 is provided by the State to partially fund five (5) staff positions as well as ancillary program costs at the Boys and Girls Clubs of Buffalo, and

WHEREAS, this critical and innovative program to provide broad spectrum, need based services is based on the successful application made by Boys and Girls Clubs of Buffalo to the State, and

WHEREAS, the Department of Social Services has been designated as the pass-through agency to administer this grant award, and

WHEREAS, matching funds required as a condition of this award will be provided by the Boys and Girls Clubs of Buffalo, and there is no Erie County local share funding required.

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RESOLVED, that the County Executive and/or the Commissioner of the Department of Social Services are authorized to enter into contracts for this program with the New York State Division of Criminal Justice Services and the Boys and Girls Clubs of Buffalo, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 829

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830- 0546	Boys and Girls Clubs of Buffalo	<u>\$90,514</u>
	Total Expenditures	<u>\$90,514</u>
551	State Aid	<u>\$90,514</u>
	Total Revenues	<u>\$90,514</u>

and be it further

RESOLVED, that because these special services are a result of State award that passes funds through to an agency that has been designated by the State, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(4-0) Legislator Fisher absent.

11. Item Page -2003 (Comm. 9E-68)

COUNTY EXECUTIVE

WHEREAS, in order to promote positive youth development activities in Erie County, a coalition of representatives from the United Way, Buffalo and Erie County governments, ACT for Youth at Erie 1 BOCES, youth recreation programs and provider agencies was formed; and

WHEREAS, this coalition is named the Buffalo and Erie County Youth Development Partnership; and

WHEREAS, the Buffalo and Erie County Youth Development Partnership is seeking to achieve consensus on the Partnership's overall mission, vision, priorities, and operational procedures; and

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WHEREAS, the Partnership has decided that a facilitated meeting is necessary to obtain clarity about the role and direction of the Partnership; and

WHEREAS, obtaining clarity about the role and direction of the Partnership will help this body become an effective force in promoting strategies to ensure that Erie County's children become healthy and productive adult members of their communities; and

WHEREAS, ACT (Assets Coming Together) for Youth at Erie 1 BOCES, is the lead agency organizing the retreat; and

WHEREAS, ACT for Youth at Erie 1 BOCES has chosen the Center for Governmental Research (CGR) to be the facilitators for this retreat; and

WHEREAS, the Erie County Community Coordinating Council on Children and Families is a member of the Partnership and is co-sponsoring the retreat;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the ACT for Youth Project at Erie 1 BOCES in an amount not to exceed \$3,400.00 to co-sponsor the Buffalo and Erie County Youth Partnership retreat, there being funds available in account 830, Contractual Services in the 2003 adopted budget of the Erie County Community Coordinating Council on Children and Families, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Community Coordinating Council on Children and Families, the ACT for Youth at Erie 1 BOCES (1050 Maryvale Drive, Cheektowaga, New York 14225) and the Erie County Comptroller. (4-0) Legislator Fisher absent.

**DR. BARRY WEINSTEIN
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

May 15, 2003

GOVERNMENT AFFAIRS

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE****COMMITTEE
REPORT NO. 4**

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DeBENEDETTI.

1. RESOLVED, that the following item is hereby received, filed & referred to the PUBLIC SAFETY COMMITTEE.

- | | | | | |
|----|---------------|---|-------|--------------|
| | Item | Page | -2003 | (Intro. 8-9) |
| a. | SMITH: | Calling for a Discussion on the Issuance of Warrants to Absentee Landlords. | | |
| | | (4-0) Legislator DeBenedetti absent. | | |

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

- | | | | | |
|----|-------------------------|--|-------|--------------|
| | Item | Page | -2003 | (Comm. 7D-1) |
| a. | COUNTY ATTORNEY: | Transmittal of New Claims Against Erie County. | | |
| | | (4-0) Legislator DeBenedetti absent. | | |

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|----|-------------------------|--|-------|--------------|
| | Item | Page | -2003 | (Comm. 7D-3) |
| b. | COUNTY ATTORNEY: | Proposed Rule 2.03 – Use of Telephonic and/or Videoconferencing. | | |
| | | (4-0) Legislator DeBenedetti absent. | | |

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|----|-------------------------|--------------------------------------|-------|--------------|
| | Item | Page | -2003 | (Comm. 7D-8) |
| c. | COUNTY ATTORNEY: | Notice of Claim. | | |
| | | (4-0) Legislator DeBenedetti absent. | | |

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|----|-------------------------|---|-------|--------------|
| | Item | Page | -2003 | (Comm. 9D-6) |
| d. | COUNTY ATTORNEY: | Transmittal of New Claim Against Erie County. | | |
| | | (4-0) Legislator DeBenedetti absent. | | |

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|----|---------------------|--|-------|--------------|
| | Item | Page | -2003 | (Comm. 9E-8) |
| e. | DeBENEDETTI: | Letter to Director of Fleet Operations Re: 1 st Quarter Report. | | |
| | | (4-0) Legislator DeBenedetti absent. | | |

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|----|---|------|-------|--------------|
| 3. | Item | Page | -2003 | (Comm. 8E-6) |
| | COUNTY EXECUTIVE & COMPTROLLER | | | |

WHEREAS, the Erie County Comptroller in consultation with Lumsden & McCormick, LLP, and the Center for Governmental Research, Inc. has identified an opportunity to increase efficiency regarding the procurement of high volume, low cost items and the corresponding processing of vendor payments through the utilization of a purchasing card program, and

WHEREAS, a Request For Proposal (RFP) to contract for a purchasing card program for Erie County was issued, and

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, an RFP evaluation committee made up of representatives of the Erie County Comptroller's Office, the Division of Budget, Management & Finance, and Lumsden & McCormick, LLP, reviewed the responses to the RFP and requested vendor presentations, and

WHEREAS, based on the responses and vendor presentations, the RFP evaluation committee identified HSBC Bank USA, as the vendor to implement a pilot purchasing card program, and

WHEREAS, a pilot purchasing card program was established with seven (7) County departments, beginning 10/1/02 and is scheduled to end 5/30/03, and

WHEREAS, the pilot purchasing card program was successful in establishing the allowable uses of the purchasing card and the settlement process with HSBC Bank USA, and

WHEREAS, the County now wants to phase in all County departments for the use of a purchasing card to achieve the full benefits of the efficiencies that can be realized in the procurement process as well as the payment process, and

WHEREAS, there is no negative fiscal impact with all banking fees to be waived and the potential earnings from volume rebate of .50% for net annual card purchases that meet the volume threshold of \$5 to \$7.5 million, and a .65% rebate for net annual purchases of \$7.5 million and greater;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for a purchasing card program for Erie County with HSBC Bank USA, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Comptroller, Director of Budget, Management & Finance and the Purchasing Director.

(4-0) Legislator DeBenedetti absent.

4. Item Page -2003 (Comm. 8E-22)

COUNTY EXECUTIVE

WHEREAS, the County Clerk Auto Bureau, as part of its duties, conducts transactions for customers which occasionally require making change for cash paid over by the customers, and

WHEREAS, the amount of funds that is available for change at the Buffalo Branch of the Auto Bureau, currently \$1,900, is set by legislative resolution, and

WHEREAS, due to an expansion in the number of customer service work stations, the County Clerk has requested that the change fund be increased,

NOW, THEREFORE, BE IT

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RESOLVED, that the change fund for the Buffalo Branch of the Erie County Auto Bureau is hereby set at \$2,500, effective immediately, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance. (4-0) Legislator DeBenedetti absent.

5. Item Page -2003 (Comm. 9E-67)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Multi-Jurisdictional Program Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2002, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Multi-Jurisdictional Program Grant to properly close out the grant as of March 31, 2003, to be adjusted as follows:

MULTI-JURISDICTIONAL PROGRAM GRANT – Project #619

April 1, 2002 – March 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 256,071	\$ - 0 -	\$ 256,071
Acct. 686 1400 Interfund DA	<u>69,942</u>	<u>- 0 -</u>	<u>69,942</u>
Total Revenue	<u>\$ 326,013</u>	<u>\$ - 0 -</u>	<u>\$ 326,013</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 262,639	\$ (12,625)	250,014
Acct. 801 Overtime	- 0 -	260	260
Acct. 803 M/C Salary Adj.	(11,388)	- 0 -	(11,388)
Acct. 805 Fringe Benefits	52,762	12,365	65,127
Acct. 810 Office Supplies	2,000	- 0 -	2,000
Acct. 821 Dues & Fees	13,000	- 0 -	13,000
Acct. 825 Out of Area Travel	2,000	- 0 -	2,000
Acct. 826 Other Expenses	<u>5,000</u>	<u>- 0 -</u>	<u>5,000</u>
Total Appropriations	<u>\$ 326,013</u>	<u>\$ - 0 -</u>	<u>\$ 326,013</u>

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.
(4-0) Legislator DeBenedetti absent.

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

May 15, 2003

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATORS SMITH & FISHER.

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

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|----|--|---|-------|---------------|
| | Item | Page | -2002 | (Comm. 14M-4) |
| a. | CITY OF BUFFALO: | Certified Resolution Re: Consolidation of ECC to a Single Campus in Downtown Buffalo. | | |
| | (3-0) Legislators Smith & Fisher absent. | | | |
| | Item | Page | -2003 | (Comm. 8E-4) |
| b. | COUNTY EXECUTIVE: | EC Sport Fishery Promotion Program – 2002 Annual Report. | | |
| | (3-0) Legislators Smith & Fisher absent. | | | |

ELISE M. CUSACK
CHAIRPERSON

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

MEETING NO. 10
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CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 30 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Mr. RANZENHOFER moved to amend the resolution to add the following co-sponsors: SCHROEDER, KUWIK, FISHER & MARINELLI.

CARRIED UNANIMOUSLY.

Intro. 10-1 From LEGISLATORS FALKNER, CHASE, SWANICK, CUSACK, WEINSTEIN, McCARVILLE, SCHROEDER, KUWIK, FISHER & MARINELLI Re: Amending NYS's Vehicle & Traffic Law to Remove Vicarious Liability in Leasing.

Item 31 – MR. RANZENHOFER moved to reconsider Intro. 10-1. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

MR. FALKNER moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

ATTACH the following:

New York State Assembly Bill 1042-A and New York State Senate Bill 397.

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

GRANTED.

Intro. 10-1 From LEGISLATORS FALKNER, CHASE, SWANICK, CUSACK, WEINSTEIN, McCARVILLE, SCHROEDER, KUWIK, FISHER & MARINELLI Re: Amending NYS's Vehicle & Traffic Law to Remove Vicarious Liability in Leasing.

Item 32 – CHAIRMAN SWANICK directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

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GRANTED.

Intro. 10-2 From LEGISLATOR DALE Re: Request for Information on the Cooperative Pesticide Notification Program.

Item 33 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

Re: Consideration for Public Benefit Funding.
(Intro. 10-3)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Empire State Games	\$2,000	SWANICK
City of Tonawanda Community Development Agency	\$13,000	SWANICK
Town of Grand Island	\$11,000	SWANICK
TOTAL	\$26,000	

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

Re: Consideration for Public Benefit Funding.
(Intro. 10-4)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
North Forest Playground	\$10,000	WEINSTEIN
Mel Ott Little League	\$5,000	WEINSTEIN
Safe Homes	\$1,000	WEINSTEIN

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Amherst Girls Softball League	\$1,000	WEINSTEIN
Amherst Senior Center	\$2,000	WEINSTEIN
TOTAL	\$19,000	

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; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

Re: Consideration for Public Benefit Funding.
(Intro. 10-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR FALKNER

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Seneca Hose Company #1	\$1,000	FALKNER
South Buffalo Community Table	\$5,000	FALKNER
West Seneca Central School District (Beautification)	\$5,000	FALKNER
Allied Sportsmen of WNY	\$2,000	FALKNER
West Seneca Senior Center	\$5,000	FALKNER
TOTAL	\$18,000	

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; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

Re: Consideration for Public Benefit Funding.
(Intro. 10-6)

A RESOLUTION SUBMITTED BY
LEGISLATOR DUSZA

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Cheektowaga Police Department	\$4,000	DUSZA
St. John Gualbert Parish Community	\$3,000	DUSZA
Pine Hill Fire District 5	\$2,500	DUSZA
TOTAL	\$9,500	

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; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MR. DUSZA moved the approval of the resolution. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 37 – CHAIRMAN SWANICK directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

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Intro. 10-7 From LEGISLATORS HOLT, SMITH, FISHER, KUWIK, SCHROEDER, DALE, DeBENEDETTI, DUSZA & MARINELLI Re: Authorizing the Transfer of Essential Funding to ECMC Health Care Network.

CHALLENGE TO CHAIR.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER, SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 7.622 – 8.585)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

Re: Transfer of Public Benefit Funds.
 (Intro. 10-8)

A RESOLUTION SUBMITTED BY
 LEGISLATORS MARINELLI, FISHER & SMITH

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Library Repairs and Maintenance (DAC 820973420823) \$10,000, earmarked for the Fairfield Branch Library, 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; Kelly Wahl– First Administrative Assistant Erie County Legislature; Assistant County Attorney Greg Dudek; and Ken Stone – Buffalo and Erie County Public Library.

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Fiscal Impact: Reallocation of 2003 Budgeted Funds

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

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN SWANICK directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 10-9 From LEGISLATOR SMITH Re: Requesting Further Information from Council on Children & Families Concerning the CGR Report "The State of the Child & Family in Erie County."

Item 40 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

Re: Expressing Support for the Continued Maintenance of the Defense Contract Management Agency Office in Buffalo.
(Intro. 10-10)

A RESOLUTION SUBMITTED BY LEGISLATORS
KUWIK, DEBENEDETTI & HOLT

WHEREAS, the Defense Contract Management Agency (DCMA) maintains an office in the Thaddeus J. Dulski Federal Building in downtown Buffalo, and

WHEREAS, DCMA is “the Department of Defense component that works directly with Defense suppliers to help ensure that DoD, Federal, and allied government supplies and services are delivered on time, at projected cost, and meet all performance requirements,” and

WHEREAS, DCMA is an original tenant in the Dulski Federal Building and has maintained a local office in downtown Buffalo for approximately 25 years, and

WHEREAS, the DCMA local office has 50 employees in the area, half of whom work in the Dulski Federal Building, and

WHEREAS, the continued existence of businesses and government offices in downtown Buffalo is significantly beneficial for the vitality of Buffalo and Erie County, and

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WHEREAS, under Executive Order 12072, federal policy concerning the location of federal government offices requires the General Services Administration (GSA), the federal real estate agency, and the agencies which it represents, to give preference to siting federal agencies in “centralized community business areas,” particularly when such offices are already in those downtown corridors, and

WHEREAS, Executive Order 12072 also requires federal agencies to give preference to locating their offices in buildings of “historic, architectural, or cultural significance,” many of which exist in downtown Buffalo, and

WHEREAS, Executive Order 12072 also states that in siting their offices, federal agencies must consider the “availability of adequate public transportation and parking and accessibility to the public,”

WHEREAS, DCMA employees based in the Dulski Federal Building have expressed their desire to remain in downtown Buffalo, and are not interested in locating in another city or town outside of Buffalo,

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature supports Senator Hillary Rodham Clinton’s efforts in support of the continued maintenance of the DCMA office in downtown Buffalo, and be it further

RESOLVED, that the Erie County Legislature calls upon the Western New York Congressional Delegation to collaborate with local officials, the DCMA and GSA, to ensure that the DCMA maintains a downtown Buffalo office, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Brigadier General Edward M. Harrington, Director of DCMA (6350 Walker Lane, Alexandria, VA 22310-3241), Stephen A. Perry, Administrator of GSA (1800 F Street, NW, Washington, DC 20405), Senator Hillary Rodham Clinton, Senator Charles Schumer, Representative Louise M. Slaughter, Representative Jack Quinn, Representative Thomas Reynolds, Erie County Executive Joel A. Giambra, and Buffalo Mayor Anthony Masiello.

Fiscal Impact: None.

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

CARRIED UNANIMOUSLY.

MR. KUWIK moved the approval of the resolution as amended. MR. DeBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

Re: Requesting the NYS Legislature Grant
Permanent Status to the Western Erie Canal
Heritage Corridor Planning Commission.
(Intro. 10-11)

A RESOLUTION SUBMITTED BY
LEGISLATOR CUSACK

WHEREAS, in July 1999, the New York State Legislature charged the Western Erie Canal Heritage Corridor Planning Commission with revealing the natural features and historic development of the Erie Canal within the Western Erie Canal Corridor, and

WHEREAS, the Western Erie Canal Heritage Corridor Planning Commission has spent the last four (4) years developing a management plan for the Western Erie Canal Corridor, and

WHEREAS, the Western Erie Canal Heritage Corridor Planning Commission is made up of individuals who resided in or have a business interest in area of the Western Erie Canal Heritage Corridor which stretches through the five (5) county area of Erie, Niagara, Orleans, Monroe and Wayne, and

WHEREAS, the planning commission, after significant public participation throughout the canal corridor, is finalizing a comprehensive management plan that will, among others things, support and strengthen the economic revitalization and preservation of areas within the Western Erie Canal Heritage Corridor, increase the recreational use of the Erie Canal itself and Tow Path Trail, and foster interpretative, historical and educational centers along the canal corridor which will teach the important history of the Erie Canal and its significance to Western New York, New York State and the United States, and

WHEREAS, in order for any management plan to be fully realized, there must be a dedicated organization to implement and act upon the recommendations put forth, and

WHEREAS, the Western Erie Canal Heritage Corridor Planning Commission has shown its ability to create a vision for the Western Erie Canal Corridor and should be allowed and given the ability to actualize the management plan it has been instrumental in crafting,

NOW, THEREFORE, BE IT,

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RESOLVED, that the Erie County Legislature does hereby endorse the work of the Western Erie Canal Heritage Corridor Planning Commission, and be it further

RESOLVED, that this Honorable Body does hereby request that the New York State Legislature pass legislation to grant the Western Erie Canal Heritage Corridor Planning Commission permanent status; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Senate Majority Leader Bruno, Assembly Speaker Silver, members of the Western New York delegation to the New York State Legislature, Western Erie Canal Heritage Corridor Planning Commission, NYS Department of Parks, Recreation and Historic Preservation, Erie County Executive Giambra, and the Chief Elected Officials of Niagara, Orleans, Monroe and Wayne Counties.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 42 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

Re: Transfer of Public Benefit Funds.
(Intro. 10-12)

A RESOLUTION SUBMITTED BY
LEGISLATORS CHASE, CUSACK & McCARVILLE

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,

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE****NOW, THEREFORE, BE IT**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,500 from the 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>
Amherst Youth Board	830/0865	\$3,000	CUSACK
Drums Along the Waterfront	830/	\$5,000	MCCARVILLE
Community Concern of WNY	830/0831	\$10,000	CHASE
Community Concern of WNY	830/0831	\$2,500	MCCARVILLE
TOTAL		\$20,500	

And be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, 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; Kelly A. Wahl – First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: Appropriation of 2003 budgeted funds

MS. CHASE moved to amend the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$21,545 from the 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>
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Amherst Youth Board	830/0865	\$3,000	CUSACK
Drums Along the Waterfront	830/	\$5,000	MCCARVILLE
Community Concern of WNY	830/0831	\$10,000	CHASE
Community Concern of WNY	830/0831	\$2,500	MCCARVILLE
LaSalle Ambulance, Inc.	830/	\$1045	MAJORITY
TOTAL		\$21,545	

MS. CHASE moved the approval of the resolution as amended. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

Re: Consideration for Public Benefit Funding.
(Intro. 10-13)

A RESOLUTION SUBMITTED BY
LEGISLATOR MCCARVILLE

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Village of Gowanda Recreation	\$2,000	MCCARVILLE
Colden Elementary PTA	\$2,000	MCCARVILLE
TOTAL	\$4,000	

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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; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MR. McCARVILLE moved the approval of the resolution. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

Re: Consideration for Public Benefit Funding.
(Intro. 10-14)

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,

NOW, THEREFORE, BE IT

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

RECOMMENDED

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<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Cedar Grove Taxpayers Assoc.	\$850	DUSZA
TOTAL	\$850	

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; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Cedar Grove Taxpayers Assoc.	\$850	DUSZA
Northwest Buffalo Community Center	\$50,000	DeBENEDETTI
TOTAL	\$50,850	

MR. DUSZA moved the approval of the resolution as amended. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

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Item 45 – MR. WEINSTEIN moved to discharge the REGIONALISM AD HOC COMMITTEE from further consideration of Comm. 8E-11. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

Re: Funding for Continental 1.

WHEREAS, The County of Erie, desires to fund the work being performed by Continental 1; and

WHEREAS, Continental 1 is an organization created to promote the development and construction of a bi-national intermodal trade corridor from Toronto, Canada to Miami, Florida; and

WHEREAS, The activity will assist in efforts to attract international trade and new businesses and jobs to Erie County and Western New York; and

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with Continental 1, in amounts not to exceed a total of \$5,000, for the purpose of promoting the development of the Continental 1 trade corridor; and be it further

RESOLVED, That the source of these funds shall be \$5,000 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a new 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 Clerk of the Legislature be directed to send certified copies of this resolution to 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.

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

CARRIED UNANIMOUSLY.

Item 46 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 9E-23. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

Re: Erie County ERP Project.

WHEREAS, the County had determined that it is in need of having its financial and human resource software upgraded to enhance the efficiency and effectiveness of county government, and

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WHEREAS, your Honorable Body approved the establishment of a capital project to initiate and implement a new integrated financial/human resource system for Erie County, and

WHEREAS, the resulting Department of Information and Support Services' Enterprise Resource Planning (ERP) project, utilizes the services of qualified consultants, IBM and their local partner, Globalquest, and

WHEREAS, your Honorable Body has already authorized contracting with IBM and their local partner, Globalquest, in an amount not to exceed \$6,900,000, and

WHEREAS, it is highly recommended the Legislature provide the County Executive with the authority to contract with IBM and Globalquest, to expand the original scope of their engagement and to extend the maximum allowable contractual amount established in the original resolution, by \$1.1 million which will also cover any unforeseen events over summer recess, and

WHEREAS, the County ERP Project Executive Review Committee has approved these recommendations, and

WHEREAS, the Erie County Division of Information and Support Services (DISS) is also requesting the adjustment and addition of part-time staff within the ERP project, and

WHEREAS, funding for this request is available within the existing ERP Budget therefore requiring no additional appropriations,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with IBM and their local partner, Globalquest, to expand the original scope of their engagement and to extend the maximum allowable contractual amount established in the original resolution, by \$1.1 million, and be it further

RESOLVED, that authorization is provided to delete one regular part-time position of Chief Payroll Supervisor, job group 15, and to add one regular part-time position of ERP Analyst, job group 14; to delete two part-time positions of ERP Analyst, job group 14, and to create four part-time positions of Intern – DISS ERP, job group 5, in the budget of the ERP project where funding is available for this personnel request, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, the Director of Information and Support Services, the Director of Purchasing, the Commissioner of Personnel, the County Comptroller and the Director of Budget, Management and Finance.

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

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CARRIED UNANIMOUSLY.

ADD, following the first RESOLVED clause:

RESOLVED, that authorization is hereby provided to transfer \$1.1 million from the Unallocated Capital contingency account of th ERP capital project, account 410 265510891 to the Contractual Services account 410 2655108301598 for the IBM consultants, and be it further

MR. LARSON moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

Item 47 – MR. MCCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 8-15. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

Re: In Support of Diversity in Media
Ownership.

A RESOLUTION SUBMITTED BY LEGISLATORS
 MARINELLI, HOLT, SMITH, FISHER, DEBENEDETTI & SCHROEDER

WHEREAS, freedom of the press and broad public access to a diverse range of information through the media are prerequisites for a functioning democracy; they are the very oxygen of democracy; and the broadcast airwaves and the internet are owned commonly by the public and should be managed to serve the public interest, and

WHEREAS, the United States government recognized the critical importance of an independent and diverse media, when it enacted the current media ownership rules, in the 1940s, ensuring that the power to inform the public would not be concentrated among a relative few, and

WHEREAS, lifting current media ownership limits will have a far-reaching impact on the independence, accuracy, and diversity of national and local media and could severely limit an individual's access to multiple sources of information, and

WHEREAS, when major corporations with diverse interests in other segments of the economy own all the major news outlets, the conflicts of interest are inherently dangerous, and

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WHEREAS, the news media provides a critical public service in reporting the actions of our government; they also play a role in providing a check against the corporations that control our economy; Inevitably the media's accuracy in fulfilling this role will be compromised by its ownership, and

WHEREAS, the Federal Communications Commission (FCC) is currently considering an unprecedented rollback of media ownership regulations which protect diversity and local accountability in our media; the elimination or weakening of these regulations would likely reduce competition, local accountability, diversity of content, diversity of voices, and the quality and amount of news coverage in broadcast and print media across the country, while providing windfall profits for a small handful of corporate media owners, and

WHEREAS, the relaxation of ownership rules in the past two decades has already led to a detrimental number of mergers in the media industry. Since the passage of the 1996 Telecommunications Act, there are 1,100 fewer radio station owners, a decline of nearly 30 percent in six years and in almost half of the largest markets, the three largest corporations control 80 percent of the radio audience, and

WHEREAS, there is widespread support in Congress, for this issue to be reconsidered and mounting pressure from the public, including NABET-CWA #51025 and The Buffalo Newspaper Guild CWA #31026, to protect its access to a diverse range of media voices and messages,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does affirm its support of diversity in media ownership and raises a voice of serious concern regarding the proposed changes in media ownership rules, being considered by the Federal Communications Commission, and be it further

RESOLVED, that this Honorable Body does urge the FCC to reconsider its current direction and create additional opportunities for public involvement in this process by extending the public comment period and holding public hearings, and be it further

RESOLVED, that this Honorable Body does hereby encourage Congress to exercise its oversight in the area of federal communications policy, and to consider legislation aimed at protecting our democratic media by prohibiting further media consolidation, and be it further

RESOLVED, that certified copies of this resolution be sent to the Federal Communications Commission, Chairman Michael K. Powell and the Western New York Delegation of Federal Representatives.

Fiscal Impact: None For Resolution

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

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CARRIED UNANIMOUSLY.

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

WHEREAS, the Federal Communications Commission (FCC) is an independent United States government agency, which regulates interstate and international communications and is charged with the protection of the public's right to independent and accurate information, and

INSERT the following **WHEREAS** clause after the fourth **WHEREAS** clause:

WHEREAS, in the Western New York area we have witnessed the consolidation of once local owned, autonomous radio stations into the hands of large media corporations with the consequences being less diversity and independence, and

DELETE the fifth **WHEREAS** clause in its entirety

DELETE the sixth **WHEREAS** clause in its entirety and **REPLACE** with the following:

WHEREAS, it appears that June 2, 2003 the FCC with complete their Federally mandated Biennial Review of Proceedings with a vote to roll back certain qualifications for media ownership that may further hinder independence, accuracy and diversity in media ownership by allowing even more consolidation of media outlets, and

DELETE the eighth **WHEREAS** clause in its entirety and **REPLACE** with the following:

WHEREAS, many members of the local media community along with a number of members of Congress, which oversees the FCC, have taken an active interest in the Biennial review Proceedings with a view towards protecting access to a diverse range of media source.

DELETE the third **RESOLVED** clause in its entirety and **REPLACE** with the following:

RESOLVED, that this Honorable Body encourages the United States Congress to continue exercising its role in the area of federal communication policy by overseeing the maintenance of an independent, accurate and diverse media in the United States, and be it further

MR. McCARVILLE moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR HOLT

Item 48 – (Comm. 10E-1) Copy of Letter to Budget Director Re: ECMC Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (Comm. 10E-2) Response to Legislators DeBenedetti & Marinelli Re: Comm. 7E-11.

Item 50 – (Comm. 10E-3) Certificate of Determination - Sale & Issuance of \$494,935 EFC Municipal Water Pollution Control Facility Serial Bonds.

The above two items were received and filed.

FROM LEGISLATOR HOLT

Item 51 – (Comm. 10E-4) Copy of Letter to Budget Director Re: Residual Tobacco Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 52 – (Comm. 10E-5) Review of Unfilled Vacant Positions.

Item 53 – (Comm. 10E-6) Overview of Erie County's Fiscal Condition.

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

FROM LEGISLATOR DALE

Item 54 – (Comm. 10E-7) Copy of Letter to Legislator Ranzenhofer Re: Intro. 9-7.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 55 – (Comm. 10E-8) Copy of Letter to Kevin Gaughan Re: Meeting of Leaders to Discuss Issues Affecting Buffalo-Niagara Region.

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Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM LEGISLATOR FISHER

Item 56 – (Comm. 10E-9) Notice of Absence from Committee Meetings.

RECEIVED, FILED & PRINTED.

May 12, 2003

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

Dear Madam Clerk:

Please be advised that due to previously scheduled out-of-town family commitments, I will be unable to attend the upcoming meetings of the Legislature's Human Services and Community Enrichment Committees, scheduled to be held on Thursday, May 15, 2003.

These plans were set well in advance of the release of the committee schedule and, regrettably, cannot be altered. I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our May 22, 2003 regular session.

Thank you for your cooperation.

Very truly yours,

Judith P. Fisher
Erie County Legislator
4th District

FROM THE COMPTROLLER

Item 57 – (Comm. 10E-10) Quarterly Investment Report – 1/1/03 – 3/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 58 – (Comm. 10E-11) Appointment of Interim Minority Leader.

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RECEIVED, FILED & PRINTED.

May 13, 2003

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

Dear Madam Clerk:

Please be advised that due to a professional exchange program I will be participating in, held in Cameroon, Africa, I will be unable to attend the legislative session to be held Thursday, May 22, 2003.

Accordingly I hereby name Legislator Judith P. Fisher as interim Minority Leader in my absence.

I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our May 22, 2003 regular session.

Thank you for your cooperation.

Very truly yours,

GEORGE A. HOL T, JR.
Minority Leader
Erie County Legislature

Item 59 – (Comm. 10E-12) Copy of Letter to Chairman Swanick Re: Intro. 10-10 (2002).

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

Re: Appointments to Erie County Youth
Services Board. (Comm. 10E-13)

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RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individuals to the Erie County Youth Services Board for a term as stated below:

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Lawrence Cook II 32 Tioga Street Buffalo, New York 14216	December 31, 2003 (Fills vacancy of Krista Van Wagner)
Darlene Mercado 301 Bedford Avenue Buffalo, New York 14216	December 31, 2003 (Fills vacancy of Tracy McGee)
Yasmin Dara 128 Markley Drive Getzville, New York 14068	December 31, 2004 (Fills vacancy of Laurie Santiago)
Adonis Dawkins 422 Woodward Avenue Buffalo, New York 14214	December 31, 2004 (New Appointment)

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR RANZENHOFER

Item 61 – (Comm. 10E-14) Request to Change Vote on Intro. 10-10 (2002).

RECEIVED, FILED & PRINTED.

May 20, 2003

Hon. Laurie A. Manzella
Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, NY 14202

Re: Request to Change Vote on Intro. 10-10 (2002).

Dear Madam Clerk:

MEETING NO. 10

May 22, 2003

ERIE COUNTY LEGISLATURE

I hereby change my vote on the above referenced item to “no,” pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2003 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Michael H. Ranzenhofer
Majority Leader
Erie County Legislature

FROM LEGISLATOR CHASE

Item 62 – (Comm. 10E-15) Request to Change Vote on Intro. 10-10 (2002).

RECEIVED, FILED & PRINTED.

May 20, 2003

Hon. Laurie A. Manzella
Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, NY 14202

Re: Request to Change Vote on Intro. 10-10 (2002).

Dear Madam Clerk:

I hereby change my vote on the above referenced item to “no,” pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2003 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Jeanne Z. Chase
Erie County Legislator
12th District

FROM LEGISLATOR McCARVILLE

Item 63 – (Comm. 10E-16) Request to Change Vote on Intro. 10-10 (2002).

MEETING NO. 10**May 22, 2003****ERIE COUNTY LEGISLATURE**

RECEIVED, FILED & PRINTED.

May 20, 2003

Hon. Laurie A. Manzella
 Clerk, Erie County Legislature
 25 Delaware Avenue, 7th Floor
 Buffalo, NY 14202

Re: Request to Change Vote on Intro. 10-10 (2002).

Dear Madam Clerk:

I hereby change my vote on the above referenced item to "no," pending authorization of Erie County Legislature, pursuant to Section 2.28 of the 2003 Rules of Order for the Erie County Legislature.

Thank you.

Very truly yours,

Steven P. McCarville
 Erie County Legislator
 13th District

FROM THE COMPTROLLER

Item 64 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

Re: Amending Bond Resolution (Replaces
 Comm. 9E-69) (Comm. 10E-17)

RESOLUTION NO. _____-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001 AND AMENDED ON NOVEMBER 8, 2001, MARCH 21, 2002 AND SEPTEMBER 19, 2002, TO PROVIDE FOR THE DESIGN AND INSTALLATION OF NEW OR REPLACEMENT GUIDE RAIL AND MISCELLANEOUS IMPROVEMENTS ON APPROXIMATELY TWO HUNDRED FIFTY MILES OF COUNTY HIGHWAY

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(Introduced) _____, 2003
 (Adopted) _____, 2003

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2001 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on April 5, 2001, and amended on November 8, 2001, March 21, 2002 and September 19, 2002 and hereinafter referred to; and

WHEREAS, it is now necessary to revise the scope of the project description for "HIGHWAY SAFETY ENHANCEMENTS - COUNTY ROAD FUND (COUNTYWIDE)" to provide for the design and installation of new or replacement guide rail and miscellaneous improvements on approximately two hundred fifty miles of County highways;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

SECTION (A). Row 26, column G of the schedule attached to Resolution 152-2001 of said County, duly adopted by the Legislature on April 5, 2001, which states "Installation of new or replacement guide rail on approximately two hundred fifty miles of County highways" is hereby amended to state "Design and installation of new or replacement guide rail and miscellaneous improvements on approximately two hundred fifty miles of County highways."

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

FROM THE COUNTY EXECUTIVE

Item 65 – (Comm. 10E-18) Environmental Review Services for Buffalo Municipal Housing Authority.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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Item 66 – (Comm. 10E-19) Health – Transfer of Funds – Adolescent Wellness Program
7/1/01 – 6/30/02 Project No. 554.

Item 67 – (Comm. 10E-20) Health – Dental Clinic Site Director/Fee-for-Service Rate.

Item 68 – (Comm. 10E-21) Health – Public Health Preparedness Response to Bioterrorism
5/1/02 – 8/31/03 Project No. 744.

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

Item 69 – (Comm. 10E-22) Ralph Wilson Stadium 2003 Capital Rehabilitation Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 70 – (Comm. 10E-23) Termination of Participation of City of Buffalo in Contracts- for-
Differences.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 71 – (Comm. 10E-24) Environmental Engineering Services – Various Projects –
Engineer's Supplemental Agreement.

Item 72 – (Comm. 10E-25) Chestnut Ridge Waterline – Phase III – Contingency Fund
Increase.

Item 73 – (Comm. 10E-26) Main Branch of Buffalo & Erie County Library – Sealant Work
(MJ-3-5).

Item 74 – (Comm. 10E-27) Main branch of Buffalo & Erie County Library – Phase IA –
Renovation Plan Implementation.

Item 75 – (Comm. 10E-28) ECC – City Campus Athletic Facility Locker Rooms.

Item 76 – (Comm. 10E-29) Ralph Wilson Stadium – 2003 – Leak Collection Pans.

Item 77 – (Comm. 10E-30) Ralph Wilson Stadium – 2003 – Sideline Seating Repairs.

Item 78 – (Comm. 10E-31) Award of Contract & Supplemental for Construction Inspection
Services – Replacement of Eckhardt Road Bridge.

Item 79 – (Comm. 10E-32) Ralph Wilson Stadium – 2003 Miscellaneous Roof Replacement.

Item 80 – (Comm. 10E-33) Ralph Wilson Stadium – Renovation of Existing Suites –
Phase III.

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

Item 81 – (Comm. 10E-34) ECSD No. 2 – Personnel Request – 2003 Budget.

Item 82 – (Comm. 10E-35) ECSD’s WNY Council on Occupational Safety & Health-Proposed Agreement.

Item 83 – (Comm. 10E-36) Rural Planning Services – First Amendatory Agreement.

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

Item 84 – (Comm. 10E-37) 2002 Year-End Budget Balancing Round Two Amendments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 85 – (Comm. 10E-38) Purchasing Policy & Procedures.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 86 – (Comm. 10E-39) County Executive – Transfer of Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 87 – (Comm. 10E-40) Variable Minimum – County Clerk’s Office.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 88 – (Comm. 10E-41) Authorization for EC to Conduct One-Year Pilot of Cooperative Pesticide Notification Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 89 – (Comm. 10E-42) Sale of County-Owned Inventory – Charlotte Avenue, Town of Hamburg.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 90 – (Comm. 10E-43) ECSD No. 3 – Southtowns Sewage Treatment Agency, Village of Blasdell.

Item 91 – (Comm. 10E-44) ECSD & ECSSTA – Energy Performance Contracting Comprehensive Energy Audits.

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Item 92 – (Comm. 10E-45) ECSD Nos 1-6 & SSTA – Construction Agreement Dated 6/15/01 – Engineering Change Order No. 1.

Item 93 – (Comm. 10E-46) ECSD No. 6/City of Buffalo Proposed Agreement – Union Ship Canal Properties – Storm Water Services.

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

Item 94 – (Comm. 10E-47) EC Funding for All Pro Hoops Camp.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 95 – (Comm. 10E-48) Cheektowaga Senior Center Additions & Alterations.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 96 – (Comm. 10E-49) Copy of Letter to Director of Fleet Operations.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS**FROM THE COUNTY ATTORNEY**

Item 97 – (Comm. 10D-1) Transmittal of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DEP

Item 98 – (Comm. 10D-2) SEQR – Sheridan Drive from East Park Drive to River Road – Sherwood Greenway.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

Item 99 – (Comm. 10D-3) 2003 – 2004 ECC Budget.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 100 – (Comm. 10D-4) Agenda & Minutes of Board Meeting.

Received and filed.

FROM DEP

Item 101 – (Comm. 10D-5) SEQR – ECSD No. 3 – Consolidation & Blasdell Extension.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 102 – (Comm. 10D-6) Certificate as to No Referendum – ECSD No. 3 – Blasdell Extension.

Item 103 – (Comm. 10D-7) Certificate as to No Referendum – Brant – Farnham Extension Area.

The above two items were received and filed.

FROM ECMC

Item 104 – (Comm. 10D-8) Agenda & Minutes of Board Meeting.

Received and filed.

FROM MENTAL HEALTH

Item 105 – (Comm. 10D-9) Psychotropic Medications in EC Correctional Facility & Holding Center.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ECC

Item 106 – (Comm. 10D-10) Notice of Meetings to be Held.

Received and filed.

Item 107 – (Comm. 10D-11) Amended Salaries for ECC 2003-04 Budget Submission.

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Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 108 – (Comm. 10D-12) Notice of Cancellation of Meeting.

Received and filed.

FROM DEP

Item 109 – (Comm. 10D-13) SEQR – Northeast Southtowns, Regional Solid Waste Management Plan – 2002-2012.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**FROM EMPIRE STATE DEVELOPMENT**

Item 110 – (Comm. 10M-1) Erie Canal Harbor Project Supplemental Draft EIS – Draft Scoping Report.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SHAW & SHAW

Item 111 – (Comm. 10M-2) Copy of Memo to Legislator Holt Re: Local Law Intro. No. 9 – 2003.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM MAYOR MASIELLO

Item 112 – (Comm. 10M-3) Snow Removal Funds for City of Buffalo.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NFTA

Item 113 – (Comm. 10M-4) Board Minutes.

Received and filed.

FROM THE ERIE COUNTY ASSOCIATION OF SCHOOL BOARDS

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Item 114 – (Comm. 10M-5) Letter Re: Funding Request for Study of Education in Erie County.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE AMERICAN SOCIETY OF CIVIL ENGINEERS

Item 115 – (Comm. 10M-6) Resolution in Support of Making Reforms to Wicks Law.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECEMC

Item 116 – (Comm. 10M-7) Meeting Notice & Agenda.

Received and filed.

FROM THE AMERICAN ZOO & AQUARIUM ASSOCIATION

Item 117 – (Comm. 10M-8) Copy of Letter to President of Buffalo Zoological Gardens Re: Progress Report.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BOARD OF SUPERVISORS OF SENECA COUNTY

Item 118 – (Comm. 10M-9) Certified Resolution Re: Opposition to Expansion of Unregulated, Commercial, Non-Charitable Gaming within NYS.

Received and filed.

MEMORIAL RESOLUTIONS

Item 119 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of his father, David R. Swanick.

Item 120 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Henry Siejak.

Item 121 – Legislator Fisher requested that when the Legislature adjourns, it do so in memory of Joan Williams.

Item 122 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of Lannie DuBose.

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Item 123 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Edward Becker.

Item 124 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Sister Mary Benedett Komanski.

Item 125 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Dennis Fay.

Item 126 – Legislator Falkner requested that when the Legislature adjourns, it do so in memory of his uncle, Robert Falkner.

ADJOURNMENT

Item 99 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, June 5, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 5, 2003 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK