

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

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MEETING NO. 10
May 9, 2002

The Legislature was called to order by Chairman DeBenedetti.

All Members Present.

The invocation was led by Dean Judith Burrows, St Paul's Episcopal Church.

The Pledge of Allegiance was led by Mr. Greenan.

Item 1 – CHAIRMAN DeBENEDETTI directed that Comm. 13E-45 (2001) remain on the table.

MR. GREENAN moved the approval of the minutes of Meeting No. #26 of 2001. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MR. LARSON presented a resolution Honoring 2002 Lancaster Youth Bureau Hall of Fame Inductees. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS. CUSACK presented a resolution Honoring Thomas Crosier & James Koeppl, Jr. for Their 25 Years of Service in Snyder Fire Department. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. MARINELLI presented a resolution Honoring Nina DiMarzio Mutignani of the Town of Tonawanda Upon the Occasion of Her 100th Birthday. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. WEINSTEIN presented a resolution Honoring the Buffalo Chapter of Hadassah on Its 90th Anniversary. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Item 6 – MR. WEINSTEIN presented a resolution Honoring Preethi Govindaraj on Receiving the 2002 Chancellor’s Award for Student Excellence from State University of New York. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. FISHER presented a resolution Honoring Jasen William Wilson Upon His Attainment of the Rank of Eagle Scout. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. WEINSTEIN presented a resolution Honoring Amherst Senior Center Volunteers. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. PEOPLES presented a resolution Honoring Ronald Daniel III Upon His Attainment of the Rank of Eagle Scout. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. WEINSTEIN presented a resolution Celebrating the 40th Anniversary of Amherst Senior Center & Honoring the Countless Volunteers Who Serve the Facility. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. DALE presented a resolution Honoring Sr. Mary Johnice Rzadkiewicz, CSSF for Her Contributions to the Community. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. SWANICK presented a resolution Honoring Officer David Richard Carlson Upon His Retirement from Erie County Sheriff’s Department. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. DUSZA presented a resolution Honoring Wallace Piotrowski Upon His Retirement from Polish Union of America. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Item 14 – MR. DUSZA presented a resolution Congratulating Eight Members of Cub Scout Pack 117 for Achieving “Arrow of Light Award.” MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. DeBENEDETTI presented a resolution Honoring Dr. Ellen Dickenson, Clinical Director of Psychiatry at ECMC. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 17 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 18 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 19 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 20 – CHAIRMAN DeBENEDETTI directed that Local Law No. 3 (Print #1) 2002 remain on the table.

Item 21 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

Item 22 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

May 2, 2002

ECONOMIC DEVELOPMENT
COMMITTEE

REPORT NO. 7

ALL MEMBERS PRESENT.

1. Item Page -2002 (Comm. 9E-24)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works advertised and received proposals for audit services related to Utilities, Water Billing, Telecommunications and Lease of Real Property, and

WHEREAS, two proposal were received – Troy & Banks which only responded to the Utilities and Telecommunications sections and Lauren & Associates which responded to all sections, and

WHEREAS, a selection committee was formed involving the Department of Law, Department of Information & Support Services, Comptroller's Office, the County Executive's Office and the Department of Public Works, and

WHEREAS, the selection committee has recommended that Troy & Banks be awarded a contract for the Utilities portion of work at a rate that varies between 40% and 25% depending on the size of the project, and Lauren & Associates be awarded the Lease of Real Property portion at a rate of 47.5% of the over billing found, and

WHEREAS, the selection committee recommends not awarding the work involved in the Water Billing or Telecommunications sections,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with Troy & Banks for the Utilities portion of work at a rate that varies between 40% and 25% depending on the size of the project, and Lauren & Associates for the Lease of Real Property portion at a rate of 47.5% of the over billing found, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management & Finance and the Office of the Comptroller.

(5-0)

2. Item Page -2002 (Comm. 9E-38)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on April 5, 2002 for the Ralph Wilson Stadium – 2002 Improvements – Artificial Grass Outdoor Practice Field, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2002 Improvements – Artificial Grass Outdoor Practice Field, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the stadium facilities pursuant to the Lease Agreement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2002 Improvements --- Artificial Grass Outdoor Practice Field, as follows:

GENERAL CONSTRUCTION WORK

Birch Grove Landscaping & Nursery, Inc.

Base Bid	\$135,700.00
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and be it further,

RESOLVED, that the sum of \$14,300 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 Ralph Wilson Stadium Capital Improvements Budget, Fund 410, Project 284, in the total amount of \$150,000,000, and be it further,

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

(5-0)

3. Item page -2002 (Comm. 9E-39)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized the County Executive to enter into contracts with three consulting firms specializing in environmental and asbestos abatement services, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, subsequently contracts were executed for said services with the firms of Chopra-Lee, Inc., Edward O. Watts, P.E., P.C., and UNYSE to provide Environmental Engineering Services on a project-by-project basis, and

WHEREAS, the Erie County Legislature authorized an allocation of \$25,000 to cover the fees for said environmental services, and

WHEREAS, for the past year, services have been provided which have been allocated toward services and will soon be exhausted, and

WHEREAS, in order to assure continuation of these necessary services, the Commissioner of Public Works is requesting an increase in the fee allocation to cover the cost of said additional services,

NOW, THEREFORE, BE IT,

RESOLVED, that the previous \$25,000 fee allocation be increased by \$50,000 to a total of \$75,000, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue change orders to the existing contracts with the amount of the project fee being determined by the Commissioner of Public Works, and be it further,

RESOLVED, that payment for said fees be from the 1998 Asbestos Abatement, Fund 410, Project 829, and be it further,

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

(5-0)

4. Item Page -2002 (Comm. 9E-40)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on December 20, 2001 for the Grover Cleveland Water System Improvements – Phase I, and

WHEREAS, the Erie County Legislature approved the low bidder, Collana Construction, in the amount of \$105,920, on March 21, 2002, and

WHEREAS, Collana Construction stated his bid was only good for forty-five days, plus a thirty-day extension he granted at the request of the Department of Public Works, and

WHEREAS, the legislative approval on March 21, 2002 was beyond the forty-five days, plus the thirty-day extension, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Public Works contacted the second low bidder, NC Contracting in the amount of \$116,734.00, and

WHEREAS, NC Contracting stated his bid of December 20, 2001 would be honored with a 120-day extension of his bid,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Grover Cleveland Park Water System Improvements – Phase I, as follows:

PLUMBING WORK

NC Contracting, Inc.

Base Bid	\$116,734.00
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and be it further,

RESOLVED, that the sum of \$50,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$8,000.00 be allocated for testing, surveying, additional engineering services, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Improvements to Water Lines at Various Parks, Fund 410, Project 202, and be it further,

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

5. Item Page -2002 (Comm. 9E-41)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Glenwood-East Concord Road (NYS Route 240) Bridge 30-2, over Spencer Brook, in the Town of Concord, on December 13, 2001, the low

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

bidder was Donald J. Braasch Construction, Inc. of Lakeview, New York at a low bid amount of \$659,725.50, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Clough Harbour Associates and it has been determined that the contract must be increased to include 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 30-2-02 for the Reconstruction of Glenwood-East Concord Road (NYS Route 240) Bridge 30-2, over Spencer Brook, in the Town of Concord, between the County of Erie and the low bidder Donald J. Braasch Construction, Inc. at its low bid of \$659,725.50, and be it further

RESOLVED, that an amount of \$659,725.50 be allocated from the 2002 Bridge Reconstruction Glenwood/East Concord/ Route 240 Bridge - PIN 5754.53 Program (SFG 420-320), and be it further

RESOLVED, that an additional amount of \$100,000.00 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 \$100,000.00 from the 2002 Bridge Reconstruction Glenwood/East Concord/Route 240 Bridge - PIN 5754.53 Program, and be it further

RESOLVED, that an amount of \$75,000 be allocated from the 2002 Bridge Reconstruction Glenwood/East Concord/Route 240 Bridge - PIN 5754.53 Program for a change order to the contract for engineering services with Clough Harbour 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 Erie County Comptroller.

(5-0)

6. Item Page -2002 (Comm. 9E-42)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on April 9, 2002 for the Buffalo & Erie County Library – Emergency Generator Replacement project, and

WHEREAS, the Engineer, Department of Public Works and the Buffalo & Erie County Library are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive be authorized to enter into a contract with Weydman Electric, Inc. for the Buffalo & Erie County Library – Emergency Generator Replacement project as follows:

ELECTRICAL CONTRACT

Weydman Electric, Inc.

Base Bid	\$139,793.00
Add Alternate E-1	\$ 5,313.00
Add Alternate E-2	<u>\$ 4,290.00</u>
Total	\$149,396.00

and be it further,

RESOLVED, that the sum of \$20,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

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

RESOLVED, that the Buffalo & Erie County Library has authorized the Comptroller's Office to make payments from the following Library account: R&M 820973420823, and be it further,

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

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

***Comm. 9E-38 was reconsidered at meeting #11.

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

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

May 2, 2002

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR PEOPLES.

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

	Item	Page	-2002	(Comm. 9E-7)
a.	COUNTY EXECUTIVE:	Available Balances as of 12/31/01 that Have Been Reappropriated in 2002 Budget.		
	(4-0) Legislator Peoples absent.			

	Item	Page	-2002	(Comm. 9E-11)
b.	COMPTROLLER:	Service Charge for NSF Checks.		
	(4-0) Legislator Peoples absent.			

2.	Item	Page	-2002	(Comm. 1D-9A)
	BUDGET, MANAGEMENT & FINANCE			

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

EMAIL DOCUMENT IS 202778EM.DOC

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

RESOLVED, that petitions numbered 202277 through 202297 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202277 / 102 - ASSESSOR - Refund - \$243.66

SBL No. 108.20-7-5 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 243.66 - Town/SpecialDist/School

Charge to : VILLAGE OF ALDEN 243.66

REFUND - CLERICAL ERROR, THE RPTL 520 THAT WAS CHARGED TO THIS PARCEL IS IN ERROR. PARCEL IS ENTITLED TO THE EXEPTIONS.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

RPTL 550(2)E
 CHECK IN FAVOR OF: DAVID & REBECCA BLANKENBERG

Petition No. 202278 / 1 - ASSESSOR - Refund - \$370.37

SBL No. 56.2-10-28 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 370.37 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 370.37

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2) WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: ROBERT & MICHELE CIESLICA

Petition No. 202279 / 102 - ASSESSOR - Refund - \$656.40

SBL No. 67.72-4-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 656.40 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 656.40

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2)C AMHERST CENTRAL
 CHECK IN FAVOR OF: JENNIFER & CHRISTOPHER FELTES

Petition No. 202280 / 102 - ASSESSOR - Refund - \$561.78

SBL No. 266.18-2-50 - TOWN OF BRANT

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 561.78 - Town/SpecialDist/School

Charge to : LAKE SHORE CENTRAL 544.22
 NYS STAR ENHANCED EXEMPTI 17.56

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 (50%) 31,000 AND THE ENHAMCED STAR IN THE AMOUNT OF 50,000 THAT THIS

PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.
 RPTL 550(2)C
 CHECK IN FAVOR OF: PETER & DENISE MUSCARELLA RPTL 550(2)

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Petition No. 202281 / 2002 - ASSESSOR - Refund - \$205.31

SBL No. 266.18-2-50 - TOWN OF BRANT

Acct. No. 112 - \$ 116.78 - County

Acct. No. 132 - \$ 88.53 - Town/SpecialDist/School

Charge to : TOWN OF BRANT 88.53

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 23,250 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK IN FAVOR OF: PETER & DENISE MUSCARELLA

Petition No. 202282 / 102 - ASSESSOR - Refund - \$1,003.18

SBL No. 58.07-1-30 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,003.18 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 685.51
 NYS STAR ENHANCED EXEMPTI 317.67

REFUND - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 AND WAS ENTITLED TO THE ENHANCED STAR 50,000. ALSO THE SENIOR EXEMPTION IN THE AMOUNT OF 43,160 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK IN FAVOR OF: RALPH & DOROTHY SCHALLER

Petition No. 202283/ 2002 - ASSESSOR - Refund - \$308.26

SBL No. 58.07-1-30 - TOWN OF CLARENCE

Acct. No. 112 - \$ 231.01 - County

Acct. No. 132 - \$ 77.25 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 77.25

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 48,555 (45%) FOR COUNTY TAX AND 43,160 (40%) FOR TOWN TAXES WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK IN FAVOR OF: RALPH & DOROTHY SCHALER

Petition No. 202284 / 2002 - ASSESSOR - Cancel - \$333.21

SBL No. 350.00-3-9 - TOWN OF COLLINS

Acct. No. 112 - \$ 166.97 - County

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Acct. No. 132 - \$ 166.24 - Town/SpecialDist/School

Charge to : TOWN OF COLLINS 136.00
ROSENBERG FIRE PROTECTION 30.24

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 93,200 AND SHOULD BE 65,400.
RPTL 550(2)A.

Petition No. 202285 / 2002 - ASSESSOR - Refund - \$89.35

SBL No. 224.00-1-31 - TOWN OF EDEN

Acct. No. 112 - \$ 51.62 - County

Acct. No. 132 - \$ 37.73 - Town/SpecialDist/School

Charge to : TOWN OF EDEN 37.73

REFUND - CLERICAL ERROR, PARCEL RECEIVED THE WAR VET EXEMPTION IN THE AMOUNT OF 14,250 AND WAS ENTITLED TO THE COMBAT VET EXEMPTION IN THE AMOUNT OF 23,750. RPTL 550(2)B
CHECK IN FAVOR OF: HARRY & PEGGY GOLATA

Petition No. 202286 / 2002 - ASSESSOR - Refund - \$147.00

SBL No. 224.00-2-27 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 147.00 - Town/SpecialDist/School

Charge to : TOWN OF EDEN 147.00

REFUND - CLERICAL ERROR, THE GARBAGE DISTRICT WAS CHARGED FOR TWO UNITS OF SERVICE. PARCEL SHOULD BE CHARGED FOR ONE UNIT OF SERVICE. RPTL 550(2)E.
CHECK IN FAVOR OF: FRED & LEIGH ANN WERTZ

Petition No. 202287 / 2001 - ASSESSOR - Refund - \$147.00

SBL No. 224.00-2-27 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 147.00 - Town/SpecialDist/School

Charge to : TOWN OF EDEN 147.00

REFUND - CLERICAL ERROR, THE GARBAGE TAX WAS CHARGED FOR TWO UNITS OF SERVICE WHEN IN FACT THIS SHOULD ONLY BE ONE UNIT OF SERVICE.
RPTL 550(2)E

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

CHECK IN FAVOR OF: FRED & LEIGH WERTZ

Petition No. 202288 / 2000 - ASSESSOR - Refund - \$145.00

SBL No. 224.00-2-27 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 145.00 - Town/SpecialDist/School

Charge to : TOWN OF EDEN 145.00

REFUND - CLERICAL ERROR, THE GARBAGE TAX WAS CHARGED FOR TWO UNITS OF SERVICE WHEN IN FACT THIS PARCEL SHOULD ONLY BE CHARGED FOR ONE UNIT OF SERVICE. RPTL 550(2)E.

CHECK IN FAVOR OF: FRED & LEIGH WERTZ

Petition No. 202289 / 2002 - ASSESSOR - Cancel - \$1,569.08

SBL No. 59.00-1-17.1/A - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,569.08 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 989.89
NEWSTEAD FIRE PROTECT 579.19

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 504,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202290/ 102 - ASSESSOR - Refund - \$628.21

SBL No. 54.45-3-30 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C KEN-TON SCHOOL DISTRICT

CHECK IN FAVOR OF: DAWN M JACOBS

Petition No. 202291 / 102 - ASSESSOR - Refund - \$628.20

SBL No. 67.62-5-10 - TOWN OF TONAWANDA

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.20 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.20

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE TAX ROLL. RPTL 550(2)C KEN-TON SCHOOL DISTRICT
CHECK IN FAVOR OF: MARK & MAUREEN DOWNING

Petition No. 202292 / 12 - ASSESSOR - Refund - \$628.21

SBL No. 67.77-6-7 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT
OF 21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE TAX ROLL. RPTL 550(2)C KEN-TON SCHOOL DISTRICT
CHECK IN FAVOR OF: DONNA M DICKEY

Petition No. 202293 / 102 - ASSESSOR - Refund - \$146.45

SBL No. 202.00-2-47.11 - TOWN OF WALES

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 146.45 - Town/SpecialDist/School

Charge to : HOLLAND CENTRAL 146.45

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY

ON THE TAX ROLL. THE ASSESSMENT WAS 13,600 AND SHOULD BE 7,100.

RPTL 550(2)A

CHECK IN FAVOR OF: ERIC & DEBRA GRAHAM

Petition No. 202294 / 2002 - ASSESSOR - Cancel - \$765.44

SBL No. 144.17-1-2 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 292.30 - County

Acct. No. 132 - \$ 473.14 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA 473.14

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS PLACED ON THIS PARCEL IN ERROR. THIS PARCEL IS ENTITLED TO THE VETERAN'S EXEMPTION.
 RPTL 550(2)A

Petition No. 202295/ 9900 - ASSESSOR - Refund - \$207.67

SBL No. 67.20-5-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 207.67 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 207.67

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C AMHERST CENTRAL
 CHECK IN FAVOR OF: EDWARD T BLUFF JR

Petition No. 202296 / 1 - ASSESSOR - Refund - \$428.07

SBL No. 67.20-5-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 428.07 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 428.07

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C AMHERST CENTRAL
 CHECK IN FAVOR OF: EDWARD T BLUFF JR

Petition No. 202297 / 102 - ASSESSOR - Refund - \$656.40

SBL No. 67.20-5-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 656.40 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 656.40

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C AMHERST CENTRAL
 CHECK IN FAVOR OF: EDWARD T BLUFF JR

(4-0) Legislator Peoples absent.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

3. Item Page -2002 (Comm. 9E-35)

COUNTY EXECUTIVE

WHEREAS, the funds are available from the Federal Emergency Management Agency (FEMA) through the New York State Emergency Management Office (SEMO), and

WHEREAS, the funds received for the claims submitted by the Department of Emergency Services on behalf of various County, City Departments and Volunteer Fire Departments will be reimbursed to them for their services rendered to New York City in the aftermath of the events of September 11, 2001,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to accepted these funds to reimburse Erie County, City Departments and Volunteer Fire Departments in funding from FEMA through SEMO, and be it further

RESOLVED, that the following transactions are authorized for the reimbursement of Erie County, City, and Volunteer Fire Departments for time and services renders in the aftermath of the events of September 11, 2001:

Department of Emergency Services
Reimbursement of Claims

Revenue

SFG 684	Federal Revenue - Other	<u>\$51,355.</u>
	Total Revenue	\$51,355.

Appropriations

SFG 801	Emergency Services-Overtime	\$ 3,000.
SFG 825	Emergency Services-Long Distance Travel	\$ 2,000.
SFG 933	Emergency Services-Lab & Tech. Equip.	\$ 2,250.
SFG830	Contractual-Volunteer Fire Companies and City of Buffalo Fire and Emergency Services	<u>\$44,105.</u>
	Total Appropriations Claims Submitted	\$51,355.

and be it further

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

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

(4-0) Legislator Peoples absent.

4. Item Page -2002 (Comm. 9E-43)
COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from The 5 Yovienes L.L.C., who own property adjoining the above County owned parcel of land to purchase this land, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, there are no other adjoining owners to this property, and

WHEREAS, this office has received no other interest in this property as a result of the canvass letter sent to the Town Supervisor,

NOW, THEREFORE, BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to The 5 Yovienes, LLC, 4464 Shadyridge Drive, Hamburg, New York 14075 for the sum of Five Hundred and 00/100 Dollars (\$ 500.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 2, Township 9, Range 8, Block D, Sublot 27 as filed in Map Cover 464 with the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 196.130-2-56 (Phelps Avenue 40.00 x 150.00) Intending to convey land acquired by Erie County as Serial No. 1235 in the County In Rem Tax Foreclosure Action No. 147, and, be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described properties to the aforesaid purchaser, and be it further

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

(4-0) Legislator Peoples absent.

5. Item Page -2002 (Comm. 9E-44)
COUNTY EXECUTIVE

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Mary Ann Bilotte who owns property adjoining the above County owned parcel of land to purchase this land, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

NOW, THEREFORE, BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Mary Ann Bilotte, 78 Fairfax Drive, West Seneca, New York for the sum of Five Hundred and 00/100 Dollars (\$ 500.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 278, Township 10, Range 7, Sublot 3 as filed in Map Cover 1035 at the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.530-4-2 (Fairfax Drive 30.00 x 220.00). Intending to convey land acquired by Erie County as Serial No. 569 in the County In Rem Tax Foreclosure Action No. 141A, and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described properties to the aforesaid purchaser, and be it further

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

(4-0) Legislator Peoples absent.

6. Item Page -2002 (Comm. 9E-45)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive requests from multiple adjoining property owners and/or non-adjoining property owners to purchase the following nine (9) listed parcels of County owned inventory, and

WHEREAS, these parcels were reviewed and approved for sale by the Advisory Review Committee of Erie County;

NOW, THEREFORE, BE IT RESOLVED, that the following County owned parcels be offered for sale at the next public auction scheduled to be held June 4, 2002.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Farmlot 87, Township 8, Range 9, Sublots 7262 and 7463 as filed under Map Cover 1129 and is further described on Erie County Tax Maps as Section, Block and Lot No. 250.170-9-37 (133 Delavan Avenue 40.00 x 100.00). Intending to convey all land acquired by Erie County in a deed filed at the Erie County Clerk's Office on April 3, 1974 under Liber 8152 Page 137;

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie and State of New York being part of Farmlot 85, Township 12, Range 9, Block N, Sublots 238 and 239 as filed under Map Cover 1033 and is further described on Erie County Tax Maps as Section, Block and Lot No. 23.180-2-5 (Second Street 100.00 x 125.00). Intending to convey all land acquired by Erie County as Serial No. 1343 in the County In Rem Tax Foreclosure Action No. 144;

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 16, Township 9, Range 8, Sublot 464 as filed under Map Cover 416 and is further described on Erie County Tax Maps as Section, Block and Lot No. 159.670-2-33 (Woodlawn Avenue 30.00 x 110.00). Intending to convey all land acquired by Erie County as Serial No. 571 in the County In Rem Tax Foreclosure Action No. 137;

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 27 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-28 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 1449 in the County In Rem Tax Foreclosure Action No. 146;

ALL THAT TRACT OF PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 28 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-29 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 1450 in the County In Rem Tax Foreclosure Action No. 146;

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 29 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-30 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 315 in the County In Rem Tax Foreclosure Action No. 134;

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 30 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block, and Lot No. 134.740-2-31 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 316 in the County In Rem Tax Foreclosure Action No. 134;

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 31 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-32 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 317 in the County In Rem Tax Foreclosure Action No. 134;

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 32 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-33 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 318 in the County In Rem Tax Foreclosure Action No. 134, and, be it further

RESOLVED, that any sale would be subject to the final approval by resolution of the Erie County Legislature, and be it further

RESOLVED, that in addition to the advertisement of the sale in the Buffalo Law Journal and Buffalo News, all adjoining owners will be sent a letter indicating the date, time and place of the sale in order to give all parties the opportunity to attend the sale and bid, and be it further

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

(4-0) Legislator Peoples absent.

DALE W. LARSON
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 24 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

May 2, 2002

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 6

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

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

	Item	Page	-2002	(Comm. 7M-2)
	VAN NESS FELDMAN, ATTORNEYS AT LAW: NYPA Request to Utilize Alternative Licensing Procedures for Niagara Power Project.			
	(5-0)			
 - b.

	Item	Page	-2002	(Comm. 9E-30)
	COUNTY EXECUTIVE: ECSD No. 6 – A/E Agreement Dated 6/24/93 – Engineering Change Order “E” – Malcolm Pirnie.			
	(5-0)			
 - c.

	Item	Page	-2002	(Comm. 9E-31)
	COUNTY EXECUTIVE: ECSD No. 2 – A/E Agreement Dated 9/11/96 – Engineering Change Order No. 4 – Stearns & Wheler.			
	(5-0)			
2.

	Item	Page	-2002	(Intro. 8-7)
	DeBENEDETTI, GREENAN, RANZENHOFER, WEINSTEIN, LARSON, CHASE, CUSACK & McCARVILLE			

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Erie County SPCA	830/	\$12,000
TOTAL		\$12,000

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Barbara S. Carr, Erie County SPCA (205 Ensminger Road, Tonawanda, NY 14150).

Fiscal Impact: Appropriation of 2002 - budgeted funds
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 9E-22)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry (Department) conducts several dozen recreational programs and events during the year for youth, seniors and citizens of all ages; and

WHEREAS, the Department has identified a need to expand existing events and to create more recreational and other programs benefiting County residents and taxpayers; and

WHEREAS, the Department's budget is insufficient to cover expanding existing programs and events and the creation of new programs and events; and

WHEREAS, the Department has previously obtained approval from the Erie County Legislature to accept a gift of scorecards, advertising a local auto dealer for use in the County's golf courses, and to solicit advertising fees from local businesses to sponsor golf holes; and

WHEREAS, such Legislative approval included the establishment of a grant for depositing such revenues and use by the Department to supplement its budget; and

WHEREAS, the Department desires to intensify its efforts to identify more sponsors who would pay to advertise their businesses at such County Parks events; and

WHEREAS, a schedule of sponsorship categories or levels is being proposed by the Department ranging from "Friend Sponsors" e.g., donation of golf scorecards to "Exclusive Platinum Partnership Levels" - \$6,000.00 to \$15,000.00 per year; and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, any such revenues from sponsorship advertising fees would be deposited into a second special grant for "Sponsorship of County Parks Events" exclusively for use by the Department of Parks, Recreation and Forestry.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any necessary agreements with businesses to sponsor various events and programs conducted by the Department; and be it further

RESOLVED, that the Department is authorized to solicit sponsors in accordance with the attached schedule entitled "Major Park Sponsorship Levels;" and be it further

RESOLVED, that the proceeds from sponsorships be maintained in a second separate grant to be used solely to support park purposes; and be it further

RESOLVED, that the following budget is hereby established in the grant fund for the Department of Parks, Recreation and Forestry:

SPONSORSHIP OF COUNTY PARKS EVENTS

<u>SFG</u>	<u>REVENUE</u>	<u>AMOUNT</u>
521	Other Unclassified	<u>\$150,000</u>
	TOTAL	\$150,000

<u>SFG</u>	<u>APPROPRIATIONS</u>	<u>AMOUNT</u>
810	Office Supplies	\$ 1,000
811	Recreational Supplies	70,000
812	Food/Kitchen Supplies	2,000
822	Rental Charges	2,000
824	Local Mileage	5,000
826	Other Expenses	<u>70,000</u>
	TOTAL	\$ 150,000

RESOLVED, that certified copies of this Resolution be sent to Joel A. Giambra, Erie County Executive, Joseph Passafiume, Director of Budget, Management and Finance, Lawrence D. Jasinski, Commissioner of the Department of Parks, Recreation and Forestry, Nancy A. Naples, County Comptroller and Gregory J. Dudek, Assistant County Attorney.

(5-0)

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

4. Item Page -2002 (Comm. 9E-23)

COUNTY EXECUTIVE

WHEREAS, NYSERDA approved of the Detailed Energy Study prepared by C.J. Brown Energy, P.C. for the Erie County Medical Center (ECMC) in September 1999, and

WHEREAS, NYSERDA has agreed through PON 3550, Cooling Re-Commissioning, to fund \$84,720.00 with a required match of funds of \$18,376.00 to implement specific Energy Conservation Measures described in that report, and

WHEREAS, the payback for implementation of these specific energy conservation measures is expected to be less than two years, and

WHEREAS, the Department of Public Works has an existing contract with C.J. Brown Energy, P.C. for services related to PON work,

NOW, THEREFORE, BE IT,

RESOLVED, that unanticipated revenue from PON 3550, Cooling Re-Commissioning Program is hereby appropriated in Fund 410, Project 810, Energy Conservation Project, as follows:

Account 975 Consultant Contracts	\$103,096.00
Total Appropriations	\$103,096.00

Account 553/300 State-Aid – NYSERDA	\$ 84,720.00
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Account 686/4000 Interfund Rev. Subsidy – ECMC	\$ 18,376.00
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Total Revenues	\$103,096.00
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RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, P.C.'s contract for \$103,096.00 for the work in implementing this project at the ECMC, and be it further,

RESOLVED, that the ECMC will reimburse Fund 410, Project 810 by \$18,376.00 upon completion of the project, and be it further,

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

(5-0)

5. Item Page -2002 (Comm. 9E-32)

COUNTY EXECUTIVE

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency (SSTA) has determined the need to perform engineering services to address the need for additional capacity and upgrading at the SSTA Plant; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency and the Department of Environment & Planning have solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the first ranked firm of Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York is recommended to perform engineering services related to Phase I, the upgrading of the Southtowns Plant at a cost not to exceed \$840,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement for engineering services with Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York in an amount not to exceed \$840,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute the contract with Stearns & Wheler, LLC, subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$800,000.00 from Erie County/Southtowns Sewage Treatment Agency Capital Account Fund 430, Project 915 to cover Phase I, engineering services and \$40,000.00 from Erie County Sewer District No. 6 Capital Account fund 430, Project 914; and be it further

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

(5-0)

6. Item Page -2002 (Comm. 9E-34)

COUNTY EXECUTIVE

WHEREAS, in Comm. No. 12E-20 [C], dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, if cost-effective Energy Conservation Measures are found at a facility, and a construction contract is progressed, the charge for the preliminary energy audit is included in the construction contract, and

WHEREAS, if cost-effective Energy Conservation Measures are found at a facility, and a construction contract is not progressed by the County, the Performance Contractor then expects and deserves payment for the preliminary energy audit,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractors to perform preliminary energy audits providing that a clause is included in the contract that states that no specific payment will be made for this service provided cost-effective Energy Conservation Measures are found at a facility, and a construction contract is progressed, and be it further,

RESOLVED, that should the Performance Contractor perform a preliminary energy audit and cost-effective Energy Conservation Measures are found at a facility, and a construction contract is not progressed by the County, the cost of this preliminary energy audit will be paid from the 2002 Energy Conservation Measures Capital Project, Fund 210, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management and Finance and the Office of the Comptroller.

(5-0)

7. Item Page -2002 (Comm. 9E-48)

COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management remodeled the downtown office during 2001 in order to accommodate increased staff and new technology needs; and

WHEREAS, current employee workstations are 30 to 40 years old and are not ergonomically designed nor suited for new office technology needs and do not fit well in the new office floor plan; and

WHEREAS, new workstations will create a more efficient office and allow the department to better utilize the limited space available; and

WHEREAS, workers compensation claims will be reduced if new office equipment is provided; and

WHEREAS, insufficient monies were budgeted in 2002 to complete the work; and

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, there are available funds in the Sewer Districts' Unanticipated Account 935 that were budgeted in 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance be directed to authorize the purchase of new workstations and transfer the funds as follows:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$11,760.00	220 851 810 935	220 851 810 932
2,240.00	220 852 820 935	220 852 820 932
12,326.00	220 853 830 935	220 853 830 932
1,680.00	220 854 840 935	220 854 840 932

and be if 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, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director of Budget and Management.

(5-0)

8. Item Page -2002 (Comm. 9E-49)

COUNTY EXECUTIVE

WHEREAS, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 25 municipalities in northeastern and southern Erie County; and

WHEREAS, the Rural Van Program has been operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, for the past five (5) years; and

WHEREAS, Rural Transit Service, Inc., after public notice and completion of a County request for proposal process, is recommended for another five (5) year period through May, 2007 subject to the annual availability of federal funds and an annual contract with Erie County; and

WHEREAS, Rural Transit Service, Inc., desires to purchase a 12-passenger van and pay for increased operating expenses to expand transportation services to the Towns of Aurora, Elma, Marilla and Wales and the Village of East Aurora, utilizing \$68,644 of Federal Community Development funds available in prior and current years' Erie County Community Development Grants;

NOW, THEREFORE, BE IT

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with Rural Transit Service, Inc. (RTS) a not-for-profit corporation, in order to administer the Rural Van Transportation Program for the 2002-2003 Community Development Consortium Block Grant (CDBG) Program year, for a contract amount not to exceed \$227,527 which includes purchasing a 12-passenger van, and operating support to expand transportation services to the Towns of Aurora, Elma, Marilla and Wales and the Village of East Aurora; and be it further

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 2002-2003 Community Development Program year or the availability of unexpended funds allocated for the service from prior CDBG program years; and be it further

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal were complied with for the use of federal CDBG monies 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 be forwarded to the Director of the Division of Budget, Management, and Finance, the Comptroller and the Commissioner of the Department of Environment and Planning.

(5-0)

**JOHN W. GREENAN
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

May 2, 2002

REGIONALISM AD HOC COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

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

Item	Page	-2002	(Comm. 4M-11)
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MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

- a. **CLERK, REGIONALISM COMMITTEE:** Memo to Legislator Weinstein Re: Summary of 1/31/02 Meeting on Video Arraignments.
(5-0)

- | | | | | |
|--|------|------|-------|--------------|
| | Item | Page | -2002 | (Comm. 6M-8) |
|--|------|------|-------|--------------|
- b. **EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY:** Letter to Legislator Weinstein Re: Electronic Court Appearances.
(5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2002 | (Comm. 8M-12) |
|--|------|------|-------|---------------|
- c. **NIAGARA COUNTY DEPARTMENT OF PLANNING, DEVELOPMENT & TOURISM:** Letter to Legislator Weinstein Re: Niagara Power Project Relicensing – Funding Request.
(5-0)

- | | | | | |
|----|------|------|-------|--------------|
| 2. | Item | Page | -2002 | (Intro. 4-4) |
|----|------|------|-------|--------------|
- WEINSTEIN**

WHEREAS, casino gambling has experienced a rebirth in many states and major United States cities as a means for economically distressed areas to enhanced tourism and economic development in their respective areas, as well as to enhance revenue growth for local, county and state governments, and

WHEREAS, Casino Niagara, the temporary casino located in Niagara Falls, Ontario, has reaped considerable financial rewards as a result of its status as the region's sole casino operation, attracting local residents as well as tourists through its doors, and

WHEREAS, it has been suggested that establishment of casino gambling operations within the County of Erie, specifically within the downtown section of the City of Buffalo - would be a positive step toward enhancing tourism and economic development, and

WHEREAS, the New York State Legislature and the governor have agreed to a compact with the Seneca Nation for three gambling casinos in Western New York. This agreement would provide local municipalities with approximately a 6% benefit, and

WHEREAS, the Legislature may wish to consider a proposal for a municipally-owned casino in downtown Buffalo, with shared revenue between the state and the county, with distribution of revenues to the cities, towns, villages, and school districts within Erie County, and

WHEREAS, authorization for a municipally owned casino requires an amendment to the New York State Constitution, which must be approved by two successively elected State Legislatures, then submitted to the voters for approval in a referendum, and

WHEREAS, the earliest date for the ratification of a constitutional amendment would be Election Day, 2003

NOW, THEREFORE, BE IT

RESOLVED, if casino gambling were to come to WNY, the Erie County Legislature prefers a municipally owned casino for Erie County for the purposes of enhancing economic development and tourism in our region, and enhancing revenue for New York State, Erie County, and its local governments, and be it further

RESOLVED, since a constitutional amendment would be required to establish a municipally-owned casino, the Erie County Legislature does hereby request the New York State Senate and New York State Assembly to pass such constitutional amendment this year and in 2003 so that it can be presented to the voters in a referendum in November, 2003, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the Western New York State Legislative Delegation, County Executive Joel Giambra and Buffalo Mayor Anthony Masiello.

Fiscal Impact: Impact of Casino Gambling is Positive for Erie County.
(4-1) Legislator Dale in the Negative.

3. Item Page -2002 (Comm. 9E-33)

COUNTY EXECUTIVE

WHEREAS, several tourism activities and special events, which will be held in Buffalo and Erie County throughout the next several months, will promote and enhance Erie County's tourism business and national reputation as a tourism destination by (1) focusing on Buffalo and Erie County's cultural life and heritage, (2) featuring our City and County as a major venue for a variety of national sports activities, and (3) providing our residents and visitors from other areas with opportunities to celebrate special community events; and

WHEREAS, these high quality activities, which will provide tens of thousands of our residents and tourists with opportunities to enjoy and experience a variety of high quality recreational and cultural opportunities, will also result in millions of dollars in economic benefits; and

WHEREAS, the major sports events which will take place this spring and summer include the Nissan Buffalo Marathon, USA Soccer - Region 1 Snickers Soccer Tournament, and the USA Track and Field Region II Competition which are being sponsored and promoted by the Buffalo Niagara Convention and Visitors Bureau, and these events are expected to generate an economic impact exceeding \$8 million dollars; and

WHEREAS, the WNED Buffalo Niagara Guitar Festival, which is projected to attract more than 100,000 attendees, is an important part of our national and international marketing efforts which feature Buffalo as a world-class destination for cultural events and venues; and

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the 2002 Binational Tourism Summer Brochure, which resulted from collaborative efforts between the Ontario Ministry of Tourism, New York State, and representatives from Erie and Niagara County, will showcase cultural events, destinations and fesitvals held throughout the summer on both sides of the Niagara River, and these marketing efforts will be coordinated by the Buffalo Niagara Convention and Visitors Bureau who will administer the funds for this brochure; and

WHEREAS, funding from Erie County for the second year of the Regional Cultural Tourism Program, a cooperative program with outreach to and involvement by representatives from the Province of Ontario, New York State, Erie County, Niagara County, and other interested agencies and organizations, will focus on developing the business of cultural tourism in Erie County and the region, and this program will be administered by the Arts Council in Buffalo and Erie County (Arts Council), and guided by the Buffalo Niagara Convention and Visitors Bureau and the Arts Council; and

WHEREAS, the priorities for the Regional Cultural Tourism Program in year two will be the development of a Concierge/Visitors Services Program for our region, analysis and development of cultural tourism products, as well as furthering other County, Bi-county and Binational tourism activities that enhance Erie County's multi-million dollar investment in its cultural and historic assets, sites, events and activities, as part of an economic revitalization strategy for our County and region; and

WHEREAS, the Police Athletic League's Fourth of July Celebration in Delaware Park, and "Canal Fest" sponsored by Canal Fest of the Tonawandas are community-based special events in our area which enhance our quality of life and pride in our City, County and region; and

WHEREAS, funding from Erie County will greatly enhance the marketing and programs of these above-noted events, provide high quality experiences for both residents and visitors from other areas, and result in a very significant return on Erie County's investment.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the not-for-profit organizations administering funds for these events and activities; and be it further

RESOLVED, that funds in the amount of \$264,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Fund (DAC 1109043038301299) to the following new subaccounts under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Buffalo Convention and Visitors Bureau
Nissan Buffalo Marathon - \$12,500
USA Soccer-Region I - \$25,000

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

USA Track and Field Region II - \$50,000
 Binational Summer Events Brochure - \$13,000

Western New York Public Broadcasting Association
 WNED Buffalo Niagara Guitar Festival - \$80,000

Arts Council in Buffalo and Erie County
 Regional Cultural Tourism Program - \$75,000

Police Athletic League of Buffalo, Inc.
 Fourth of July in Delaware Park - \$6,000

Canal Fest of the Tonawandas, Inc.
 Canal Fest - \$2,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of Budget and Management, Commissioner of Environment and Planning, and the following sponsoring organizations: Richard Geiger, Executive Director, Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, NY 14203-1496; Donald Boswell, President/CEO Western New York Public Broadcasting Corp., Horizons Plaza, 140 Lower Terrace, Buffalo, New York 14202; Celeste Lawson, Executive Director, Arts Council in Buffalo and Erie County, 700 Main Street St., Buffalo, NY 14202; Susan Gonzalez, Police Athletic League of Buffalo, Inc., 17 Meadowview Place, Buffalo, NY 14214; Robert Dann, Canal Fest of the Tonawandas, Inc., P.O Box 1243, North Tonawanda, NY 14120.

(5-0)

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate item #2 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to send item #2 back to the REGIONALISM AD HOC COMMITTEE. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

May 2, 2002

HUMAN SERVICES
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

				AS AMENDED
1.	Item	Page	-2002	(Intro. 5-2)
	DUSZA, CHASE, CUSACK, WEINSTEIN, LARSON, KUWIK, HOLT, FISHER & DALE			

WHEREAS, Diabetes mellitus is a group of diseases characterized by high levels of blood glucose resulting from defects in insulin secretion, insulin action, or both and can be associated with serious medical complications and premature death; but people with diabetes can take measures to reduce the likelihood of serious complications, and

WHEREAS, The occurrence of diabetes mellitus in the United States is estimated at 15.7 million people, or 5.9 percent of the population, with new cases last year were estimated at 798,000, and

WHEREAS, The financial cost of diabetes to Americans was estimated to be \$98 billion in 1997 (the latest year figures were available) for direct and indirect care, and

WHEREAS, While better diagnostic criteria and treatments have improved the lives of more and more people with diabetes, the costs associated with diagnosis and treatment remain a very real burden for most people, and

WHEREAS, One such treatment for controlling diabetes is the drug Glucophage XR, an extended-release once-a-day tablet that has shown to be very effective at controlling blood sugar in people diagnosed with Type 2 Diabetes – which accounts for about 90 to 95 percent of all diagnosed cases of diabetes, and

WHEREAS, The convenience of effective and convenient treatment for Type 2 Diabetes has propelled Glucophage XR to become the number one prescribed pill for lowering blood sugar, and represents an estimated 10% of the income for the maker of Glucophage XR, Bristol-Myers Squibb, and

WHEREAS, Inasmuch as Bristol-Myers Squibb holds the patent for Glucophage XR, less costly generic versions of the drug – which could save consumers an estimated \$1.9 billion a year - are currently locked out of the market until the patent expires later this year, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, By law, a drug company can receive a six month extension of a drug patent when they conduct pediatric tests; Bristol-Myers Squibb is now claiming that because children can now be prescribed the drug, their patent should be extended not for six months but for three years, and

WHEREAS, The emerging problem of children with Type 2 Diabetes is frightening and a very real concern for parents, physicians, and government; the drug Glucophage XR has been shown to help diabetic children lower blood sugar levels and has also been indicated in helping children with obesity significantly lose weight long before a diagnoses of diabetes, and

WHEREAS, Both houses of Congress have passed legislation that would deny Bristol-Myers Squibb the extension for adult use of the drug, but advocates for people with diabetes have cautioned that lobbyists are currently working to reverse those votes with a compromise that would indeed extend the patent and deny generic alternatives even for adult use only, and

WHEREAS, The cost of prescription drugs is onerous enough for most Americans and the extension of the patent for adult use of Glucophage XR would add to the burden of people with Type 2 Diabetes by denying them access to lower-costing alternatives.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its support for previously adopted bipartisan legislation in Congress that denied extension of the patent for the Type 2 Diabetes drug Glucophage XR that is set to expire this year, which would pave the way for less-costly generic versions of the drug, and be it further

RESOLVED, That this Honorable Body does hereby urge Congress to stand firm against pressure to roll back votes within either house of the US Congress with any so-called "compromise" legislation that would extend the patent and could cost American consumers billions, and be it further

RESOLVED, That certified copies of this resolution be forwarded to President George W. Bush, US Senators Charles E. Schumer and Hillary Rodham Clinton, and the Western New York Delegation to the US House of Representatives.

Fiscal Impact: None for Resolution.

(5-0)

				AS AMENDED
2.	Item	Page	-2002	(Intro. 8-6)
	CUSACK, WEINSTEIN, DeBENEDETTI, GREENAN, CHASE, RANZENHOFER, McCARVILLE, LARSON, FISHER, KUWIK, HOLT, DALE & DUSZA			

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, youth crime and delinquency are serious problems affecting society and, it is important to understand how antisocial behavior develops in order to design applicable programs that interrupt this developmental pathway, and

WHEREAS, the most serious and chronic offenders often show signs of antisocial behavior as early as the preschool years, and

WHEREAS, three important risk factors associated with the early development of antisocial behavior, poor prenatal care, child abuse and neglect and a troubled maternal life course, can be modified, and

WHEREAS, children who exhibit antisocial behavior very early in life are more likely to have impaired neurological functioning, including poor motor functioning, attention deficits, hyperactivity, impulsivity, and impaired language and cognitive functioning, and

WHEREAS, in many cases, these problems can be traced to poor prenatal health conditions that interfere with the development of the fetal nervous system and lead to future anti-social behavior, juvenile delinquency and criminal behavior, and

WHEREAS, research validates evidence that prenatal and early childhood nurse home visitation services provided in Elmira, New York and Memphis, Tennessee have reduced future juvenile crime and delinquency, and

WHEREAS, these nurse home visitation programs helped pregnant women improve their diet, cut down on cigarette smoking and or stop the use of alcohol or illegal drugs that can harm the development of the fetus, and

WHEREAS, the programs have reduced rates of child abuse and neglect and other serious care giving problems by helping young parents deal with depression, anger, impulsiveness, and substance abuse problems, and

WHEREAS, nurse home visitation also helped parents reflect on how they were parented themselves, learn about normal child development and develop the skills needed to “read” their baby’s signals, anticipate their baby’s needs and parent effectively, and

WHEREAS, mothers who are unmarried, do not graduate from high school, and have three or more children are more likely to have children who exhibit behavioral problems. The nurse home visitation program reduces these risk factors by helping young parents develop the confidence and skills necessary to set and achieve goals such as completing their education, finding work and avoiding unplanned subsequent pregnancies, and

WHEREAS, the nurses help young parents consider multiple options, make good choices about the environment in which they will raise their children and take steps to create the kind of lives they want for themselves and their children, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the nurse home visitation program focuses on low income, first-time mothers, using trained nurses with strong interpersonal skills making home visits that begin three months into pregnancy and continue for 2 years after a child is born, and

WHEREAS, visiting nurses see families at home every 1 to 2 weeks and focus simultaneously on the mother's personal health and development, environmental health, and quality of caregiving for the infant or toddler.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is dedicated to improving the lives of all of the residents in the County of Erie specifically by breaking the cycle of poor prenatal medical care, child abuse and neglect and troubled maternal life course to prevent future youth crime and juvenile delinquency, and further be it

RESOLVED, the low income population in Erie County on a trial basis, through a pilot program using nurse home visitations, could benefit from a pilot nurse home visitation program in preventing youth crime and juvenile delinquency, and further be it

RESOLVED, this pilot program is dedicated to using nurses that reside in the same neighborhoods and communities as the targeted mothers and children, recruiting these nurses through Erie Community College and other local nursing programs, and further be it

RESOLVED, that members of the Erie County health, education, and government community have discussed implementing a Prenatal and early Childhood Nurse Home Visitation pilot program in Erie County, for low income first time pregnant women, and be it further

RESOLVED, that the Erie County Health Department will attempt to identify grant funds that might be available from the New York State Health Department to be utilized by programs to improve the lives of its residents with regard to low income and single mothers that lack prenatal care and that the Erie County Health Department report to same, information to the Human Services Committee no later than one month after passage of this resolution, and further be it

RESOLVED, that a certified copy of this resolution be forwarded to Erie County Executive Joel A. Giambra, Budget Director Joseph Passafiume, Erie County Health Commissioner Anthony Billittier, Erie County Social Services Commissioner Deborah Merrifield, Dr. Charles Ewing, State University of New York at Buffalo Law School, and President William Mariani, Erie Community College.

Financial Impact: None for the resolution

(5-0)

3. Item Page -2002 (Comm. 9E-25)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates a Women's Health Services Program that provides family planning services to at-risk adolescents and other

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

medically indigent women and men at various locations within Erie County, and

WHEREAS, the Erie County Department of Health has recently received an amended grant award from the New York State Health Department totaling \$1,321,984 which includes an additional \$65,622 one-time funding award for expansion of family planning services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with New York State to accept the revised grant which is budgeted as follows:

WOMEN'S HEALTH SERVICES
4/1/01- 3/31/02
PROJECT #493

SFG CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
386	PRIVATE PAY	\$ 3,300	\$ 0	\$ 3,300
387	MEDICAID	577,616	0	577,616
360-1012	COMMUNITY FOUNDATION	14,495	0	14,495
549-138	PRIOR YEARS MEDICAID ROLLOVER	179,114	0	179,114
549-166	INSURANCE	7,500	0	7,500
551-100	STATE AID-BDCC	80,000	0	80,000
553	STATE AID-OTHER	324,893	+65,622	390,515
685-2700	INTERFUND-NON SUBSIDY	69,444	0	69,444
	TOTAL REVENUE	<u>\$ 1,256,362</u>	<u>\$ +65,622</u>	<u>\$ 1,321,984</u>

APPROPRIATIONS

800	PERSONAL SERVICES	\$ 597,310	\$ 0	\$ 597,310
805	FRINGE BENEFITS	131,408	0	131,408
810	OFFICE SUPPLIES	6,000	+500	6,500
814	MEDICAL SUPPLIES	72,426	+25,000	97,426
816	MAINT SUPPLIES	350	0	350
821	DUES & FEES	77,537	- 13,000	64,537
822	RENTAL CHARGES	500	0	500
823	REPAIRS & MAINT	64,400	0	64,400

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

824	LOCAL MILEAGE	7,150	0	7,150
825	TRAVEL-OUT OF AREA	8,900	0	8,900
826	OTHER EXPENSES	40,111	0	40,111
880-2700	INTERFUND-HEALTH DEPT.	20,351	+5,000	25,351
880-2720	INTERFUND-PUBLIC HEALTH LAB	16,940	0	16,940
880-4000	INTERFUND-ECMC	56,500	0	56,500
880-5100	INTERFUND-DISS	10,800	+7,500	18,300
883-2709	INTERDEPT-HEALTH GRANTS	(150)	0	(150)
931	BUILDINGS & GROUNDS EQUIP	41,000	0	41,000
932	OFFICE EQUIPMENT	2,470	+2,850	5,320
933	LAB & TECHNICAL EQUIPMENT	102,359	+37,772	140,131
TOTAL APPROPRIATIONS		\$ 1,256,362	\$ +65,622	\$ 1,321,984

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.

(5-0)

4. Item Page -2002 (Comm. 9E-26)

COUNTY EXECUTIVE

WHEREAS, the City of Buffalo has entered into a contract with the U.S. Department of Health and Human Services to develop a Primary Metropolitan Medical Response System Plan for managing the human health consequences of a terrorist incident involving the use of weapons of mass destruction, i.e., a nuclear, radiological, biological and/or chemical device capable of creating mass casualties, and

WHEREAS, the Metropolitan Medical Response System must interface with the State and County Emergency Response System plans, and requires coordination with nearby neighboring Metropolitan Medical Response Systems whose mutual aid are expected to be utilized.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised contract with the City of Buffalo which extends the contract period through 5/31/02 and amends the budget as follows:

**METROPOLITAN MEDICAL
RESPONSE SYSTEM
10/01/00 - 05/31/02**

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

PROJECT #569

SFG SUB OBJ	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
360 1001	City of Buffalo	\$ 60,000	\$ 0	\$ 60,000
	TOTAL	<u>\$ 60,000</u>	<u>\$ 0</u>	<u>\$ 60,000</u>
	EXPENSES			
800	Personal Services	\$ 45,092	\$ 6,700	\$ 51,792
801	Overtime	0	211	211
805	Fringe Benefits	9,920	-1,923	7,997
821	Dues & Fees	1,000	-1,000	0
824	Local Travel	1,835	-1,835	0
825	Out of Area Travel	<u>2,153</u>	<u>-2,153</u>	<u>0</u>
	TOTAL	<u>\$ 60,000</u>	<u>\$ 0</u>	<u>\$ 60,000</u>

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.
 (5-0)

5. Item Page -2002 (Comm. 9E-27)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded an amended contract totaling \$115,000 which includes an additional \$15,000 for the Erie County Department of Health, and

WHEREAS, the funding will be used to implement the Expanded Syringe Access Program (ESAD) throughout Erie County, and

WHEREAS, the Expanded Syringe Access Program will provide individuals who have medical conditions requiring at home use of sharps, to safely dispose of them and to provide those individuals with information on how they can replace their sharps at a minimal fee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended contract with the New York State Department of Health to provide services budgeted as follows:

WESTERN REGIONAL TRAINING GRANT
07/01/01 - 06/30/02

PROJECT # 505

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553	STATE AID	\$ 100,000	\$15,000	\$ 115,000
	TOTAL	<u>\$ 100,000</u>	<u>\$15,000</u>	<u>\$ 115,000</u>
 <u>EXPENSES</u>				
800	PERSONAL SERVICES	\$ 60,453	\$0	\$ 60,453
805	FRINGE BENEFITS	16,987	0	16,987
810	OFFICE SUPPLIES	1,100	1,000	2,100
814	MEDICAL SUPPLIES	0	1,000	1,000
821	DUES AND FEES	0	6,600	6,600
825	OUT OF AREA TRAVEL	12,460	1,000	13,460
826	OTHER EXPENSES	8,500	5,400	13,900
830	CONTRACTUAL SERVICES	<u>\$ 500</u>	<u>0</u>	<u>\$ 500</u>
	TOTAL	<u>\$ 100,000</u>	<u>\$ 15,000</u>	<u>\$ 115,000</u>

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.

(5-0)

6. Item Page -2002 (Comm. 9E-28)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health administers programs for immunizations, and

WHEREAS, polio, diphtheria, tetanus, pertussis, measles, mumps, rubella, Haemophilus influenzae type B and hepatitis B all can cause significant morbidity among children. However, they all are preventable with appropriate vaccination.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Executive to accept a revised grant award for the Immunization Action Plan Program in the amount of \$128,400 which is funded 100% from the New York State Health Department which includes budgetary adjustments as follows:

IMMUNIZATION ACTION PLAN
04/1/02 -03/31/03
PROJECT # 708

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
553	STATE AID	\$ 124,400	\$ 4,000	\$ 128,400
	TOTAL	<u>\$ 124,400</u>	<u>\$ 4,000</u>	<u>\$ 128,400</u>
	<u>EXPENSES</u>			
800	PERSONNEL SERVICES	\$ 75,889	\$ 4,477	\$ 80,366
805	FRINGE BENEFITS	17,576	1,037	18,613
810	OFFICE SUPPLIES	6,000	-4,000	2,000
814	MEDICAL SUPPLIES	100	-100	0
821	DUES & FEES	100	3,900	4,000
822	RENTAL CHARGES	0	300	300
823	REPAIRS & MAINTENANCE	100	-100	0
824	TRAVEL & MILEAGE	1,000	750	1,750
825	OUT OF AREA TRAVEL	5,000	-250	4,750
826	OTHER EXPENSES	5,656	9,465	15,121
880-5100	DISS	300	-300	0
932	OFFICE EQUIPMENT	1,000	-1,000	0
933	LAB & TECH EQUIPMENT	<u>11,679</u>	<u>-10,179</u>	<u>1,500</u>
	TOTAL	<u>\$ 124,400</u>	<u>\$ 4,000</u>	<u>\$ 128,400</u>

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.

(5-0)

7. Item Page -2002 (Comm. 9E-29)

COUNTY EXECUTIVE

WHEREAS, the Department of Health – Division of Public Health Laboratory has analyzed its objects of expense and has determined that in Account 823 – Repairs & Maintenance, expenditures will exceed appropriations by \$2,500, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, a transfer of funds must be made in order to continue the provision of vital public health services for the remainder of the 2002 fiscal year.

NOW, THEREFORE, BE IT

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

Division of Public Health Laboratory

Increase – Account 823 – Repairs & Maintenance	\$2,500
Decrease – Account 821 – Dues & Fees	<u>2,500</u>
Net Increase	<u>\$ -0-</u>

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.

(5-0)

8. Item Page -2002 (Comm. 9E-36)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is seeking authorization to conduct a joint program with the Niagara Frontier Transportation Authority (NFTA), several personal care agencies and several transportation companies in an innovative pilot to provide employment-related transportation to clients and former clients working as Personal Care Aides, and

WHEREAS, transportation service is to be made available to Temporary Assistance to Needy Families (TANF) clients and TANF-eligible former clients who are trained and are employed as Personal Care Aides by agencies under contract to the Department, and

WHEREAS, transportation will be provided between a client's home and their work assignments in the homes of persons eligible for personal care aide services reimbursed through the Medicaid program, and transportation will also be provided during the course of a work shift between work assignments, and

WHEREAS, this innovative program is designed to provide transportation to areas not currently served by traditional fixed route bus transportation and for work assignments after the conclusion of normal scheduled bus service, and

WHEREAS, this program is designed to both support the employment of clients and former clients who do not have access to an automobile and to better serve Personal Care cases that are now very difficult to serve because of the lack of transportation for many Personal Care Aides, and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the pilot will provide transportation services through the use of 100% Federal funds designated and approved for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of the Department of Social Services and/or the County Executive are authorized to amend or enter into contracts with personal care agencies currently under contract to the Department as necessary, and be it further

RESOLVED, the Department is authorized to enter into a memorandum of understanding with the NFTA for the purpose of program implementation and funds transfer, and be it further

RESOLVED, that the following grant budget is established and budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 604

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
826	Other Expenses	\$295,762
882-2009	Indept. Master Grant Salary and Fringe Charges	<u>54,238</u>
	Total Expenditures	<u>\$350,000</u>
xxxx	Niagara Frontier Transportation Authority	<u>\$350,000</u>
	Total Revenues	<u>\$350,000</u>

Department of Social Services, Department 200, Fund 281, Project 681

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
801	Personal Services	\$44,457
805	Fringe Benefits	9,781
883-2009	Interdept - Social Services Grants	<u>(54,238)</u>
	Total Expenditures	<u>-0-</u>

and be it further

RESOLVED, that the following positions are hereby created effective May 1, 2002 in the Comprehensive Employment Division Programs grant, Department 200, Fund 281, Project 681:

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Number	Title	Job Grade
1	Supervisor of Accounts	9
1	Clerk	1

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.

(5-0)

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate items #1 & #2 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to send item #1 back to the HUMAN SERVICES COMMITTEE. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to amend item #2. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD the following RESOLVE CLAUSES following the fifth RESOLVE:

RESOLVED, that the Erie County Department of Social Services shall participate in the planning of the Early Childhood Home Nursing Visitation Pilot Program, and provide the appropriate data to help determine program participation, and help determine how to implement and fund this new initiative, and be it further

RESOLVED, that participation in the early Childhood Home Nursing Visitation Pilot Program shall be open to residents regardless of where they reside in Erie County.

MR. WEINSTEIN moved to further amend the resolution to include ET AL sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

MR. WEINSTEIN moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 27 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

May 2, 2002

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 17D-27) |
| a. | BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Letter to Legislator Marinelli Re: Status of North Jefferson Library Construction Project.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 17M-32) |
| b. | CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS: Summary of Estimated Costs & Available Funds for Jefferson Avenue Library.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 20D-1) |
| c. | BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Report on Summer Cyber Camp.
(5-0) | | | |

**ELISE M. CUSACK
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

May 2, 2002

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

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

	Item	Page	-2002	(Comm. 7M-16)
a.	MARIA RODRIGUEZ, RRT & GIOVANNA BAUER, RRT:			Letter Re: Salary Upgrade
				for Respiratory Care Services Department Members.
				(5-0)

	Item	Page	-2002	(Comm. 9E-1)
b.	COUNTY CLERK:			2001 Annual Report.
				(5-0)

	Item	Page	-2002	(Comm. 9E-3)
c.	COMPTROLLER:			Letter to Chairman DeBenedetti Re: Legislative "Pork" Funding –
				Town Boys & Girls Club.
				(5-0)

	Item	Page	-2002	(Comm. 8E-9)
2.	COUNTY EXECUTIVE			

WHEREAS, on February 28, 2002, the Erie County Legislature ("Legislature") approved Local Law Intro. No. 2-2002 ("Local Law"), which reduced the membership of the Legislature from seventeen members to fifteen members, and apportioned the remaining fifteen districts; and

WHEREAS, pursuant to the Erie County Charter, a public hearing pertaining to the Local Law was held before the County Executive on March 13, 2002; and

WHEREAS, the County Executive approved of the Local Law and returned a signed copy of the Local Law to the Clerk of the Legislature on March 14, 2002; and

WHEREAS, Section 4 of the Local Law requires that the Local Law, before it becomes effective, shall be approved by the electors of the County in accordance with the requirements for conducting a referendum; and

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, considerable work needs to be done on the part of the Clerk of the Legislature, County Attorney and Board of Elections towards placing the Local Law on the ballot at the next general election, to be held on Tuesday, November 5, 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature, County Attorney and Board of Elections shall take all necessary steps, consistent with the Erie County Charter and State law, towards placing the referendum on the ballot in the next general election to be held on Tuesday, November 5, 2002; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Attorney and both Commissioners of the Board of Elections.
(3-2) Legislators Marinelli and Swanick in the negative.

3.	Item	Page	-2002	AS AMENDED (Comm. 9E-21)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of adding the position of Receptionist, Job Group 3, Step 2, due to the volume of work in this office and constant public contact, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry will have staffed positions which will adequately reflect the volume and nature of the work currently being done.

NOW, THEREFORE, BE IT

RESOLVED, that effective immediately, the position of Receptionist, Job Group 3, Step 2, be created within the Erie County Department of Parks, Recreation and Forestry, and be it further

RESOLVED, that Funds are available to fund this position by a decrease in the General Fund turnover account (DAC 110923310802) in the amount of \$18,472, and be it further

RESOLVED, that the following accounts are hereby increased in the Erie County Department of Parks, Recreation and Forestry-Division of Parks (DAC 110942640) as listed below:

ACCOUNT 800 - Personnel Services:	\$15,266
ACCOUNT 805 - Fringe Benefits:	<u>\$ 3,206</u>
Total	\$18,472

and be it further

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Department of Personnel, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(4-1) Legislator Swanick in the negative.

4. Item Page -2002 (Comm. 9E-46)

COUNTY EXECUTIVE

WHEREAS, the Erie County Personnel Department's Interne Personnel Specialist requires specialized training and experience which is difficult to obtain or unavailable outside of County service, and

WHEREAS, the Personnel Department currently employs a trained and experienced individual in this position, who previously worked in this job and had reached Step IV and,

WHEREAS, the Personnel Department wishes to compensate him at the appropriate level of pay and,

WHEREAS, if the Personnel Department was unable to retain this individual it would impede our ability to schedule and process Civil Service examinations on a timely basis, and

NOW, THEREFORE, BE IT

RESOLVED, that effective April 18, 2002, the Personnel Department may establish a variable minimum hiring rate for the position Interne Personnel Specialist at a Job Group IX, Step 4 (\$40,015), and be it further

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

(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

MR. McCARVILLE moved to separate items #2, #3, & #4 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved the approval of item #2. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

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

CARRIED. (WEIGHTED VOTE: 8.502 – 8.498)

MR. McCARVILLE moved the approval of item #3. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 14.085 – 2.915)

MR. McCARVILLE moved to send item #4 back to the GOVERNMENT AFFAIRS COMMITTEE. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

Re: Buffalo Olmsted Parks Plan Initiative.
(Intro. 10-1)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Buffalo Olmsted Parks Conservancy has captured the attention of the Central Park Conservancy, the premier conservancy in the country, and

MEETING NO. 10

May 9, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, a formal agreement between the two will lead to the creation of a Management & Restoration Plan containing the following primary components; a management and maintenance study, tree surveys, market research, compilation of individual park master plans, steering committee consensus building and visioning, design work, cost estimating, and project administration, and

WHEREAS, this funding will assist in the funding of the Management & Restoration Plan, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Buffalo Olmsted Parks Conservancy	830/1005	\$50,000
TOTAL		\$50,000

and be it further

RESOLVED, that the 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, First Assistant County Attorney Susannah Bochenek, and to Deborah Ann Trimble, Buffalo Olmsted Parks Conservancy, (84 Parkside Avenue, Buffalo, NY 14214.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

MS. MARINELLI moved to amend the resolution to include ET AL sponsorship. MS. PEOPLES seconded.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

Re: Urging the NFTA to Allow the NCIDA to Develop a Strategic & Financial Plan for the NFIA. (Intro. 10-2)

A RESOLUTION SUBMITTED BY LEGISLATORS

WEINSTEIN, GREENAN, CUSACK, DeBENEDETTI, SCHROEDER, & DALE

WHEREAS, the Niagara Falls International Airport (NFIA) has been under utilized under the control of the Niagara Frontier Transportation Authority for over 30 years, and

WHEREAS, a fully developed NFIA could become an engine for economic development in Western New York, and

WHEREAS, it is believed that in order to revitalize the NFIA there must be a bold, new and innovative approach taken that will ensure that the airport receives the focus that it deserves, and

WHEREAS, the Niagara County Industrial Development Agency (NCIDA) has had a great interest in the growth and development of the NFIA, and

WHEREAS, the NCIDA has established the Niagara Falls Airport Development Corporation for the operation, development and management of the airport, and

WHEREAS, leaders in the region recognize the economic and commercial benefits to the area if the NFIA becomes viable, and

WHEREAS, the NCIDA has expressed its interest in providing a business strategic and financial plan for the development of the NFIA to the NFTA, and

WHEREAS, the Erie-Niagara Regional Partnership (ENRP) – an ad hoc subcommittee of the Erie and Niagara County Legislatures – at its April 26, 2002 meeting unanimously endorsed the NCIDA undertaking said plan, and urged both Legislatures to pass resolutions endorsing the plan as well,

MEETING NO. 10

May 9, 2002

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to pursuing meaningful economic development for Erie County and the region, and be it further

RESOLVED, that this Honorable Body does hereby request that the Niagara Frontier Transportation Authority authorize the Niagara County Industrial Development Agency to develop a strategic business and financial plan for the Niagara Falls International Airport for submission to the NFTA, and be it further

RESOLVED, that certified copies of this resolution be sent to Niagara Frontier Transportation Authority Chairman Luiz Kahl and the NFTA Commissioners (both at 181 Ellicott St., Buffalo, NY 14203), Niagara County Industrial Development Agency Executive Director John Simon and NCIDA Board of Directors Chairwoman Shirley Hamilton (both at 2055 Niagara Falls Blvd., Suite One, Niagara Falls, NY 14304), New York State Governor George Pataki, New York State Senate Majority Leader Joseph Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York delegation of the New York State Legislature, the Western New York delegation of the United States Congress, United Auto Workers Region 9 Director Kevin Donovan (4285 Genesee St., Cheektowaga, NY 14225), the Clerk of the Niagara County Legislature, Niagara County Legislator Renae Kimble, and Niagara County Legislator Dennis Virtuoso (all at Courthouse, Lockport, NY 14094), City of Niagara Falls Major Irene Elia and the Niagara Falls City Council (both at City Hall, 745 Main St., Niagara Falls, NY 14302), Town of Wheatfield Supervisor Timothy Demler (Town Hall, 2800 Church Rd., North Tonawanda, NY 14120), and Town of Niagara Supervisor Steven Richards (Town Hall, 7105 Lockport Rd., Niagara Falls, NY 14305).

Fiscal Impact: None for resolution.

MR. WEINSTEIN moved to amend the resolution to include ET AL sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 213

Re: Calling on CSX Railroad to Reinstitute
Regular Meetings with Erie & Niagara
Counties. (Intro. 10-3)

A RESOLUTION SUBMITTED BY
LEGISLATORS CUSACK, WEINSTEIN, GREENAN, DeBENEDETTI, SCHROEDER, & DALE

WHEREAS, rail continues to be an important part of economic development activities in the region, and

WHEREAS, CSX Railroad is a major rail provider in Erie and Niagara Counties, and

WHEREAS, previous, regular meetings between representatives from Erie and Niagara Counties and CSX Railroad were successful in resolving near term shipper concerns and improving economic development opportunities, and

WHEREAS, following the resolution of said issues CSX broke off their regular meetings with the two counties, and

WHEREAS, additional issues such as regional rail infrastructure needs, rail passenger service, additional shipper concerns, rail crossings, and others have been brought forward since the previous meeting schedule, and

WHEREAS, a complete infrastructure inventory is done or being done for all of Erie and Niagara Counties, which would be important to coordinate with CSX, and

WHEREAS, the Erie-Niagara Regional Partnership (ENRP) – an ad hoc subcommittee of the Erie and Niagara County Legislatures – at its April 26, 2002 meeting unanimously called for CSX to reinstitute a regular schedule of meetings with Erie and Niagara Counties, and urged both Legislatures to pass resolutions calling for the same,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to ensuring that proper infrastructure exists to properly foster economic development in our region, and be it further

RESOLVED, that this Honorable Body does hereby request that CSX Railroad reinstitute regularly scheduled meetings with Erie and Niagara Counties to address these emerging issues and establish a working relationship to resolved mutual concerns, and be it further

RESOLVED, that representatives from the county administrations, legislatures (majority and minority), and the Greater Buffalo Regional Transportation Council be involved in said meetings, and be it further

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to Erie County Department of Environment and Planning Commissioner Laurence Rubin, Niagara County Department of Planning, Development & Tourism Commissioner Samuel Ferraro (59 Park Ave., Lockport, NY 14094), Greater Buffalo Niagara Regional Transportation Council Executive Director Hal Morse (438 Main St., 5th Floor, Buffalo, NY 14202), CSX Resident Vice President, State Relations John Casellini (CSX Transportation, 1 Bell Crossing Rd., Selkirk, NY 12158), CSX Regional Vice President, State Relations Michael Brimmer (CSX Corp., 101 Interchange Plaza, Suite 103, Cranbury, NY 08512), and CSX Manager, Industrial Development Gerald Edwards (CSX Transportation, 205 Reiman St., Sloan, NY 14212).

Fiscal Impact: None for resolution.

MS. CUSACK moved to amend the resolution to include ET AL sponsorship. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

Re: Funding for Community Organizations and Events. (Intro. 10-4)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,240 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Hamburg Counseling Service, Inc. (Information Technology Upgrades)	830/1216	\$5,000
Eden Chamber of Commerce (40 Flags, Flag Poles & Brackets)	830/1242	\$1,740
Eden Corn Festival (Men's Softball Championship)	830/0948	\$1,000
Erie County 4-H Horse Program (Prize Winning Ribbons)	830/	\$500
TOTAL		\$8,240

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; David Isbell, Executive Director, Hamburg Counseling Services (97 South Buffalo Street, Hamburg, NY 14075); Richard Ventry, President, Eden Chamber of Commerce (P.O. Box 2, Eden, NY 14057); Jeannette Sovereign, Eden Corn Festival (P.O. Box 86, Eden, NY 14057); and Richard Ventry, President, Erie County 4-H Horse Program (P.O. Box 2, Eden, NY 14057).

Fiscal Impact: Appropriation of 2002 - budgeted funds

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

CARRIED UNANIMOUSLY.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

- **DELETE the first RESOLVED clause in its entirety and REPLACE with:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$38,240 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Hamburg Counseling Service, Inc. (Information Technology Upgrades)	830/1216	\$5,000
Eden Chamber of Commerce (40 Flags, Flag Poles & Brackets)	830/1242	\$1,740
Eden Corn Festival (Men's Softball Championship)	830/0948	\$1,000
Erie County 4-H Horse Program (Prize Winning Ribbons)	830/	\$500
Boy Scouts of America (Recruitment and Training of Boy Scout Leaders)	830/1169	\$5,000
Town of Elma (Purchase of Greenspace and Park Land)	830/0448	\$25,000
TOTAL		\$38,240

- **DELETE the fourth RESOLVED clause in its entirety and REPLACE with:**

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 Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; David Isbell, Executive Director, Hamburg Counseling Services (97 South Buffalo Street, Hamburg, NY 14075); Richard Ventry, President, Eden Chamber of Commerce (P.O. Box 2, Eden, NY 14057); Jeannette Sovereign, Eden Corn Festival (P.O. Box 86, Eden, NY 14057); Richard Ventry, President, Erie County 4-H Horse Program (P.O. Box 2, Eden, NY 14057); Rick Myers, Boy Scouts of America (401 Maryvale Drive, Buffalo, NY 14225); and to Supervisor John E. Dudek, Town of Elma (Elma Town Hall, 1910 Bowen Road, Elma, NY 14059).

MS. CHASE moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Item 33 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

Re: Funding for Community Organizations.
(Intro. 10-5)

A RESOLUTION SUBMITTED BY LEGISLATOR DEBENEDETTI

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$17,500 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Los Tainos Senior Citizens Center, Inc. (Operating Costs for the Senior Center)	830/0208	\$15,000
Payee United Voluntary Service (Day of Honor 2002 World War II Veterans)	830/	\$2,500
TOTAL		\$17,500

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract the agency cited, and be it further

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Cesar A. Cabrera, Los Tainos Center, Inc. (333 Trenton Avenue, Buffalo, NY 14201-1869); and to Payee United Voluntary Services, Volunteer Program (135) (VA WNY Healthcare System, 3495 Bailey Avenue, Buffalo, NY 14215).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

Re: Funding for Various Community Organizations. (Intro. 10-6)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$17,300 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Irish Classical Theatre (Christmas Program at UB)	830/0769	\$2,000
Boys & Girls Club (Amherst & Tonawanda Boys & Girls Clubs Summer Programming)	830/1495	\$10,000
Cleveland Hill Fire District No. 6 (Fire Equipment)	830/	\$2,500
Kenilworth Fire District No. 2 (Fire Equipment)	830/1151	\$2,500
Amherst Center for Senior Services (Senior Concert)	830/1164	\$300
TOTAL:		\$17,300

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract the agencies 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Vincent O’Neill, Irish Classical Theatre (625 Main Street, Buffalo, NY 14203); Diane Rowe, Boys & Girls Club (282 Babcock Street, Buffalo, NY 14210); Ron Dewitz, Cleveland Hill Fire District No. 6 (440 Cleveland Drive, Cheektowaga, NY 14225); Kenilworth Fire District No. 2 (84 Hawthorne Avenue, Kenmore, New York 14223); and to Maureen Blake DeSabio, Amherst Center for Senior Services (370 John James Audubon Parkway, Amherst, NY 14228).

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

Re: Support for the Relocation of the New York State Army National Guard 142nd Aviation Battalion to Niagara Falls. (Intro. 10-7)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI & GREENAN

WHEREAS, discussions are currently taking place to decide the future location of the New York State Army National Guard 142nd Aviation Battalion, and

WHEREAS, the Rochester Army National Guard Flight Facility, currently housing the 142nd Aviation Battalion, is inadequate and would require expansion to accommodate its needs, and

WHEREAS, the expansion of the sight in Rochester would result in expenditures of tax dollars, and

WHEREAS, the Niagara Falls Air Base is already fully functional and capable of accommodating the 142nd Aviation Battalion without the need for expansion, and

WHEREAS, relocating the 142nd Aviation Battalion to Niagara Falls would result in a positive economic impact for the Erie-Niagara region, and

WHEREAS, benefits would be realized by all of the residents of New York State through the saving of tax dollars and the reuse of a facility already in place, and

WHEREAS, the fiscal realities that our community are experiencing warrant a prudent approach to the construction of any new facilities, and

WHEREAS, ensuring that the taxpayers' hard earned money is utilized in a sensible and wise manner is extremely critical during our current economic times.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby request that the New York State Army National Guard 142nd Aviation Battalion be relocated to the Niagara Falls Air Base in an effort to save the residents of New York State the cost of expanding the Rochester Army National Guard Flight Facility, and be it further

RESOLVED, that this honorable body requests that all efforts be made to ensure that the 142nd Aviation Battalion be offered every opportunity to train in the safest possible environment and to

MEETING NO. 10

May 9, 2002

ERIE COUNTY LEGISLATURE

have them in a base that can adequately accommodate at a minimal cost to taxpayers, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Pataki, Senator Bruno, Assemblyman Silver, Major General Thomas T. Maguire, 330 Old Niskyun Road, Latham, NY 11210, the New York State delegation to the Senate and Assembly, the New York delegation to Congress and President Bush.

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

CARRIED UNANIMOUSLY.

Item 36 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 10-8 From LEGISLATORS CHASE & CUSACK Re: In Support of State Legislation Requiring School Districts to Provide a Cardiac Automated External Defibrillator (AED).

Item 37 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 10-9 From LEGISLATORS SCHROEDER, FISHER, DALE, PEOPLES, HOLT, KUWIK, SWANICK & DUSZA Re: County Assistance to Preserve Public Safety in the City of Buffalo.

Item 38 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 10-10 From LEGISLATORS SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, DALE, PEOPLES & DUSZA Re: Creating an Equitable Countywide Infrastructure Improvement Program.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

MEETING NO. 10

May 9, 2002

ERIE COUNTY LEGISLATURE

Item 39 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

Comm. 10E-30 From LEGISLATOR GREENAN Re: Letter to President of Bar Association of Erie County Regarding Re-Appointment of Michael Hudson.

RECEIVED, FILED & PRINTED.

May 9, 2002

Mr. Timothy M. O'Mara, Esq.
President
Bar Association of Erie County
1450 Statler Towers
Buffalo, NY 14202

Dear Mr. O'Mara:

I am writing to re-appoint Mr. Michael Hudson to the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners, Inc., the governing body for the Assigned Counsel Program.

Mr. Hudson has served with distinction as a member of the Board of Directors of the Erie County Bar Association and has expressed a strong desire for reappointment so that he can continue to work with the Assigned Counsel Program.

As you know, Mr. Hudson serves as Confidential Law Clerk to New York State Supreme Court Justice Edward A. Rath, Jr., and is widely respected in the legal community for his insight and work ethic.

Therefore, it is my great pleasure to nominate Mr. Michael Hudson for reappointment to the Board of Directors of the Erie County Bar Association Assigned Counsel Program.

Very truly yours,

JOHN W. GREENAN
Majority Leader
Erie County Legislature

CC: Mr. Michael Hudson
Mr. Robert D. Lonski

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Item 40 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MS. CUSACK seconded.

GRANTED.

RESOLUTION NO. 219

Re: Appointment to Fill a Vacancy on the Board of Directors of the Erie County Soil and Water Conservation District. (Intro. 10-11)

A RESOLUTION SUBMITTED BY LEGISLATOR GREENAN

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

Whereas, At Large Board Member Mr. Edwin Merriman recently resigned from the Board of Directors creating a vacancy in the term that is due to expire on December 31, 2002, and

Whereas, appointments to the Board are made by majority vote of the Legislature

Now, therefore, be it

Resolved, that the Erie County Legislature seeks to fill the vacancy in the At Large position on the Board of Directors of the Erie County Soil and Water Conservation District, and be it further

Resolved, that the Erie County Legislature does hereby appoint Ms. Rosemary Bapst, 2901 Bowen Road, Elma, New York, 14059 to fill the vacancy in the position of At Large Board Member, and be it further

Resolved, that this appointment shall take effect immediately and shall expire on December 31, 2002, and be it further

Resolved, that certified copies of this resolution be forwarded to the Erie County Soil and Water Conservation District, 50 Commerce Way, East Aurora, NY 14052, Erie County Farm Bureau, 21 S. Grove Street, East Aurora, NY 14052, Erie County Ponomo Grange #6, 32 Eaton Street, Springville, NY 14141, and Rosemary Bapst, 2901 Bowen Road, Elma, NY 14059.

Fiscal Impact: none.

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

CARRIED UNANIMOUSLY.

Item 41 – MS. CUSACK moved for a suspension of the rules to include an item not on the agenda. MR. GREENAN seconded.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

GRANTED.

RESOLUTION NO. 220

Re: Extension of the Deadline for the Erie
Community College Budget. (Intro. 10-12)

A RESOLUTION SUBMITTED BY LEGISLATORS CUSACK, DeBENEDETTI, GREENAN,
LARSON, WEINSTEIN, CHASE, RANZENHOFER AND McCARVILLE

WHEREAS, the Erie County Legislature adopted a budget submittal and approval schedule for Erie Community College on May 4, 1989, and

WHEREAS, that schedule requested the Erie Community College Board of Trustees submit a budget to the County Executive and County Legislature prior to May 10, and

WHEREAS, the County Executive was to submit his recommendations to the Erie County Legislature no later than June 1, and

WHEREAS, the County Legislature was to adopt a budget no later than the last session in the month of June, and

WHEREAS, in order for the Erie Community College Board of Trustees to prepare an accurate and rational budget proposal, it is necessary to know New York State adjustments to revenue, and

WHEREAS, this information is not available at the present time, and

WHEREAS, the Erie Community College Board of Trustees has the need to further evaluate studies recently completed by the Erie County Budget Director regarding future ECC activities and the impact of same on fiscal matters pertaining to the college, and

WHEREAS, to effectuate a rational, cost-effective budget process, Erie Community College has requested a two-week adjournment in the budget submittal and approval schedule date due to the aforementioned reasons and uncertainty of necessary financial data.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature approves an amended budget submittal and approval schedule for the Erie Community College budget process occurring in 2002 as follows:

1. Erie Community College shall submit its proposed budget to the County Executive and County Legislature by May 24, 2002
2. The County Executive will submit recommendations to the Erie County Legislature no later than June 14, 2002,
3. The Erie County Legislature will address the Erie Community College budget at the first session in July, and be it further

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be forwarded to Erie Community College, the Chairman of the Board of Trustees of Erie Community College, the County Executive and the director of the Division of Budget, Management and Finance.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 42 – (Comm. 10E-1) Apportionment & Distribution of Four Percent (4%) Sales Tax Received by Erie County from NYS.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DUSZA

Item 43 – (Comm. 10E-2) Copy of Letter to Legislator Weinstein Re: Int 5-2 (2002).

Received and filed.

FROM THE COMPTROLLER

Item 44 – (Comm. 10E-3) Overview of 2001 Unaudited Financial Results.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DALE

Item 45 – (Comm. 10E-4) Copy of Letter to Andrew Isenberg Re: Comm 8E-9 (2002).

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

Re: Appointment to EC Fire Advisory Board.
 (Comm. 10E-5)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Margaret Keane of 151 Whitfield Avenue, Buffalo, New York 14220 to the Erie County Fire Advisory Board for a term to expire May 31, 2003.

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

CARRIED UNANIMOUSLY.

Item 47 – (Comm. 10E-6) Reappointments & Appointments to EMS Advisory Board.

RECEIVED, FILED & PRINTED.

May 2, 2002

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

Re: Reappointments & Appointments to Emergency Medical Services Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby reappoint the following individuals to the Erie County Medical Services Advisory Board, for a term expiring December 31, 2003.

Reappointments

Douglas Baker
 Mercy Flight, Inc.
 455 Delaware Avenue
 Buffalo, NY 14202

Kurt Buranich (CHAIR)
 5468 S. Freeman Road
 Orchard Park, NY 14127

Jay Tillotson
 Buffalo Fire Department
 195 Court Street
 Buffalo, NY 14202

David Guarino
 98 Treehaven
 West Seneca, NY 14224

Alan R. Hopkins
 4165 Oakwood Drive
 Williamsville, NY 14221

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

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Doug Jensen
 12981 Jennings Road
 Collins, NY 14034

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

Scott Wander
 462 Grider Street
 Buffalo, NY 14215

Robert Malone
 78 Wellington Road
 Buffalo, NY 14216

JoAnne Yuhnke
 1340 Stolle Road
 Elma, NY 14059

Robert Niedermayer
 44 Christian Drive
 Cheektowaga, NY 14225

Josette Teuscher, MD
 Box 336
 Colden, NY 14033

Appointments

Nadean Chamberlain
 2325 Lenox Road
 Collins, NY 14034

Diane L. Randazzo
 17 Westwood Drive
 Tonawanda, NY 14150

Denise Perry
 11583 Route 62
 North Collins, NY 14111

Patricia J. Kota
 9905 Broadway Road
 Gowanda, NY 14070

Rev. John R. Gaglione
 33 Victoria Boulevard
 Kenmore, NY 14217

Nadine Fuller
 115 Jasmine Avenue
 West Seneca, NY 14224

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointees

Commissioner Anthony J. Billittier, Health

Commissioner Michael V. Walters, Emergency Services

Deputy Commissioner Gregory W. Skibitsky, Emergency Services

FROM CHAIRMAN DeBENEDETTI

Item 48 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

Re: Appointment to EC Fisheries Advisory
 Board. (Comm. 10E-7)

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature does hereby confirm the re-appointment of Mr. Joseph Jemiolo of 4898 Langford Road, North Collins, New York 14111 to the Erie County Fisheries Advisory Board for a term to expire December 31, 2004.

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 49 – (Comm. 10E-8) Quarterly Investment Report 1/1/02 – 3/31/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 10E-9) Training by United Way of Buffalo & Erie County.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 51 – (Comm. 10E-10) ECSDs – Title Change & Upgrading.

Item 52 – (Comm. 10E-11) ECSD Nos. 1, 4, & 5 – Title Change & Upgrading.

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

Item 53 – (Comm. 10E-12) EC Environmental Education Institute.

Item 54 – (Comm. 10E-13) EC Sport Fishery Promotion Program – 2001 Annual Report.

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

Item 55 – (Comm. 10E-14) Conveyance of Excess Highway Right-of-Way Niagara Falls Boulevard & Creekside Drive, Town of Amherst.

Item 56 – (Comm. 10E-15) ECC – Switchgear Replacement.

Item 57 – (Comm. 10E-16) Granting Utility Easement to Niagara Mohawk Power Corp at 663 Kensington Avenue, City of Buffalo.

Item 58 – (Comm. 10E-17) Roof Replacement at Aurora Maintenance Garage.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Item 59 – (Comm. 10E-18) ECMC Smith Auditorium Renovations – Supplemental Agreement to General A/E Contract.

Item 60 – (Comm. 10E-19) Ralph Wilson Stadium – 2002 Improvements – Mid-Level Restroom Tower Work.

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

Item 61 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

Re: General A/E Services for Various Projects.
(Comm. 10E-20)

WHEREAS, your Honorable Body approved the 2001 and 2002 capital budgets for various projects, and

WHEREAS, your Honorable Body approved the bond authorization for the 2001/2002 budgets, and

WHEREAS, your Honorable Body approved various Architectural/ Engineering firms for General Architectural/Engineering agreements to be issued on a project-by-project basis, and

WHEREAS, in order to permit a more timely execution of the 2002 capital budget, the Commissioner of Public Works will assign various consultants to these projects and negotiate a not-to-exceed fee based upon the cost of construction, and

WHEREAS, your Honorable Body has in past years allowed the Commissioner of Public Works to enter into multiple A/E contracts for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to the Architectural/Engineering firms with General Architectural/Engineering agreement approved by the Erie County Legislature, and be it further,

RESOLVED, that the Commissioner of Public Works will assign the following capital projects and fee allocations as follows:

PROJECT

TOTAL

A/E FEE NOT

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

	<u>BUDGET</u>	<u>TO EXCEED</u>
1) Maple Road NFB to Millersport [Design] (2001)	\$ 420,000	\$ 420,000
2) N. French overlay Sweet Home to Transit (2001)	\$ 2,500,000	\$ 250,000
3) Old Rt. 219 (Springville Boston Road) (2001)	\$ 2,400,000	\$ 240,000
4) Taylor Hollow Road (2001)	\$ 2,000,000	\$ 200,000
5) Dick Road Culvert (2001)	\$ 302,000	\$ 75,000
6) Como Park Boulevard (Union to Transit [Design] (2001)	\$ 240,000	\$ 240,000
7) Omphalius Road-Boston State Road to Leh Road (2001)	\$ 2,000,000	\$ 200,000
8) Pavement Life Enhancements (2001)	\$ 2,250,000	\$ 100,000
9) Highway Safety Enhancements (2001)	\$ 2,750,000	\$ 125,000
10) Capital Overlay Program (2002)	\$11,300,000	\$ 500,000
11) Highway Safety Program (2002)	\$ 1,250,000	\$ 125,000
12) Pavement Life Enhancements (2002)	\$ 1,000,000	\$ 100,000
13) Unanticipated Roads Costs – Construction (2002)	\$ 400,000	\$ 40,000
14) Maple Street (Town of Aurora) RT 20A to Village line (2001)	\$ 1,500,000	\$ 150,000
15) Lapp Road BRS (2001) [Design]	\$ 151,000	\$ 151,000
16) Freeman Road BR [Design] (2001)	\$ 208,000	\$ 208,000
17) Milestrip Road Bridge, Culverts & Road (2001)	\$ 1,500,000	\$ 200,000
18) Eckhardt Road Bridge [Design] (2001)	\$ 200,000	\$ 200,000
19) N. Main St. Bridge (2001)	\$ 1,320,000	\$ 150,000
20) Salt Road Culvert (2001)	\$ 200,000	\$ 50,000
21) Home Road Bridge (2001)	\$ 1,320,000	\$ 150,000
22) Bridge Reconstruction Program (2002)	\$ 2,400,000	\$ 240,000
23) Culvert Reconstruction, Various Locations (2002)	\$ 500,000	\$ 50,000
24) Culvert Inspection, Load Rating & Design [Design] (2002)	\$ 500,000	\$ 500,000
25) Bullis Road Bridge (c) (2002)	\$ 860,000	\$ 86,000
26) Glenwood/E. Concord RT 240 Br. © (2002)	\$ 860,000	\$ 86,000
27) Hall Road Bridge (2002)	\$ 620,000	\$ 62,000
28) Lake Shore Road Bridge (2002)	\$ 960,000	\$ 96,000
29) Pavement Road Brs (2002)	\$ 1,120,000	\$ 112,000
30) Ransom Road Bridge (2002)	\$ 1,440,000	\$ 144,000
31) Zoeller Road Bridge (2002)	\$ 800,000	\$ 80,000

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

32) Unanticipated Road & Bridge Design [Design] (2001)	\$ 900,000	\$ 900,000
33) Unanticipated Bridge Costs – Design (2002)	\$ 200,000	\$ 20,000
34) Unanticipated Bridge Costs – Construction (2002)	\$ 400,000	\$ 40,000
35) Anticipated Federal Aid Intermodal System Links – Design (2002)	\$10,000,000	\$1,000,000
36) Roof Replacement & Waterproofing various County Buildings	\$ 1,000,000	\$ 100,000
37) Existing Convention Center Renovations & Improvements	\$ 1,500,000	\$ 150,000
38) Exterior Buildings & Envelope Rehabilitation, Phase I (County-wide)	\$ 1,000,000	\$ 100,000
39) EC Correctional Facility, Brick Repair	\$ 100,000	\$ 10,000
40) Code Compliance & Reconstruction of Buildings & Equipment (County-wide)	\$ 1,000,000	\$ 100,000
41) Code Compliance & Reconstruction of Buildings & Equipment (County-wide)	\$ 1,000,000	\$ 100,000
42) Energy Conservation Measures (County-wide)	\$ 250,000	\$ 50,000
43) Parks Roadways (County-wide)	\$ 200,000	\$ 20,000
44) Emery Park Waterline, Phase II	\$ 500,000	\$ 50,000
45) Botanical Gardens Miscellaneous Reconstruction (2001 Budget)	\$ 1,350,000	\$ 135,000
46) Botanical Gardens Miscellaneous Reconstruction (2002 Budget)	\$ 500,000	\$ 50,000
47) EC Library Mechanical Equipment & Building Improvements	\$ 1,000,000	\$ 100,000
48) Asbestos Abatement & Environmental Remediation (County-wide)	\$ 1,000,000	\$ 100,000
49) Asbestos Abatement-Rath Building	\$ 1,000,000	\$ 100,000
50) ECMC Activate 10 th Floor Operating Room	\$ 350,000	\$ 35,000
51) ECMC, Establish 2 nd Cardiothoracic Operating Room	\$ 110,000	\$ 11,000
52) ECMC Ambulatory Surgery & Recovery Area	\$ 1,150,000	\$ 115,000
53) ECMC Relocate/Consolidate Blood Bank	\$ 280,000	\$ 28,000
54) EC Home Elevator Upgrade (2001 Budget)	\$ 366,667	\$ 36,666
55) EC Home Elevator Upgrade (2002 Budget)	\$ 100,000	\$ 10,000
56) EC Home Fire Alarm System (2001 Budget)	\$ 216,667	\$ 21,666

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

57) EME County Regional Public Safety Campus	\$ 3,000,000	\$ 300,000
58) Highway & DPW Fuel Tank Upgrades	\$ 400,000	\$ 40,000
59) Renovations to BB Building, Health Department (2001 Budget)	\$ 2,500,000	\$ 100,000
60) Rath Building Fire Alarm System Replacement & Security Controls	\$ 1,058,000	\$ 150,000
61) Como Park Lake Reconstruction of Retaining Walls	\$ 500,000	\$ 50,000
62) Indoor Air Quality (County-wide)	\$ 125,000	\$ 12,500
63) ECC Improvements to Roads, Parks and Walks (2002)	\$ 200,000	\$ 20,000
64) ECC Improvements – Roads (2001)	\$ 400,000	\$ 10,000
65) Rath Building Garage Renovations	\$ 150,000	\$ 15,000

and be it further,

RESOLVED, that the Commissioner of Public Works will inform the Erie County Legislature, for information only, as to what consultant was selected for each project and the final negotiated architectural/ engineering fee, and be it further,

RESOLVED, that the fee allocations be taken from the appropriate capital bond accounts, 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 Comptroller's Office; and one copy to the Division of Budget, Management & Finance.

MR. RANZENHOFER moved the approval of the resolution. MR. GREENAN seconded. MS. PEOPLES voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.039 – 0.961)

Item 62 – (Comm. 10E-21) Granting Easements to Nextel Partners, Inc Incidental to a Cell Tower Lease on ECC North Campus.

Item 63 – (Comm. 10E-22) Granting Larger Easement to Verizon New York, Inc to Lay Cable on ECC South Campus.

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Item 64 – (Comm. 10E-23) Probation & Youth Detention Services – Authorization to Enter Into Contract.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 65 – (Comm. 10E-24) Sale of County Owned Inventory – Roanoke Avenue, Town of Evans.

Item 66 – (Comm. 10E-25) Sale of County Owned Inventory – Milton Street, Town of West Seneca.

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

Item 67 – (Comm. 10E-26) Mental Health – Authorization to Accept a Shelter Plus Care Grant from HUD for \$623,520.

Item 68 – (Comm. 10E-27) Mental Health – Authorization to Accept a Renewal Grant from HUD for \$406,419.

Item 69 – (Comm. 10E-28) Authorization to Accept a Renewal Grant from HUD for \$333,255.

Item 70 – (Comm. 10E-29) Mental Health – Authorization to Accept a Supportive Housing Grant from HUD for \$513,452.

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 71 – (Comm. 10D-1) Notice of Claims.

Item 72 – (Comm. 10D-2) Notice of Claims.

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

FROM ECMC

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Item 73 – (Comm. 10D-3) Notice & Agenda for Meeting Held 4/26/02 & Minutes of Previous Meeting.

Received and filed.

FROM ECC

Item 74 – (Comm. 10D-4) Notice & Agenda for Meeting Held 4/24/02 & Minutes of Previous Meeting.

Received and filed.

FROM DEP

Item 75 – (Comm. 10D-5) SEQR – Solicitation for Lead Agency Status – Union Road Pumping Station & Forcemain & Hyland Avenue Pump Station Elimination.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

Item 76 – (Comm. 10D-6) Notice of Various Meetings to be Held 5/20/02 & 5/29/02.

Item 77 – (Comm. 10D-7) Notice of Special Meeting of Board of Trustees Held 5/8/02.

The above two items were received and filed.

FROM THE COMPTROLLER

Item 78 – (Comm. 10D-8) Previously Issued Audit Reports – Pilot Comm 20E-6 (2001) & Commissary/Holding Center & Correctional Facility Audit Comm 3E-2.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECMC

Item 79 – (Comm. 10D-9) Notice of Board of Managers Meeting to be Held 5/9/02.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

FROM CONGRESSMAN QUINN

Item 80 – (Comm. 10M-1) Receipt of Certified Resolution.

Received and filed.

FROM THE TOWN OF ELMA

Item 81 – (Comm. 10M-2) Resolution in Opposition to NYS Raising Fee for Recorded, Indexed & Entered Documents from \$5 to \$20.

Received and filed.

FROM TOWN OF AMHERST COUNCILMEMBER KINDEL

Item 82 – (Comm. 10M-3) Letter to Legislator Cusack Re: Preserving Open Space at ECC North.

Received and filed.

FROM ASSEMBLYMAN TOKASZ

Item 83 – (Comm. 10M-4) Notice of Passage of Legislation to Authorize Electronic Court Appearances in NYS Assembly.

Received and filed.

FROM NYSDEC

Item 84 – (Comm. 10M-5) Fact Sheet – Spaulding Composites.

Received and filed.

FROM UPSTATE NY TRAVEL

Item 85 – (Comm. 10M-6) Letter to All Legislators Re: Comedy Hall of Fame.

Received and filed.

FROM THE WOMEN'S PAVILION PAN AM 2001

Item 86 – (Comm. 10M-7) Audit Report for Years 2000 & 2001 Ending 12/31.

MEETING NO. 10**May 9, 2002****ERIE COUNTY LEGISLATURE**

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM GOVERNOR PATAKI

Item 87 – (Comm. 10M-8) Receipt of Certified Resolutions.

Received and filed.

FROM TOWN OF AMHERST COUNCILMEMBER KINDEL

Item 88 – (Comm. 10M-9) Copy of Letter to Legislator Weinstein Re: Preservation & Donation of Open Space at ECC.

Received and filed.

FROM THE SENECA COUNTY BOARD OF SUPERVISORS

Item 89 – (Comm. 10M-10) Resolution Re: Memorialization Opposing New Unfunded Mandates to Seneca County & All Other NYS Counties.

Received and filed.

FROM THE ECIDA

Item 90 – (Comm. 10M-11) Notice of Meeting to be Held 5/15/02.

Received and filed.

FROM NYSDEC

Item 91 – (Comm. 10M-12) Fact Sheet – Pfohl Brothers Landfill – Remedial Activities Update.

Received and filed.

MEMORIAL RESOLUTIONS

Item 92 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Edna Walas.

Item 93 – Legislator Ranzenhofer requested that when this legislature adjourns, it do so in memory of Ralph Baralotto, Jr.

MEETING NO. 10
May 9, 2002

ERIE COUNTY LEGISLATURE

Item 94 – Legislator Ranzenhofer requested that when this legislature adjourns, it do so in memory of Mary Frey.

Item 95 – Legislator McCarville requested that when this legislature adjourns, it do so in memory of Jeanne Biggane.

ADJOURNMENT

Item 96 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, May 23, 2002.
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 23, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK