

MEETING NO. 11
June 5, 2003

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 11
June 5, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Father Pat Keleher of Newman Chapel UB Campus.

The Pledge of Allegiance was led by Mr. Schroeder.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. RANZENHOFER moved the approval of minutes for Meeting No. 10 of 2003.
MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 4 – MR. DeBENEDETTI presented a resolution Recognizing Accomplishments of Students from Schools #3 & #18 as Citizens of the Month. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. RANZENHOFER presented a resolution Honoring Dick “The Destroyer” Beyer for his Illustrious Career in Professional Wrestling & his Induction into Pro Wrestling Hall of Fame. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. SMITH presented a resolution Honoring Elverna Gidney for her Many Contributions to Education & Improving Academic Achievement in Buffalo. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. HOLT presented a resolution In Memory of Sallye Price. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. HOLT, ET AL presented a resolution In Memory of Fallen Army G.I. David Evans, Jr. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. RANZENHOFER, ET AL presented a resolution Honoring the 100th Anniversary of NFADA. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. KUWIK presented a resolution Congratulating Blasdell-Woodlawn Lions Club on their Fiftieth Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. WEINSTEIN presented a resolution Honoring Arnold and Ruth Fernandez for Decades of Tireless Services to Temple Beth Zion. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 16 – MR. HOLT moved for immediate consideration of Local Law Intro No. 1 (Print #1) 2003.

CHAIRMAN SWANICK directed that a roll call vote be taken.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2003 remain on the table.

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 10 (Print #1) 2003 remain on the table.

Item 23 – CHAIRMAN SWANICK directed that Local Law No. 11 (Print #1) 2003 remain on the table.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

May 29, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

AS AMENDED

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

1. Item Page -2003 (Comm. 9E-40)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on April 24, 2003 for the Countywide Fuel Management System, Phase II, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Countywide Fuel Management System, Phase II, as follows:

ELECTRICAL WORK

O'Connell Electric Company

Base Bid:	\$137,800.00
-----------	--------------

MECHANICAL WORK

D.V. Brown

Base Bid:	<u>\$123,818.00</u>
-----------	---------------------

Total for both contracts:	\$261,618.00
---------------------------	--------------

and be it further,

RESOLVED, that the sum of \$30,000 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 the construction 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 sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following:

2002 bond fund, Project 309, Fund 420	\$264,000
2003 bond fund, Project 351, Fund 420	\$29,618

and be it further,

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

(5-0)

2. Item Page -2003 (Comm. 10E-22)

COUNTY EXECUTIVE

WHEREAS, the 2003 capital budget contains \$2.4 million for Rehabilitation Work at Ralph Wilson Stadium in accordance with the terms of the new Lease Agreement between the Buffalo Bills and Erie County, and

WHEREAS, the Buffalo Bills have requested that the County proceed with this work which should be completed before the regular football season begins in order not to jeopardize the operation and safety of the Stadium, and

WHEREAS, in order to comply, DiDonato Associates, P.E., P.C. has completed some design work for these projects and the Department of Public Works must receive bids and issue construction contracts as soon as possible, and

WHEREAS, DiDonato Associates, P.E., P.C. has a General Architectural/Engineering Agreement with Erie County and,

WHEREAS, DiDonato Associates, P.E., P.C. has designed and constructed various projects at the stadium in the past,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates, P.E., P.C. to prepare contract documents and provide design and inspection services for the 2003 Ralph Wilson Stadium Capital Rehabilitation Project, Project 406, Fund 410, for a fee not to exceed \$250,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Stadium Renovations, Project 406, Fund 410, and be it further,

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

(5-0)

3. Item Page -2003 (Comm. 10E-24)

COUNTY EXECUTIVE

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

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, subsequently contracts were executed for said services with Edward O. Watts, P.E. to provide Environmental Engineering Services on a project-by-project basis, 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 fee allocation be increased by \$100,000 and negotiated on a project-by-project basis, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement 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 2001 Asbestos Abatement, Fund 410, Project 198, 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 -2003 (Comm. 10E-25)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Chestnut Ridge Waterline, Phase III, on July 5, 2001, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Fairway Construction Co., in the amount of \$381,626.12, and

WHEREAS, the rupture of an 8" park water service pipe main due to severe cold weather caused tremendous water loss, and

WHEREAS, the Department of Parks & Recreation requested immediate repair work, and

WHEREAS, the contractor was given authorization to expedite repairs to stop water loss and minimize damages,

NOW, THEREFORE, BE IT,

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the construction contingency fund be increased by \$5,000 to a new total of \$85,000, with authorization for the Commissioner of Public Works to approve change orders, 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 payments for all of the above from the 2001 Chestnut Ridge Water Line Installation – Phase III, Fund 410, Project 202, in the amount of \$5,000, 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 Department of Parks & Recreation; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.
(5-0)

**MICHAEL H. RANZENHOFER
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

May 29, 2003

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

Item	Page	-2002	(Comm. 3E-13)
a.	DALE: Copy of Letter to Chairman DeBenedetti Re: Establishment of 8% Sales Tax Task Force.		
	(4-0) Legislator Holt absent.		

Item	Page	-2002	(Intro. 3-4)
------	------	-------	--------------

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

- b. **DALE & SCHROEDER:** AS AMENDED Establishment of a Task Force to Study Sharing Portions of the Additional 1% of the County's Sales Tax.
(4-0) Legislator Holt absent.

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

- c. **DALE:** Copy of Letter to Chairman DeBendetti Re: Extra 1% Sales Tax.
(4-0) Legislator Holt absent.

Item	Page	-2002	(Intro. 14-2)
------	------	-------	---------------

- d. **MARINELLI:** Studying a Redistribution of the Eighth % Sales Tax for Buffalo, Lackawanna & Tonawanda & Distribution Disparity of Towns, Villages & School Dists.
(4-0) Legislator Holt absent.

Item	Page	-2003	(Intro. 1-3)
------	------	-------	--------------

- e. **SCHROEDER:** Calling for Studying the Distribution of the 3% Sales Tax.
(4-0) Legislator Holt absent.

Item	Page	-2003	(Comm. 9E-69)
------	------	-------	---------------

- f. **COMPTROLLER:** Bond Resolution – Amending Bond Resolution Adopted 4/5/01 to Amend Project Description.
(4-0) Legislator Holt absent.

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

- g. **COMPTROLLER:** Quarterly Investment Report – 1/1/03 – 3/31/03.
(4-0) Legislator Holt absent.

2. Item Page -2003 (Comm. 10E-39)

COUNTY EXECUTIVE

WHEREAS, the County Executive has various line items designated to fund Homeland Security expenditures; and

WHEREAS, the County Executive's Office has the need to purchase various Laboratory and Technical Equipment items to be used for Homeland Security issues; and

WHEREAS, there is no Laboratory and Technical Equipment line item in the 2003 Operating Budget for these purchases; and

WHEREAS, the County Executive's Office can reduce its Homeland Security Office Supplies Line by the amount needed for said Laboratory and Technical Equipment,

NOW, THEREFORE, BE IT

RESOLVED, that the following transaction is hereby authorized in the FY 2003 budget of the Office of the County Executive:

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

		Debit/(Credit)
Account 110-906-110-810-1100	County Executive - Homeland Security Office Supplies	(\$5,000)
Account 110-906-110-933-1100	County Executive – Homeland Security Lab & Tech Equipment	\$5,000
Net Change		-\$0-

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller and the Division of Budget, Management and Finance.
(4-0) Legislator Holt absent.

3. Item Page -2003 (Comm. 10E-42)
 COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Karl D. Walker 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 Karl D. Walker, 4430 Newton Road, Hamburg, New York 14075 for the sum of One Thousand and 00/100 Dollars (\$1,000.00),

All that tract or parcel of land, situate in the Town and Village of Hamburg, County of Erie and State of New York, being part of Lot 50, Township 9, Range 7 of the Holland Land Company's survey and further distinguished as parts of Subdivision Lot Numbers Ninety-Eight (98) and Ninety-Nine (99) as shown on a map entitled "Grandview Addition" filed in the Erie County Clerk's Office under Cover Number 1243, described as follows:

Being the same premises conveyed to Howard A. Baltzer by deeds recorded in the Erie County Clerk's Office in Liber 6736 of Deeds at page 535 and Liber 6760 of Deeds at page 35 excepting therefrom, that portion conveyed by Howard A. Baltzer to Ralph J. Wittmeyer and wife by deed recorded in Liber 6757 of Deeds at page 345 and that portion conveyed by Howard Baltzer to Robert W. Wright and wife by deed recorded in Liber 6856 of Deeds at page 137.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Further described on Erie County Tax Maps as Section, Block and Lot No. 196.06-6-21. Intending to convey land acquired by Erie County as Serial No. 848 in the County In Rem Tax Foreclosure Action No. 148.

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 Holt absent.

**DALE W. LARSON
CHAIRMAN**

MR. LARSON moved to separate items 1.a., 1.b. & 1.c. and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved that items 1.a., 1.b. & 1.c be received & filed. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

May 29, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

Item	Page	-2003	(Comm. 10D-5)
a.	DEP: SEQR – ECSD No. 3 – Consolidation & Blasdell Extension.		
	(5-0)		

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

COUNTY EXECUTIVE

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

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

NOW, THEREFORE, BE IT

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

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

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

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

(5-0)

AS AMENDED

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

COUNTY EXECUTIVE

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

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

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC dated November 5, 1998 at the final contract amount of \$3,403.61.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement November 5, 1998 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$3,403.61, and be it further

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

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

4. Item Page -2003 (Comm. 10E-18)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning can provide oversight and guidance regarding the development of environmental reviews which comply with both state and federal laws, rules, and regulations for the Buffalo Municipal Housing Authority (BMHA); and

WHEREAS, because the Erie County Department of Environment and Planning has the resources and the expertise necessary to complete these reviews when they are needed and is capable of handling the additional responsibilities of executing these reviews for the Buffalo Municipal Housing Authority; and

WHEREAS, the Erie County Department of Environment and Planning has agreed to perform these duties for no fee over and above staff time and actual expenses,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement for the year 2003 with the Buffalo Municipal Housing Authority for the receipt of funds, in an amount not to exceed \$25,000, for the purpose providing oversight and guidance regarding the development of environmental reviews which comply with both state and federal laws, rules, and regulations; and be it further

RESOLVED, these funds shall credited to Local Source Revenues (DAC 110 945620360) for utilization by the Department of Environment and Planning for the performance of National Environmental Protection Act (NEPA) and New York State Environmental Quality Review Act

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

(SEQRA) reviews which comply with both state and federal laws, rules, and regulations for the Buffalo Municipal Housing Authority; and be it further

RESOLVED, that said agreement shall be in effect for ONE YEAR, beginning from the date executed by all parties hereto and will automatically renew for successive one year periods unless and until notice in writing is served by either party hereto no less than 30 days prior to expiration of its term or any successive renewal term; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller, the Director of the Division of Budget, Management, and Finance, and Sharon M. West, Executive Director of the Buffalo Municipal Housing Authority, 300 Perry Street, Buffalo, NY 14204.

(5-0)

5. Item Page -2003 (Comm. 10E-23)

COUNTY EXECUTIVE

WHEREAS, the County has entered into two Contracts-for-Differences to ensure price stability throughout the year for its supply of electricity, and

WHEREAS, the City of Buffalo was one participant, along with Erie County, in these Contracts-for Differences, and

WHEREAS, the City of Buffalo has requested termination of their participation in these agreements with the liabilities and assets becoming the responsibility of Erie County, and

WHEREAS, for the majority of the period of the contract to date, payments have been made to the participants with the amount that would have been refunded to the City of Buffalo had their participation remained being approximately \$350,000 for the month of March,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to assume responsibility of the City of Buffalo's portion of the Contracts-for-Differences currently in effect and escrow the funds that the City of Buffalo would have received from this contract to pay for any potential liabilities that may occur in future months; and be it further,

RESOLVED, that any funds that remain at the end of the contract will be used to finance energy conservation programs, 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)

6. Item Page -2003 (Comm. 10E-34)

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE****COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 2 recently completed the expansion of its Big Sister Creek Treatment Plant and District Office; and

WHEREAS, the District requires the position of Laborer to assist in the ever increasing maintenance and various janitorial tasks at the Treatment Plant facilities.

NOW, THEREFORE, BE IT

RESOLVED, the creation of the position of Laborer, Job Group 3, is hereby authorized and approved in the 2003 Budget; and be it further

RESOLVED, that the funding for the position be taken out of 2003 Budget, Erie County Sewer District No. 2, unexpended salaries; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved resolution to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(4-1) Legislator Dale in the negative.

7. Item Page -2003 (Comm. 10E-35)

COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council On Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment & Planning, and be it further

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

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

(5-0)

8. Item Page -2003 (Comm. 10E-36)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for coordinating the New York State Agricultural District Re-certification process for seventeen districts within Erie County; and

WHEREAS, the Department of Environment and Planning is currently coordinating the re-certification of the following agricultural districts

1. Brant/Evans #1
2. Brant/Evans #2
3. Elma

and

WHEREAS, the primary planner responsible for coordinating the aforementioned process retired from County service in September 2002 thereby leaving a void in expertise relative to the agricultural district process and other rural planning services; and

WHEREAS, a variety of issues surfaced during the Brant/Evans #1 and #2 re-certification process thereby requiring an unforeseen expenditure under the initial personal services contract,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a First Amendatory Agreement to the November 21, 2002 Rural Planning Personal Services Contract with Chester C. Jandzinski, residing at 1650 Hall Road, Elma, New York 14059; and be it further

RESOLVED, that the amended agreement shall include an authorized contract amount not to exceed \$11,400; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since this service is a continuation of efforts undertaken through the original five-month contract period and it is not deemed feasible or cost effective for the County to undertake this process; and be it further

RESOLVED, that the purpose of said agreement shall be to coordinate the re-certification of various Erie County Agricultural Districts with the New York State Department of Agriculture and Markets, and other rural planning services as deemed appropriate by the Department of Environment and Planning; and be it further

RESOLVED, that the source of funds shall be money available within Project 835, Account 821, Dues & Fees; and be it further

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

(5-0)

9. Item Page -2003 (Comm. 10E-41)

COUNTY EXECUTIVE

WHEREAS, a Local Law was adopted by the Erie County Legislature in September 2002, which was later vetoed by the Erie County Executive, and not subsequently overridden, and

WHEREAS, representatives from the lawn care industry and environmental groups have been working together to develop a comprehensive pesticide notification program that seeks to incorporate the best provisions of the potential programs, and

WHEREAS, the Cooperative Pesticide Notification Program, is a result of these efforts, and

WHEREAS, under the Program, an extensive outreach program will be conducted to ensure, to the extent possible, that every resident of Erie County who wishes to be notified of pesticide applications will be, and

WHEREAS, under the Program, a registration form will be made available for all Erie County residents who wish to be notified of pesticide applications, and also will allow registrants to express a preference for the form of notification, and

WHEREAS, when the forms are received and a registry is established, it will be maintained by a Registry Committee, and

WHEREAS, pesticide applicators will provide 48 hours notice of pesticide spraying to all registrants who live within 200 feet of the homeowner's property where spraying is taking place, and residents whose property abuts a homeowner's property where granular pesticides are being applied also will be notified, and

WHEREAS, registrants can submit comments or complaints, reported to the Registry Committee (or another committee established to oversee the program), which then will report back to the County on the nature of the complaint, its investigation, action taken, and whether the complainant was satisfied with the action taken, and

WHEREAS, an enforcement committee will be established to investigate alleged violations of the Program, and impose written warnings and/or fines for confirmed violations, and

WHEREAS, a thorough review of this pilot program will be administered after the 2003 Spring/Summer season, at which time it will be determined whether the Program should continue and what modifications, if any, should be made,

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT

RESOLVED, the Cooperative Pesticide Notification Program, developed by representatives from the lawn care industry and environmental groups is a comprehensive pesticide notification program that is both fair and reasonable to all parties involved, and be it further

RESOLVED, that the pesticide industry has agreed to pay approximately \$15,000 of the costs for the implementation of the Program's Outreach initiative, and be it further

RESOLVED, that the remaining expenses for the Outreach initiative, in the amount of \$18,000, be transferred as follows:

<u>From:</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
110 904 303 830 1299	Regionalism & Economic Development Fund	(\$18,000)
<u>To:</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
110 945 620 830	Cooperative Pesticide Notification Program	\$18,000

And be it further

RESOLVED, an Environmental Compliance Specialist RPT position, JG-12, is hereby created in the Department of Environment and Planning to coordinate the public outreach initiative, registration, response and follow-up, and program evaluation, and be it further

RESOLVED, that funding, in the amount of \$24,000, for this position during the pilot program's one year duration, shall be transferred as follows:

<u>From:</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
110 904 303 830 1299	Regionalism & Economic Development Fund	(\$24,000)
<u>To:</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
110 945 620 800	E&P - Personal Services	\$19,200
110 945 620 805	E&P - Fringe Benefits	\$ 4,800

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Office of the Comptroller; the Division of Budget, Management & Finance; the Department of Environment & Planning; and Michael Powers, Chairman of the Erie County Environmental Management Council, c/o Phillips Lytle, One HSBC Center, Buffalo, NY 14203.

(5-0)

10. Item Page -2003 (Comm. 10E-43)

COUNTY EXECUTIVE

WHEREAS, the County and the Southtowns Sewage Treatment Agency/Erie County Sewer District No. 3 (ECSD #3) amended the ECSD #3/Southtowns Sewage Treatment Agency Budget to include the Village of Blasdell; and

WHEREAS, as part of the Amended Budget approved by your Honorable Body on April 13, 2003 (Comm. 7E-18) Interfund Costs in the amount of \$36,750 were allocated to the Downtown Division of Sewerage Management Budget in the ECSD No. 3/Southtowns Sewage Treatment Agency Interfund but omitted in the Interfund Budget of the Division of Sewerage Management.

NOW, THEREFORE, BE IT

RESOLVED, that it is hereby approved that the Interfund Costs of \$36,750 as approved in the Amended Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency Budget be included and in the Downtown Division of Sewerage Management Budget as follows:

<u>DAC Code</u>	<u>Budget Increase</u>
220 855 850 800 Personal Svcs.	\$36,750
220 855 850 8300 Interdept. – SD#3 Southtowns	(\$36,750)

and be it further

RESOLVED, that certified copies of the approved Resolution is sent to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the County Comptroller and the Erie County Budget Office.

(5-0)

11. Item Page -2003 (Comm. 10E-44)

COUNTY EXECUTIVE

WHEREAS, in Communications Number 12E-20 (c), dated July 5, 2001 and Communication Number 14E-50, legislative authorization was received to enter into contracts with two Performance Contracting firms, and

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the funding was originally approved in the 2002 fiscal year but delays require that we reappropriate the funding in the 2003 Budget year, and

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

WHEREAS, if cost effective Energy Conservation Measures are found at a facility, and a construction contract is executed, the cost for the comprehensive energy audit is included in the construction contract, and

WHEREAS, the Division of Sewerage Management has selected CMS Environ and Siemens Building Technologies as the Performance Contractors; and

WHEREAS, if cost effective Energy Conservation Measures are found at a facility, and a construction contract is not executed by the County, the Performance Contractors then expect and deserve payment not-to-exceed \$60,000.00 each for the comprehensive energy audit, and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has committed to reimbursing the Department of Environment & Planning, Division of Sewerage Management for 50% of the comprehensive energy audit costs up to \$40,000, and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to completing the comprehensive energy audits.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment & Planning, Division of Sewerage Management was previously authorized (Ref. Comm. 14E-50) to issue supplemental agreements to the County's Performance Contractors to perform comprehensive 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 executed, and be it further

RESOLVED, that should the Performance Contractors perform a comprehensive energy audit and cost effective Energy Conservation Measures are found at a facility, and a construction contract is not executed by the County, the cost of this comprehensive energy audit work will be paid from Sewer District funds, \$60,000.00 for each Performance Contractor, not-to-exceed a total of \$120,000, and be it further,

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

ECSD Nos. 1, 4, & 5

Use of Fund Balance, 220 851 810 698 105 - \$30,000

Contractual Services, 220 851 810 830

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**ECSD No. 2

Use of Fund Balance, 220 852 820 698 105 - \$30,000

Contractual Services, 220 852 820 830

ECSD No. 3/Southtowns

Use of Fund Balance, 220 853 830 698 105 - \$30,000

Contractual Services, 220 853 830 830

ECSD No. 6

Use of Fund Balance, 220 854 840 698 105 - \$30,000

Contractual Services, 220 854 840 830;

and be it further,

RESOLVED, that the County Executive was previously authorized (ref. Comm. 14E-50) to execute said supplemental agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

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

12. Item Page -2003 (Comm. 10E-45)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Donald Gallo Consultant Engineer, P.E. by Agreement dated June 15, 2001 to provide construction inspection services on various construction projects throughout the County Sewer Districts and the Southtowns Treatment Agency service area; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management, has completed the design of a number of new system improvements throughout the County Sewer Districts and is in need of inspectors to supplement its staff during the construction of these facilities; and

WHEREAS, the Department of Environment and Planning is recommending approval of Engineering Change Order No.1 to the Donald Gallo Consultant Engineer, P.E. Agreement dated June 15, 2001 which will extend the term of the Agreement to December 31, 2004 and increase the contractual limit to \$300,000.00(an increase of \$150,000.00).

NOW, THEREFORE, BE IT

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that Engineering Change Order No.1 to the Donald Gallo Consultant Engineer, P.C. Agreement dated June 15, 2001 be approved extending the term agreement and increasing the contractual limit to \$300,000.00 (an increase of \$150,000.00), and be it further

RESOLVED, that the Deputy Commissioner of the Division of Sewerage Management is hereby directed to execute Engineering Change Order No.1 with the firm of Donald Gallo, Consulting Engineer, P.C., 589 Delaware Avenue, Buffalo, New York 14202, to provide the needed engineering services; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$150,000.00 for payment of the change order from the various Erie County Sewer District Capital Accounts and/or Sewer Operating Fund Balances as determined by the Deputy Commissioner of Environment and Planning, Division of Sewerage Management; and be it further

RESOLVED, that the following Sewer Capital Accounts and Sewer Operating Accounts be used as needed and as determined to be necessary by the Deputy Commissioner of Environment and Planning:

<u>Description</u>	<u>Bond Account</u>
<u>SEWER CAPITAL ACCOUNTS:</u>	
ECSD #1 Increase & Improvement of Facilities (1994)	430-694
ECSD #2 Increase & Improvement of Facilities (1992)	430-533
ECSD #2 Increase & Improvement of Facilities (1996)	430-913
ECSD #2 Increase & Improvement of Facilities (1998)	430-147
ECSD #2 Increase & Improvement of Facilities (2002)	430-340
ECSD #2 Increase & Improvement of Facilities (2003)	430-444
ECSD #3 Increase & Improvement of Facilities (2002)	430-174
ECSD #3 Southtowns Increased Improvements (1997)	430-915
ECSD #4 Increase & Improvement of Facilities (1993)	430-535
ECSD #4 Increase & Improvement of Facilities (1994)	430-693
ECSD #5 Increased Facilities (1987)	430-526
ECSD #5 Meadowlakes Extension	430-534
ECSD #5 Increase & Improvement of Facilities (1998)	430-798
ECSD #6 Increase & Improvement of Facilities (1991)	430-532
ECSD #6 Increase & Improvement of Facilities (1995)	430-914
ECSD #6 Increase & Improvement of Facilities (1999)	430-111

SEWER OPERATING ACCOUNTS:

ECSD #s 1-4-5	220 851 810 830
ECSD #2	220 852 820 830
ECSD #3/Southtowns	220 853 830 830
ECSD #6	220 854 840 830

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

and be it further

RESOLVED, that a certified copy of this resolution be sent to Gregory Dudek, Assistant County Attorney, Charles J. Alessi, P.E., Department of Environment and Planning and the Erie County Comptroller's Office.

(5-0)

13. Item Page -2003 (Comm. 10E-46)

COUNTY EXECUTIVE

WHEREAS, the City of Buffalo has requested Erie County Sewer District No. 6 (ECSD NO. 6) to provide storm sewer conveyance capacity to the City of Buffalo's Union Ship Canal properties; and

WHEREAS, the City of Buffalo will provide for the construction of the storm sewer facilities and interconnection into the existing ECSD No. 6 storm water system; and

WHEREAS, the City of Buffalo will obtain ownership of the storm water system from the point of interconnection downstream through the point of discharge into the Union Ship Canal from ECSD No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that a no cost agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Buffalo for the purpose of providing storm water conveyance service to the Union Ship Canal properties, and transfer of ownership from the County to the City of Buffalo of the storm water system from interconnection through the point of discharge, is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; Peter Cammarata, ECIDA; and Daniel Kreuz, City Engineer, City of Buffalo.

(5-0)

**DALE W. LARSON
CHAIRMAN**

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

MR. LARSON moved to separate items #6 & #9 and moved the approval of the balance of the report. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MS. CHASE seconded. MR. DALE voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

MR. LARSON moved the approval of item #9. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

*** See item #29 for further action on this item.

Item 27 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. RANZNEHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

May 29, 2003

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CUSACK.

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

	Item	Page	-2003	(Comm. 7E-6)
a.	CLERK: 2002 Annual Report.			
	(4-0) Legislator Cusack absent.			

	Item	Page	-2003	(Comm. 10D-1)
b.	COUNTY ATTORNEY: Transmittal of Claims.			
	(4-0) Legislator Cusack absent.			

2.	Item	Page	-2003	(Comm. 10E-38)
----	------	------	-------	----------------

WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding, and

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the County in its effort to implement recommendations of the "Operational Study of Certain Government Functions," prepared by Lumsden & McCormick, dated February 6, 2003, has changed certain discretionary spending limits, within the rules set forth by the Purchasing Department and applicable laws, for departments in order to implement its Purchase Card procedure, and

WHEREAS, it has been determined that the implementation of these procedures are within the scope of and furtherance of specific purchase and procurement laws and rules set forth by New York State statute, the Erie County Charter, and the Erie County Administrative Code, and

WHEREAS, the Erie County procurement policies have been previously reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b (Comm. 2E-26) and were adopted by this Legislature on February 18, 1999.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Erie County Purchase Policies and Procedures under General Municipal Law 104-b as the policy of the County of Erie pursuant to General Municipal Law Section 104-b, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Information and Support Services, the County Comptroller, the County Attorney, and the Director of Purchase.

(4-0) Legislator Cusack absent.

3. Item Page -2003 (Comm. 10E-40)

COUNTY EXECUTIVE

WHEREAS, the First Deputy County Clerk under the direction of the County Clerk assists in directing the work of the County Clerk's Office, including the Registrar and the Auto Bureau Divisions, and

WHEREAS, a variable minimum of Grade 17, Step 3 is requested since it more appropriately reflects the duties associated with the position of First Deputy County Clerk, and

WHEREAS, there will be no additional costs to the County of Erie, since the variable minimum is within and actually below the County Clerk's 2003 budget appropriation for the First Deputy County Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that a variable minimum of Grade 17, Step 3, is hereby approved for the filling of the position of First Deputy County Clerk, effective May 19, 2003, and be it further

RESOLVED, that source of funds for this variable minimum shall be the budget allocation for the Personnel line of the Registrars Section of the County Clerk's Office, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the Director of Budget, Management and Finance, and the Commissioner of Personnel.

(4-0) Legislator Cusack absent.

AS AMENDED

4. Item Page -2003 (Intro. 10-1)
**FALKNER, CHASE, SWANICK, CUSACK, WEINSTEIN, KUWIK, McCARVILLE,
 SCHROEDER & DeBENEDETTI**

WHEREAS, last year 31% of all new vehicles on the road were financed through leasing, which is a major contributing factor in strong new vehicle production levels over the last ten years, and

WHEREAS, New York, Rhode Island and Connecticut are the only states that still have antiquated laws which allow a leasing company to be held accountable for unlimited damages if a leased car is involved in an accident, and

WHEREAS, Chapter 34 of the Vehicle and Traffic Law defines the legal principle of "vicarious liability," which dates back to a time when common folk were still using horses and carriages and automobiles were exclusively owned by the wealthy or livery companies, and

WHEREAS, the vicarious liability law was passed to make the wealthy owners of motor vehicles, "...exercise some degree of care in respect to the person(s) employed by them to operate such motor vehicles," because the fault of the employee was the responsibility of the vehicle owner, and

WHEREAS, in accordance with the outdated vicarious liability law auto manufacturers and finance companies that offer leases are considered the owners of the vehicles they lease, and

WHEREAS, many of the major auto manufacturers and finance companies will discontinue their auto leasing business in New York State if the vicarious liability law is not removed from the books, and

WHEREAS, to not amend the vicarious liability law will leave New York consumers with fewer options and higher costs in obtaining a motor vehicle, and

WHEREAS, there is a need to create a more equitable system that will properly hold drivers accountable, compensate victims and not penalize the leasing companies

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is committed to common sense initiatives, which benefit consumers and the New York State economy, and

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that this Honorable Body urges New York State to adopt and Governor George Pataki to sign into law S397/A1042, which will amend the Vehicle and Traffic Law to properly hold drivers accountable, compensate victims and not penalize leasing companies, and

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, and the Western New York delegation of the New York State Legislature.

Fiscal Impact: NONE

(4-0) Legislator Cusack absent.

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

May 29, 2003

HUMAN SERVICES
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATORS CUSACK & FISHER.

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

Item Page -2003 (Comm. 10M-2)
a. **SHAW & SHAW:** Copy of Memo to Legislator Holt Re: Local Law Intro. No. 9 – 2003.
(3-0) Legislators Cusack & Fisher absent.

2. Item Page -2003 (Comm. 10E-19)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates an Adolescent Wellness Program which is a free, abstinence based program provided by Women's Health Services in collaboration with the Erie County Department of Social Services, and

MEETING NO. 11

June 5, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, it has been determined that budgetary adjustments are necessary to balance the accounts within the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to make the budgetary adjustments necessary to balance the accounts within the program as follows:

ADOLESCENT WELLNESS PROGRAM

07/1/01- 06/30/02

PROJECT #554

SFG	EXPENSES	CURRENT BUDGET	CHANGES	REVISED BUDGET
800	PERSONAL SERVICES	\$ 111,824	\$-1,350	\$ 110,474
801	OVERTIME	0	85	85
805	FRINGE BENEFITS	26,731	-2,830	23,901
810	OFFICE SUPPLIES	785	0	785
823	REPAIRS & MAINT.	221	-196	25
824	TRAVEL & MILEAGE	570	0	570
825	OUT OF AREA TRAVEL	2,200	-2,200	0
826	OTHER EXPENSES	22,401	-200	22,201
880-5100	INTER-FUND - DISS	1,999	0	1,999
883-2009	ID / DSS GRANTS	-200,000	0	-200,000
932	OFFICE EQUIPMENT	359	8,941	9,300
933	LAB & TECH EQUIP	32,910	-2,250	30,660
	TOTAL	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>

ADOLESCENT WELLNESS PROGRAM

07/1/02- 06/30/03

PROJECT #719

SFG	EXPENSES	CURRENT BUDGET	CHANGES	REVISED BUDGET
800	PERSONAL SERVICES	\$ 133,318	\$ 8,300	\$ 141,618
805	FRINGE BENEFITS	30,876	3,000	33,876
810	OFFICE SUPPLIES	600	0	600
821	DUES AND FEES	465	1,000	1,465
823	REPAIRS & MAINT.	421	0	421
824	TRAVEL & MILEAGE	3,190	0	3,190
825	OUT OF AREA TRAVEL	300	0	300
826	OTHER EXPENSES	15,583	-1,500	14,083

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

880-5100	INTER-FUND - DISS	1,000	1,000	2,000
883-2009	ID / DSS GRANTS	-200,000	0	-200,000
932	OFFICE EQUIPMENT	447	0	447
933	LAB & TECH EQUIP	<u>13,800</u>	<u>-11,800</u>	<u>2,000</u>
	TOTAL	<u>\$ 0</u>	<u>\$ 0</u>	<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.

(3-0) Legislators Cusack & Fisher absent.

3. Item Page -2003 (Comm. 10E-20)

COUNTY EXECUTIVE

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

WHEREAS, the Erie County Department of Health wishes to contract with dental health professionals to provide clinical and administrative support for the operation of the dental clinics, and

WHEREAS, the Dental Clinic Site Director will be responsible for assuring on a day-to-day basis that their respective clinic is operating efficiently, safely, and in a cost effective manner, and for assuring that current accepted standards for the oral care of clinic patients are maintained by the dental personnel at their site, and

WHEREAS, funds are available in Account 821, Dues & Fees, in the Health Department's 2003 adopted budget.

NOW, THEREFORE, BE IT

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

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

Exhibit B

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

TITLE	RATE
Dental Clinic Site Director	
Clinical Dentistry	\$50.00/hour
Administrative Oversight	\$3,000/annually

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, the Department of Personnel and the Department of Law.

(3-0) Legislators Cusack & Fisher absent.

4. Item Page -2003 (Comm. 10E-21)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized the acceptance of a grant award from the New York State Health Department in the amount of \$950,265 on July 18, 2002, Comm. 14E-64, and

WHEREAS, in order to enable the Health Department to comply with security requirements of HIPAA, as required by the funding agency as part of this award, it is necessary to enter into a contract not to exceed \$27,400 with the IBM Corporation to conduct a risk assessment and gap analysis of workplace network security, and

WHEREAS, in order to enable the Health Department to prepare for meeting the threat of a bioterrorist attack, it is necessary to enter into contract with University Emergency Medical Services (UEMS) in an amount not to exceed \$25,000 for services to develop interactive training courses, in areas such as cyanide poisoning, nerve agents, and radiological devices. These training programs will be made available to first responders, physicians, law enforcement agencies and public health officials throughout the region, and

WHEREAS, in order to enable the Health Department to rapidly deploy the SMART unit, it is necessary to contract with SKYTEL in an amount not to exceed \$9,000 to purchase, activate and pay monthly charges on 20 two-way digital pagers, and

WHEREAS, the New York State Department of Health, under the Public Health Preparedness Response to Bioterrorism grant, is providing the Erie County Department of Health with \$25,000 in computer equipment which will be distributed throughout the region to WNY Public Health Alliance to be used for disaster management, communication and mass immunization efforts such as smallpox.

NOW, THEREFORE, BE IT

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the IBM Corporation in an amount not to exceed \$27,400 to conduct a risk assessment and gap analysis of workplace network security which must be completed by 8/30/03, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with UEMS in an amount not to exceed \$25,000 for services to develop interactive training courses. This will be for a period ending 8/30/04, and be it further

RESOLVED, the Erie County Executive is hereby authorized to enter into a contract with SKYTEL in an amount not to exceed \$9,000 to purchase, activate and pay monthly charges on 20 two-way digital pagers, for the period ending 8/30/04. This will enable the Health Department to rapidly deploy the SMART unit, and be it further

RESOLVED, that Erie County is hereby authorized to accept the \$25,000 worth of computer equipment from the New York State Department of Health for use by the regional bioterrorism alliance, and be it further

RESOLVED, that the subcontracts with IBM, UEMS and SKYTEL are special services which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that funds necessary to effectuate this contract are available in Project #744, Public Health Preparedness Response to Bioterrorism, 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.

(3-0) Legislators Cusack & Fisher absent.

5. Item Page -2003 (Comm. 10E-48)

COUNTY EXECUTIVE

WHEREAS, in 2003 the Town of Cheektowaga started a project for Senior Center Additions and Alterations; and

WHEREAS, these additions and alterations will allow the Center to expand its space and offer more services to the community; and

WHEREAS, it is in the best interest of the community as a whole to provide such programs and improve these types of facilities,

NOW, THEREFORE, BE IT

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is authorized to execute a contract in an amount not to exceed \$25,000 to assist with the additions and renovation to the Cheektowaga Senior Center; and be it further

RESOLVED, that the source of funds for this activity shall be \$25,000 from the Regionalism/Economic Development Fund (DAC 110 9043038301299), which shall be transferred to a new sub-account under Contractual Agencies in Department 302, Public Benefit Agencies monitored by the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the County Comptroller.
(3-0) Legislators Cusack & Fisher absent.

**BARRY A. WEINSTEIN, M.D.
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 29 – MR. DALE moved to reconsider item #9 from the ENERGY & ENVIRONMENT COMMITTEE. MR. HOLT seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

LEGISLATORS RESOLUTIONS

Item 30 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 11-1 From LEGISLATORS SMITH, DALE, FISHER & SCHROEDER Re: EC Legislature Appointment to the City of Buffalo Oversight & Recovery Board.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

Re: Transfer of Public Benefit Funds.
(Intro. 11-2)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER, CHASE, CUSACK, FALKNER, McCARVILLE,
WEINSTEIN, DUSZA, FISHER, KUWIK & MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$272,200 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Allied Sportsmen of WNY	830/	\$5,000	FALKNER
Amherst Task Force	830/1516	\$2,000	CUSACK
Amherst Task Force	830/1516	\$2,000	RANZENHOFER
Amherst Task Force	830/1516	\$2,000	WEINSTEIN
Amherst Youth Foundation	830/1454	\$2,500	CUSACK
Big Tree Volunteer Fire Company	830/0801	\$2,000	KUWIK
Blossom Garden School	830/1508	\$3,000	MCCARVILLE
Boys & Girls Club of East Aurora	830/0673	\$4,000	MCCARVILLE
Boys & Girls Club of Orchard Park	830/0674	\$4,000	MCCARVILLE
Buffalo Olmsted Parks Conservancy	830/	\$37,500	FISHER
Buffalo Olmsted Parks Conservancy	830/	\$37,500	MARINELLI
Buffalo Philharmonic Chorus	830/0401	\$1,000	FISHER
City of Tonawanda Community Development Agency	830/1152	\$6,000	SWANICK

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Colden Fire Company	830/1253	\$3,000	MCCARVILLE
Collins Fire Company	830/0789	\$3,000	MCCARVILLE
East Aurora Elementary PTO - Playground Fundraising Committee	830/	\$10,000	MCCARVILLE
Eden Fire Department NO. 1	830/1315	\$3,000	CHASE
Firemen's Memorial Exhibit Center of WNY, Inc.	830/	\$5,000	FALKNER
Frontier Central School (Pinehurst Community Playground)	830/	\$1,500	CHASE
Gay & Lesbian Youth Services of WNY	830/1146	\$1,500	FISHER
Gowanda Fire Company	830/1450	\$3,000	MCCARVILLE
Hamburg Township VFW Post 1419	830/	\$5,000	CHASE
Hawk Creek Wildlife Center Inc.	830/1613	\$3,000	MCCARVILLE
Kids Voting WNY	830/0900	\$15,000	MAJORITY
Lackawanna Food Pantry	830/1042	\$1,500	KUWIK
Lake Shore Little League	830/0794	\$3,500	KUWIK
Mark Twain Museum	830/1537	\$1,000	FISHER
Meals on Wheels of Buffalo & Erie County	830/0141	\$2,500	FISHER
Niagara Frontier Radio Reading Service	830/0343	\$15,000	MAJORITY
North Collins Central School	830/	\$2,500	CHASE
Orchard Park Chamber of Commerce	830/	\$5,000	MCCARVILLE
Orchard Park Police DARE	830/1418	\$500	MCCARVILLE
Orchard Park Senior Center	830/1208	\$3,000	MCCARVILLE
Polish Community Center (Dulski Center)	830/0917	\$2,000	KUWIK
Town Boys & Girls Club (Boys & Girls Club of Northtowns)	830/1495	\$10,000	SWANICK
Town of Cheektowaga	830/0311	\$1,200	CUSACK
Town of Tonawanda (Sr. Van)	830/0306	\$15,000	CUSACK
Town of Tonawanda (Sr. Van)	830/0306	\$15,000	SWANICK
Union Occupational Health Center	830/0970	\$25,000	DUSZA
West Falls Fire Co.	830/0787	\$3,000	MCCARVILLE
West Seneca Historical Society	830/	\$5,000	FALKNER
TOTAL		\$272,200	

And be it further

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

MEETING NO. 11**June 5, 2003****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 Passafiume; Kelly A. Wahl – First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: Appropriation of 2003 budgeted funds

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$291,200 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Allied Sportsmen of WNY	830/	\$5,000	FALKNER
African Cultural Center of Buffalo	830/0380	\$19,000	SMITH
Amherst Task Force	830/1516	\$2,000	CUSACK
Amherst Task Force	830/1516	\$2,000	RANZENHOFER
Amherst Task Force	830/1516	\$2,000	WEINSTEIN
Amherst Youth Foundation	830/1454	\$2,500	CUSACK
Big Tree Volunteer Fire Company	830/0801	\$2,000	KUWIK
Blossom Garden School	830/1508	\$3,000	MCCARVILLE
Boys & Girls Club of East Aurora	830/0673	\$4,000	MCCARVILLE
Boys & Girls Club of Orchard Park	830/0674	\$4,000	MCCARVILLE
Buffalo Olmsted Parks Conservancy	830/	\$37,500	FISHER
Buffalo Olmsted Parks Conservancy	830/	\$37,500	MARINELLI
Buffalo Philharmonic Chorus	830/0401	\$1,000	FISHER
City of Tonawanda Community Development Agency	830/1152	\$6,000	SWANICK
Colden Fire Company	830/1253	\$3,000	MCCARVILLE
Collins Fire Company	830/0789	\$3,000	MCCARVILLE
East Aurora Elementary PTO -	830/	\$10,000	MCCARVILLE

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Playground Fundraising Committee			
Eden Fire Department NO. 1	830/1315	\$3,000	CHASE
Firemen's Memorial Exhibit Center of WNY, Inc.	830/	\$5,000	FALKNER
Frontier Central School (Pinehurst Community Playground)	830/	\$1,500	CHASE
Gay & Lesbian Youth Services of WNY	830/1146	\$1,500	FISHER
Gowanda Fire Company	830/1450	\$3,000	MCCARVILLE
Hamburg Township VFW Post 1419	830/	\$5,000	CHASE
Hawk Creek Wildlife Center Inc.	830/1613	\$3,000	MCCARVILLE
Kids Voting WNY	830/0900	\$15,000	MAJORITY
Lackawanna Food Pantry	830/1042	\$1,500	KUWIK
Lake Shore Little League	830/0794	\$3,500	KUWIK
Mark Twain Museum	830/1537	\$1,000	FISHER
Meals on Wheels of Buffalo & Erie County	830/0141	\$2,500	FISHER
Niagara Frontier Radio Reading Service	830/0343	\$15,000	MAJORITY
North Collins Central School	830/	\$2,500	CHASE
Orchard Park Chamber of Commerce	830/	\$5,000	MCCARVILLE
Orchard Park Police DARE	830/1418	\$500	MCCARVILLE
Orchard Park Senior Center	830/1208	\$3,000	MCCARVILLE
Polish Community Center (Dulski Center)	830/0917	\$2,000	KUWIK
Town Boys & Girls Club (Boys & Girls Club of Northtowns)	830/1495	\$10,000	SWANICK
Town of Cheektowaga	830/0311	\$1,200	CUSACK
Town of Tonawanda (Sr. Van)	830/0306	\$15,000	CUSACK
Town of Tonawanda (Sr. Van)	830/0306	\$15,000	SWANICK
Union Occupational Health Center	830/0970	\$25,000	DUSZA
West Falls Fire Co.	830/0787	\$3,000	MCCARVILLE
West Seneca Historical Society	830/	\$5,000	FALKNER
TOTAL		\$291,200	

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

CARRIED UNANIMOUSLY.

Item 32 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

Re: Buffalo Skyway (NYS Route 5) Painting &
Restoration. (Intro. 11-3)**A RESOLUTION SUBMITTED BY
LEGISLATOR KUWIK**

WHEREAS, the Buffalo Skyway, New York State Route 5, is a major thoroughfare providing direct access to the City of Buffalo from the southern suburbs for commuters, and

WHEREAS, the Skyway directs vehicular traffic 110 feet over the Buffalo River and City Ship Canal, and

WHEREAS, the Skyway, due to its height, location, and condition, is considered by many to be an eyesore and a major impediment to the waterfront and inner and outer harbor economic development projects, and is no longer necessary due to the absence of lake freighters entering the City Ship Canal, and

WHEREAS, New York State Assemblyman Brian Higgins has called for a study and examination of the options for the development of the harbor area, focusing on the potential elimination of the Skyway and its replacement with an alternative corridor, such as a tunnel, and

WHEREAS, Assemblyman Higgins has been joined by Buffalo Mayor Anthony Masiello and Assemblyman Richard Smith in a discussion of the long-range use of the waterfront and the potential devolution of Route 5 into a parkway starting at the foot of the Skyway, thus contributing to the revitalization of the waterfront and better and easier access for the public to the Lake and harbor, and

WHEREAS, the demolition and removal of the Skyway will open-up 100 acres of prime waterfront land for development and public uses, including parks and beaches, and

WHEREAS, there is significant public and governmental support for the elimination of the Skyway, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has announced that it will commence with a 16-month long painting and restoration of the Buffalo Skyway, New York State Route 5, and

WHEREAS, that painting project will cost \$11.4 million, and

WHEREAS, in 1999 and 2000, a \$5.7 million project to clean and repaint the Skyway, awarded to a Poughkeepsie, NY firm, was halted midway when the firm experienced financial distress and closed and the bonding company guaranteeing the project entered receivership, and

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, in 1985, a similar effort to clean and paint the Skyway resulted in some 2,500 cars and boats parked near or underneath the bridge being damaged with grit or paint, leading to hundreds of thousands of dollars in damage and reflecting the cost and difficulty associated with maintaining the bridge, and

WHEREAS, in the near future, the Skyway will require expensive and extensive rehabilitation costs, including painting, a comprehensive deck replacement, sub-structural repairs, and other work totaling as much as \$100 million, and regular maintenance costs that make the structure prohibitively expensive, and

WHEREAS, the Buffalo Police Department, over a recent three-year period, responded to 1,269 police and emergency calls on the Skyway, 167 of which resulted in personal injury or death, and

WHEREAS, in times of inclement weather, the Buffalo Police Department is forced to dedicate six patrol cars and numerous police officers to barricade and close the Skyway, costing thousands of dollars per year, and

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature supports and encourages the award of local transportation and other public sector contracts, where possible, to local construction firms and companies that employ significant numbers of local union employees, and be it further

RESOLVED, that the Erie County Legislature calls on NYSDOT to reexamine repainting the Skyway in these difficult fiscal times at a cost of \$11.4 million when the structure may be demolished and replaced within the next few years, and be it further

RESOLVED, that the Erie County Legislature calls on NYSDOT to initiate a much more limited repainting and restoration of the Skyway that ensures public safety and guarantees the integrity and stability of the bridge, while limiting costs while a review can be undertaken to study the potential for a tunnel or other alternatives, and be it further

RESOLVED, that the Erie County Legislature expresses its support to Assemblyman Brian Higgins and the local state delegation in their efforts to replace the Skyway, and be it further

RESOLVED, that the Erie County Legislature calls on the State of New York to provide funding to conduct a comprehensive study of alternatives to the Skyway, including the costs of those alternatives, and be it further

RESOLVED, that the Erie County Legislature calls on the local federal delegation to work together to develop federal funds to assist in the replacement of the Skyway in the context of the development of the waterfront and harbor, and be it further

MEETING NO. 11
June 5, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be transmitted to Joseph H. Boardman, Commissioner of NYSDOT, Alan E. Taylor, Acting Regional Director of NYSDOT, Robert E. O'Connor, Regional Construction Manager of NYSDOT, Assemblymen Brian Higgins and Richard Smith, Senator William Stachowski, Erie County Executive Joel Giambra, Buffalo Mayor Anthony Masiello, and members of the local federal delegation.

Fiscal Impact: Highly significant for the development of the Buffalo waterfront.

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

CARRIED UNANIMOUSLY.

DELETE the first RESOLVED clause and REPLACE with the following:

RESOLVED, that the Erie County Legislature supports and encourages the award of local transportation and other public sector contracts, where possible, to local construction firms and companies that employ significant numbers of local employees, and be it further

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

CARRIED UNANIMOUSLY.

*** See Item 39 for further action on this item.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

Re: Consideration for Public Benefit Funding.
(Intro. 11-4)

A RESOLUTION SUBMITTED BY
LEGISLATOR RANZENHOFER

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

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

NOW, THEREFORE, BE IT

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Clarence Newstead Meals on Wheels Task Force, Inc.	\$3,000	RANZENHOFER

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- **DELETE the First RESOLVED clause and REPLACE with:**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Clarence Newstead Meals on Wheels Task Force, Inc.	\$3,000	RANZENHOFER
Lancaster Community Development Corporation	\$10,000	LARSON
Western New York Public Links Golf Association	\$1,000	CUSACK
Western New York Public Links Golf	\$1,000	

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Association	SWANICK
TOTAL	\$15,000

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

CARRIED UNANIMOUSLY.

Item 34 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

Re: Consideration for Public Benefit Funding.
(Intro. 11-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR KUWIK

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Library Lifesaver	\$2,000	KUWIK

And be it further

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

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

Re: Consideration for Public Benefit Funding.
(Intro. 11-6)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Main Transit Fire Company	\$5,000	WEINSTEIN
Amherst Relay Challenge	\$2,000	WEINSTEIN

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Town of Amherst (Dog Park)	\$10,000	WEINSTEIN
TOTAL	\$17,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

Re: Consideration for Public Benefit Funding.
(Intro. 11-7)

A RESOLUTION SUBMITTED BY
LEGISLATOR DUSZA

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

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

NOW, THEREFORE, BE IT

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Buffalo Green Fund Daffodil Program	\$1,000	DUSZA
American Legion Gierlach Post	\$1,000	DUSZA
TOTAL	\$2,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 37 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 11-8 From LEGISLATORS MARINELLI, DeBENEDETTI & FISHER Re: Proposing Alternatives for City-County Cooperation.

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

CARRIED UNANIMOUSLY.

MEETING NO. 11
June 5, 2003

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 217

Re: Urging Discussion & Exploration of
Consolidation & Restructuring in the Delivery
of Services by City of Buffalo. (Intro. 11-9)

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

WHEREAS, the economic position of New York State has worsened substantially due to the effects of a national economic downturn and the terrorist attacks of September 11, 2001; and

WHEREAS, the counties of New York State, including Erie County, have shouldered much of this difficult burden by making hard choices – raising taxes, issuing layoffs, sponsoring early retirements, cutting costs, cutting services, restructuring the delivery of services, and/or delaying capital investments; and

WHEREAS, the City of Buffalo (“City”) has been chronically plagued over the years with structural budget deficits and an extremely heavy reliance on aid from New York State; and

WHEREAS, on May 3, 2003, Assembly Speaker Sheldon Silver requested NYS Comptroller Alan G. Hevesi to conduct a thorough review of the finances of the City of Buffalo to assist both the City and the NYS Legislature in their respective budget deliberations; and

WHEREAS, Comptroller Hevesi’s office sent a team of auditors to the area who undertook this review during May 2003; and

WHEREAS, on May 28, 2003, Comptroller Hevesi publicly announced that he was recommending, in light of the City’s finances, that the NYS Legislature pass extraordinary legislation to create the Buffalo Oversight and Recovery Board (“Board”), which would be charged with the task of developing an effective long-term financial restructuring plan for the City; and

WHEREAS, to achieve this goal, the Board would assume numerous sweeping powers, including determining the programs and expenditures of the City within the range of available resources through the creation of a four (4) year financial plan; and

WHEREAS, the Erie County Legislature applauds Comptroller Hevesi on his recommendation of creating the Buffalo Oversight and Recovery Board for the City of Buffalo, and

WHEREAS, during the course of the discussion announcing this subject, Mayor Masiello and Comptroller Hevesi expressed concern and sympathy for the City’s plight by suggesting a change and/or sharing in the distribution of Erie County’s portion of sales tax; and

WHEREAS, the current sales tax rate in Erie County is 8.25%: 4.25% collected by New York State; 3% collected by Erie County for distribution to itself, local municipalities (cities, towns, villages)

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

and school districts; and an additional, temporary 1% collected by Erie County for its own use and shared with the NFTA which has been a part of Erie County Budget planning since 1985; and

WHEREAS, despite the struggles of the City of Buffalo, Erie County must sustain itself given the tough national, state and local economic climate, and continue to provide necessary services to all residents – including residents of the cities of Buffalo, Tonawanda and Lackawanna and the suburban towns– from Medicaid to libraries to senior and youth services to capital improvement projects to ECMC; and

WHEREAS, any premature discussion of changing the distribution and/or sharing of Erie County's portion of sales tax is not fiscally responsible given the recent and potential increases in State-mandated Medicaid funding, one the largest expenditures by Erie County; and

WHEREAS, the initial exploration for the Board and City should be a review of City services with an eye towards change in the way City government does business, not new revenue sources; and

WHEREAS, this can only be accomplished by re-structuring and re-engineering City government to meet the demands of today's economy by "right-sizing" city government in line with its population, not by handing money to a system that has been unable to care for itself; and

WHEREAS, any discussion to change the formula for sales tax distribution, either with the additional, temporary 1% for Erie County or the 3% for Erie County, local municipalities (cities, towns, villages) and school districts, will have far-reaching and possibly deleterious effects on Erie County, local municipalities (cities, towns, villages), school districts and property taxpayers in the County, and

WHEREAS, the Board, the City and Erie County should agree to work together and to partner where able to lessen the burden the City faces; and

WHEREAS, in the past, Erie County has demonstrated, on numerous occasions, a willingness to partner with the City through the taking over of regional assets like the Convention Center, East Side Transfer Facility and Dunn Tire Park and the consolidating the City of Buffalo Cell Block with the Erie County Holding Center; and

WHEREAS, in the future, Erie County remains committed to working with and partnering with the City with the example of the ongoing discussions for taking over such other regional assets like the Buffalo Zoo, Kleinhan's Music Hall, Shea's Performing Arts Theatre and other potential delivery of services;

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby again wish to applaud Comptroller Hevesi on his recommendation for creating the Buffalo Oversight and Recovery Board for the City of Buffalo; and be it further

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that this Honorable Body does hereby caution that any change in the formula for sales tax distribution, either the additional, temporary 1% for Erie County or the 3% for Erie County, local municipalities (cities, towns, villages) and school districts, will have far-reaching and possibly deleterious effects on Erie County, local municipalities (cities, towns, villages), school districts and property taxpayers in the County; and be it further

RESOLVED, that this Honorable Body does hereby urge the Board and City to work to re-structure and re-engineer City government, not simply request new revenue sources for a system that to this point has been unable to care for itself; and be it further

RESOLVED, that this Honorable Body does hereby renew its commitment to work and partner with the City, where feasible, to lessen the burden the City faces; and be it further

RESOLVED, that certified copies of this resolution be sent to Comptroller Hevesi, Governor Pataki, Senate Majority Leader Bruno, Assembly Speaker Sliver, the Western New York delegation to the NYS Legislature, County Executive Giambra, County Comptroller Naples, Budget Director Passafiume, Mayor Masiello, and the members of the Buffalo Common Council.

Fiscal Impact: To be determined.

*** See Item 101 for further action on this item.

Item 39 – MR. KUWIK moved to reconsider Intro. 11-3. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

Re: Buffalo Skyway (NYS Route 5) Painting & Restoration.

A RESOLUTION SUBMITTED BY
LEGISLATOR KUWIK

WHEREAS, the Buffalo Skyway, New York State Route 5, is a major thoroughfare providing direct access to the City of Buffalo from the southern suburbs for commuters, and

WHEREAS, the Skyway directs vehicular traffic 110 feet over the Buffalo River and City Ship Canal, and

WHEREAS, the Skyway, due to its height, location, and condition, is considered by many to be an eyesore and a major impediment to the waterfront and inner and outer harbor economic development projects, and is no longer necessary due to the absence of lake freighters entering the City Ship Canal, and

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, New York State Assemblyman Brian Higgins has called for a study and examination of the options for the development of the harbor area, focusing on the potential elimination of the Skyway and its replacement with an alternative corridor, such as a tunnel, and

WHEREAS, Assemblyman Higgins has been joined by Buffalo Mayor Anthony Masiello and Assemblyman Richard Smith in a discussion of the long-range use of the waterfront and the potential devolution of Route 5 into a parkway starting at the foot of the Skyway, thus contributing to the revitalization of the waterfront and better and easier access for the public to the Lake and harbor, and

WHEREAS, the demolition and removal of the Skyway will open-up 100 acres of prime waterfront land for development and public uses, including parks and beaches, and

WHEREAS, there is significant public and governmental support for the elimination of the Skyway, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has announced that it will commence with a 16-month long painting and restoration of the Buffalo Skyway, New York State Route 5, and

WHEREAS, that painting project will cost \$11.4 million, and

WHEREAS, in 1999 and 2000, a \$5.7 million project to clean and repaint the Skyway, awarded to a Poughkeepsie, NY firm, was halted midway when the firm experienced financial distress and closed and the bonding company guaranteeing the project entered receivership, and

WHEREAS, in 1985, a similar effort to clean and paint the Skyway resulted in some 2,500 cars and boats parked near or underneath the bridge being damaged with grit or paint, leading to hundreds of thousands of dollars in damage and reflecting the cost and difficulty associated with maintaining the bridge, and

WHEREAS, in the near future, the Skyway will require expensive and extensive rehabilitation costs, including painting, a comprehensive deck replacement, sub-structural repairs, and other work totaling as much as \$100 million, and regular maintenance costs that make the structure prohibitively expensive, and

WHEREAS, the Buffalo Police Department, over a recent three-year period, responded to 1,269 police and emergency calls on the Skyway, 167 of which resulted in personal injury or death, and

WHEREAS, in times of inclement weather, the Buffalo Police Department is forced to dedicate six patrol cars and numerous police officers to barricade and close the Skyway, costing thousands of dollars per year, and

NOW THEREFORE BE IT

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature supports and encourages the award of local transportation and other public sector contracts, where possible, to local construction firms and companies that employ significant numbers of local employees, and be it further

RESOLVED, that the Erie County Legislature calls on NYSDOT to reexamine repainting the Skyway in these difficult fiscal times at a cost of \$11.4 million when the structure may be demolished and replaced within the next few years, and be it further

RESOLVED, that the Erie County Legislature calls on NYSDOT to initiate a much more limited repainting and restoration of the Skyway that ensures public safety and guarantees the integrity and stability of the bridge, while limiting costs while a review can be undertaken to study the potential for a tunnel or other alternatives, and be it further

RESOLVED, that the Erie County Legislature expresses its support to Assemblyman Brian Higgins and the local state delegation in their efforts to replace the Skyway, and be it further

RESOLVED, that the Erie County Legislature calls on the State of New York to provide funding to conduct a comprehensive study of alternatives to the Skyway, including the costs of those alternatives, and be it further

RESOLVED, that the Erie County Legislature calls on the local federal delegation to work together to develop federal funds to assist in the replacement of the Skyway in the context of the development of the waterfront and harbor, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Joseph H. Boardman, Commissioner of NYSDOT, Alan E. Taylor, Acting Regional Director of NYSDOT, Robert E. O'Connor, Regional Construction Manager of NYSDOT, Assemblymen Brian Higgins and Richard Smith, Senator William Stachowski, Erie County Executive Joel Giambra, Buffalo Mayor Anthony Masiello, and members of the local federal delegation.

Fiscal Impact: Highly significant for the development of the Buffalo waterfront.

MR. KUWIK moved to further amend the resolution to include ET AL Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

COMMUNICATIONS DISCHARGED FROM COMMITTEE

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Item 40 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 10E-29. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

Re: Ralph Wilson Stadium – 2003 – Leak
Collection Pans.

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

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Public Works received bids on May 28, 2003, for the Ralph Wilson Stadium – 2003 Improvements – Leak Collection Pans, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2003 Improvements – Leak Collection Pans, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Leak Collection Pans, as follows:

GENERAL CONSTRUCTION WORK

Cloverbank Construction, Inc.

Base Bid \$57,000.00

and be it further,

RESOLVED, that the sum of \$8,000 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 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount of \$65,000, and be it further,

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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.

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

CARRIED UNANIMOUSLY.

Item 41 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 10E-32. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

Re: Ralph Wilson Stadium – 2003 –
Miscellaneous Roof Replacement.

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

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Public Works received bids on May 28, 2003, for the Ralph Wilson Stadium – 2003 Improvements – Miscellaneous Roof Replacement – Phase II, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2003 Improvements – Miscellaneous Roof Replacement – Phase II, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Miscellaneous Roof Replacement – Phase II, as follows:

ROOFING WORK

Jameson Roofing Co., Inc.

Base Bid	\$27,965.00
----------	-------------

and be it further,

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the sum of \$4,035 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 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount of \$32,000, 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.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 42 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

Re: Extension of the Deadline for the Erie
Community College Budget. (Intro. 11-10)

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

WHEREAS, the Erie County Legislature adopted a budget submittal and approval process schedule for Erie Community College (ECC) on July 28, 1977 (Comm. 14D-23 (1977)), later amending the schedule on May 4, 1989 (Comm. 10E-6 (1989)); and

WHEREAS, the 1989 budget submittal and approval process schedule requires the ECC Board of Trustees to submit their budget to the County Executive and the County Legislature by May 10 of the year; and

WHEREAS, the County Executive is then required to submit the ECC budget to the County Legislature after his review by June 1 of the year; and

MEETING NO. 11

June 5, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the County Legislature is then required to adopt the ECC budget by its last session in June of the year; and

WHEREAS, given the difficult budgetary process this year in the New York State, the County Executive has requested additional time for the Budget Office to review State aid reimbursement, projected student populations and other budgetary assumptions used in the creation of the 2003-2004 ECC Budget prior to its submission to the County Legislature for adoption;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves an amended budget submittal and approval process schedule for ECC for this year; and be it further

RESOLVED, that the Erie County Legislature hereby requests that the County Executive submit his reviewed ECC Budget to the County Legislature by no later than June 19, 2003; and be it further

RESOLVED, that the Erie County Legislature will address the ECC Budget by no later than its last session in July of this year; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Budget Director Passafiume, Chairman of the ECC Board of Trustees DiVincenzo, and ECC President Marinani.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR DeBENEDETTI

Item 43 – (Comm. 11E-1) Copy of Letter to Comptroller Re: Debt Service.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR CUSACK

Item 44 – (Comm. 11E-2) 2003 – 2004 ECC Budget Approval Process.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEETING NO. 11

June 5, 2003

ERIE COUNTY LEGISLATURE

FROM THE COMPTROLLER

Item 45 – (Comm. 11E-3) Apportionment & Distribution of 4% Sales Tax Revenue for 5/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (Comm. 11E-4) ECC Budget for 2003 – 2004 – Extension of Filing Deadline.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR CHASE

Item 47 – (Comm. 11E-5) Copy of Letter to NYSDOT Re: Proposals for Modifications to NYS Route 20 in Hamburg.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 48 – (Comm. 11E-6) Copy of Letter to Comptroller Re: Revenue Anticipation Notes (RANS).

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DALE

Item 49 – (Comm. 11E-7) Copy of Letter to Majority Leader Ranzenhofer Re: Intro. 9-7.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 50 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

Re: Revenue Anticipation Note Resolution.
(Comm. 11E-8)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214 -2003

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$130,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2003, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$130,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the current fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the current fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

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

CHAIRMAN SWANICK directed a roll call be taken.

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

CARRIED. (WEIGHTED VOTE: 15.153 – 1.847)

FROM LEGISLATOR CUSACK

Item 51 – (Comm. 11E-9) 2003 – 2004 ECC Budget Approval Process Extension.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (Comm. 11E-10) Childhood Lead Poisoning Prevention Program Project #852 – 1/1/03 – 12/31/03 – Personnel Adjustment.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 53 – (Comm. 11E-11) County-Wide Personal Computer Upgrade.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 54 – (Comm. 11E-12) Award of Contract to Malcolm Pirnie for Engineering Design & Preparation of Bid Documents for Food Waste & Yard Waste Compost.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – (Comm. 11E-13) Private Sale of Delinquent County Tax Certificates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (Comm. 11E-14) Non-Drilling Oil & Gas Lease on EC Forestry Lands in Town of Sardinia.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (Comm. 11E-15) Buffalo Convention Center – 2003 Renovations – A/E Supplemental Agreement.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Item 58 – (Comm. 11E-16) Exterior Building Rehabilitation – 25 Delaware Avenue & Old County Hall.

Item 59 – (Comm. 11E-17) ECHC Lobby Security Improvements – Window Replacement & Exterior Rehabilitation – A/E Supplemental Agreement.

Item 60 – (Comm. 11E-18) Award of Contract & Supplemental for Construction Inspection Services – 2003 Culvert Replacement – Group 5.

Item 61 – (Comm. 11E-19) Award of Contract & Supplemental for Construction Inspection Services – 2003 Culvert Replacement – Group 16.

Item 62 – (Comm. 11E-20) Agreement with NYSDOT – Freeman Road Bridge.

Item 63 – (Comm. 11E-21) Rath Building – Fire Alarm System.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

Re: Appointments\Reappointments to EC
Environmental Management Council.
(Comm. 11E-22)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment and reappointment of the following individuals to the Erie County Environment Management Council for the term stated below:

APPOINTMENTS

NAME AND ADDRESS

REPRESENTATION

Cally Miklasz
Soil & Water Conservation District
50 Commerce Way
East Aurora, NY 14052

At-Large Member

Jeffrey Harris
Town of Aurora
5 South Grove Street

Aurora (Town)

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

East Aurora, NY 14052

Hon. Sam Chiavetta
 Town of Brant
 1294 Brant-North Collins Road
 Brant, NY 14027

Brant (Town)

Theresa Benson
 Parsons
 180 Lawrence Bell Drive, Suite 100
 Williamsville, NY 14221

Clarence (Town)

Lamont Beers
 2880 Wood Spirit
 Eden, NY 14057

Eden (Town)

Hon. Terry Caber
 Village of Farnham
 526 Commercial Street
 Farnham, NY 14061

Farnham (Village)

Richard Sikorski
 8 Warsaw Street
 Lackawanna, NY 14218

Lackawanna (City)

Hon. Kenneth Pokorski
 Village of Sloan
 425 Rieman Street
 Sloan, NY 14212

Sloan (Village)

John Rickers
 104 Devonshire
 Tonawanda, NY 14223

Tonawanda (Town)

Hon. Darlene Maple
 Village of Williamsville
 5565 Main Street
 Williamsville, NY 14221

Williamsville (Village)

REAPPOINTMENTS**NAME AND ADDRESS****REPRESENTATION**

Jerold Bastedo
 S-5215 Orchard Avenue

At-Large Member

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Hamburg, NY 14075

Joan Bozer
27 St. Catherines Court
Buffalo, NY 14222

At-Large Member

Richard Brox
119 West Field Road
Amherst, NY 14226

At-Large Member

David Flynn
Phillips Lytle Hitchcock Blaine & Huber
3400 HSBC Center
Buffalo, NY 14203

At-Large Member

Rosa Gonzalez
8 Lakewood Drive
Orchard Park, NY 14127

At-Large Member

David Hahn-Baker
440 Lincoln Parkway
Buffalo, NY 14216

At-Large Member

Hal Kreher
P.O. Box 410
Clarence, NY 14031

At-Large Member

James Loesch
National Fuel Gas Corp.
10 Lafayette Square, 15th Floor
Buffalo, NY 14203

At-Large Member

Michael Powers
5845 Creekview
Clarence Center, NY 14032

At-Large Member

Nancy Smith
210 Sycamore Street
East Aurora, NY 14052

At-Large Member

John Whitney
USDA National Resource Conservation
50 Commerce Way
East Aurora, NY 14052

At-Large Member

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Deborah Chesna
Alden Environmental Commission
3311 Wende Road
Alden, NY 14004

Alden (Town)

Peter Warn
225 Lehn Springs Drive
Williamsville, NY 14221

Amherst (Town)

Mary Alice Tock
8053 Back Creek Road
Hamburg, NY 14075

Boston (Town)

Sandra Nasca
Office of Strategic Planning
920 City Hall
Buffalo, NY 14202

Buffalo (City)

John Marriott
2497 Genesee Street
Cheektowaga, NY 14225

Cheektowaga (Town)

Mary Lee
10040 Darien Road
Holland, NY 14080

Colden (Town)

David Stout
354 Lakeside Road
Angola, NY 14006

Evans (Town)

Thomas Gilmore
3467 Baseline Road
Grand Island, NY 14072

Grand Island (Town)

Leona Rockwood
5043 Mt. Vernon Blvd.
Hamburg, NY 14075

Hamburg (Town)

James Joyce
S-9247 North protection Road
Holland, NY 14080

Holland (Town)

Kenneth Koehler
5771 Barnum Road
Akron, NY 14001

Newstead (Town)

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Frank Newton
6463 Bunting Road
Orchard Park, NY 14127

Orchard Park (Town)

Peter Tarnawskyj
5716 Vermont Hill Road
South Wales, NY 14139

Wales (Town)

Daniel Chavanne
86 Greenfield Avenue
West Seneca, NY 14224

West Seneca (Town)

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

CARRIED UNANIMOUSLY.

Item 65 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

Re: Appointments/Reappointments to EC
Council on Disabled. (Comm. 11E-23)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment and reappointment of the following individuals to the Erie County Council on the Disabled for the term stated below:

APPOINTMENTS

<u>Name and Address</u>	<u>Term Expiration</u>
Colleen Agen 79 Marlowe Avenue Blasdell, New York 14219	June 30, 2005
Christine Hannotte Luly, Ph.D. 5423 Bridlewood Lane Hamburg, New York 14075	June 30, 2005

REAPPOINTMENTS

<u>Name and Address</u>	<u>Term Expiration</u>
-------------------------	------------------------

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Theresa Lauria 3615 Bonnie Lane Hamburg, New York 14075	June 30, 2005
Miriam Callahan PO Box 186 Buffalo, New York 14201	June 30, 2005
Lisa Kowal 76 Waverly Avenue Kenmore, New York 14217	June 30, 2005
Sherilyn Kolke 106 Old Meadow Road E. Amherst, New York 14051	June 30, 2005
Charles Root 12013 Hillview Terrace Holland, New York 14080	June 30, 2005
Ilona Tylwalk 56 Cobblestone Lane Williamsville, New York 14221	June 30, 2005
Ivy Diggs-Washington 312 Highgate Avenue Buffalo, New York 14215	June 30, 2005
Ronald Clark 77 Karen Drive Tonawanda, New York 14150	June 30, 2005
Kathy Hoffman PO Box 355 Clarence Center, New York 14032	June 30, 2005
Robert McPartland 47 Groveland Street Buffalo, New York 14214	June 30, 2005

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

CARRIED UNANIMOUSLY.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Item 66 – (Comm. 11E-24) Authorization to Enter Into a Contract with City of Lackawanna for Snow Removal Services to Abbott Road.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – (Comm. 11E-25) Healthy Heart Worksite Wellness Grant – 4/1/03 – 12/31/03 – Project #856.

Item 68 – (Comm. 11E-26) WNY Coalition for Diabetes Prevention – 4/1/03 – 3/31/04.

Item 69 – (Comm. 11E-27) Partners for Prevention – Cancer Screening Services – 4/1/03 – 3/31/04 – Project #865.

Item 70 – (Comm. 11E-28) Breast & Cervical Cancer Screening Program – 9/30/02 – 6/29/03 – Project #700.

Item 71 – (Comm. 11E-29) Systems Approach to Reducing the Burden of Asthma – 7/1/02 – 6/30/03 – Project #694.

Item 72 – (Comm. 11E-30) Medical Examiner's Office – Personnel Adjustment.

Item 73 – (Comm. 11E-31) Western Regional Training Grant 7/1/03 – 6/30/04 – Project #871.

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

Item 74 – (Comm. 11E-32) Sale of County Owned Inventory – South Blossom Road, Town of Elma.

Item 75 – (Comm. 11E-33) Sale of County Owned Inventory – Johnson & Woodlawn Avenues, Town of Lancaster.

Item 76 – (Comm. 11E-34) Sale of County Owned Inventory – Commercial Street, Village of Angola.

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

Item 77 – (Comm. 11E-35) Revised World Trade Center Grant for Federal Disaster Declaration #1391 of 9/11/01.

Received and referred to the PUBLIC SAFETY COMMITTEE.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Item 78 – (Comm. 11E-36) External Quality Control Review – Comptroller’s Internal Audit Division.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 80 – (Comm. 11E-37) ECSSTA – Engineering Service Agreements – Work Order PH-2.

Item 81 – (Comm. 11E-38) ECSD No. 6 – City of Lackawanna – Bethlehem Park Rehabilitation Phase I – Bid Opening.

Item 82 – (Comm. 11E-39) ECSSTA – Engineering Service Agreements – Work Order URS-6.

Item 83 – (Comm. 11E-40) Funding for Eden Valley Growers Farm Cooperative Through ECIDA.

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

Item 84 – (Comm. 11E-41) Summer Tourism Activities & Cultural Events.

Item 85 – (Comm. 11E-42) Jozef Slawinski’s “Saint Joseph Calasanctius Mural” & Related Regional Cultural Tourism Program.

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

Item 86 – (Comm. 11E-43) Funding for Niagara USA Chamber of Commerce Retention & Expansion Effort for Niagara Air Reserve Station.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 87 – (Comm. 11E-44) Transfer of Cell Block Operations from City of Buffalo to Erie County.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 88 – (Comm. 11E-45) Appointment to EC Bar Association Aid to Indigent Prisoners Society – Assigned Counsel Program Board of Directors.

RECEIVED, FILED & PRINTED.

June 2, 2003

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

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

Re: Appointment of Michael E. Hudson to the Erie County Bar Association Aid
 to Indigent Prisoners Society, Assigned Counsel Program Board of Directors.

Dear Ms. Manzella:

As Majority Leader of the Erie County Legislature, I am honored to appoint Michael E. Hudson to the Board of Directors of Erie County Bar Association Aid to Indigent Prisoners Society, Assigned Counsel Program.

Thank you.

Very truly yours,

Michael H. Ranzenhofer
 Majority Leader, Erie County Legislature
 16th District

cc: Robert D. Lonski, Esq.
 Erie County Bar Association Aid to
 Indigent Prisoners Society, Assigned Counsel Program
 670 Statler Towers
 Buffalo, NY 14202

Michael E. Hudson, Esq.
 Supreme Court
 50 Delaware Avenue, Part 23
 Buffalo, NY 14202

COMMUNICATIONS FROM THE DEPARTMENTS

FROM DEP

Item 88 – (Comm. 11D-1) SEQR – Buffalo Outer Harbor Recreation Area.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 89 – (Comm. 11D-2) Financial Statements for 4/03.

Received and filed.

FROM DEP

Item 90 – (Comm. 11D-3) Increase & Improvement of Facilities of ECSD No. 3.

Item 91 – (Comm. 11D-4) Increase & Improvement of Facilities of EC Southtowns Sewage Treatment Agency.

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NEW YORK STATE COMPTROLLER

Item 92 – (Comm. 11M-1) Acknowledgement of Receipt of Order Extending Sewer District No. 2.

Item 93 – (Comm. 11M-2) Acknowledgement of Receipt of Order Extending Sewer District No. 3.

The above two items were received and filed.

FROM SENATOR RATH

Item 94 – (Comm. 11M-3) Receipt of Resolutions.

Received and filed.

FROM GOVERNOR PATAKI

Item 95 – (Comm. 11M-4) Receipt of Resolution.

Received and filed.

FROM ECIDA

Item 96 – (Comm. 11M-5) Buffalo Waterfront Projects – Summary & Update Report.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYSDEC

MEETING NO. 11

June 5, 2003

ERIE COUNTY LEGISLATURE

Item 97 – (Comm. 11M-6) Fact Sheet – 4th Street Inactive Hazardous Waste Disposal Site.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 98 – (Comm. 11M-7) Receipt of Resolution.

Item 99 – (Comm. 11M-8) Receipt of Resolution.

The above two items were received and filed.

FROM ECIDA

Item 100 – (Comm. 11M-9) Notice of Board of Directors Meeting.

Received and filed.

LEGISLATORS RESOLUTIONS

Item 101 – MR. RANZENHOFER moved the approval of Intro. 11-9. MR. LARSON seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 13.373 – 3.627)

MEMORIAL RESOLUTIONS

Item 102 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of David Evans.

Item 103 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Lorainne Klementz.

Item 104 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Erdman Avery.

MEETING NO. 11**June 5, 2003****ERIE COUNTY LEGISLATURE**

Item 105 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of David Evans.

Item 106 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Sallye Price.

Item 107 – Legislator McCarville requested that when the Legislature adjourns, it do so in memory of John Dolan.

ADJOURNMENT

Item 108 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, June 19, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 19, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA
CLERK**