

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 13
June 20, 2002

The Legislature was called to order by Chairman DeBenedetti.

All Members Present.

The invocation was led by Reverend Al Warner, Set Free Buffalo.

The Pledge of Allegiance was led by Ms. Chase.

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

MR. GREENAN moved the approval of the minutes of Meeting No. #2 of 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 - MR. WEINSTEIN presented a resolution in Recognition of Aim Corrugated Container Corporation's 40th Anniversary. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. DUSZA presented a resolution Dedicating Amvets Buddy Knaus Post No. 14 Clubroom to Honor Robert Bugaj. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. MARINELLI presented a resolution Congratulating NYS Champions – Kenmore West Varsity Girls Softball Team. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. DUSZA presented a resolution Honoring Jerry Kozlowski Upon Being Named Dean of Continuing Education & Workforce Development at Genesee Community College. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. DUSZA presented a resolution Congratulating Mr. & Mrs. Kucewicz Upon Their 50th Wedding Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. MARINELLI presented a resolution Honoring the Mount Saint Mary's Track Team for an Outstanding Season. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. GREENAN presented a resolution Honoring Local Radio Stations for Excellence at the Associated Press State Broadcasting Awards. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SWANICK presented a resolution Honoring Fallen Green Beret Master Sgt. Peter Tycz Killed in Afghanistan. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI presented a resolution Honoring the 2002 Amherst Town Democratic Committee Award Recipients. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. PEOPLES presented a resolution Honoring Dorothy Morrow Hill. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. PEOPLES presented a resolution Congratulating Mr. & Mrs. Donald H. Crawford on Their 50th Anniversary. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 17 – MR. GREENAN moved to receive and file Local Law No. 3 (Print #1) 2002. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 8.498)

Item 18 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 19 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 20 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW NO. 2-2002

LOCAL LAW INTRO. NO. 6-2002

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the County of Erie.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

MEETING NO. 13**June 20, 2002****ERIE COUNTY LEGISLATURE**

- §1. The County of Erie hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.
- §2. The commencement date of the retirement incentive program shall be the 3rd day of July, 2002.
- §3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be ninety (90) days in length, to commence on and include the 3rd day of July, 2002, and to end on and include the 30th day of September, 2002.
- §4. In interpreting this local law, the calendar dates set forth above as the opening and closing days of the open period shall be deemed controlling in determining the length of such open period, it being the intent of the Legislature that the last date on which eligible employees shall work shall be no later than Sunday, the 29th day of September, 2002.
- §5. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Erie for each employee who receives the retirement benefits payable under this local law.
- §6. This local law shall take effect immediately.

ALBERT DeBENEDETTI

JOHN W. GREENAN

MICHAEL H. RANZENHOFER

DALE W. LARSON

JEANNE Z. CHASE

BARRY A. WEINSTEIN

STEVEN P. McCARVILLE

ELISE M. CUSACK

CHARLES M. SWANICK

RAYMOND K. DUSZA

JUDITH P. FISHER

CRYSTAL D. PEOPLES

EDWARD J. KUWIK

DAVID DALE

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

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Item 21 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

June 13, 2002

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

| | | | |
|----|-------------------------|------|----------------------|
| | | | AS AMENDED |
| 1. | Item | page | -2002 (Comm. 11E-18) |
| | COUNTY EXECUTIVE | | |

WHEREAS, bids were taken for the 2002 Overlay "A" Project which consists of the following roads: Dick Road (CR 317) and George Urban Boulevard (CR 316) in the Town of Cheektowaga; and Evans Street (CR 195) in the Town of Amherst on May 16, 2002, and the low bidder was Janik Paving and Construction, Inc. of Hamburg, New York at a low bid amount of \$1,316,390.30.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project No. CHIPS OP-02A, in the Towns of Amherst and Cheektowaga between the County of Erie and the low bidder Janik Paving and Construction Inc. at its low bid of \$1,316,390.30, and be it further

RESOLVED, that an amount of \$1,316,390.30 be allocated from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

RESOLVED, that an additional amount of \$150,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$150,000.00 from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

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

(5-0)

AS AMENDED

MEETING NO. 13**June 20, 2002****ERIE COUNTY LEGISLATURE**

2. Item page -2002 (Comm. 11E-20)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Ransom Road Bridge 155-2, over Cayuga Creek, in the Town of Lancaster, on May 30, 2002, the low bidder was A & L Incorporated of Hamburg, New York, at a low bid amount of \$1,299,031.50, and

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

WHEREAS, it will be necessary to relocate a gas line owned by National Fuel as part of this project.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 155-2-02 for the Reconstruction of Ransom Road Bridge 155-2, over Cayuga Creek, in the Town of Lancaster, between the County of Erie and the low bidder, A & L Incorporated, at a low bid amount of \$1,299,031.50, and be it further

RESOLVED, that an amount of \$1,299,031.50 be allocated from the 2002 Ransom Road Bridge (155-2) Reconstruction (NYS PIN 5755.68) Program (SFG 322), and be it further

RESOLVED, that an additional amount of \$150,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$150,000.00 from the 2002 Ransom Road Bridge (155-2) Reconstruction (NYS PIN 5755.68) Program (SFG 322) and be it further

RESOLVED, that an amount of \$140,000.00 be allocated from the 2002 Ransom Road Bridge (155-2) Reconstruction (NYS PIN 5755.68) Program (SFG 322) for a change order to the contract for engineering services with Di Donato Associates, and be it further

RESOLVED, that the Comptroller be authorized to accept payment from National Fuel in an amount of \$4,000.00 to be considered as revenue in the 2002 Ransom Road Bridge (155-2) Reconstruction (NYS PIN 5755.68) Program (SFG 322), and be it further

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

(5-0)

3. Page Item -2002 **AS AMENDED**
(Comm. 11E-21)**COUNTY EXECUTIVE**

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, bids were taken for the Reconstruction of Mill Road Bridge 47-5, over East Branch Cazenovia Creek, in the Village of East Aurora, on May 2, 2002, the low bidder was Nichols, Long and Moore Construction, Co. of Lancaster, New York, at a low bid amount of \$1,332,018.35, and

WHEREAS, the purchase of properties along Mill Road for right-of-way purposes is being progressed, and

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

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 47-5-02 for the Reconstruction of Mill Road Bridge 47-5, over East Branch Cazenovia Creek, in the Village of East Aurora, between the County of Erie and the low bidder, Nichols, Long and Moore Construction, Co., at a low bid amount of \$1,332,018.35, and be it further

RESOLVED, that the award of the contract between the County of Erie and Nichols, Long and Moore Construction Company be contingent upon the completed purchase of properties along Mill Road for right-of-way purposes, and be it further

RESOLVED, that an amount of \$1,332,018.35 be allocated from the Reconstruction of Mill Road Bridge (PIN 5754.54) Program (SFG 727), and be it further

RESOLVED, that an additional amount of \$100,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$100,000.00 from the Reconstruction of Mill Road Bridge (PIN 5754.54) Program, and be it further

RESOLVED, that an amount of \$100,000.00 be allocated from the Reconstruction of Mill Road Bridge (PIN 5754.54) Program for a change order to the contract for engineering services with Hatch Associates, and be it further

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

| | | | | |
|----|-------------------------|------|-------|-------------------------------------|
| 4. | Item | Page | -2002 | AS AMENDED (Comm. 11E-22) |
| | COUNTY EXECUTIVE | | | |

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, bids were taken for the 2002 Overlay "B" Project which consists of the following roads: McKinley Parkway (CR 204) Town of Hamburg and Kensington Avenue (CR 208) in the Towns of Amherst and Cheektowaga on May 30, 2002, and the low bidder was Omer Construction of Cheektowaga, New York at a low bid amount of \$2,037,521.82.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project No. CHIPS OP-02B, in the Towns of Amherst, Hamburg and Cheektowaga between the County of Erie and the low bidder Omer Construction Co., Inc. at its low bid of \$2,037,521.82, and be it further

RESOLVED, that an amount of \$2,037,521.82 be allocated from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

RESOLVED, that an additional amount of \$200,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$200,000.00 from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works, Deputy Commissioner - Highways, and one copy to the Erie County Comptroller.
 (4-1) Legislator Larson in the negative.

AS AMENDED

5. Item Page -2002 (Comm. 11E-23)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of East Church Street Bridge 488-1, over Eighteen Mile Creek (NYS PIN 5754.59) in the Town of Eden, on May 30, 2002, the low bidder was UCC Constructors of West Seneca, New York, at a low bid amount of \$1,466,266.10, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 488-1-02 for the Reconstruction of East Church Street Bridge 488-1, over Eighteen Mile Creek, in the Town of Eden, between the County of Erie and the low bidder, UCC Constructors, at a low bid amount of \$1,466,266.10, and be it further

MEETING NO. 13**June 20, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that an amount of \$1,466,266.10 be allocated from the 2001 East Church Street Bridge Reconstruction Program (SFG 214), and be it further

RESOLVED, that an additional amount of \$150,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$150,000.00 from the 2001 East Church Street Bridge Reconstruction Program (SFG 214), and be it further

RESOLVED, that an amount of \$125,000.00 be allocated from the 2001 East Church Street Bridge Reconstruction Program (SFG 214) for a change order to the contract for engineering services with TVGA, and be it further

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

(5-0)

6. Item Page -2002 (Comm. 12E-8)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on May 15, 2002 for the Erie Community College North, Spring Student Center, Dental Hygiene Lab Renovations Project, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into contracts for the Erie Community College North, Dental Hygiene project as follows:

GENERAL CONSTRUCTION CONTRACT

Summit Construction Group, Inc.

| | |
|-------------------|---------------|
| Base Bid | \$ 926,000.00 |
| Alternate Bid G-1 | \$ 34,000.00 |
| Alternate Bid G-2 | \$ 3,000.00 |
| Total Bid: | \$ 963,000.00 |

ELECTRICAL CONTRACT

Industrial Power & Lighting Corp.

| | |
|----------|---------------|
| Base Bid | \$ 254,900.00 |
|----------|---------------|

HVAC WORK

John W. Danforth Company
 Base Bid

\$ 478,700.00

PLUMBING CONTRACT

W.C. Roberson Plumbing & Construction Corp.
 Base Bid

\$ 163,660.00

Total of all contracts:

\$1,860,260.00

and be it further,

RESOLVED, that the sum of \$150,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

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

RESOLVED, that the sum of \$20,000 be allocated for Project Engineer and Department of Public Works salary 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 payments from Project 333, Fund 480, in the total amount of \$2,030,260 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)

AS AMENDED
 (Comm. 12E-18)

7. Item Page -2002

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the retention and expansion of Oneida-Buffalo China Inc. in the City of Buffalo and Erie County; and

WHEREAS, The company desires to upgrade its manufacturing and warehousing operations; and

WHEREAS, The expansion of the activity in Buffalo will be the preferred alternative for new work which will promote the retention of 540 existing jobs and the creation of approximately 20 new jobs; and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, The offer of job training for existing and new employees at the Erie County facilities was important to Oneida-Buffalo China Inc.'s decision to stay and grow in Erie County; and

WHEREAS, The Buffalo and Erie County Workforce Investment Board is expected to approve funding in the amount of approximately \$205,000.00 for this project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, in amounts not to exceed a total of \$205,000.00, for the purpose of providing job skills training to existing and new employees of the Oneida-Buffalo China Inc.; and be it further

RESOLVED, That the source of these funds shall be \$205,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Erie County Department of Environment and Planning and the Buffalo and Erie County Workforce Investment Board will file a written report with the Erie County Legislature by January 1, 2003 on the status of the aforementioned project and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
(5-0)

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

June 13, 2002

FINANCE & MANAGEMENT

COMMITTEE
 REPORT NO. 9

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

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

| | | | | |
|--|--|---|-------|---------------|
| | Item | Page | -2002 | (Comm. 11D-6) |
| | BUDGET, MANAGEMENT & FINANCE: | Budget Monitoring Report for Period Ending 3/31/02. | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
 - b.

| | | | | |
|--|--|---------------------|-------|---------------|
| | Item | Page | -2002 | (Comm. 11D-8) |
| | ERIE COUNTY WATER AUTHORITY: | 2001 Annual Report. | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
 - c.

| | | | | |
|--|---------------------|---|-------|---------------|
| | Item | Page | -2002 | (Comm. 11E-2) |
| | COMPTROLLER: | Completed Review of Unfilled Vacant Positions as of 4/5/02. | | |
| | (5-0) | | | |
 - d.

| | | | | |
|--|---------------------|---|-------|---------------|
| | Item | Page | -2002 | (Comm. 11E-6) |
| | COMPTROLLER: | Memo to Various Department Heads Re: Office of the State Comptroller – Report of Examination. | | |
| | (5-0) | | | |
 - e.

| | | | | |
|--|--|--|-------|----------------|
| | Item | Page | -2002 | (Comm. 11E-39) |
| | DALE: | Copy of Letter to Comptroller Re: Public Benefit Appropriation for Central Terminal Restoration. | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
 - f.

| | | | | |
|--|--|--|-------|----------------|
| | Item | Page | -2002 | (Comm. 11E-41) |
| | SWANICK: | Copy of Letter from Legislators Swanick & Fisher to Comptroller Re: Use of Tobacco Funds for Comm 11E-35 & 11E-36. | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
 - g.

| | | | | |
|--|--|--|-------|---------------|
| | Item | Page | -2002 | (Comm. 12E-1) |
| | COMPTROLLER: | Response to Inquiries of Legislators Swanick & Fisher Re: Proper Use of Tobacco Funds for Comms 11E-35 & 11E-36. | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
 - h.

| | | | | |
|--|--|--|-------|---------------|
| | Item | Page | -2002 | (Comm. 12E-2) |
| | SWANICK & FISHER: | Copy of Letter to Comptroller Re: Response to Comptroller's Response Concerning 11E-35 & 11E-36. | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |

- i. Item Page -2002 (Comm. 12E-4)
COMPTROLLER: Apportionment & Distribution of the 4% Sales Tax Revenue Received
 by Erie County from New York State for 5/02.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

2. Item Page -2001 **AS AMENDED**
 (Comm. 1D-9A)
BUDGET, MANAGEMENT & FINANCE

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

EMAIL DOCUMENT IS 202809EM.DOC

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

RESOLVED, that petitions numbered 202779 through 202792 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202779 / 2000 - ASSESSOR - Refund - \$370.36

SBL No. 42.08-2-33 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 370.36 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 370.36

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

Petition No. 202780 / 2001 - ASSESSOR - Refund - \$563.10

SBL No. 42.08-2-33 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

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

Charge to : BASIC STAR EXEMPTION 563.10

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: DAVID R STEIN & CHARLENE LEWIS

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Petition No. 202781 / 9900 - ASSESSOR - Refund - \$180.21

SBL No. 56.14-1-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 180.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 180.21

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

Petition No. 202782 / 2001 - ASSESSOR - Refund - \$370.37

SBL No. 56.14-1-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

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

Charge to : BASIC STAR EXEMPTION 370.37

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

Petition No. 202783 / 102 - ASSESSOR - Refund - \$563.09

SBL No. 56.14-1-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.09

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

Petition No. 202784 / 2002 - ASSESSOR - Cancel - \$848.40

SBL No. 335.12-1-12 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00 - County

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Acct. No. 132 - \$ 848.40 - Town/SpecialDist/School

Charge to : VILLAGE OF SPRINGVILLE 848.40

CANCEL - CLERICAL ERROR, RELEVY VILLAGE WAS PLACED ON THIS PARCEL
 IN ERROR. THE RELEVY VILLAGE ACTUALLY BELONGS ON SBL 335.12-2-1.12.
 RPTL 550(2)F

Petition No. 202785 / 203 - ASSESSOR - Cancel - \$24.20

SBL No. 151.62-4-6 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 24.20 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL 24.20

CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE CHARGE. PARCEL WAS
 MERGED WITH SBL 151.62-4-8.1. RPTL 550(2)F

Petition No. 202786 / 2002 - ASSESSOR - Cancel - \$75.00

SBL No. 318.00-2-8 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 75.00 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 15,295
 (25%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C

Petition No. 202787 / 102 - ASSESSOR - Refund - \$628.22

SBL No. 66.72-3-9 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.22 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.22

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF

21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C KEN TON SCHOOL DISTRICT
 CHECK IN FAVOR OF: JOYCE ALMAISRI

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Petition No. 202788 / 2002 - ASSESSOR - Refund - \$166.75

SBL No. 134.12-1-25 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 166.75 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA 166.75

REFUND - CLERICAL ERROR, THE DELINQUENT WATER THAT WAS PLACED ON THE 2002 TAX ROLL WAS PAID PRIOR TO JANUARY 1, 2002 BUT NOT REMOVED FROM THE TAX ROLL. RPTL 550(2)E
 CHECK IN FAVOR OF: MICHAEL ENDRES % MICHIGAN GARAGE & EQUIPMENT

Petition No. 202789 / 2002 - ASSESSOR - Refund - \$402.00

SBL No. 134.45-6-17 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 402.00 - Town/SpecialDist/School

Charge to : SAN SEWER 2 402.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR SEWER UNITS. PARCEL WAS CHARGED FOR 69 UNITS AND SHOULD ONLY BE 2 UNITS. RPTL 550(2)E
 CHECK IN FAVOR OF: SANDRA L HELMER

Petition No. 202790 / 2002 - ASSESSOR - Cancel - \$101.61

SBL No. 101.69-4-50 - CITY OF BUFFALO

Acct. No. 112 - \$ 101.61 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :
 CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 23,300 AND SHOULD BE 3000. RPTL 550(2)A

Petition No. 202791 / 2001 - ASSESSOR - Refund - \$47.13

SBL No. 283.00-5-6 - TOWN OF BRANT

Acct. No. 112 - \$ 27.68 - County

Acct. No. 132 - \$ 19.45 - Town/SpecialDist/School

Charge to : TOWN OF BRANT 19.45

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

REFUND - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL WAS MISCALCULATED. THE ASSESSED VALUE WAS 119,020 AND ACTUALLY SHOULD BE 110,400. RPTL 550(2)E
 CHECK IN FAVOR OF: MICHAEL WALTERS

Petition No. 202792 / 203 - ASSESSOR - Cancel - \$2,296.89

SBL No. 151.55-4-7.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,296.89 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL 2,296.89

CANCEL - CLERICAL ERROR, THE 485-B EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL. THE EXEMPTION AMOUNT IS 189,825. RPTL 550(2)C

(5-0)

3. Item Page -2002 (Comm. 11E-29)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Ann Keppler Coulter 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 Ann Keppler-Coulter, S 4100 Willow Dale Avenue, Blasdell, New York 14219 for the sum of One Thousand and 00/100 Dollars (\$ 1,000.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 16, Township 9, Range 8, Sublots 461-463 as filed in Map Cover 416 at the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 159.670-2-30.1 (Woodlawn Avenue 90.00 x 110.00). Intending to convey land acquired by Erie County as Serial No. 1168 in the County In Rem Tax Foreclosure Action No. 150, and be it further

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

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 property 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.

(5-0)

4. Item Page -2002 (Comm. 11E-30)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance received a request from the Town of Hamburg regarding the referenced parcel, and

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

WHEREAS, this parcel will be used by the Town of Hamburg Community Development Department for their New Construction In-Fill Conditional Grant program.

WHEREAS, the Town of Hamburg understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of that sale.

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 Town of Hamburg, S-6100 South Park Avenue, Hamburg, New York 14075 for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 8, Township 9, Range 8, Sublot 251 as filed in Map Cover 893 in the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 160.090-3-9 (Bristol Parkway 70.00 x 110.00). Intending to convey all land acquired by Erie County as Serial No. 1169 in In Rem Tax Foreclosure Action No. 150,

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 property to the aforesaid purchaser, and be it further

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

(5-0)

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

5. Item Page -2002 (Comm. 11E-31)

COUNTY EXECUTIVE

WHEREAS, G.T. Resources, Inc. has asked the County of Erie for an permanent Right of Way and Easement over, under and/or through the County Owned parcel located on Inland Rice Road, Elma, New York, SBL# 145.000-2-3;

WHEREAS, this Right of Way and Easement would be used to construct, maintain, inspect, protect, replace, repair and operate utilities including sanitary and storm sewer facilities by G.T. Resources, in, under, upon and across a strip of land thirty (30) feet wide more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof, and

WHEREAS, it is necessary that this approval be granted to allow this Right of Way and Easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this Right of Way and Easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One Thousand and 00/100 Dollars (\$1,000.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right-of-way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities including sanitary and storm sewer facilities in, under, upon and across a strip of land thirty (30) feet wide as further described, and

WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property, and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld, and

WHEREAS, the party of the first party hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the right of way and easement conveyed herein, and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to G.T. Resources, Inc., 2730 Transit Road, West Seneca, New York 14224, in consideration of the sum of One Thousand and 00/100 Dollars (\$1,000.00) a 30 foot wide Permanent Right of Way and Easement on the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Elma, County of Erie, State of New York, being part of Farmlot 65, Township 10, Range 6 and being a strip of land thirty (30) feet wide, more particularly bounded and described as follows:

Being part of Tax Map No. 145.000-2-3. A thirty-foot wide strip along the northerly line of said parcel as shown on Exhibit B attached hereto and made thereof, and be it further

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

(5-0)

AS AMENDED

6. Item Page -2002 (Comm. 12E-10)

COUNTY EXECUTIVE

WHEREAS, the County currently operates a day care center, known as the "Joan K. Bozer Children's Place" (hereinafter "Day Care Center") at 25 Delaware Avenue in Buffalo, and

WHEREAS, the Day Care Center will have to be displaced during the renovation of existing court facilities (hereinafter "Renovation"), pursuant to the Erie County Courts Master plan Implementation Project, and

WHEREAS, upon completion of the Renovation, the Day Care Center will be housed in property owned by Erie County at 77 West Eagle Street, and

WHEREAS, the displacement of the Day Care Center during the Renovation will necessitate the leasing of private property in downtown Buffalo for up to 36 months, and

WHEREAS, any private property that will be leased by the County for the Day Care Center will have to comply with stringent fire and safety codes regarding the operation of day care centers, and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the Department of Public Works has located property in downtown Buffalo that is suitable for occupancy by the Day Care Center, such property being located on the first floor of 446 Main Street (hereinafter, "Space") and owned by Main Court LLC, and

WHEREAS, before the Day Care Center can be relocated to the Premises, the landlord will have to make certain alterations to the Premises to make it comply with the stringent fire and safety codes pertaining to day care centers, and the cost of such alterations will be reflected in the rent,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into a lease with Main Court LLC for a portion of the premises located at 446 Main Street, Buffalo, for the purpose of relocating the Day Care Center during the Renovation, and be it further

RESOLVED, that the term of the lease shall be for 24 months, with an option by the County to lease the Space on a month-to-month basis for up to 12 months thereafter, and be it further

RESOLVED, that the total cost of leasing the Space for 24 months, including the cost of complying with all statutes, codes and ordinances pertaining to relocating the operation of the Day Care Center to the leased Space shall not exceed \$275,000, and be it further

RESOLVED, that should it be necessary for the County to lease the Space on a month-to-month basis beyond the initial 24 months of the lease, for an additional period not to exceed 12 months, the cost of such rent for the additional period shall not exceed \$5,000 per month, and be it further

RESOLVED, that the total cost of leasing the Space, for a period not to exceed 36 months, shall not exceed \$335,000, and be it further

RESOLVED, that the cost of leasing the Space on a temporary basis during the Renovation shall be derived from the Courts Renovation Bond Account, Fund 410, Project 164, in an amount not to exceed \$195,000, and the Buildings & Grounds Operating Expenses, Fund 110, Project 912, Account No. 822, in the amount of \$140,000, and be it further

RESOLVED, that the temporary occupancy of the Space by the Day Care Center is subject to County Attorney review and approval of all lease documents and other documents pertinent to such occupancy; and be it further

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

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

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

DALE W. LARSON
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 269

June 13, 2002

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

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

| | | | | |
|--|-----------------|--|-------|---------------|
| | Item | Page | -2001 | (Comm. 7E-14) |
| | SWANICK: | Copy of Letter to County Executive Re: Response Letter Concerning ECWA Reform. | | |
| | | (5-0) | | |
 - b.

| | | | | |
|--|--------------------------|---|-------|---------------|
| | Item | Page | -2001 | (Comm. 11E-2) |
| | COUNTY EXECUTIVE: | Call for Reform of Erie County Water Authority. | | |
| | | (5-0) | | |
 - c.

| | | | | |
|--|--------------------------|---|-------|----------------|
| | Item | Page | -2001 | (Comm. 14E-40) |
| | COUNTY EXECUTIVE: | Home Rule Resolutions Urging Enactment of State Bill Amending Public Authorities Law in Rel to Number, Qualifications & Appt of ECWA Members. | | |
| | | (5-0) | | |
 - d.

| | | | | |
|--|----------------|--|-------|---------------|
| | Item | Page | -2001 | (Comm. 18D-8) |
| | HEALTH: | Letter to Legislator Fisher Re: Update on Pesticide Neighbor Notification Law. | | |
| | | (5-0) | | |
 - e.

| | | | | |
|--|---|--|-------|---------------|
| | Item | Page | -2001 | (Comm. 18M-8) |
| | CITIZENS FOR A BETTER LANCASTER: | Petitions Requesting Assistance Relative to Proposed Town of Lancaster Comprehensive Plan. | | |

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

(5-0)

- f. Item Page -2001 (Comm. 25M-11)
NYS ATTORNEY GENERAL: Copy of Letter to Chairman Swanick Re: Urging Erie County to Pass a Local Law to Adopt Notification Law.
 (5-0)

- g. Item Page -2001 (Comm. 25M-12)
NYPIRG: Letter to Swanick, Peoples & Fisher Re: State Pesticide Neighbor Notification Law.
 (5-0)

- h. Item Page -2002 (Comm. 11E-8)
PEOPLES: Copy of Letter to Chairman DeBenedetti Re: Public Hearing on Countywide Notification for Commercial & Residential Lawn Pesticides.
 (5-0)

- i. Item Page -2002 (Comm. 11M-7)
NYS ATTORNEY GENERAL: Copy of Letter to Legislator Peoples Re: Urging Support of EC Local Law for Commercial & Residential Lawn Pesticide Applications.
 (5-0)

- j. Item Page -2002 (Comm. 12E-16)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment & ECSD Nos 1-6 Engineering Service Agreements – Work Order SW-1 Comm. 18E-41 – Stearns & Wheelers.
 (5-0)

- k. Item Page -2002 (Comm. 12E-17)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency Evaluation of Incinerators – Work Order PES-1 Comm 18E-41.
 (5-0)

- l. Item Page -2002 (Comm. 12M-5)
RESIDENTS FOR RESPONSIBLE GOVERNMENT: Copy of Letter to Governor Pataki Re: Hudson River Clean Up Project.
 (5-0)

2. Item Page -2002 (Comm. 9E-18)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Legislature had awarded Contract No. 26ST to Janik Paving & Construction, Inc.; and

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

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

\$119,460.00 and return the unused portion \$4,796.00 to Sewer District No. 5 fund balance; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Thomas Mazur, Director of Budget and Management.

(5-0)

4. Item Page -2002 (Comm. 12E-19)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U.S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, through Legislative resolution (Comm. 6E-21) dated April 13, 2000, the Department of Environment and Planning (DEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

WHEREAS, through Legislative resolution (Comm. 14E-33) dated July 5, 2001, the DEP accepted from NYSERDA an additional \$80,000 in grant resources to coordinate the Rebuild Partnership through April of 2002; and

WHEREAS, as a result of the DEP's success, NYSERDA made an additional \$150,000 in grant resources available to the program to continue to coordinate the Rebuild Partnership through the year 2004; and

WHEREAS, the Federal Highway Administration (FHWA) has provided the New York State Department of Transportation (DOT) with funds for the purpose of implementing the Congestion Mitigation and Air Quality (CMAQ) Improvement Program; and

WHEREAS, the Niagara Frontier has qualified for CMAQ program funds as a result of being in non-attainment of Federal air quality standards; and

WHEREAS, New York State DOT has entered into agreement with Erie County to administer the allocated funding in CMAQ program funds; and

WHEREAS, a Legislative resolution (Comm. 6E-21) passed April 13, 2000, provided the necessary authorization to accept CMAQ funding; and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, a Legislative resolution (Comm. 25E-25) passed January 24, 2002, provided the necessary authorization to accept further CMAQ funding; and

WHEREAS, New York State DOT will enter into agreement with Erie County to provide an additional \$80,700 from CMAQ Program funds.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept a grant of \$150,000 from NYSERDA to continue to coordinate the Rebuild Western New York Partnership, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept a grant of \$80,700 from New York State DOT to provide additional funding for construction of a compressed natural gas refueling station at the Erie County Medical Center, and be it further

RESOLVED, that the following personnel changes are hereby approved in the Rebuild Western New York Partnership grant (SFG #223):

Add: Regular Part Time (RPT) Senior Environmentalist – Energy,
Conservation, JG-12

Delete: Regular Part Time (RPT) Environmentalist – Energy Conservation,
JG-9

and be it further

RESOLVED, that the following personnel changes are hereby approved in the Operating Fund Budget of the Department of Environment and Planning:

Add: Secretary/Typist, JG-6

Delete: Senior Clerk Typist, JG-4

and be it further

RESOLVED, that the source of funding for these revisions shall be Interfund revenue from the Erie County Alternative Fuel Consortium Project (SFG #223),

and be it further

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that \$25,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to Interfund Transfers – Environment and Planning Grants in the Department of Environment and Planning (DAC 110 9456208866209), and be it further

RESOLVED, that the existing grant budget for the Erie County Alternative Fuel Consortium Project (SFG #223) is hereby revised to include the new grant resources as follows:

REVENUES:

| Account | Description | Current Budget | Revisions | Revised Budget |
|-----------------------|---------------------|------------------|------------------|------------------|
| 592 | State Aid – NYS DOT | \$453,600 | \$64,560 | \$518,160 |
| 553-300 | State Aid - NYSERDA | 125,000 | 150,000 | 275,000 |
| 686 | Interfund Revenue | 84,400 | 25,000 | 109,400 |
| Total Revenues | | \$663,000 | \$239,560 | \$902,560 |

APPROPRIATIONS:

| Account | Description | Current Budget | Revisions | Revised Budget |
|-----------------------------|--------------------------|------------------|------------------|------------------|
| 800 | Salaries | \$113,809 | \$116,372 | \$230,181 |
| 805 | Fringe Benefits | 30,600 | 26,169 | 56,769 |
| 824 | Local Travel and Mileage | 500 | 1,500 | 2,000 |
| 825 | Out of Area Travel | 4,500 | 5,200 | 9,700 |
| 826 | Other | 9,000 | 2 | 9,002 |
| 830 | Contractual Services | 487,600 | 87,160 | 574,760 |
| 933 | Equipment | 4,000 | (3,275) | 725 |
| 880-6200 | Interfund Expenses-E & P | 12,991 | 6,432 | 19,423 |
| Total Appropriations | | \$663,000 | \$239,560 | \$902,560 |

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

JOHN W. GREENAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 270

June 13, 2002

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

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

| | | | | |
|----|-------------------|--|-------|---------------|
| | Item | Page | -2002 | (Comm. 11E-1) |
| a. | SCHROEDER: | Copy of Letter to Legislator Larson Re: Buffalo's Current Financial Situation Intro. 10-9. | | |
| | | (5-0) | | |

2. RESOLVED, that the following item is hereby received and referred to the Finance & Management Committee.

| | | | | |
|----|--|---|-------|---------------|
| | Item | Page | -2002 | (Intro. 10-9) |
| a. | SCHROEDER, FISHER, DALE, PEOPLES, HOLT, KUWIK, SWANICK & DUSZA: | County Assistance to Preserve Public Safety in the City of Buffalo. | | |
| | | (5-0) | | |

| | | | | |
|----|---------------------------|------|-------|------------------------------------|
| | Item | Page | -2002 | AS AMENDED (Intro. 10-8) |
| 3. | CHASE & CUSACK | | | |

WHEREAS, sudden cardiac arrest claims the lives of 350,000 individuals each year; and

WHEREAS, the American Heart Association estimates that 100,000 of these lives could be saved through the use of an AED; and

WHEREAS, AEDs stop ventricular fibrillation, a leading cause of sudden cardiac arrest, by applying an electrical pulse to the heart, allowing a normal heart rhythm to resume; and

WHEREAS, the use of an AED is highly successful if used within the first minutes following a sudden cardiac arrest; and

WHEREAS, the success rate for resuscitation decreases by 10 percent each minute following the onset of sudden cardiac arrest; and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the State Legislature recognized the efficacy of having an AED accessible and has passed legislation (A.10577/S.6851) requiring school districts, boards of cooperative educational services, county vocational education and extension boards and charter schools to provide a functional AED on site at school and at off site locations during school sponsored athletic contests;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature commends Governor Pataki for signing this important legislation to protect children attending public schools;

RESOLVED, that the Erie County Legislature offers its assistance in coordinating with school districts, boards of cooperative educational services, county vocational education and extension boards and charter schools in acquiring an AED;

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, County Executive Joel Giambra, Budget Director Joseph Passafiume, Purchasing Director Joseph Martin, and the school districts, board of cooperative educational services, county vocational education and extension boards and charter schools in Erie County.

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

4. Item Page -2002 (Comm. 12E-14)

COUNTY EXECUTIVE

WHEREAS, a communications trailer is being donated by the Erie County Amateur Radio Emergency Services/Radio Amateur Communications Emergency Services (ARES/RACES) to the County of Erie, and

WHEREAS, the trailer will be utilized as a back up communications system during training and emergencies,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to accept the donation of this communications trailer at no cost to the County of Erie from the Erie County ARES/RACES Organization, and be it further

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

(5-0)

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

JEANNE Z. CHASE
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 271

June 13, 2002

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 8

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

1. Item Page -2002 (Comm. 11E-24)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health is responsible for protecting of the citizens of Erie County, and

WHEREAS, the Erie County Department of Health has been awarded a revised contract in the amount of \$60,000 from Health Research, Inc. CFD 93.283, to support West Nile Virus surveillance activities, including human, bird/mammal and mosquito surveillance and public and professional education activities related to West Nile Virus, and

WHEREAS, under this contract, Health Research, Inc. will provide reimbursement for expenses incurred by the County in performing West Nile Virus surveillance for the period May 1, 2001 through December 31, 2001, up to a maximum of \$60,000, and

WHEREAS, training was provided to representatives from the towns, villages and cities in Erie County, to allow these individuals to work under Erie County's DEC Certificate for Larvaciding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised contract with Health Research, Inc., CFD 93.283, to be budgeted as follows:

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

**WEST NILE SURVEILLANCE & EDUCATION GRANT
05/01/01 - 12/31/01
PROJECT #550**

| ACCT | SUB-ACCT | REVENUE | CURRENT BUDGET | CHANGES | REVISED BUDGET |
|------|----------|----------------------|-------------------|--------------|-------------------|
| 553 | 200 | Health Research, Inc | \$ 60,000 | \$0 | \$ 60,000 |
| | | TOTAL | <u>\$ 60,000</u> | <u>\$0</u> | <u>\$ 60,000</u> |
| | | EXPENSES | | | |
| 801 | | Overtime | \$ 10,000 | \$0 | \$ 10,000 |
| 814 | | Medical Supplies | 2,000 | -1,486 | 514 |
| 821 | | Dues and Fees | 10,000 | 0 | 10,000 |
| 824 | | Local Travel | 9,000 | 0 | 9,000 |
| 825 | | Out of Area Travel | 2,000 | 0 | 2,000 |
| 826 | | Other Expenses | 12,000 | -31 | 11,969 |
| 932 | | Office Equipment | 1,000 | -760 | 240 |
| 933 | | Lab & Tech Equipment | <u>14,000</u> | <u>2,277</u> | <u>16,277</u> |
| | | TOTAL | <u>\$ 60,000</u> | <u>\$ 0</u> | <u>\$ 60,000</u> |

and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

2. Item Page -2002 (Comm. 11E-25)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health Office for the Disabled receives funding from the Parking Violations Fines and Penalties Surcharge which is utilized to provide a Handicapped Parking Education Program in Erie County, and

WHEREAS, the Department of Health has received additional funds to fulfill the goals of this State mandated program.

NOW, THEREFORE, BE IT

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

Handicapped Parking Education Program
Project #952

| SFG | SUB OBJ | REVENUE | CURRENT BUDGET | CHANGES | REVISED BUDGET |
|------------|----------------|-----------------------------|---------------------------|-----------------|---------------------------|
| 500 | 270 | Fines & Penalties Surcharge | \$ 8,395 | \$ 2,443 | \$ 10,838 |
| | | TOTAL | <u>\$ 8,395</u> | <u>2,443</u> | <u>\$ 10,838</u> |
| | | EXPENSES | | | |
| 810 | | Office Supplies | \$ 395 | \$ -97 | \$ 298 |
| 821 | | Dues & Fees | 1,000 | 4,940 | 5,940 |
| 824 | | Travel & Mileage Expenses | 1,000 | -1,000 | 0 |
| 826 | | Other Expenses | 6,000 | -6,000 | 0 |
| 933 | | Lab & Technical Equipment | 0 | 4,600 | 4,600 |
| | | TOTAL | <u>\$ 8,395</u> | <u>\$ 2,443</u> | <u>\$ 10,838</u> |

and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 11E-26)

COUNTY EXECUTIVE

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

WHEREAS, one Regular Part Time Dentist position (number 143625) was inadvertently deleted in the Health Department's 2002 budget, and

WHEREAS, in order to more efficiently meet the needs of the client population it is necessary to restore this Regular Part Time position of dentist.

NOW, THEREFORE, BE IT

RESOLVED, that one position of Dentist - Regular Part Time is hereby restored in the budget of the Health Department effective January 1, 2002.

The following personnel detail is hereby submitted:

TITLE: Dentist (Regular Part Time)

FUNDING: Department Personnel Budget

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

JG: 14
 STEP: 4
 ANNUAL SALARY: \$33,879
 ANNUAL BENEFITS: \$3,612

CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: No

and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

4. Item Page -2002 (Comm. 11E-27)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award from the New York State Health Department which extends the grant year and revises the budget in the amount of \$250,000 for continuing the Asthma Initiative Pilot Project, and

WHEREAS, the purpose of the Asthma Initiative Pilot Project is to improve the quality of life of children with asthma and their families through education and reduced exposure to asthma triggers associated with the home environment, and

WHEREAS, this work is accomplished through home inspection, dust sampling, distribution of intervention products, provision of services and in-home education, and

WHEREAS, we wish to contract with an intern to assist staff to manage the physical data files associated with the contract, and

WHEREAS, we wish to extend the existing subcontract with Family Medicine Faculty Associates to coincide with the extension of the project by the New York State Health Department, and

WHEREAS, funds are available through budgetary adjustments in the Health Department's budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an extended and revised agreement with New York State Health Department for the period 1/1/01 through 12/31/02 which is budgeted as follows:

ASTHMA INITIATIVE PILOT PROJECT
01/01/01 - 012/31/02
PROJECT #496

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

| <u>SFG</u> | <u>REVENUE</u> | <u>CURRENT BUDGET</u> | <u>CHANGES</u> | <u>REVISED BUDGET</u> |
|------------|------------------------|---------------------------|----------------|---------------------------|
| 553 | STATE AID | <u>\$ 250,000</u> | <u>\$0</u> | <u>\$ 250,000</u> |
| | TOTAL | <u>\$ 250,000</u> | <u>\$0</u> | <u>\$ 250,000</u> |
| | <u>EXPENSES</u> | | | |
| 800 | PERSONNEL SERVICES | \$98,798 | \$-21,999 | \$76,799 |
| 801 | OVERTIME | 2,000 | -1,000 | 1,000 |
| 805 | FRINGE BENEFITS | 22,396 | -2,000 | 20,396 |
| 810 | OFFICE SUPPLIES | 5,000 | 500 | 5,500 |
| 811 | CLOTHING SUPPLIES | 3,000 | 500 | 3,500 |
| 814 | MEDICAL SUPPLIES | 7,000 | 500 | 7,500 |
| 821 | DUES & FEES | 39,000 | 5,000 | 44,000 |
| 824 | TRAVEL & MILEAGE | 3,000 | -1,275 | 1,725 |
| 825 | OUT OF AREA TRAVEL | 3,000 | 1,275 | 4,275 |
| 826 | OTHER EXPENSES | 31,806 | 3,999 | 35,805 |
| 830 | CONTRACTUAL SERVICES | 25,000 | 5,500 | 30,500 |
| 932 | OFFICE EQUIPMENT | 3,000 | 1,000 | 4,000 |
| 933 | LAB & TECH EQUIPMENT | <u>7,000</u> | <u>8,000</u> | <u>15,000</u> |
| | TOTAL | <u>\$ 250,000</u> | <u>\$0</u> | <u>\$ 250,000</u> |

and be it further

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 A, incorporated herein, and be it further

Exhibit A
 Erie County Department of Health
 Contractual Services Rate for Fee-For-Service Personnel
 Annual Compensation Will be Less Than \$10,000

| TITLE | RATE |
|------------------------|------------------|
| Data Management Intern | \$10.00 per hour |

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, and be it further

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Executive is authorized to enter into an amended subcontract with Family Medicine Faculty Associates, Inc. shall be from 1/1/01 through 12/31/02 and shall be increased by \$5,500 to a total of \$25,500 and is a special service 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 certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

5. Item Page -2002 (Comm. 11E-32)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Expanded In-home Services for the Elderly Program (EISEP) grant for the period April 1, 2001 to March 31, 2002 and the Retired Senior Volunteer Program (RSVP) grant for the period July 1, 2001 to June 30, 2002; and

WHEREAS, the Department has identified the need to adjust the grants to assure continued delivery of services and to cover the actual costs of operations; and

WHEREAS, the EISEP and the RSVP grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the EISEP grant budget, Project 429, be revised as follows:

| | | CURRENT | | AMENDED |
|----------------|--------------------------|-----------|------------|-----------|
| | | BUDGET | CHANGES | BUDGET |
| APPROPRIATIONS | | | | |
| Account | Description | | | |
| 800 | Personal Services | \$426,322 | -\$20,000 | \$406,322 |
| 830/391 | Other Home Care Agencies | 1,083,130 | 20,000 | 1,103,130 |
| | TOTAL CHANGE | | <u>\$0</u> | |

and be it further

RESOLVED, that the RSVP grant budget, Project 433, be revised as follows:

| | | CURRENT | | AMENDED |
|----------------|--|---------|---------|---------|
| | | BUDGET | CHANGES | BUDGET |
| APPROPRIATIONS | | | | |

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

| Account | Description | | | |
|---------|---------------------------|----------|------------|----------|
| 800 | Personal Services | \$79,481 | -\$24,711 | \$54,770 |
| 805 | Fringe Benefits | \$15,361 | 58 | 15,419 |
| 810 | Office Supplies | \$470 | 331 | 801 |
| 812 | Food & Kitchen Supplies | \$225 | -225 | 0 |
| 825 | Out of Area Travel | \$1,500 | -331 | 1,169 |
| 826 | Other Expenses | \$13,575 | 24,628 | 38,203 |
| 933 | Lab & Technical Equipment | \$4,109 | 250 | 4,359 |
| | TOTAL CHANGE | | <u>\$0</u> | |

and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

6. Item Page -2002 (Comm. 11E-33)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for Adult Day Care Services in the Expanded In-home Services for the Elderly Program (EISEP), Area Agency On Aging Grant (III-B) and Elder Caregiver Support Program (III-E), and for geriatric counseling services in III-E, and

WHEREAS, the Department of Senior Services (Department) has identified an additional qualified provider, The McGuire Group, Inc., dba The McGuire C.A.R.E. Center, to provide adult day care respite for seniors in Erie County, and

WHEREAS, the Department wishes to contract with professional consultants to provide counseling, referral, brief therapy, and clinical assistance to caregivers of frail elderly persons living in the community under the III-E grant; and

WHEREAS, the Department conducted a competitive process to solicit applications from qualified individuals and organizations to perform these services; and

WHEREAS, the Department found all the applicants to be qualified providers of geriatric counseling services and desires to contract with the following providers on an as-needed basis:

Catholic Charities Manpower Services, Inc.
 Bonni Coen, MSW, CSW
 Employee Resources, Inc.
 Jewish Family Service of Buffalo and Erie County
 Nancy A. Tulumello, MSW

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with the McGuire Group, Inc., dba The McGuire C.A.R.E. Center as an additional adult day care provider as of this date in the EISEP, III-B and III-E grants, and be it further

RESOLVED, that the County Executive is hereby authorized to contract with the following individuals and agencies to provide geriatric counseling services in the III-E grant, project 652, for the period July 1, 2002 through December 31, 2002, in an aggregate amount not to exceed \$15,000:

- Catholic Charities Manpower Services, Inc.
- Bonni Coen, MSW, CSW
- Employee Resources, Inc.
- Jewish Family Service of Buffalo and Erie County
- Nancy A. Tulumello, MSW

and be it further

RESOLVED, that the III-E grant budget, Project 652, be revised as follows:

| | CURRENT BUDGET | CHANGES | AMENDED BUDGET |
|--|-------------------|-------------------|-------------------|
| APPROPRIATIONS | | | |
| Account Description | | | |
| 830/385 Other Projected Agencies | \$274,839 | -\$15,000 | \$259,839 |
| 830/xxxx Geriatric Counseling Services 0 | | <u>15,000</u> | 15,000 |
| TOTAL CHANGE | | <u><u>\$0</u></u> | |

and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

7. Item Page -2002 (Comm. 11E-34)

COUNTY EXECUTIVE

WHEREAS, Arlene Didley presented the Department of Senior Services with a \$500 donation to show her appreciation for the services made available to her, and

WHEREAS, Ms. Didley desires that the Department use the funds to assist less fortunate seniors in our community, and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the Department oversees an array of grant programs wherein direct services are provided to seniors throughout Erie County, the primary grant being the Area Agency for the Aging (AAA) grant, and

WHEREAS, the Department desires to use these funds for direct services to seniors under the AAA grant, and

WHEREAS, the Department also desires the ability to accept donations from the public who want to express their appreciation for the services we provide to seniors in Erie County, and

WHEREAS, the Department has identified five primary direct service areas whereby donations could be specifically designated: In-home services, transportation services, home-delivered meals, adult day services and newsletter services, and

WHEREAS, donations will enable the Department to provide additional direct service to seniors especially since the need for services is continually increasing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to accept, with deepest appreciation, Ms. Didley's donation, and be it further

RESOLVED, that the entirety of said funds be accepted in the AAA grant, project 649, as Local Revenue-Donations (281649630514), to provide direct services to seniors for the period January 1, 2002 through December 31, 2002, and be it further

RESOLVED, that the County Executive be authorized to accept donations from the public and that the funds for in-home services be accepted in the Expanded In-home Services for the Elderly Program (EISEP) grant; for home delivered meals, in the Home Delivered Meal (III-C-2) grant; and all others, in the AAA grant, and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

8. Item Page -2002 (Comm. 12E-9)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a Public Health Laboratory which is responsible for assuring the safety of the public water supply in Erie County, and

WHEREAS, the Public Health Laboratory is expanding its ability to provide analysis of environmental toxicology samples, and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Public Health Laboratory wishes to contract for the services of an Environmental Toxicology Laboratory Consultant in order to review methods, quality control/assurance and test results, and

WHEREAS, funds are available in Account 821, Dues & Fees, in the Health Department's 2002 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 Exhibits B, incorporated herein, and be it further

RESOLVED, that 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 |
|---|---------------|
| Environmental Toxicology Laboratory Consultant | \$25 per hour |

and be it further

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

(5-0) Legislator Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

June 13, 2002

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 9

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

1. Item Page -2002 (Comm. 12E-13)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry ("Parks") has been contacted by the Niagara Region Disc Golf League ("League") concerning the construction of an 18 hole disc golf course at Chestnut Ridge Park; and

WHEREAS, the League has constructed disc golf courses at various NYS Parks throughout Western New York; and

WHEREAS, the League proposes to construct and install an 18 hole disc golf course on 35 to 40 acres of land at Chestnut Ridge Park at its sole cost and expense of approximately \$7,200.00; and

WHEREAS, the construction is limited to digging holes for the installation of posts for disc golf baskets, tee and sponsor signs, and will not otherwise involve landscaping, removing or relocating any trees, shrubs, or other park vegetation; and

WHEREAS, use of the course will be open to any persons who wish to use it free of charge; and

WHEREAS, the Parks Department desires to enter into an agreement with the League for construction and installation of the course; and

WHEREAS, pursuant to County Law, any gifts must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter all agreements with the Niagara Region Disc Golf League for the construction and installation of a public 18 hole disc golf course, at the sole cost and expense of such League, at Chestnut Ridge Park, on approximately 35 to

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

40 acres of parkland to be designated by the Commissioner of Parks, Recreation and Forestry; and be it further

RESOLVED, that such agreement shall provide that notwithstanding the construction and installation of the disc golf course by the League at its sole expense, that use of such disc golf course shall be open and free of charge to all persons; and be it further

RESOLVED, that the County Executive is authorized to accept, on behalf of the County and its Department of Parks, Recreation and Forestry, from the Niagara Region Disc Golf League, a gift of fully constructed and installed 18 hole disc golf course at Chestnut Ridge Park; and be it further

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

(5-0)

ELISE M. CUSACK
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

June 13, 2002

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|--|------|-------|---------------|
| a. | Item | Page | -2002 | (Comm. 11E-7) |
| | DALE, DUSZA, SWANICK, SCHROEDER & MARINELLI: Copy of Letter to County Attorney Re: Request for Answers to Questions Concerning County's Appeal of Justice Glownia's Decision. | | | |
| | (5-0) | | | |

2. Item Page -2002 (Comm. 11E-37)

COUNTY EXECUTIVE

WHEREAS, the County of Erie and the CSEA, Erie Unit Local 815, have an agreement covering the working conditions, including wages and fringe benefits, for employees of the County of Erie who are Pharmacists and employed at the Erie County Medical Center for a period of January 1, 2000 through December 31, 2003; and

WHEREAS, especially on the night shift, the Erie County Medical Center has been experiencing severe recruitment and retention problems in the Pharmacy, which operates on a 24 hour, seven day a week basis, and

WHEREAS, the County of Erie and the CSEA have negotiated a mutually beneficial modification to the Collective Bargaining Agreement as described herein, and

WHEREAS, the Erie County Medical Center Board Managers has passed a resolution requesting that the County of Erie increase the shift differential to five dollars (\$5.00) an hour for the designated "night shift Pharmacist" for a maximum of ten (10) hours a night and a maximum budgetary expenditure of eighteen thousand, two hundred and fifty dollars (\$18,250.00) per year, and

WHEREAS, the Erie County Medical Center has identified funds in its current budget and will require no additional contribution from the County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, that the current Collective Bargaining Agreement by and between the County of Erie and the CSEA, Erie Unit Local 815 be modified to provide that shift differential pay for Erie County Medical Center Pharmacists (only) designated as "night shift Pharmacists" be increased to five dollars (\$5.00) per hour, retroactive to January 1, 2002, subject to the restrictions described below; and be it further

RESOLVED, that said increase in shift differential shall be restricted to the hours of 9:00 PM through 7:00 AM only, for a maximum of ten (10) hours per night; and be it further

RESOLVED that said increase in shift differential shall be restricted to a maximum budgetary expenditure of eighteen thousand, two hundred and fifty dollars (\$18,250.00) per year; and be it further

RESOLVED, that the County Executive be authorized to enact said modification; and be it further

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution will be forwarded to the Division of Labor Relations; Division of Budget, Finance and Management; Personnel Department; ECMC; and Comptroller.

(5-0)

3. Item Page -2002 (Comm. 12E-11)
COUNTY EXECUTIVE

WHEREAS, a number of labor issues had developed between the County of Erie, the Erie County Sheriff's Office, and the Teamsters Union; and

WHEREAS, the parties desire to resolve these matters in an equitable fashion in furtherance of harmonious labor relations;

NOW, THEREFORE, BE IT

RESOLVED, effective retroactively to January 1, 2001, three Kitchen Helper – Holding Center JG III positions in the Sheriff's Office shall be deleted and three Assistant Cook – Holding Center JG IV positions, shall be added into which Thomas MacKinnon, Daryll Davis, and Zbigniew Cieslik shall be placed and paid accordingly; and be it further

RESOLVED, effective retroactively to November 1, 2000, the position of Account Clerk Typist – Civil JG IV shall be deleted and a position of Senior Account Clerk Typist – Civil JG VI be added into which Laura Hooch shall be placed and paid accordingly; and be it further

RESOLVED, retroactive payments shall be made to those former covered employees who worked during negotiations with the Teamsters Union for a successor Collective Bargaining Agreement, but left County service under non-disciplinary circumstances prior to the conclusion of negotiations and ratification of the successor Collective Bargaining Agreement (Communication 12E-13), and be it further

RESOLVED, that authorization is hereby provided to increase expenses within the Sheriff's Office in order to fund the settlement of these matters, and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby granted authority to transfer funds as required into the appropriate budgets of the Sheriff's Division, Holding Center and all Sheriff grants in order to fund the settlement of these matters, including retroactive payments associated herein, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Labor Relations; the Division of Budget, Management, and Finance; the Personnel Department; the Sheriff of Erie County; and the County Comptroller.

(5-0)

4. Item Page -2002 **AS AMENDED**
(Intro. 12-2)

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

DUSZA

WHEREAS, consumers throughout Erie County and New York State apply for and receive home improvement loans each year, and

WHEREAS, the costs of said loans can often be overly burdensome for consumers when inappropriate lending practices are employed, and

WHEREAS, there has been a proliferation of New York State financial institutions offering high-interest rate home equity loans to individuals, who, for various reasons are unable to secure loans at prime market rates, and

WHEREAS, this practice, known as sub-prime lending, refers to credit extended to borrowers with higher probable default risk than traditional bank customers, and

WHEREAS, there have been a growing number of consumer complaints and recent litigation involving sub-prime lenders, which has raised concern over the existence of predatory lending practices in the sub-prime market, and

WHEREAS, allegations suggest that certain sub-prime lenders are unscrupulously targeting senior citizens and persons living in minority communities who have substantial equity in their homes, and

WHEREAS, recent State regulations provide too many loopholes for lenders engaging in predatory lending, and this legislation attempts to close many of these loopholes, while providing additional disclosures to consumers, counseling when applying for a high-cost home loan, and affirmative defenses in the case of foreclosure, and

WHEREAS, legislation in the New York Legislature would protect consumers against abuses in the sub-prime lending market by prohibiting certain practices with respect to high-cost home loans, and

WHEREAS, this legislation regulates the making and foreclosure of high-cost home loans, imposes responsibilities in connection therewith on home improvement contractors, requires a certain notice in foreclosure actions, requires certain proofs by the party plaintiff, establishes affirmative defenses and permits recovery of attorneys fees,

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the New York State Legislature to consider legislature to protect consumers against abuses in the sub-prime lending market by prohibiting certain practices with respect to high-cost home loans, and be it further

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that this Honorable Body does hereby call upon both houses of the State Legislature to adopt this legislation, and does further urge Governor Pataki to sign such legislation into law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, Assembly Speaker Sheldon Silver, State Senate Majority Leader Joseph Bruno, the members of the Western New York delegation to the State Legislature, and to New York's Chapter of the American Association of Retired Persons, One Commerce Plaza, Suite 706, Albany, NY 12260.

Fiscal Impact: Impact of State Legislation is Positive For New York's Consumer
 (5-0)

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 274

June 13, 2002

REGIONALISM AD HOC
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

All items hereby remain on the table.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

Re: Implementing Measures to Ensure the
 Quality of Education & High Standards of
 Living. (Intro. 13-1)

A RESOLUTION SUBMITTED BY LEGISLATOR HOLT

WHEREAS, a vast majority of impoverished people in Erie County are residents of the city of Buffalo, and

WHEREAS, one in every four people in the City of Buffalo is impoverished, which represents approximately 26% of the city's population, and

WHEREAS, minorities represent a large percentage of the poverty statistics, and

WHEREAS, troublesome socioeconomic factors play a significant role in contributing to these factors – lack of education, living conditions and lack of employment, and

WHEREAS, the City of Buffalo has reached all-time highs for a couple of major issues such as teen pregnancy and poverty rates, and

WHEREAS, it is estimated that 700 of City of Buffalo high school seniors will not graduate in June unless they pass the new state-mandated Math A Regents exam,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature does hereby reaffirm its commitment to ensure the quality of life among residents residing in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to ensuring that quality of education and living standards will be carefully observed to ensure a higher quality of life for all residents of Erie County, and be it further

RESOLVED, that this Honorable Body through its reaffirmation of commitment intends to provide some measure of accountability to ensure progress of such conditions, and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor of New York, the County Executive and the Buffalo Board of Education.

Fiscal Impact: To Be Determined.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

MR. HOLT moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

Re: Funding for Community Organizations.
(Intro. 13-2)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$16,500 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agencies:

| <u>NAME</u> | <u>LINE</u> | <u>AMOUNT</u> |
|---|-----------------|----------------|
| Cornell Cooperative Extension <i>(Strawberry Hill Hummers – instruction video library on llamas and llama pack)</i> | 830/0168 | \$1,000 |
| ECIDA <i>(Eden Economic Development Program)</i> | 830/0139 | \$8,000 |
| Village of Hamburg <i>(Signs and sidewalks)</i> | 830/0454 | \$5,000 |
| Hamburg Central Schools | 830/1313 | \$2,500 |

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

(Computer software & furniture – Charlotte Avenue School)

TOTAL **\$16,500**

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Marie Jewett, Cornell Cooperative Extension (13458 Eden Evans Center Road, Angola, New York 14006); Joe Winter, CEO, ECIDA (275 Oak Street, Buffalo, New York 14203); Paul Gaughan, Village Trustee (Hamburg Village Hall, 100 Main Street, Hamburg, New York 14075); and to Peter Roswell, Superintendent, Hamburg Central Schools (Hamburg Administration Building, 5305 Abbott Road, Hamburg, New York, 14075).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

Item 31 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. DALE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

Re: Transfer of Ownership of William Street to
 NYS. (Intro. 13-3)

A RESOLUTION SUBMITTED BY LEGISLATORS DUSZA, DALE, HOLT & PEOPLES

WHEREAS, Erie County maintains over 1200 miles of roads, more than twice the amount of any other County in New York State, and

WHEREAS, William Street, which commences in the City of Buffalo and crosses Erie County through the Town of Cheektowaga, is one such road, and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, William Street has become a major thoroughfare not only through the City of Buffalo, but also to the suburbs of Lancaster and Cheektowaga, as the population has increased significantly in those two towns in particular, and

WHEREAS, New York State has taken over the maintenance and repair of most of the other major routes through the Town of Cheektowaga, such as Genesee Street, Union Road, Harlem Road, Walden Avenue, and Broadway, and

WHEREAS, in recent years, the section of William Street that passes through the Town of Cheektowaga has become increasingly congested and in need of repair due to the construction of new on and off ramps for the New York State Thruway, and

WHEREAS, the Erie County Commissioner of Public Works has suggested that the responsibility for the repair and maintenance of this road be assumed by the State of New York, as it has become too much of a burden upon the County, and

WHEREAS, in addition to state assumption of the suburban portion of William Street, a request would be in order for state assumption of the city's portion of that roadway as well,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reaffirms its commitment to providing the residents of Erie County and all those traveling through our area with safe, well-maintained roads, and be it further

RESOLVED, that this Honorable Body does hereby request that the State of New York assume responsibility for the maintenance and repair of William Street, from its commencement in the city of Buffalo through and including the portions to its conclusion in the town of Cheektowaga, and be it further

RESOLVED that certified copies be sent to Erie County Executive Joel Giambra, Erie County Commissioner of Public Works Maria Lehman, Governor George Pataki, the Western New York State Delegation of the New York State Legislature, Town of Cheektowaga Supervisor Dennis Gabryszak, Town of Cheektowaga Clerk Richard Moleski, Cheektowaga Town Board, Alice Magierski, William Street Taxpayers' Association, City of Buffalo Common Council President James Pitts, and City of Buffalo Commissioner of Public Works Joseph Giambra.

Fiscal Impact: Positive for taxpayers.

MR. SWANICK moved to amend the resolution to include ET AL Sponsorship. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of the resolution as amended. MR. DALE seconded.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 278

Re: Transfer of Funding. (Intro. 13-4)

A RESOLUTION SUBMITTED BY LEGISLATOR KUWIK

RESOLVED, that the Erie County Legislature does hereby transfer \$15,000 from Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, City of Lackawanna – Department of Public Works (DAC: 1109213018301557) to Fund 110, Project 904, Department 303 Extraordinary County Aid to Local Governments – City of Lackawanna Snow Removal (DAC: 110904303830862), and be it further

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

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

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

Fiscal Impact: Transfer of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

Re: Clarification of Technical Error Contained in Int 3-15 (2002). (Intro. 13-5)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, on the Twenty-fourth day of January A.D., 2002, INTRO. 3-15 (2002) was approved by this Honorable Body, and

WHEREAS, a technical error was contained in the amended version of this resolution, and

WHEREAS, for the purposes of clarification and for the official record of the Erie County Legislature, the County Budget Department and the County Comptroller's Office, the Legislature must pass an enabling resolution to reflect this correction, and

NOW, THEREFORE BE IT,

RESOLVED, that the total funds intended to be transferred from the Legislature – Contractual fund (DAC: 110905100830) to fund 110, Project 221, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC: 110921301830) Sweet Home Park (Line: 830/1515), through approval of INTRO. 3-15 (2002) was \$20,000, not \$30,000 as was contained in the final amended version, and be it further

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

Fiscal Impact: Clarification of appropriation of 2002-budgeted funds

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

CARRIED UNANIMOUSLY.

Item 34 – CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 13-6 From LEGISLATORS SWANICK, DUSZA, KUWIK, HOLT, FISHER & PEOPLES Re: Support for Increasing NYS's Minimum Wage.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

Re: Legislative Staff Adjustments. (Intro. 13-7)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI & GREENAN

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, periodically, due to changes in the composition of the Legislative Staff, the Erie County Legislature deems it necessary to make certain personnel adjustments so as not to increase the cost of the Department's personal services budget, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) full time position of ADMIN CLK LEG, Position No. 001209, and be it further

RESOLVED, that the Erie County Legislature does hereby DELETE (3) part time positions of CLERK TYP (LEG) PT, Position No. 001733, Position No. 001740, and Position No. 001760, and be it further

RESOLVED, that that the Erie County Legislature does hereby CREATE one (1) position of SR SEC ASST DIS OFF (JG 6, STEP 5) and one (1) position of SEC ASST LEG DIS OFF (JG 5, STEP 5), all to Function 5000 – Clerical Staff, effective June 17, 2002, and be it further

RESOLVED, that the funds necessary to effectuate these changes are available with in the Legislature's 2002 Personal Services Budget, and be it further

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

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

Fiscal Impact: Re-appropriation of 2002 Personal Services Funds.

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that that the Erie County Legislature does hereby CREATE two (2) positions of SR SEC ASST DIS OFF (JG 6, STEP 5), all to Function 5000 – Clerical Staff, effective May 6, 2002, and be it further

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

CARRIED UNANIMOUSLY.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

Re: Funding for Community Organizations.
 (Intro. 13-8)

A RESOLUTION SUBMITTED BY LEGISLATOR DEBENEDETTI

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

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

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

NOW, THEREFORE, BE IT

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

| <u>NAME</u> | <u>LINE</u> | <u>AMOUNT</u> |
|---|-----------------|-----------------|
| Neighborhood Housing Service (NHS) <i>(Market Square Park)</i> | 830/ | \$2,000 |
| Concerned Ecumenical Ministry (CEM) <i>(Repairs to courtyard, flood prevention, play equipment)</i> | 830/0231 | \$10,000 |
| TOTAL | | \$12,000 |

and be it further

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

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

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Paul Brunner, Neighborhood Housing Service (203 Military Road, Buffalo, NY 14207); and to Catherine Rieley-Goddard Concerned, Ecumenical Ministry (CEM) (286 Lafayette Avenue, Buffalo, New York 14213).

Fiscal Impact: Appropriation of 2002-budgeted funds

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 37 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 12-1. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 7.543 – 9.457)

Item 38 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 3E-28. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

Re: Open Item – Erie County Courts
Renovation Projects.

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

APPROVED. (WEIGHTED VOTE: 9.457 – 7.543)

WHEREAS, the Erie County Courts Master Plan Implementation Project ("Project") consists of two phases; Phase One is the construction of the New Family Courthouse and Phase Two is the renovation of existing court facilities; and

WHEREAS, in 1999, this Legislature authorized the construction managers of the Project to enter into a Project Labor Agreement ("PLA") with various trade unions; and

WHEREAS, Article IV of the PLA arguably authorizes the County to unilaterally terminate the PLA in its sole and exclusive discretion prior to the commencement of Phase Two; and

WHEREAS, the Commissioner of Public Works prepared two sets of bid specifications for Phase Two, one set incorporated the PLA requirements and the other set did not, and the purpose thereof was to present both bid results to this Legislature for its determination whether or not the PLA, should continue for Phase Two; and

WHEREAS, bids were received, opened and read by the Department of Public Works on May 22, 2002; and

WHEREAS, a review of the bid results has revealed that the lowest responsible PLA bids total \$42,731,955, which is \$950,500 or approximately two and three-tenths percent (2.3%) more than the lowest responsible non-PLA bids, which total \$41,781,455; and

WHEREAS, the use of the PLA on Phase One of the Project resulted in construction work which was on-time and on-budget, and the workers on the construction site engaged in no work stoppages, slow-downs, strikes or other labor unrest; and

WHEREAS, prior to the completion of Phase Two, many of the collective bargaining agreements applicable to unionized companies who bid on the Project will expire and will have to be renegotiated, making it likely that picketing, slowdowns, strikes, lockouts, work stoppages, or other disruptive activity will occur and will cause costly delays in completion of Phase Two; and

WHEREAS, the PLA also prohibits the use of strikes, work stoppages, slowdowns or other disruptive and delaying activities to resolve jurisdictional disputes among trade unions and sets forth a procedure for the speedy resolution of such jurisdictional disputes; and

WHEREAS, continuing the PLA for Phase Two of the Project will guarantee that no picketing, work stoppages, slow-downs, strikes, lockouts, or other disruptive activity will occur; and

WHEREAS, the PLA also provides for speedy resolution of grievances and other disputes by binding arbitration; and

WHEREAS, continuing the PLA for Phase Two of the Project will allow for the use of "Saturday makeup days", wherein workers may have to work on Saturdays to make up for time lost during the

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

week because of inclement weather, power failure, fire, or natural disaster; and that such a provision, which will benefit the County with a faster time of completion, is not normally found in standard union collective bargaining agreements which would be applicable to unionized contractors if there were no PLA on the Project; and

WHEREAS, if the PLA is continued for Phase Two the favorable conditions set forth in the PLA regarding "Saturday makeup days" will also continue, despite the fact that some of the collective bargaining agreements of the labor unions who are parties to the PLA will expire and/or be renegotiated prior to the completion of Phase Two; and

WHEREAS, the use of "Saturday makeup days" will help to minimize delays in Phase Two which may occur because of severe and inclement weather, power failure, fire, or natural disaster; and

WHEREAS, delays in the scheduled completion of Phase Two of the Project will result in increased costs to the taxpayers of the County in that, in addition to the extra costs inherent in the delays themselves, the services of the Construction Manager, architectural firms and inspection service firms will have to be extended at greater costs to the taxpayers; and

WHEREAS, the courts housed in the buildings to be renovated during Phase Two have outgrown the facilities they presently occupy, burgeoning caseloads continue on a daily basis to reduce the court's efficiency and their ability to serve and accommodate litigants, and any delay in renovation would further aggravate a problem which becomes worse with each passing day; and

WHEREAS, Phase Two involves many unique features, detailed more fully in the PLA, including concerns regarding security and potential disruption to the functioning of the courts, and it is important to finish Phase Two in as little time as reasonably possible once it is commenced; and

WHEREAS, the use of the PLA on Phase One resulted in the use of large numbers of women and minority workers on the Project, and it is expected that continuing the PLA for Phase Two will again bring large numbers of women and minority workers to the Project; and

WHEREAS, it is expected that continuing the PLA for Phase Two will result in considerable representation of local workers on the Project due to the fact that all but one of the lowest responsible bidders on the PLA specifications are local entities, and all of the contractors on the project are mandated by the PLA to hire a certain percentage of workers from local union hiring halls; and

WHEREAS, it is in the best interest of the Country, its taxpayers, the Unified Court System, and the Public to have the Project completed on-time, on-budget and with no labor unrest, and continuing the PLA for Phase Two will help the County achieve some or all of these goals

NOW, THEREFORE, BE IT

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature finds and declares that it is in the best interest of the County and its taxpayers to not terminate the PLA for Phase Two of the Project; and be it further

RESOLVED, that only the lowest responsible bids on the PLA specifications of the Project shall be accepted; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into the following contracts for the Project, as follows:

CONTRACT 101
ASBESTOS ABATEMENT & DEMOLITION WORK (ANNEX & OCH)

Kleen All of America, Inc.
Base Bid \$ 4,975,000

CONTRACT 102
GENERAL CONSTRUCTION WORK (ANNEX & OCH)

Louis P. Ciminelli Construction Co.
Base Bid \$ 8,960,000

CONTRACT 103
INTERIOR CONSTRUCTION (ANNEX & OCH)

Dommer Construction Corp.
Base Bid \$ 2,566,300

CONTRACT 104
RESILIENT FLOORING & CARPET (ANNEX & OCH)

Dupont Flooring Systems
Base Bid \$ 894,000

CONTRACT 105
CERAMIC TILE (ANNEX & OCH)

Tiede-Zoeller, Inc.
Base Bid \$ 443,000

CONTRACT 106
PAINTING (ANNEX & OCH)

Bison Painting & Decorating Corp.
Base Bid \$ 569,000

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

CONTRACT 107
MILLWORK & SPECIALTY TRIM (ANNEX & OCH)

Mader Construction Co., Inc.
Base Bid \$ 1,809,680

CONTRACT 108
ELEVATORS

Thyssen Krupp Elevator Co.
Base Bid \$ 892,600

CONTRACT 109
HVAC (ANNEX & OCH)

John W. Danforth Company Co.
Base Bid \$ 9,587,000

CONTRACT 110
TEMPERATURE CONTROL (All Buildings)

U&S Services, Inc.
Base Bid \$ 2,120,000

CONTRACT 111
PLUMBING (ANNEX & OCH)

MKS Plumbing Corp.
Base Bid \$ 2,192,192

CONTRACT 112
FIRE PROTECTION (ANNEX & OCH)

Davis Ulmer Sprinkler Co., Inc.
Base Bid \$ 596,227

CONTRACT 113
ELECTRICAL (ANNEX & OCR)

Frey Electric Construction Co.
Base Bid \$ 4,282,000

CONTRACT 201 (LAW LIBRARY)
GENERAL CONSTRUCTION

Louis P. Ciminelli Construction Co.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Base Bid \$ 2,100,000

CONTRACT 202 (LAW LIBRARY)
HVAC

W .C. Roberson Plumbing & Construction Corp.
Base Bid \$ 331,800

CONTRACT 203 (LAW LIBRARY)
PLUMBING

MKS Plumbing Corp.
Base Bid \$ 156,156

CONTRACT 204 - (LAW LIBRARY)
ELECTRICAL

Frey Electric Construction Co.
Base Bid \$ 257,000

Total of all Contracts: **\$42,731,955**

and be it further,

RESOLVED, that the sum of \$4,273,195 (ten percent (10%) of the total construction cost) and \$350,000 for miscellaneous unassigned work for a total amount of \$4,623,195, 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 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 additional Architectural/Engineering design fees be increased in an amount not to exceed \$686,000, and be it further,

RESOLVED, that additional Construction Management fees be increased in an amount not to exceed \$1,258,000, including reimbursables, and be it further,

RESOLVED, that field commissioning fees for energy evaluation and compliance be allocated in the amount of \$200,000, and be it further,

RESOLVED, that the sum of \$200,000 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that DPW consultant contracts be changed to read 96 hours/4 week period in lieu of 20 hours/week, and be it further,

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that all these authorizations are contingent upon the funds being made available, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following accounts:

| | |
|---|--------------|
| Courts Facilities Improvements, Project 164, Fund 410 | \$48,999,150 |
|---|--------------|

| | |
|--|------------|
| 2001 Asbestos Abatement, Project 198, Fund 410 | \$ 700,000 |
|--|------------|

| | |
|-------------------------|--------------|
| in the total amount of: | \$49,699,150 |
|-------------------------|--------------|

and be it further,

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

Fiscal Impact: To be determined.

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 9.457 – 7.543)

Item 39 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 11E-11. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

Re: Authorization to Accept a Byrne Formula Grant and Transfer Funds.

WHEREAS, for the last several years, discussions among and between various Erie County entities have taken place with regard to implementation of video arraignment, videoconferencing and telemedicine procedures in Erie County, and

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, procurement and implementation of audio-visual equipment will allow conferencing, arraignment and medical procedures to take place among and between local corrections, court facilities, and the Erie County Medical Center (ECMC) as well as with other governmental agencies throughout New York State, and

WHEREAS, utilization of audio-visual equipment among and between local and state court, corrections and medical facilities will present significant cost savings for Erie County, and

WHEREAS, Governor George A. Pataki has recently signed into law legislation authorizing Erie County to use audio-visual equipment in arraignment procedures for persons not physically able to attend court, and

WHEREAS, the Honorable Body of the Erie County Legislature, on March 21, 2002, adopted a resolution (Intro. 7-7) indicating its support of the aforementioned state legislation as well as its support of videoconferencing for non-court communications, and

WHEREAS, as part of the Byrne Formula Grant Program, Erie County has been awarded \$41,400 by the United States Department of Justice, Bureau of Justice Assistance, to purchase audio-visual equipment, and

WHEREAS, required matching funds in the amount of \$13,800 will be provided by Erie County Department of Probation, and

WHEREAS, under the current initiative, the audio-visual equipment purchased will be located at the Erie County Court House, Erie County Holding Center, Alden Correctional Facility, Erie County Department of Probation, and Erie County Youth Detention Facility, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a grant agreement with the United States Department of Justice, Bureau of Justice Assistance, in the amount of \$41,400 for the purchase of audio-visual equipment to use in arraignment procedures and non-court communications, and be it further

RESOLVED, that the grant monies and matching funds be transacted as follows:

Division of Information & Support Services

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|-----------------|-----------------------------|---------------|
| 110927510933 | DISS – Lab & Tech Equipment | 55,200 |
| 110927510519100 | DISS – Other Misc. Revenue | (41,400) |

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

110927510883 DISS – Interdept. Billing (Probation) (13,800)

Division of Probation

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-----------------------|---------------|
| 110934260821 | Dues and Fees | (13,800) |
| 110934260881 | Interdept. Pay (DISS) | 13,800 |

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 Information & Support Services (DISS); the Division of Budget, Management & Finance; the Office of the Sheriff; the New York State Office of Court Administration – Eighth Judicial District, 92 Franklin Street, Room 206, Buffalo, NY 14202; the Erie County Department of Probation and Youth Detention Services; Erie County Medical Center; and the New York State Division of Criminal Justice Services, Office of Funding and Program Assistance, Byrne Formula Grant Unit, 4 Tower Place, Albany, NY 12203-3764.

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

CARRIED UNANIMOUSLY.

Item 40 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 7E-44. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

Re: Bond Resolution – Courthouse Renovations.

RESOLUTION NO. 284 OF 2002

BOND RESOLUTION DATED June 20, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF EXISTING COURTHOUSE BUILDINGS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$57,604,000, APPROPRIATING \$12,981,000 THEREFOR IN ADDITION TO \$44,623,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$12,981,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$44,623,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) March 19, 2002

(Adopted) June 20, 2002

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

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-164, consisting of the partial reconstruction of existing County Courthouse Buildings. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$57,604,000, and \$12,981,000 is hereby appropriated therefor, in addition to the \$44,623,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$12,981,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$20,188,000 bonds previously authorized therefor pursuant to Resolution No. 280-2001 adopted on June 21, 2001 and the \$24,435,000 bonds previously authorized therefor pursuant to Resolution No. 135-2000 adopted on April 13, 2000, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$12,981,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 3. The buildings to be reconstructed are of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$12,981,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(1) of the Law, is twenty (20) years.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

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

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 14.914 – 2.086)

SUSPENSION OF THE RULES

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

MR. SWANICK objected.

CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the FINANCE & MANAGEMENT COMMITTEE.

Intro. 13-9 From LEGISLATORS DeBENEDETTI, GREENAN, RANZENHOFER, LARSON, WEINSTEIN, CHASE, McCARVILLE & CUSACK Re: Support for the Drafting of Acceptable State Legislation Reconstituting Erie County Medical Center as a Public Benefit Corporation.

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

MR. LARSON objected.

***** Please see Comm. 14E-2 (Meeting #14 – 2002) and Comm. 15M-6 (Meeting #15 – 2002) for further clarification.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Item 43 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

Re: Appointments to ECSD Board No. 3.
 (Comm. 13E-1)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individuals to the Board of Managers for Erie County Sewer District #3 for a term to expire December 31, 2003:

John J. Mills
 80 Highland Avenue
 Orchard Park, NY 14127
 (Village of Orchard Park)

David R. Kaczor
 23 Silent Meadow
 Orchard Park, NY 14127
 (Town of Orchard Park, Replaces Hank Jarocho)

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 44 – (Comm. 13E-2) Certificate of Determination Rel to Sale & Issuance of \$5,340,000 Refunding Serial Bonds – 2002.

Received and filed.

FROM LEGISLATOR PEOPLES

Item 45 – (Comm. 13E-3) Written Materials Submitted at Public Meeting in Rel to Local Law Int. No. 5.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 46 – (Comm. 13E-4) Letter of Absence from 6/13 Human Services Meeting.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 47 – (Comm. 13E-5) ECC 2002 – 2003 Tentative Budget.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 48 – (Comm. 13E-6) Bond Resolution – \$1,025,000 – Various Improvements to Central Library to Implement Energy Saving Measures.

Item 49 – (Comm. 13E-7) Bond Resolution – \$302,500 – Dick Road Culvert Rehab.

Item 50 – (Comm. 13E-8) Bond Resolution – \$500,000 – Como Lake Park Reconstruction Project.

Item 51 – (Comm. 13E-9) Bond Resolution – \$800,000 – Fire Training Academy Additions Project – Increase in Authorization.

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

FROM THE SHERIFF

Item 52 – (Comm. 13E-10) Unified Court Security – Personnel Adjustments.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – (Comm. 13E-11) Allocation of Funds.

Item 54 – (Comm. 13E-12) COPS Domestic Violence Test Site – Grant No. 522.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 286

Re: Appointment to ECC Board of Trustees.
(Comm. 13E-13)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Joseph D. DiVincenzo of 34 Chapel Woods West, Williamsville, New York 14221 to the Erie Community College Board of Trustees for a term to expire June 30, 2003.

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

CARRIED UNANIMOUSLY.

Item 56 – (Comm. 13E-14) Special Community Events & Cultural Enhancement Project.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 57 – (Comm. 13E-15) Approval for County Owned Properties Successfully Bid on at In Rem 158 Sale 6/4/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 58 – (Comm. 13E-16) Granting ECWA Easement on County Owned Land on Two Mile Creek Road, City of Tonawanda.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – (Comm. 13E-17) Erie – Wyoming Cooperative Purchasing Agreement.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 60 – (Comm. 13E-18) 2002 STOP-DWI Grant Revisions for GTSC PLP Contract.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 61 – (Comm. 13E-19) Various Departments – Transfer of Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 62 – (Comm. 13E-20) Probation – Creation of Position.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 63 – (Comm. 13E-21) Lease Agreement Between Probation & Child & Family Services, Town of Cheektowaga.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (Comm. 13E-22) Additional Staffing – EC Holding Center.

Item 65 – (Comm. 13E-23) New Position – Comptroller’s Office.

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

Item 66 – (Comm. 13E-24) Parks – Fund Transfer for Equipment Rental.

Item 67 – (Comm. 13E-25) Senior Services & Parks – Authorization to Amend AAA & County Golf Course Improvement Grant Budgets.

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

Item 68 – (Comm. 13E-26) Senior Services – Authorization to Amend CSE Grant Budget.

Item 69 – (Comm. 13E-27) Senior Services – Authorization to Amend Title V Grant Budget.

Item 70 – (Comm. 13E-28) Senior Services – Authorization to Amend III-C-1 Nutrition Grant Budget.

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

Item 71 – (Comm. 13E-29) Emergency Services – Revision of Third Terrorism Consequence grant from FEMA.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 72 – (Comm. 13E-30) ECSD No. 4 – Engineering Service Agreements.

Item 73 – (Comm. 13E-31) ECSD No. 6/City of Lackawanna – Burke Drive Storm Sewer Project.

Item 74 – (Comm. 13E-32) Solid Waste Reduction & Recycling Project – Additional Funding.

Item 75 – (Comm. 13E-33) ECSD No. 1 – Engineering Agreement Close-Out – Parsons Engineering Science.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Item 76 – (Comm. 13E-34) ECSD No. 2 – Sewage Pumping Station Project Bennett Beach Revocable Permit & Temp Permit.

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

Item 77 – (Comm. 13E-35) DSS – TANF Funded Contract Authorization.

Item 78 – (Comm. 13E-36) DSS – Non-Residential Domestic Violence Contracts.

Item 79 – (Comm. 13E-37) DSS – Transitional Services Program Grant.

Item 80 – (Comm. 13E-38) DSS – Employee Education & Training.

Item 81 – (Comm. 13E-39) DSS – Medicaid Managed Care Grant.

Item 82 – (Comm. 13E-40) DSS – Food Stamp Employment & Training.

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

Item 83 – (Comm. 13E-41) Performance Contracting Program – Award of Construction Work at Buffalo & Erie County Library.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 84 – (Comm. 13E-42) OPEN ITEM: New Central Police Public Safety Campus.

Item 85 – (Comm. 13E-43) Fire Training Academy – Addition & Alterations.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 86 – (Comm. 13E-44) Ralph Wilson Stadium – 2001 Improvements, Merchandizing Expansion – General A/E Agreement.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 87 – (Comm. 13E-45) Health – Transfer of Funds – Early Intervention Program.

Item 88 – (Comm. 13E-46) Health – Public Health Campaign Grant – 4/1/02 – 3/31/03.

Item 89 – (Comm. 13E-47) Health – Lease Agreement for WIC Distribution Site – 286 Lafayette, City of Buffalo.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Item 90 – (Comm. 13E-48) Health – Western Regional Training Grant – 7/1/01 – 12/31/02.

Item 91 – (Comm. 13E-49) Health – Tonawanda Service & Referral Center Lease Agreement Renewal.

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

Item 92 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Reconstitution of ECMC as a Public Benefit Corporation – Home Rule Requests.
 (Comm. 13E-50)

MS. MARINELLI moved to refer the resolution to the HUMAN SERVICES COMMITTEE. MR. SWANICK seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 7.537 – 9.463)

MR. GREENAN moved to receive and file the resolution. MR. LARSON seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 11.200 – 5.800)

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET, MANAGEMENT & FINANCE

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Item 93 – (Comm. 13D-1) Budget Monitoring Report for Period Ending 4/30/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM HEALTH

Item 94 – (Comm. 13D-2) 2001 Rodent Control & West Nile Virus Reports.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 95 – (Comm. 13D-3) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLES AND OTHER AGENCIES

FROM THE ERIE COUNTY WATER AUTHORITY

Item 96 – (Comm. 13M-1) Revised Copy of ECWA's 2001 Annual Report.

Received and filed.

FROM THE ECIDA

Item 97 – (Comm. 13M-2) Agenda for Board of Directors Meeting Held 6/12/02 & Minutes of Previous Meeting.

Received and filed.

FROM THE NY COALITION FOR ALTS TO PESTICIDES

Item 98 – (Comm. 13M-3) Testimony of Pamela Hadad Hurst to Erie County Legislature 6/11/02.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 99 – (Comm. 13M-4) Meeting Notice & Agenda for Meeting Held 6/18/02 & Minutes of Previous Meeting.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 100 – (Comm. 13M-5) Agenda for Meeting to be Held 6/20/02 & Minutes of Previous Meeting.

Received and filed.

FROM KIRSTEN SHELLY

Item 101 – (Comm. 13M-6) Letter to Legislature Re: Pesticide Notification.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYPA

Item 102 – (Comm. 13M-7) Copy of Letter to FERC Re: Request to Utilize Alt Licensing Procedures.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE UB DEPARTMENT OF MEDICINE

Item 103 – (Comm. 13M-8) Copy of Letter to Legislator Fisher Re: 2nd Quarter Report on CDC Grant on Asthma at US – Canada Gateway.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM CONGRESSMAN QUINN

Item 104 – (Comm. 13M-9) Receipt of Resolutions.

Received and filed.

FROM ASSEMBLYMAN SMITH

Item 105 – (Comm. 13M-10) Copy of Letter to Legislator Swanick Re: Receipt of Letter on Farmland Protection.

Received and filed.

MEETING NO. 13
June 20, 2002

ERIE COUNTY LEGISLATURE

FROM GOVERNOR PATAKI

Item 106 – (Comm. 13M-11) Copy of Nomination Certificate for Family Court Appointment.

Received and filed.

FROM THE NFTA

Item 107 – (Comm. 13M-12) Metro Cash Flow Statement for 4/1/01 – 3/31/02 & Projected Cash Flow for 4/1/02 – 3/31/03.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 108 – (Comm. 13M-13) Agenda for Meeting Held 6/13/02 & Minutes of Previous Meeting.

Received and filed.

FROM THE HONORABLE JOHN T ELFVIN, SUSDJ

Item 109 – (Comm. 13M-14) Memorandum & Order Re: Korman v Giambra.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEMORIAL RESOLUTIONS

None.

ADJOURNMENT

Item 110 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, July 11, 2002.
MR. SWANICK seconded. MR. DALE voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

MEETING NO. 13

June 20, 2002

ERIE COUNTY LEGISLATURE

The Chairman declared the Legislature adjourned until Thursday, July 11, 2002 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA
CLERK**