

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 13**  
**July 3, 2003**

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Fisher.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. RANZENHOFER presented the minutes for Meeting No. 12 of 2003. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MR. DALE moved to amend the minutes for Meeting No. 12 of 2003. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

MR. RANZENHOFER moved the approval of the minutes for Meeting No. 12 of 2003. MR. LARSON seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 11.460 – 5.540)

MISCELLANEOUS RESOLUTIONS

Item 4 – MR. RANZENHOFER, ET AL presented a resolution Honoring Apartment Council of Western New York in Celebration of Their Second Anniversary. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. CHASE, MS. CUSACK, MAJORITY CAUCUS, ET AL presented a resolution Honoring Members of the All Western New York Girls Lacrosse Team for Their Outstanding Athletic Achievements. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. CHASE, MS. CUSACK, MAJORITY CAUCUS, ET AL presented a resolution Honoring Girls High School Lacrosse Teams, Coaches & Individuals who have been Recognized for Outstanding Achievement. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. CHASE, MS. CUSACK, MAJORITY CAUCUS, ET AL presented a resolution Honoring High School Softball Teams, Coaches & Individuals who have been Recognized for Outstanding Achievement. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. WEINSTEIN, MAJORITY CAUCUS, ET AL presented a resolution Honoring Amherst Senior Leah Tibbetts for her Outstanding Scholastic & Athletic Achievements & for Being Named to All WNY Academic Team. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. RANZENHOFER, MAJORITY CAUCUS, ET AL presented a resolution Honoring Members of All-Western New York Baseball Team for their Outstanding Athletic Achievements. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. HOLT, MR. SMITH, ET AL presented a resolution In Memory of Dupree Benning. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. KUWIK, ET AL presented a resolution Celebrating Saint Francis High School 75<sup>th</sup> Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. MARINELLI, ET AL presented a resolution Honoring Democratic Erie County Elections Commissioner Laurence F. Adamczyk. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. FISHER presented a resolution Honoring Sharen Trembath for Receiving 2003 Paul MacClennan Environmental Citizen of the Year Award. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. HOLT & MR. SMITH presented a resolution In Memory of Elaine Page. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

#### **LOCAL LAWS**

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

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

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 23 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 24 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2003 be received and filed.

Item 25 – CHAIRMAN SWANICK directed that Local Law No. 12 (Print #1) 2003 remain on the table.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

June 26, 2003

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 9

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

1. RESOLVED, that the following item is hereby tabled as amended.

			<b>AS AMENDED</b>
	Item	Page	(Comm. 10E-30)
a.	<b>COUNTY EXECUTIVE:</b> Ralph Wilson Stadium – 2003 – Sideline Seating Repairs.	-2003	
	(6-0 to amend) Chairman Swanick present as Ex-Officio Member.		

			<b>AS AMENDED</b>
	Item	Page	(Comm. 10E-26)
2.	<b>COUNTY EXECUTIVE</b>	-2003	

WHEREAS, the Department of Public Works received bids on June 19, 2003 for the Buffalo & Erie County Central Library Building, Exterior Building Rehabilitation, Phase I, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Buffalo & Erie County Central Library Building, Exterior Building Rehabilitation, Phase I, as follows:

**EXTERIOR BUILDING REHABILITATION**

Raymond E. Kelley, Inc.	
Base Bid	\$416,800
Alt. G-1	\$ 34,361
Alt. G-2	<u>\$ 21,270</u>
Total	\$472,431

and be it further,

RESOLVED, that the sum of \$50,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the sum of \$30,000 be allocated for construction technical inspection services for this project, and be it further,

RESOLVED, that the sum of \$5,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following: 2002 Project 402, Fund 410 in the amount of \$200,000 and 2002 Project 326, Fund 490, in the amount of \$357,431, 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 Buffalo & Erie County Central Library.  
(6-0) Chairman Swanick present as Ex-Officio Member.

**AS AMENDED**

3. Item Page -2003 (Comm. 10E-27)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 19, 2003 for Main Branch of the Buffalo & Erie County Library – Phase IA Renovation Plan, 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 a contract for Main Branch of the Buffalo & Erie County Library – Phase IA Renovation Plan Implementation as follows:

ELECTRICAL WORK

Tunney Electric, Inc.

Base Bid: \$13,590.00

and be it further,

RESOLVED, that the sum of \$2,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the sum of \$500 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from Project 326, Fund 490, 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 Buffalo & Erie County Public Library.  
(6-0) Chairman Swanick present as Ex-Officio Member.

4.	Item	Page	-2003	<b>AS AMENDED</b> (Comm. 10E-28)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Department of Public Works received bids on June 17, 2003 for the Erie Community College, City Campus, Athletic Facility Locker Rooms, 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 a contract for Erie Community College, City Campus, Athletic Facility Locker Rooms, as follows:

GENERAL CONSTRUCTION WORK

Concept Construction Co., Inc.

Base Bid: \$189,800

Alternate Bid G1 \$ 14,800

Total \$204,600

and be it further,

RESOLVED, that the sum of \$20,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the project estimated revenues and appropriations funded by fifty percent (50%) State Aid be increased by \$113,300, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment from Project 398, Fund 410, 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 Erie Community College.  
(6-0) Chairman Swanick present as Ex-Officio Member.

**AS AMENDED**  
(Comm. 10E-33)

5. Item Page -2003

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 16, 2003, for the Ralph Wilson Stadium – 2003 Improvements – Administration Building, Suite Renovations – Phase III, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders for the Ralph Wilson – 2003 Improvements – Administration Building, Suite Renovations – Phase III, and

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Administration Building, Suite Renovations – Phase III as follows:

**GENERAL CONSTRUCTION WORK**

The Hadala Corporation

Base Bid	\$187,000
----------	-----------

**ELECTRICAL WORK**

Frey Electric Construction Co., Inc.

Base Bid	\$ 21,600
----------	-----------

Total of both contracts:	\$208,600
--------------------------	-----------

and be it further,

RESOLVED, that the sum of \$65,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount of \$273,600, 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.

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

**AS AMENDED**

6.	Item	Page	-2003	(Comm. 11E-18)
----	------	------	-------	----------------

**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the 2003 Culvert Replacement – Group 5, which include the following culverts: North Blossom Road (327-1), Winspear Road (328-1), Bullis Road (330-1), Bullis Road (330-2A), and Bullis Road (330-2B), in the Town of Elma, on May 22, 2003, and the low bidder was Kandey Company, Inc. of West Seneca, New York, at a low bid amount of \$287,028.02, and

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



**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Preliminary Engineering (Scoping and Design I-VI and Right-of-Way Incidentals Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$375,000 is hereby appropriated from the 2002 Federal Aid Road and Bridge Project Program (SFG 420-318) and made available to cover the cost of participation in the above phases of the Project, and be it further

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

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

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

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

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

8. Item Page -2003 (Comm. 12E-16)

**COUNTY EXECUTIVE**

WHEREAS, a project for the replacement of the Lake Shore Road Bridge, BR 111-5 over Delaware Creek, BIN 3-32749-0, in the Town of Evans, Erie County, PIN 5755.66 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.66.

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

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

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

RESOLVED, that the sum of \$79,000.00 is hereby appropriated from the 1999 Federal Aid Road & Bridge Program (SFG 420-153) in addition to \$304,000 previously appropriated for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals phases via County Resolution No. 14E-20 adopted July 6, 2000 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated (\$383,000), the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

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

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

9. Item Page -2003 (Comm. 12E-17)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Replacement of the Bullis Road Bridge, BR 330-7, over Little Buffalo Creek, BIN 3-32728-0, in the Town of Marilla, Erie County, PIN 5755.67 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the cost of the Construction & Construction Inspection Phase of the Project, PIN 5755.67.

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

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

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

RESOLVED, that the sum of \$163,000 has been appropriated from the 2002 Federal Aid Road & Bridge Projects Program (SFG 319) for the Project's Construction & Construction Inspection phase via County Resolution No. 16E-43 adopted on the 19<sup>th</sup> day of September, 2002, and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Construction & Construction Inspection Phase exceeds the amount appropriated above \$163,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Construction & Construction Inspection Phase exceeds \$629,700, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

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

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

10. Item Page -2003 (Comm. 12E-18)

**COUNTY EXECUTIVE**

WHEREAS, bids will be taken for the EC Regional Public Safety Campus, Bid Package #2, Site Preparation, Superstructure, Foundations/Flatwork and Bid Package #3, Building Envelope, Conveying, and

WHEREAS, the Erie County Legislature will be in summer recess at the time of the bid opening, and

WHEREAS, in order to progress this work and take advantage of the best weather conditions and complete the project by August 2004, contracts need to be awarded,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract with the lowest responsible bidders, in an amount not to exceed \$9,100,000, and be it further,

RESOLVED, that the construction contingency fund be increased by \$1,000,000 from \$50,000 to \$1,050,000, with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Cannon Design's General Architectural/Engineering Agreement for additional design and construction management services during the Construction Phase, for an amount not to exceed \$1,150,000, including reimbursables, and be it further,

RESOLVED, that the Commissioning Fees for energy evaluation and code compliance be allocated in an amount not-to-exceed \$200,000, and be it further,

RESOLVED, that the sum of \$5,000 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from Project 341, Fund 410, in the amount of \$11,455,000, 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 Central Police Services.

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

11. Item Page -2003 (Comm. 12E-19)

**COUNTY EXECUTIVE**

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

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Weydman Electric, Inc., in the amount of \$149,396, and

WHEREAS, during installation of the generator, it was determined additional ventilation is needed,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$10,000 to a new total amount of \$30,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following Library account: R&M 820973420823, and be it further,

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

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

12. Item Page -2003 (Comm. 12E-51)

**COUNTY EXECUTIVE**

WHEREAS, the Legislature passed a Resolution at Meeting Number 8, held on April 11, 2002, more specifically known as Communication Number 8E-10, authorizing the County Executive to execute a contract for Project Number ESD 189-01, for the Reconstruction of Kenmore Avenue, CR 189, in the Town of Tonawanda, between the County of Erie and the low bidder, Concrete Applied Technologies, Corporation (d.b.a. CATCO) of Alden, New York, and

WHEREAS, the Town of Tonawanda had requested that the County incorporate in the above noted contract, waterline relocation on Kenmore Avenue, and

WHEREAS, the Town of Tonawanda has passed a resolution authorizing payment for the waterline work performed on behalf of the Town of Tonawanda, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, in accepting the payment for work Erie County completed under an agreement with Concrete Applied Technologies Corporation (dba CATCO), a proportional increase in the project fund SFG 420-249 appropriation is also required.

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller be authorized to accept payment from the Town of Tonawanda, an estimated amount of \$120,000.00, to be considered as revenue in the 2001 Capital Project - GM-Kenmore Avenue Access Road Improvement Program (SFG 420-249), and be it further

RESOLVED, that a proportional increase in the project fund SFG 420-249 road construction appropriation in the amount of \$120,000 is authorized, thereby, increasing the total project from \$5,750,000 to \$5,870,000, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Erie County Comptroller.  
(6-0) Chairman Swanick Present as Ex-Officio Member.

**MICHAEL H. RANZENHOFER**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved the approval of item #6. MR. LARSON seconded. MR. McCARVILLE abstained.

CARRIED. (WEIGHTED VOTE: 15.905-0)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 445

June 26, 2003

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 9

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

ALL MEMBERS PRESENT.

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -2003 | (Comm. 12D-7)  |
| a. | <b>DEP:</b> SEQR – Negative Declaration Sherwood Greenway.<br>(5-0)  |      |       |                |
|    | Item   | Page | -2003 | (Comm. 12E-40) |
| b. | <b>COUNTY EXECUTIVE:</b> ECSD No. 1 – Engineering Service Agreements – Work Order –<br>URS-5, Comm. 18E-41.<br>(5-0)                                     |      |       |                |
|    | Item   | Page | -2003 | (Comm. 12E-41) |
| c. | <b>COUNTY EXECUTIVE:</b> ECSD Nos. 2, 4 & 6 – Pumping Station Structural/Cathodic<br>Protection Rehabilitation – Contract No. 58PS – Change Order No. 2. |      |       |                |
|    | Item   | Page | -2003 | (Comm. 12E-47) |
| d. | <b>COUNTY EXECUTIVE:</b> ECSD No. 6 – Sludge Filter Press – Contract No. 28 STP “A”<br>General Change Order No. 2.<br>(5-0)                              |      |       |                |

**AS AMENDED**

- |    |  |      |       |                |
|----|--|------|-------|----------------|
| 2. | Item   | Page | -2002 | (Comm. 20E-47) |
|    | <b>COUNTY EXECUTIVE</b><br>RESOLUTION NO. <u>446</u> -2003 |      |       |                |

BOND RESOLUTION DATED \_\_\_\_\_, 2003

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,925,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,925,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,925,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) June 26, 2003

(Adopted) \_\_\_\_\_, 2003

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly the resolution of this County Legislature dated \_\_\_\_\_, 2003, an increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency has been approved at an estimated maximum cost of \$4,925,000, and

WHEREAS, it is now desired to provide for the financing of said cost,  
NOW THEREFORE BE IT

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. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,925,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency, consisting of the partial reconstruction of, and construction of improvements, alterations and energy efficiency measures to, the Southtowns Advanced Wastewater Treatment Facility, as more fully described in a report and estimate of cost approved by the Board of Managers of the Erie County-Southtowns Sewer Treatment Agency on April 24, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and the total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,925,000. The plan of financing includes the issuance of \$4,925,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$4,925,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,925,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which \$4,925,000 bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00 and 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the County Comptroller, 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 Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

(5-0)

3. Item Page -2002 **AS AMENDED**  
(Comm. 24E-11)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has secured the services of Nussbaumer & Clarke, Inc., to complete the design and construction engineering services associated with the Overflow Retention Facility and other Appurtenances in Erie County Sewer District No.1, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are complete and the design/construction claims are settled, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance and close out of the A/E Agreement dated September 22, 1993 with Nussbaumer & Clarke, Inc., in the final contract amount of \$1,235,303.88 which include Engineering Change Order No.6 in the amount of \$102,760.52 and the processing of the final payment.

WHEREAS, the Erie County Division of Sewerage Management has further recommended the closeout of the agreement and the processing of the final payment be conditioned on the dismissal of an appeal pending before the Rochester Appellate Division on a differing site condition claim related to this project.

NOW, THEREFORE, BE IT

RESOLVED, that Engineering Change Order No.6 in the amount of \$102,760.52 with Nussbaumer & Clarke, Inc., be approved, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$102,760.52 from Sewer Capital Account SD No.1, Fund 430, Project 694, and be it further

RESOLVED, that the Engineering Agreement dated September 22, 1993 between the County of Erie and Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Buffalo, New York 14219-1494 be closed out in the final amount of \$1,235,303.88 which includes Engineering Change Order No. 6, and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to finalize the Engineering Agreement dated September 22, 1993 between the County of Erie and Nussbaumer & Clarke, Inc., in the amount of \$1,235,303.88 and make final payment from Sewer Capital Account SD No.1, Fund 430, Project 694, and release contract retention held in Sewer Capital Account SD No.1, Fund 430, Project 515, and be it further

RESOLVED, that the final closeout of Engineering Agreement and final payment to Nussbaumer & Clarke, Inc. is hereby conditioned on the County of Erie/Erie County Sewer District

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

No. 1 receiving a favorable decision on the appeal pending before the Rochester Appellate Division of the Supreme Court concerning a differing site condition claim related to this project.

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

4. Item Page -2002 **AS AMENDED**  
(Comm. 24E-12)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 1A to Kenaidan Construction Corp.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete and all construction claims are settled; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 1A in the amount of \$8,094,809.24 which includes Change Order No. 8 (final), a decrease in the amount of (\$56,091.76) and approval of final payment; and

WHEREAS, the Erie County Division of Sewerage Management has further recommended the closeout of the contract and the processing of the final payment be conditioned on the dismissal of an appeal pending before the Rochester Appellate Division of the Supreme Court on a differing site condition claim related to this project.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 1A between the County of Erie and Kenaidan Construction Corp., 430 Lawrence Bell, Suite 16, Williamsville, New York 14221 be accepted in the amount of \$8,094,809.24 which includes Change Order No. 8 (final), a decrease in the amount of (\$56,091.76); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 1A between the County of Erie and Kenaidan Construction Corp. in the amount of \$8,094,809.24 and make final payment from Sewer Capital Account SD No. 1, Fund No. 430, Project No. 694; and be it further

RESOLVED, that the final closeout of Contract 1A-General and final payment to Kenaidan Construction Corp. is hereby conditioned on the County of Erie/Erie County Sewer District No. 1 receiving a favorable decision on the appeal pending before the Rochester Appellate Division of the Supreme Court concerning a differing site condition claim related to this project; and be it further

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

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 Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy County Comptroller.

(5-0)

**AS AMENDED**

5. Item Page -2003 (Comm. 2E-32)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the Milestrip Road Sanitary Sewer Modification, Contract No. 14H, on May 29, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 14H	Visone Construction, Inc. 79 Sheldon Avenue Depew, NY 14043	\$85,120.00

and

WHEREAS, there is available fund balance in ECSD No.3 to fund this contract.

and

WHEREAS there is \$5,120.00 available in ECSD No.3 Sewer Operating Account No. 220-853-830-823 (Repairs and Maintenance).

NOW, THEREFORE, BE IT

RESOLVED, that the Milestrip Road Sanitary Sewer Modification, Contract No. 14H, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 14H	Visone Construction Inc. 79 Sheldon Avenue Depew, NY 14043	\$85,120.00

and be it further

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Comptroller is authorized and directed to allocate \$80,000.00 from Erie County Sewer District No. 3, Fund Balance 220-853-299 and this amount is hereby transferred to use of Fund Balance 220-853-831-698105 and Repairs and Maintenance 220-853-830-823; and be it further

RESOLVED, that the remaining \$5,120.00 will be allocated from the existing balance in ECSD No.3, Sewer Operating Account No. 220-853-830-823; and it be 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 to Nancy Naples, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

**AS AMENDED**

6. Item Page -2003 (Comm. 4E-27)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract "B", to Joseph Davis, Inc. for the Erie County Sewer District Nos. 1, 4 & 5 Northern Region Administration Building Project; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract "B" in the final contract amount of \$244,085.06 which includes Change Order No. B-2 (final) an increase of \$3,068.06, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "B" between the County of Erie and Joseph Davis, Inc., 120 West Tupper Street, Buffalo, New York, 14201-2192 is accepted in the amount of \$244,085.06, which includes Change Order No. B-2(final) an increase of \$3,068.06, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "B" between the County of Erie and Joseph Davis, Inc in the amount of \$244,085.06 and make final payment from Sewer Capital Account SD #1, 4 & 5, Fund No. 430, Project No. 916; 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 to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(5-0)

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

7. Item Page -2003 **AS AMENDED**  
(Comm. 9E-25)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the Hyland Avenue Pumping Station Elimination and Interceptor Sewer Project, Contract No. 23 on June 3, 2003.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 23	Tom Greenauer Development Inc. P.O. Box 250 Springbrook, New York 14140	\$232,120.30

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Hyland Avenue Pumping Station Elimination and Interceptor Sewer Project, Contract No. 23, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 23	Tom Greenauer Development Inc. P.O. Box 250 Springbrook, New York 14140	\$232,120.30

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$232,120.30 from Sewer Capital, Erie County Sewer District No. 1, Fund No. 430, Project No. 694, 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 to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

8. Item Page -2003 **AS AMENDED**  
(Comm. 9E-44)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsive bid for the Losson Subtrunk Sanitary Sewer Project, Contract No. 17, on May 29, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No.17	Milherst Const., Inc. P.O. Box 631 Getzville, New York 14068-0631	\$741,381.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Losson Subtrunk Sanitary Sewer Project, Contract No. 17, be awarded to the lowest responsive bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 17	Milherst Const., Inc. P.O. Box 631 Getzville, New York 14068-0631	\$741,381.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$741,381.00 from Sewer Capital, Erie County Sewer District No. 1, Fund No. 430, Project No. 694, 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 to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

9. Item Page -2003 **AS AMENDED**  
(Comm. 11E-38)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Sanitary Sewer Extension Project, Contract No. 31SA, on June 10, 2003

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 31SA	C. Destro Development Co., Inc. 3150 Seneca Street West Seneca, N.Y. 14224	\$535,487.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Sanitary Sewer Extension Project, Contract No. 31SA, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 31SA	C. Destro Development Co., Inc. 3150 Seneca Street West Seneca, N.Y. 14224	\$535,487.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$535,487.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 111, 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 to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

10. Item Page -2003 (Comm. 12E-20)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie, desires to remediate brownfields and vacant industrial sites within Erie County for the purpose of creating opportunities for productive reuse of these properties; and

WHEREAS, The Excelsior Steel Ball property located at 303 Woodward Avenue in the Town of Tonawanda is a vacant and abandoned property that currently owes over \$120,000 in back taxes and contains blighted structures and buildings that are known or suspected brownfields; and

WHEREAS, The New York State Department of Environmental Conservation has a Voluntary Cleanup Program which oversees the remediation of brownfield sites and provides a release of liability upon completion; and

WHEREAS, The Town of Tonawanda and the Erie County Industrial Development Agency have been partners with Erie County in brownfield remediation and demolition projects; and

WHEREAS, That the Erie County Industrial Development Agency has released \$30,000 in unspent Regionalism/Economic Development funds that are surplus funds from the Tonawanda Grain Mill demolition project; and

WHEREAS, That the Erie County Industrial Development Agency has released \$48,800.00 in unspent funds from the Spaulding Fibre Project; and

WHEREAS, That there is \$196,682.67 in unspent 1999 and 2000 funds from the Quaker Center Industrial Park project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Town of Tonawanda and the Erie County Industrial Development Agency in amounts not to exceed a total of \$275,482.67, for the purpose of providing services and activities including brownfield testing and remediation, and demolition; and be it further

RESOLVED, That the source of funds for these contracts shall be as follows:

1. \$30,000 of unanticipated revenue from a Refund of Prior Year Expenses from the Tonawanda Grain Mill demolition project;
2. \$48,800 of unexpended funds from the Spaulding Fibre project, which are available for transfer from Agency Payments monitored by the Department of Environment and Planning, Erie County Industrial Development Agency (DAC 110 922302830139); and

3. \$196,682.67 of unexpended funds which are available for transfer from Agency Payments monitored by the Department of Environment and Planning, Quaker Center Industrial Park (DAC 110 9223028301194); and be it further

RESOLVED, That the funds listed above shall be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the County Executive is authorized to enter into contracts with New York State and the Town of Tonawanda for the purpose of participating in the New York State Voluntary Cleanup Program; 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)

11. Item Page -2003 (Comm. 12E-38)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC Environmental Engineers & Scientists by Agreement dated June 1, 2002 to provide engineering services on various capital improvements at the Southtowns Wastewater Treatment Facility; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, is interested in expanding the engineer's scope of services to include the engineering work tasks required in the design/construction of a cold storage building on the property of the Southtowns Wastewater Treatment Facility; and

WHEREAS, the Department of Environment and Planning is recommending approval of Engineering Change Order No.2 to the Stearns & Wheler, LLC Environmental Engineers & Scientists Agreement dated June 1, 2002 in an amount not to exceed \$79,004.00.

NOW, THEREFORE, BE IT

RESOLVED, that Engineering Change Order No.2 to the Stearns & Wheler, LLC Environmental Engineers & Scientists Agreement dated June 1, 2002 be approved at an increased amount not to exceed \$79,004.00, and be it further

RESOLVED, that the Deputy Commissioner of the Division of Sewerage Management is hereby directed to execute Engineering Change Order No.2 with the firm of Stearns & Wheler, LLC Environmental Engineers & Scientists, University Centre, 415 N. French Road, Suite 100, Amherst, NY 14202, to provide the needed engineering services; and be it further

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Comptroller is authorized and directed to allocate \$79,004.00 for payment of the change order from Sewer Capital, Erie County Sewer District No. 3, Fund 430, Project 915; and be it further

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

(5-0)

12. Item Page -2003 (Comm. 12E-39)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has secured the services of TVGA Engineering, Surveying, P.C. to provide engineering services required in the design/construction of the Stahley Road Pumping Station in Erie County Sewer District No.5; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated April 29, 1996 with TVGA Engineering, Surveying P.C. at the final contract amount of \$90,094.84;

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 29, 1996, between the County of Erie and TVGA Engineering, Surveying, P.C. be formally closed in the final amount of \$90,094.84; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated April 29, 1996, between the County of Erie and TVGA Engineering, Surveying, P.C. and return the unused contract balance to unallocated account, Erie County Sewer District No.5 Fund No.430, Project 507 and Fund 430, Project 526; and be it further

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

(5-0)

13. Item Page -2003 (Comm. 12E-42)

**COUNTY EXECUTIVE**

WHEREAS, Erie County assumed responsibility to operate the East Side Transfer Station (ESTS) under an Intermunicipal Cooperation Agreement with the City of Buffalo; and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the resumption of operations at the reconstructed South Ogden Street location impacts on the ESTS budget; and

WHEREAS, the 2003 budget of the ESTS requires revision of expense and revenue accounts; and

WHEREAS, student internships provide college students with valuable work experience to compliment their academic studies; and

WHEREAS, an intern will assist the Department of Environment and Planning with the East Side Transfer Station project work.

NOW, THEREFORE, BE IT

RESOLVED, that one Intern (part-time JG-1) position will be created in the Department of Environment and Planning to assist with the East Side Transfer Station project work, and be it further

RESOLVED, that unanticipated revenue from residents and contractors in the amount of \$37,942 is hereby appropriated to the East Side Transfer Station programs as follows:

Appropriations

<u>Account</u>	<u>Description</u>	
800	Personal Services	\$ 2,000
805	Fringe Benefits	226
825	Out-of Area Travel	1,000
830	Contractual Expenses	
sub-1476	Transfer & Tipping Fee Residents	<u>34,716</u>
Total		\$37,942

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; and the County Attorney.

(5-0)

**DALE W. LARSON**  
**CHAIRMAN**

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

MR. LARSON moved to separate items #2 & #12 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #2. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #12. MR. RANZENHOFER seconded. MR. McCARVILLE abstained.

CARRIED. (WEIGHTED VOTE: 15.905 – 0)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 447

June 26, 2003

GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

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

- |    |                   |   |       |               |
|----|-------------------|---|-------|---------------|
|    | Item              | Page  | -2003 | (Comm. 7D-2)  |
| a. | <b>PERSONNEL:</b> | 2002 Unemployment Insurance Annual Report.                |       |               |
|    |                   | (5-0)   |       |               |
|    | Item              | Page  | -2003 | (Comm. 7E-10) |
| b. | <b>HOLT:</b>      | Letter to Clerk Re: EC Legislature's 2003 Rules of Order. |       |               |
|    |                   | (5-0)   |       |               |
|    | Item              | Page  | -2003 | (Comm. 12M-8) |

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

- c. **RICHARD BRONSTEIN:** Copy of Letter to Legislator Marinelli Re: RFP for Liquidation of Various County Parcels.  
(5-0)

2. Item Page -2003 (Comm. 12E-25)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie owns in excess of 1,000 unimproved parcels of real property, most of which were acquired through County tax foreclosure, while some additional parcels were otherwise acquired but are not required/no longer necessary for any public use, and

WHEREAS, while the vast majority of these County-owned properties appear to be of little monetary value, consisting mainly of relatively small, narrow and/or landlocked and abandoned parcels from subdivision developments, there are nonetheless approximately 150 parcels of one-third or more acres each, and

WHEREAS, a list of these County-owned properties was recently compiled, distributed to and reviewed by Erie County department heads and the Advisory Review Committee in order to determine which properties should be offered for sale, and

WHEREAS, the County Administration has developed an innovative program to sell-off at public auction, with the assistance of a professional auctioneer, County-owned tax foreclosure inventory properties as well as some otherwise acquired County-owned properties which are not required/no longer necessary for any public use, and

WHEREAS, the two primary goals of the program are to generate revenue for the County from such sales and to return County-owned properties to the tax rolls, and

WHEREAS, an additional benefit from the program will be to reduce the County's liability exposure as a property owner, not only exposure to liability for any personal injuries that may take place on the properties, but also exposure to liability for clean-up costs arising out of any illegal dumping that may take place on the properties, and

WHEREAS, the proposed program, which was developed by the Division of Budget, Management and Finance, aims to utilize private sector expertise to assist the County in selling-off County-owned properties, and

WHEREAS, on May 16, 2003, the Deputy Commissioner of Real Property Tax issued a Request for Proposals to solicit responses from qualified vendors relative to providing real estate auction and marketing services in connection with the public auction sale of County-owned properties, and

WHEREAS, on May 16, 2003 and May 17, 2003 the Request for Proposal was advertised in the Buffalo News, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the RFP required potential vendors to document their experience in selling properties for a governmental agency, and

WHEREAS, the RFP outlined specific vendor responsibilities, including:

- . producing and marketing bid package forms to prospective buyers;
- . advertising both the bid and auction processes;
- . administering the bid and auction processes;
- . recording bid information and remitting sale proceeds to the County;
- . sending notices to adjacent landowners;
- . submitting quit claim deed forms to the Deputy Commissioner of Real Property Tax for any property sold; and

WHEREAS, in response to the County's RFP, three responses were received, and

WHEREAS, in accordance with the provisions of Section 19.08 of the County Administrative Code, the responses were evaluated by a committee comprised of officials from the Budget, Management & Finance and the Purchase Divisions, and

WHEREAS, based on this evaluation, the Deputy Commissioner of Real Property has recommended that a contract be entered into with Cash Realty, Inc., d/b/a Cash Realty & Auctions, 1325 Main Street, Buffalo New York 14209, and

WHEREAS, all fees to be charged by the auctioneer relative to each property sold, as well as the bid price for the property and all closing and transfer costs, will be paid by the buyer, and

WHEREAS, under the County Administration's timetable, an initial auction of County-owned properties is to be held on August 20 & 21, 2003, and

WHEREAS, in the interval prior to that initial auction, the selected auctioneer will assist the County by preparing bid packages and making arrangements for advertising the initial public auction sale of County-owned properties to potential buyers, and

WHEREAS, special efforts will also be undertaken by the selected auctioneer to notify the owners of properties which are adjacent to the County-owned properties of the initial auction and of the opportunity for such adjacent property owners to expand the boundaries of their properties and to resolve any existing neighborhood ownership disputes.

NOW, THEREFORE, BE IT

RESOLVED, that the County Division of Budget, Management & Finance is hereby authorized to conduct an initial public auction of County-owned properties, subject to legislative approval and authorization of the sale and conveyance of each such property by subsequent resolution, on or about August 20 & 21, 2003, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Cash Realty, Inc., d/b/a Cash Realty & Auctions, 1325 Main Street, Buffalo New York 14209, for real estate auction, marketing and bid services relating to the sale of County-owned properties, and be it further

RESOLVED, that said contract shall have a one year term, but shall include provisions authorizing three (3) one year extensions thereof, on mutual consent, and shall require the selected auctioneer to conduct at least one (1) auction of County-owned properties during each such term/extension, and be it further

RESOLVED, that said contract shall further provide that the entire consideration to be paid to the selected auctioneer for its services thereunder shall be fixed at 10% of the successful bid price for each County-owned property sold, the said 10% to be charged to and paid by the buyer in all cases, rather than the County of Erie, and be it further

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

(5-0)

3. Item Page -2003 (Comm. 12E-27)

**COUNTY EXECUTIVE**

**WHEREAS**, it is in the public interest for all government entities to obtain goods and services of maximum quality at the most economical price; and

**WHEREAS**, all participating government entities would benefit from a program designed to purchase items that are in common use under the umbrella of a cooperative single bid procedure; and

**WHEREAS**, the County Legislature adopted resolutions authorizing several governmental entities to make purchases through the County bidding procedure (these governmental entities are listed on Exhibit "B" of the standard Erie County bid specifications); and

**WHEREAS**, The County of Erie desires to enter into a joint Bidding/Purchasing Agreement with the "Exhibit B Signatories" so as to take advantage of the said "Exhibit B Signatories" substantial volume potential for certain goods and materials; and

**WHEREAS**, a joint bidding/purchasing cooperative with the "Exhibit B Signatories" will have the added advantage of allowing all of Erie County's departments and Part B signatories to take advantage of the purchasing volume of other "Exhibit B Signatories"; and

**WHEREAS**, certain "Exhibit B Signatories" have special expertise to let and award bids for specialized materials and services to make purchases of these materials and services; and

**WHEREAS**, the County of Erie desires to purchase through the “Exhibit B Signatories” bidding process, certain materials with which the “Exhibit B Signatories” have special expertise in purchasing; and

**WHEREAS**, the “Exhibit B Signatories” with the County of Erie, will initiate a cooperative single bid procedure for certain materials which will afford all of the municipalities and government subdivisions currently listed on the “Exhibit B” portion of all Erie County formal bids to access; and

**WHEREAS**, the “Exhibit B Signatories” would not be bound to any greater degree than at present when bids are taken and would include said entities in selected bid specifications thereby affording them an opportunity for cost savings at no additional cost burden to said “Exhibit B Signatories” or municipal entity; and

**WHEREAS**, under any cooperative agreement it is understood and agreed that each participating entity will make its own separate purchase agreement with selected bidders, that each entity shall only be liable to the successful bidder for materials/supplies/services contracted by such entity, without any liability for purchases contracted for by any other participating entity and each bid winner shall be required to bill each participating entity directly for purchases contracted by it; and

**WHEREAS**, the specifications, as prepared by the County and the “Exhibit B Signatories” and made available to the participating entity under the cooperative agreement shall be accepted for the purchase at the lowest responsible bid price recommended by the cooperative; and

**WHEREAS**, NY State General Municipal Law sets forth the policies and procedures that govern all municipal purchasing practices, those regulations in their entirety will be incorporated in all such intermunicipal agreements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Erie County hereby agrees to participate in cooperative bidding initiatives with the “Exhibit B Signatories” for the acquisition of commodities and services requested and approved by the appropriate fiscal officer of Erie County, and be it further

**RESOLVED**, that the Erie County Legislature authorizes the County Executive to enter into a joint bidding/purchasing agreement with the “Exhibit B Signatories” for the purpose of accruing cost savings by utilizing “economies of scale” in joint purchasing initiatives, and be it further

**RESOLVED**, that the “Exhibit B Signatories” shall let and award bids for certain materials on behalf of the County, at the quantities requested by the County Director of Purchase, for certain materials and services, and be it further

**RESOLVED**, that the governmental entities listed under the “Exhibit B” of the standard Erie County bid specifications may also participate in the “Exhibit B Signatories” purchasing process,

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

under the same terms and conditions as the agreements these governmental entities have with Erie County, and be it further

**RESOLVED**, that certified copies of this resolution be sent to the County Executive, the Division of Purchase, the Department of Environment & Planning, the Department of Public Works, the Director of Budget, Management and Finance, the County Comptroller, and the Department of Law.

(5-0)

4. Item Page -2003 (Comm. 12E-32)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Labor Relations would like to use a student intern to assist them in accomplishing their duties and responsibilities with the preparation for contract negotiations, and grievance arbitration; and

WHEREAS, student internships provide college students with valuable work experience to compliment their academic studies; and

WHEREAS, the County Attorney has determined that student interns receiving compensation from the County for services performed and working under the supervision of County staff should be formally hired as County employees; and

WHEREAS, the Division of Labor Relations has requested the use of funding in the amount of \$4,884.00 currently available in the specific 2003 Labor Relations budget line (DAC 110 907 520 821) for the Division of Labor Relations to support the part-time, seasonal intern position.

NOW THEREFORE BE IT

**RESOLVED**, that one Labor Relations Student Intern (Seasonal) (Job Group 1 – Hourly) position be created in the Division of Labor Relations to assist with contract negotiations and grievance arbitration; and be it further

**RESOLVED**, that the following budget transfer is hereby approved:

FROM:	Erie County Division of Labor Relations (DAC 110 907 520 821)	(\$4,884.00)
TO:	Salaries (DAC 110 907 520 800)	\$4,400.00
	Fringe Benefits (DAC 110 907 520 805)	\$ 484.00
	Total	<u>\$4,884.00</u>

and be it further

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that a certified copy of this resolution be sent to the Director of Budget, Management and Finance; the Commissioner of Personnel; Kathleen O'Hara, the Director of Labor Relations; the County Attorney; and the Office of the Comptroller.

(5-0)

**STEVEN P. McCARVILLE  
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 29 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 448

June 26, 2003

HUMAN SERVICES  
COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT.

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

- |    |                       |  |       |               |
|----|-----------------------|--|-------|---------------|
|    | Item                  | Page   | -2003 | (Intro. 10-9) |
| a. | <b>SMITH:</b>         | Requesting Further Information from Council on Children & Families Concerning the CGR Report "The State of the Child & Family in Erie County." |       |               |
|    |                       |  |       | (5-0)         |
|    | Item                  | Page   | -2003 | (Comm. 12M-1) |
| b. | <b>JAMES KANUTSU:</b> | Toxic Mold in Erie County Homes.   |       |               |

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

(5-0)

- c. Item Page -2003 (Comm. 12M-16)  
**NYS OFFICE OF MENTAL HEALTH:** Copy of Letter to EC Commissioner of Mental Health Re: Increase in State Aid for Psychotropic Medications.  
 (5-0)

2. Item Page -2003 (Comm. 12E-14)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Department of Health is reorganizing its administrative staff,  
 and

WHEREAS, in order to efficiently meet the needs of the Department and to reduce costs it is necessary to create one full time position of Jr. Administrative Consultant – CE, JG X, and

WHEREAS, the Erie County Health Department desires to fill the position with a qualified and experienced professional, and

WHEREAS, sufficient funds are available in the Adopted 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that one full time position of Jr. Administrative Consultant – CE, JG X, is hereby created.

The following personnel detail is hereby submitted:

TITLE: Jr. Administrative Consultant - CE CIVIL SERVICE: Pending Jurisdictional  
 JG: X Classification  
 STEP: 0 FUNDING: 2003 Adopted Budget  
 ANNUAL SALARY: \$36,415  
 ANNUAL BENEFITS: \$9,832

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, the Department of Personnel and the Department of Law.  
 (5-0)

3. Item Page -2003 (Comm. 12E-22)  
**COUNTY EXECUTIVE**  
 WHEREAS, the following grant programs are included in Book B of the 2003 Adopted Budget, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the 2003 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on or after July 1, 2003 and before October 1, 2003:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	2003 Budget Book B <u>Page No.</u>
650 - CPS	Points of Entry Drug Interdiction	07/01/03-06/30/04	68
272 - Public Health Laboratory	Niagara County Health Department - Laboratory Services Grant	07/01/03-06/30/04	135
270 - Health	Systems Approach for Reducing the Burden of Asthma	07/01/03-06/30/04	136
270 - Health	Hepatitis C Transmission Study	08/01/03-07/31/04	136
270 - Health	Breast and Cervical Cancer Early Detection	09/30/03-09/29/04	137
270 - Health	Eat Well/Play Hard Nutrition Grant	07/01/03-06/30/04	138
270 - Health	HIV/AIDS Western Regional Training Grt.	07/01/03-06/30/04	138
270 - Health	HIV Seroprevalence Study	07/01/03-06/30/04	139
270 - Health	Healthy Heart Grant	07/01/03-06/30/04	140

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

270 - Health	Adolescent Wellness Program	07/01/03-06/30/04	141
270 - Health	Integration of Hepatitis Prevention Services	09/30/03-9/29/04	141
200 - Social Svcs.	Day Care Registration	08/16/03-08/15/04	290

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2003 and thereafter:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>2003 Budget Book B Page No.</u>
110 - Co. Exec.	Office of Traffic Safety	10/01/03-09/30/04	11
140 - Dist. Atty.	S.T.O.P. Violence Against Women	10/01/03-09/30/04	25
140 - Dist. Atty.	BE-SAFE	10/01/03-09/30/04	25
140 - Dist. Atty.	Points of Entry Grant	11/01/03-10/31/04	26
140 - Dist. Atty.	Child Victim Advocacy Program	10/01/03-09/30/04	26
140 - Dist. Atty.	Victim/Witness Assistance Program	10/01/03-09/30/04	26
140 - Dist. Atty.	Exile Partner	10/01/03-09/30/04	27
140 - Dist. Atty.	Juvenile Justice Prosecution Project	10/01/03-09/30/04	27
150 - Sheriff	C.E.O.S.C. Security Grant	10/01/03-09/30/04	87

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

660 - Corr. Fac.	High Impact Incarceration Program (HIIP)	11/01/03-10/31/04	99
260 - Probation	Juvenile Accountability Incentive Block Grant	10/01/03-09/30/04	104
270 - Health	Women, Infants and Children's Supplemental Nutrition Program (WIC)	10/01/03-09/30/04	137
270 - Health	Youth Tobacco Enforcement and Prevention Grant	10/01/03-09/30/04	138
270 - Health	Children with Special Health Needs Case Management	10/01/03-09/30/04	139
270 - Health	Public Health Campaign	10/01/03-09/30/04	139
270 - Health	HIV Partner Notification Program	10/01/03-09/30/04	140
270 - Health	Healthy Neighborhoods Grant	10/01/03-09/30/04	140
200 - Social Svcs.	Child Care Block Grant	10/01/03-09/30/04	289
200 - Social Svcs.	Energy Services Packaging Project 03-04	10/01/03-09/30/04	289
200 - Social Svcs.	Home Energy Assistance Program (HEAP)	10/01/03-09/30/04	291

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, District Attorney, Central Police Services, the Office of the Sheriff, the Correctional Facility, Health, Probation and Youth Detention Services, Social Services, Law, the Office of the Comptroller and the Division of Budget, Management and Finance.

(5-0)

4. Item Page -2003 (Comm. 12E-23)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (AAA) and the Elder Abuse Prevention (Title VII) grants for the period January 1, 2003 to December 31, 2003, and

**WHEREAS**, the New York State Office for the Aging (SOFA) has notified the Department of Senior Services of final 2003 federal allocations for these grants, and

**WHEREAS**, the County budgets for these grants are in need of revision, and

**WHEREAS**, the Department has identified reductions in the AAA grant as a result of staff turnover and service delivery adjustments, and

**WHEREAS**, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Title VII grant, and

**WHEREAS**, the Department desires to increase the contract with the American Red Cross by \$8,000, and

**WHEREAS**, the Department desires to use the remaining portion of the additional Title VII funds for elder abuse training-related activities for case management staff, and

**WHEREAS**, no additional County funds are needed.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive be and is hereby authorized to amend the Title VII contract with the American Red Cross, Greater Buffalo Chapter, for the period January 1, 2003 to December 31, 2003 for an additional \$8,000, and be it further

**RESOLVED**, that the budget for the AAA grant, Project 767, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
Account Description			
664 Federal Aid	\$1,507,454	-\$40,549	\$1,466,905
TOTAL CHANGE		<u>-\$40,549</u>	
<b>APPROPRIATIONS</b>			
800 Personal Services	\$976,902	-\$31,750	\$945,152

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

805 Fringe Benefits	235,036	17,900	252,936
830/113 Friends to Elderly	26,699	<u>-26,699</u>	0
TOTAL CHANGE		<u><u>-\$40,549</u></u>	

and be it further

**RESOLVED**, that the budget for the Title VII grant, Project 768, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
Account Description			
664 Federal Aid	\$36,683	\$10,209	\$46,892
TOTAL CHANGE		<u><u>\$10,209</u></u>	
<b>APPROPRIATIONS</b>			
810 Office Supplies	\$0	\$109	\$109
821 Dues and Fees	\$0	100	100
826 Other Exp (Trg Material)	0	2,000	2,000
830/418 American Red Cross	36,683	<u>8,000</u>	44,683
TOTAL CHANGE		<u><u>\$10,209</u></u>	

and be it further

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

(5-0)

5. Item Page -2003 (Comm. 12E-24)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Legislature has already appropriated funds for the Heating and Energy Assistance Program (HEAP) and the Weatherization Referral and Packaging Programs (WRAP-DSS and WRAP-SOFA) for the period October 1, 2002 to September 30, 2003, and

**WHEREAS**, the Department of Senior Services (Department) has compared grant budgets to actual expenditures through May 31, 2003, and desires to revise the energy grant budgets to cover all costs and to increase the amount available to seniors for Last Resort weatherization packaging services, and

**WHEREAS**, the Department received a \$100 donation from A&K Research, Inc., on behalf of the Erie County Caregiver Coalition, for participating in coalition information gathering, and

MEETING NO. 13

July 3, 2003

ERIE COUNTY LEGISLATURE

**WHEREAS**, the Department desires to use the donation to cover training-related expenses for a fall Caregiver training conference as part of the Elder Support Caregiver Program, and

**WHEREAS**, the grant budgets are in need of revision, and

**WHEREAS**, additional County funds are not required.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the HEAP grant, Project 661, be revised as follows:

		<b>CURRENT</b>		<b>AMENDED</b>
		<b>BUDGET</b>	<b>CHANGES</b>	<b>BUDGET</b>
<b>APPROPRIATIONS</b>				
<b>Account</b>	<b>Description</b>			
<b>800</b>	<b>Personal Services</b>	<b>\$390,800</b>	<b>-\$24,200</b>	<b>\$366,600</b>
<b>805</b>	<b>Fringe Benefits</b>	<b>70,180</b>	<b>11,900</b>	<b>82,080</b>
<b>826</b>	<b>Last Resort Expenses</b>	<b>2,000</b>	<b>1,200</b>	<b>3,200</b>
<b>880/5100</b>	<b>Interfund Expenses</b>	<b>27,000</b>	<b>11,100</b>	<b>38,100</b>
<b>TOTAL CHANGE</b>			<b>\$0</b>	

and be it further

**RESOLVED**, that the WRAP-DSS grant, Project 664, be revised as follows:

		<b>CURRENT</b>		<b>AMENDED</b>
		<b>BUDGET</b>	<b>CHANGES</b>	<b>BUDGET</b>
<b>APPROPRIATIONS</b>				
<b>Account</b>	<b>Description</b>			
<b>800</b>	<b>Personal Services</b>	<b>\$50,631</b>	<b>-\$14,000</b>	<b>\$36,631</b>
<b>805</b>	<b>Fringe Benefits</b>	<b>7,088</b>	<b>7,525</b>	<b>14,613</b>
<b>826</b>	<b>Last Resort Expenses</b>	<b>7,887</b>	<b>6,875</b>	<b>14,762</b>
<b>880/5100</b>	<b>Interfund Expenses</b>	<b>1,000</b>	<b>-400</b>	<b>600</b>
<b>TOTAL CHANGE</b>			<b>\$0</b>	

and be it further

**RESOLVED**, that the WRAP-SOFA grant, Project 665, be revised as follows:

and be it further

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>APPROPRIATIONS</b>				
<b>Account</b>	<b>Description</b>			
800	Personal Services	\$179,992	-\$11,000	\$168,992
805	Fringe Benefits	48,562	-800	47,762
810	Office Supplies	2,500	-200	2,300
824	Travel & Mileage Expense	3,500	1,100	4,600
826	Last Resort Expenses	54,942	10,200	65,142
880/5100	Interfund Expenses	3,500	700	4,200
<b>TOTAL CHANGE</b>			<u>\$0</u>	

**RESOLVED**, that the County Executive is hereby authorized to accept the \$100 donation from A&K Research, Inc., and be it further

**RESOLVED**, that the Elder Support Caregiver grant, Project 770, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>REVENUES</b>				
<b>Account</b>	<b>Description</b>			
518	Local Revenue	\$0	\$100	\$100
<b>TOTAL CHANGE</b>			<u>\$100</u>	
<b>APPROPRIATIONS</b>				
826	Other Expenses	\$15,000	\$100	\$15,100
<b>TOTAL CHANGE</b>			<u>\$100</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)

6. Item Page -2003 (Comm. 12E-26)  
**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

**WHEREAS**, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving services from the YWCA of WNY, Inc., and

**WHEREAS**, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with the YWCA of WNY, Inc., and

**WHEREAS**, the Erie County Legislature has already authorized the County and the Department of Mental Health to implement projects awarded by the United States Department of Housing and Urban Development (HUD) to assist the homeless mentally ill population in Erie County, and

**WHEREAS**, additional funds of \$35,000 in 100% NYS Office of Mental Health State Aid dollars are available for development of a Homeless Management Information System (HMIS) by the Erie County Commission on Homelessness through subcontract with the YWCA of WNY, Inc.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2003 appropriation for the YWCA of WNY, Inc., be increased by a total of \$35,000, the source of these funds being 100% NYS Office of Mental Health State Aid dollars, and be it further

**RESOLVED**, that the County Executive be authorized to amend and increase the 2003 contract with the YWCA of WNY, Inc., for the period January 1, 2003 through December 31, 2003, by an amount not to exceed \$35,000, and be it further

**RESOLVED**, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance. (5-0)

7. Item Page -2003 (Comm. 12E-30)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Department of Health conducts the Health Alert Network (HAN) in collaboration with New York State, funded by a grant with Health Research, Inc, in the amount of \$73,989, and

**WHEREAS**, the Health Alert Network (HAN) addresses immunization and infectious disease, environmental health and surveillance and data systems, and

**WHEREAS**, Health Research, Inc. has extended the grant period through February 28, 2003, and

**WHEREAS**, the Department of Health has determined that it is necessary to make budgetary adjustments in order to balance the accounts within the program.

MEETING NO. 13

July 3, 2003

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the extension of the grant period and make the necessary budgetary adjustments to balance the accounts as follows:

**DEPARTMENT OF HEALTH  
BIOTERRORISM-HEALTH ALERT  
08/31/01- 02/28/03  
PROJECT # 513**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	OTHER REVENUE	\$82,864	-\$8,875	\$73,989
563	STATE AID NYS DOH E-1	-8,875	8,875	0
	<b>TOTAL</b>	<u>\$ 73,989</u>	<u>\$ 0</u>	<u>\$ 73,989</u>
	<b>EXPENSES</b>			
800	PERSONAL SERVICES	\$34,016	\$3,038	\$37,054
801	OVERTIME	0	363	363
805	FRINGE BENEFITS	7,878	-2,140	5,738
810	OFFICE SUPPLIES	297	-40	257
824	TRAVEL & MILEAGE	548	-178	370
825	OUT OF AREA TRAVEL	3,150	-931	2,219
826	OTHER EXPENSES	600	-57	543
933	LAB & TECH EQUIP	27,500	-55	27,445
	<b>TOTAL</b>	<u>\$ 73,989</u>	<u>\$ 0</u>	<u>\$ 73,989</u>

and be it further

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

(5-0)

8. Item Page -2003 (Comm. 12E-31)

**COUNTY EXECUTIVE**

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, in order to enable the Health Department to comply with OSHA requirements, it is necessary to enter into a fee-for-service contract with University Emergency Medical Services (UEMS) to provide OSHA physicals and protective mask-fit testing for S.M.A.R.T. volunteers, and

WHEREAS, in order to enable the Health Department to rapidly respond to potential disease outbreaks in the community, it is necessary to amend the current contract with Calspan-UB Research Center, Inc. (CURBC) by an additional \$75,000 for the purpose of developing a rapid analysis and notification methodology, and

WHEREAS, it is necessary to extend the current contract with the SUNY - Buffalo Department of Social and Preventive Medicine for one year ending 8/31/04 at the original amount authorized by above referenced Certified Resolution, Comm. 14E-64, and

WHEREAS, it is necessary to make budgetary adjustments in order to balance the accounts within SFG, and

WHEREAS, sufficient funds are available through a transfer within the accounts of the program.

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 authorized appropriations for those categories as are listed in Exhibit B, incorporated herein, and be it further

RESOLVED, inasmuch as it is impractical to follow the request for proposal (RFP) procedure in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives the procedure for these categories of service as provided for in Section 19.08, of the Erie County Administrative Code.

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
OSHA Physicals/Protective Mask-Fit Test	\$50.00 per physical

and be it further

RESOLVED, that the current contract with Calspan-UB Research Center, Inc. (CURBC) is increased by an additional \$75,000 for the purpose of developing a rapid analysis and notification methodology, and be it further

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the subcontract with CUBRC is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that funds necessary to effectuate this contract increase are available in Project #744, Public Health Preparedness Response to Bioterrorism, and be it further

RESOLVED, that the current contract with the SUNY - Buffalo Department of Social and Preventive Medicine is extended for one year ending 8/31/04 at the original amount authorized by above referenced Certified Resolution, Comm. 14E-64, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised budgetary adjustments as follows:

**PUBLIC HEALTH PREP & RESPONSE TO  
BIOTERRORISM**

**05/1/02- 8/31/03**

**PROJECT #744**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
360-2000	BIO - OTHER COUNTIES	\$ 261,183	\$0	\$261,183
553-200	STATE AID - HRI	<u>950,265</u>	<u>0</u>	<u>950,265</u>
	<b>TOTAL</b>	<u>\$1,211,448</u>	<u>\$0</u>	<u>\$1,211,448</u>

**EXPENSES**

800	PERSONAL SERVICES	\$ 262,133	-38,332	\$ 223,801
801	OVERTIME	20,000	-15,000	5,000
805	FRINGE BENEFITS	58,585	-9,981	48,604
810	OFFICE SUPPLIES	1,700	0	1,700
811	CLOTHING SUPPLIES	55,000	18,197	73,197
814	MEDICAL SUPPLIES	10,000	10,000	20,000
816	MAINT SUPPLIES	0	100	100
821	DUES & FEES	114,300	-26,500	87,800
822	RENTAL CHARGES	15,600	-14,202	1,398
824	TRAVEL & MILEAGE	11,500	-10,500	1,000
825	OUT OF AREA TRAVEL	26,605	-105	26,500
826	OTHER EXPENSES	45,544	-13,037	32,507
830	CONTRACTUAL	350,000	53,684	403,684
880-2700	INTERFUND - ECHD	0	120,504	120,504

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

880-5100	INTERFUND - DISS	1,000	3,760	4,760
893	CONTINGENCIES	90,232	-90,232	0
930	MOTOR VEHICLE EQUIP	14,000	9,022	23,022
932	OFFICE EQUIPMENT	2,440	15,670	18,110
933	LAB & TECH EQUIPMENT	<u>132,809</u>	<u>-13,048</u>	<u>119,761</u>
<b>TOTAL</b>		<u>\$ 1,211,448</u>	<u>\$0</u>	<u>\$ 1,211,448</u>

and be it further

RESOLVED, that the budget for the Erie County Department of Health - Public Health Division is hereby adjusted as follows:

Increase Account 932 – Office Equipment	\$120,504
Increase Account 685-2709 - Interfund-Health Grants	\$120,504

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)

9. Item Page -2003 (Comm. 12E-33)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

**WHEREAS**, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts, and

**WHEREAS**, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

**WHEREAS**, no additional County funds are required since the 2003 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 826, Other Expenses or Charges, sufficient to cover the Employee Education and Training Program.

**NOW, THEREFORE, BE IT**

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

**RESOLVED**, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education and Training Program contracts as specified below:

<b><u>Educational Institution</u></b>	<b><u>Period</u></b>	<b><u>Gross Contract</u></b>	<b><u>Institution's Contribution</u></b>	<b><u>Paid by ECDSS</u></b>
Buffalo State College (CDHS) (Master's/ Bachelor's Degrees)	9/1/03-8/31/04	\$967,235	\$348,204	\$619,031
Buffalo State College (CDHS) (In-service Training and Organizational Development)	9/1/03-8/31/04	\$1,513,463	\$544,846	\$968,617
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	9/1/03-8/31/04	\$361,787	\$133,861	\$227,926
Empire State College (In-Service Training)	9/1/03-8/31/04	\$592,226	\$189,512	\$402,714
SUNY-Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/21/03-8/20/04	\$176,915	\$61,920	\$114,995
SUNYAB - School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/03-8/31/04	\$302,276	\$105,797	\$196,479
SUNYAB Institute for Addictions Studies and	10/1/03-9/30/04	\$169,410	\$59,293	\$110,117

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Training  
(In-Service  
Training)

Erie Community College (In-Service Training)	10/1/03- 9/30/04	\$335,304	\$120,709	\$214,595
---	---------------------	-----------	-----------	-----------

and be it further

**RESOLVED**, that the source of funds for the above contract renewals is available in an existing appropriation in the 2003 Adopted Budget of the Department of Social Services in Account 826, Other Expenses or Charges, and be it further

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

(5-0)

10. Item Page -2003 (Comm. 12E-35)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department of Social Services is seeking authorization to renew a lease and continue occupancy in space at 290 Main Street with Swan Group Limited Partnership, and

**WHEREAS**, the site provides proximity to existing Department staff and external agency staff located at 290 Main Street, and

**WHEREAS**, the recommendation has the advantage that security arrangements are in place with two uniformed Erie County Sheriff Deputies assigned to the 290 Main Street location, and

**WHEREAS**, the proposed lease includes a clause enabling the County to vacate upon 12 months notice in the event that the County would consolidate space and choose to move from 290 Main Street, and

**WHEREAS**, the base per square foot rental renewal amount is at a rate equivalent to previous expenditures for this leased space, and

**WHEREAS**, there are no additional County funds required to renew this lease, as County funding for this leased space is budgeted and is available in the 2003 Adopted Budget.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive is hereby authorized to enter into a 5 year lease of 51,309 square feet of space at 290 Main Street, Buffalo, New York with the Swan Group Limited

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Partnership at the annual base rental rate of \$12.87 per square foot for the period July 15, 2003 through July 14, 2008. In addition to the base rent, the tenant is responsible for its percentage share of the expenses for electric, increases in operating expenses and real estate taxes of the building over the 2003 base year and the cost of replacement of fluorescent tubes, ballasts and incandescent bulbs, and be it further

**RESOLVED**, section 19.08 of the County Administrative Code requirement for a Request for Proposals (RFP) is waived based on the favorable terms provided, the prohibitive cost of moving and the delay in completion of a comprehensive restructuring and space assessment for all County owned and leased facilities, and be it further

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

(5-0)

11. Item Page -2003 (Comm. 12E-36)

**COUNTY EXECUTIVE**

**WHEREAS**, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

**WHEREAS**, the Department of Social Services has been notified of renewal of a grant award in the amount of \$248,556 for the Medicaid Managed Care program for the 2003-2004 State fiscal year, and

**WHEREAS**, the grant is used to fund salary expenses for the staff who process managed care enrollments and recertifications, as well as for related travel and other costs, and

**WHEREAS**, these grant resources are critical for continued implementation and maintenance of mandated managed care enrollments required by New York State, and

**WHEREAS**, there is no fiscal impact as all expenses are fully reimbursed from State and Federal funds.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$248,556 for the Medicaid Managed Care Grant, and be it further

**RESOLVED**, that the following budget is hereby established in the Grant Fund, Fund 281, Department 200 for the Medicaid Managed Care Grant for the period April 1, 2003 through March 31, 2004:

Department of Social Services, Department 200, Fund 281

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

<u>Account</u>	<u>Description</u>	<u>Amount</u>
596	State Revenue	\$124,278
649	Federal Revenue	<u>124,278</u>
	Total Revenue	<u>\$248,556</u>

<u>Account</u>	<u>Description</u>	<u>Amount</u>
800	Personal Services	\$106,658
801	Overtime	75,000
805	Fringe Benefits	50,864
825	Out of Area Travel	7,000
826	Other Expenses	3,034
880-2006	Allocated Indirect Expenses	<u>6,000</u>
	Total Appropriation	<u>\$248,556</u>

and be it further

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

(5-0)

12. Item Page -2003 (Comm. 12E-37)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department maintains contracts with community agencies to provide mentoring and other services to public school students and their families, and

**WHEREAS**, at the time the appropriations for contracts were established, the Department had not yet fully analyzed respective agency budgets and had not yet reached a final determination of the allocation of services among community providers, and

**WHEREAS**, in order that services could continue uninterrupted, the Department used preliminary allocation amounts, and a change is therefore required, and

**WHEREAS**, there is no fiscal impact to this change.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the County Executive and/or Commissioner of Social Service are authorized to execute contract amendments to reflect revised dollar amounts for Life Transitions Center, Be A Friend Program, Boys and Girls Clubs of Buffalo, Joan A. Male Parent Support Center and WNY United Against Drug and Alcohol Abuse, and be it further

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

**RESOLVED**, that the following budget amendments are hereby authorized in the 2003 adopted budget of the TANF Services Block Grant:

**Department of Social Services, Department 200, Fund 281, Project 592**

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>
830	Contractual Services	\$(209,866)
830 0290	Life Transitions Center	24,824
830 0370	Be A Friend Program	50,000
830 0546	Boys and Girls Clubs of Buffalo	44,100
830 0549	Joan A. Male Parent Support Center	73,655
830 1432	WNY United Against Drug and Alcohol Abuse	<u>19,155</u>
	Total Expenditures	<u>\$1,868</u>
649	Federal Aid - TANF 100%	<u>\$1,868</u>
	Total Revenues	<u>\$1,868</u>

and be it further

**RESOLVED**, that because these special services were determined through a Request for Proposals (RFP) process, the County Administrative Code requirement in Section 19.08 for any further RFP is hereby waived, and be it further

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

(5-0)

13. Item Page -2003 (Comm. 12E-49)

**COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (EPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, the EPA has solicited a proposal from Erie County for participation in the Mobile Source Outreach Program; and

WHEREAS, in April, 2002, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from EPA to implement a Diesel School Bus Education Initiative; and

WHEREAS, on May 22, 2003, the EPA granted approval of the application allocating funding of \$74,800 over two years for a Diesel School Bus Education Initiative to be implemented in Erie County; and

WHEREAS, the proposed work plan for the grant effort involves specific vehicle emission testing for which Clean Air Technologies International, Inc. (CATI), a local air quality assessment contractor, has developed a portable air emissions monitoring system; and

WHEREAS, CATI was specifically identified in the proposal as the contractor to conduct the emissions testing; and,

WHEREAS, the required County match will be met through overhead expense contributions;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the EPA to accept and implement the Diesel School Bus Education Initiative in an amount not to exceed \$74,800 in grant resources; and be it further

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with CATI to conduct tests of tailpipe emissions from diesel school buses for an amount not to exceed \$7,000; and be it further

RESOLVED, that the following positions be created to assist in implementing the Diesel School Bus Education Initiative:

- Solid Waste Recycling Specialist (JG-12) Regular Part-time (RPT)
- Environmentalist–Energy Conservation (JG-9) Regular Part-time (RPT)

and be it further

RESOLVED, that the revenue from the Diesel School Bus Education Initiative is hereby appropriated in the grant as follows:

REVENUE:

641	Federal Aid – Environmental Protection Agency	<u>\$74,800</u>
	<b>TOTAL REVENUE</b>	<b>\$74,800</b>

APPROPRIATIONS:

800	Personnel Services	\$42,900
805	Fringe	13,900

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

824	Local Travel and Mileage	500
825	Out-of-Area Travel	2,500
826	Other Expenses	2,000
830	Contractual Services	<u>13,000</u>

**TOTAL APPROPRIATIONS** **\$74,800**

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)

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 449

June 26, 2003

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 12E-44)

**COUNTY EXECUTIVE**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) is accepting applications for grants to fund recreation and conservation projects through the Environmental Protection Fund and the Land and Water Conservation Fund through June 20, 2003,

**NOW, THEREFORE, BE IT**

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

**RESOLVED**, that the County Executive is hereby authorized to submit a grant application to NYSOPRHP for an amount not to exceed \$350,000 for the design and construction of various improvements to Bennett Beach Park; and be it further

**RESOLVED**, that the approved 1999 County capital budget, Fund 410, Project 131, shall be used to provide up to \$435,000 for Bennett Beach Park Improvements as a required local match; and be it further

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

(5-0)

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

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie desires to lead the effort to provide facilities for public access to the unique natural environment available at Times Beach in the City of Buffalo; and

WHEREAS, the Times Beach Public Access Project seeks to create a first-class wildlife viewing area which can be a tourism draw and also a premier attraction to the residents of the City, the County, and the nation; and

WHEREAS, Erie County has committed \$125,000 through the 2003 Consolidated Bond Resolution #149-2003 (Fund 410 Project 430) for the design of the Times Beach Public Access Trail Project; and

WHEREAS, in accordance with Article 19.08 of the County Administrative Code the Department of Environment and Planning issued a formal Request for Proposals/Qualifications soliciting the services of a consultant to develop design documents and perform construction oversight services associated with the Times Beach Public Access Trail Project; and

WHEREAS, responses received from three qualified consulting firms were reviewed and rated by a selection committee; and

WHEREAS, based upon their ratings and related discussions, the selection committee recommends that the County contract with Peter J. Smith & Company, Inc., to develop design documents and perform construction oversight services associated with the Times Beach Public Access Trail Project,

NOW, THEREFORE, BE IT

**RESOLVED**, that the County Executive is authorized to enter into an agreement with Peter J. Smith & Company, Inc., for an amount not to exceed \$70,000 to develop formal design documents

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

and perform construction oversight services associated with the Times Beach Public Access Trail Project; and be it further

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

(5-0)

3.	Item	Page	-2003	<b>AS AMENDED</b> (Comm. 12E-48)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the County of Erie desires to lead the effort to provide facilities for public access to the unique natural environment available at Times Beach in the City of Buffalo; and

WHEREAS, the Times Beach Public Access Trail Project seeks to create a first-class wildlife viewing area which can be a tourism draw and also a premier attraction to the residents of the City, the County, and the nation; and

WHEREAS, Erie County has committed \$125,000 through the 2003 Capital Improvement Projects Budget (Fund/Pro 410-430) for the design of the Times Beach Public Access Trail Project; and

WHEREAS, the City of Buffalo has requested that Erie County manage the Times Beach Public Access Trail Project and has committed \$100,000 to support the effort; and

WHEREAS, it is anticipated that the State of New York will also contribute at least \$100,000 to support the effort; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation through funding made available by the 2003 New York State Environmental Protection Fund and the 2004 Federal Land and Conservation Fund is soliciting applications for parks development projects which protect natural resources and enhance environmental infrastructure; and

WHEREAS, the objectives of the Times Beach Public Access Project meet the criteria for funding through the New York State Office of Parks, Recreation and Historic Preservation, Parks Grant Programs and an application for funding has been prepared by the Department of Environment and Planning; and

WHEREAS, Erie County through an intermunicipal agreement, needs to secure authorization from the City of Buffalo, the current property owner, to construct, maintain, and operate the public access facilities at Times Beach in perpetuity; and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, it is necessary to amend the existing Capital Improvement Project Budget (Fund 410 Project 430) for the Times Beach Public Access Trail Project to include the additional \$100,000 from the City of Buffalo,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements with the City of Buffalo to secure authorization to construct, maintain and operate public access facilities at Times Beach in perpetuity and accept \$100,000 in City funding to implement the Times Beach Public Access Trail Project; and be it further

RESOLVED, that the County Executive is authorized to enter into any necessary agreements with the State of New York to secure additional funding to support the Times Beach Public Access Trail Project; and be it further

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Fund of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$350,000; and be it further

RESOLVED, that upon approval of said request, the County Executive is hereby authorized and directed to enter into and execute a project agreement with the State for such financial assistance to Erie County for the Times Beach Public Access Trail Project; and be it further

RESOLVED, that the Capital Project Budget (Fund 410 Project 430) for the design of the Times Beach Public Access Trail Project is hereby amended to increase revenue and appropriations by \$100,000 to recognize the additional local source funding from the City of Buffalo; 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; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
(5-0)

4. Item Page -2003 (Comm. 12E-50)  
**COUNTY EXECUTIVE**

WHEREAS, the 2003 Capital Budget for the Department of Parks, Recreation and Forestry was amended by adding \$3,000,000 for the Parks Master Plan Capital Project; and

WHEREAS, the temporary position of Parks Master Plan Coordinator, Job Group 13, was created within this project; and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Parks, Recreation and Forestry is in need of adding a second temporary position, Parks General Crew Chief, Job Group 11, Step E, to assist in overseeing the various projects;

NOW, THEREFORE, BE IT

RESOLVED, That effective immediately, the temporary position of Parks General Crew Chief, Job Group 11, Step E, be created within the Parks Master Plan Capital Project; and be it further

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

(5-0)

**ELISE M. CUSACK  
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 450

June 26, 2003

REGIONALISM AD HOC  
COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT.

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

	Item	Page	-2002	(Intro. 4-4)
a.	<b>WEINSTEIN:</b>	Requesting State Authorization for Municipally-Owned Casino Gambling in Downtown Buffalo.		
				(5-0)

	Item	Page	-2002	(Comm. 14M-8)
--	------	------	-------	---------------

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

- b. **BUFFALO NIAGARA PARTNERSHIP:** Who Does What? Advocacy Progress Buffalo Niagara NOW May/June 2002.  
(5-0)

Item Page -2002 (Comm. 19E-2)

- c. **MARINELLI:** Letter to US Secretary of the Interior Re: Opposition to Bringing Casino Gambling to Buffalo.  
(5-0)

Item Page -2003 (Comm. 1E-2)

- d. **COMPTROLLER:** Letter to Various City & County Elected Officials Re: Merging Functions of City Comptroller's Office with County Comptroller's Office.  
(5-0)

Item Page -2003 (Comm. 1M-5)

- e. **ERIE-NIAGARA REGIONAL PARTNERSHIP:** 2002 Year-End Report.  
(5-0)

Item Page -2003 (Intro. 1-5)

- f. **FISHER & MARINELLI:** Support for a Study of the Possible Consolidation of the City and County Comptroller Offices.  
(5-0)

Item Page -2003 (Comm. 3M-5)

- g. **NIAGARA BINATIONAL REGION ECONOMIC ROUNDTABLE:** Realizing a Vibrant Niagara Binational Region.  
(5-0)

Item Page -2003 (Comm. 5E-1)

- h. **COMPTROLLER:** Copy of Letter to Acting Comptroller City of Buffalo Re: Information Request.  
(5-0)

Item Page -2003 (Comm. 5M-5)

- i. **ACTING COMPTROLLER CITY OF BUFFALO:** Copy of Letter to Deputy Comptroller Erie County Re: Information Request.  
(5-0)

Item Page -2003 (Comm. 8M-4)

- j. **NFTA:** Budget for Fiscal Year Ending 3/31/04 & 5 Year Plan.  
(5-0)

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

- k. **SWANICK:** Copy of Letter to Kevin Gaughan Re: Meeting of Leaders to Discuss Issues Affecting Buffalo-Niagara Region.  
(5-0)

1. Item Page -2003 (Comm. 10M-5)  
**ERIE COUNTY ASSOCIATION OF SCHOOL BOARDS:** Letter Re: Funding Request  
 for Study of Education in Erie County.  
 (5-0)

2. Item Page -2003 (Comm. 12E-43)  
**COUNTY EXECUTIVE**  
 WHEREAS, The County of Erie, desires to fund the State University at Buffalo's Institute  
 for Local Governance and Regional Growth; and

WHEREAS, The Institute has performed work for Erie County to develop a regional  
 economic development database; and

WHEREAS, Erie County has provided seed money to fund this effort in years 1999, 2000,  
 2001 and 2002; and

WHEREAS, This will be the last year that funding is sought for this project from Erie  
 County; and

WHEREAS, The expansion of the activity will assist the County and the Buffalo Niagara  
 Enterprise in its efforts to attract new businesses and jobs to Erie County and Western New York,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the State  
 University at Buffalo's Institute for Local Governance and Regional Growth, in amounts not to  
 exceed a total of \$137,000, for the purpose of continuing the preparation and operation of the  
 Regional Economic Development Database; and be it further

RESOLVED, That the source of these funds shall be \$137,000 available in the  
 Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a  
 separate sub-account under Agency Payments monitored by the Department of Environment and  
 Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That this will be the last year of Erie County funding for this project as it  
 transitions to funding form other sources; 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)

3. Item Page -2003 (Comm. 12E-46)  
**COUNTY EXECUTIVE**

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, The County of Erie, desires to assist in funding efforts to continue the activities of Bufflink as it endeavors to help grow the County and region's economy in the life sciences field; and

WHEREAS, Bufflink was created in 2000 as a not-for-profit organization and has created a life sciences strategic business development plan; and

WHEREAS, Bufflink has assisted over 50 new start-up entrepreneurs and researchers and helped created the Entrepreneurial Services Network; and

WHEREAS, The following entities have agreed to contribute to this effort: the John R. Oshei Foundation, the Margaret L. Wendt Foundation and the First Niagara Foundation; and

WHEREAS, The continuation of the activity of Bufflink will assist the County and the region in their efforts to attract new biotechnology businesses and jobs to Erie County and Western New York,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with Bufflink, in amounts not to exceed a total of \$100,000, for the purpose of promoting business development, marketing and promoting the life sciences in the County and region; and be it further

RESOLVED, That the source of these funds shall be \$100,000 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the 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)

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

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 451

Re: Consideration for Public Benefit Funding.  
(Intro. 13-1)

A RESOLUTION SUBMITTED BY  
LEGISLATOR CHASE

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Family Court of State of New York	\$4,477	CHASE
TOTAL	\$4,477	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek & Melissa Heimerl.

Fiscal Impact: None

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

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

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Family Court of State of New York	\$4,477	CHASE
Eden Corn Festival	\$2,500	CHASE
ESG LOC 2003	\$1,000	CHASE
ESG LOC 2003	\$2,500	McCARVILLE
TOTAL	\$10,477	

And be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 452

Re: Consideration for Public Benefit Funding.  
(Intro. 13-2)

A RESOLUTION SUBMITTED BY  
LEGISLATOR FALKNER

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

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE****NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Tremendous Teens	\$2,500	FALKNER
TOTAL	\$2,500	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek & Melissa Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 453

Re: Consideration for Public Benefit Funding.  
(Intro. 13-3)

A RESOLUTION SUBMITTED BY  
LEGISLATOR KUWIK

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Lackawanna City School District	\$1,500	KUWIK
TOTAL	\$1,500	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek & Melissa Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 35 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 454

Re: Consideration for Public Benefit Funding.

(Intro. 13-4)

**A RESOLUTION SUBMITTED BY  
 LEGISLATOR DUSZA**

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Polish American Veterans Assn.	\$1,000	DUSZA
TOTAL	\$1,000	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek & Melissa Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 455

Re: Exemption of Sales & Use Taxes for  
Periods 8/26/03 – 9/1/03 & 1/26/04 – 2/1/04.  
(Intro. 13-5)

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

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

**SECTION ONE:** Receipts from sales of and consideration given or contracted to be given for the purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph 30 of subdivision (a) of section 1115 of the New York Tax Law during the periods commencing August 26, 2003, and ending September 1, 2003, and commencing January 23, 2004, and ending February 1, 2004, shall also be exempt during such periods from sales and compensating use taxes imposed in this jurisdiction.

**SECTION TWO:** This resolution shall take effect June 1, 2003, and shall apply during the applicable exemption periods in accordance with the applicable transitional provisions of Article 29 of the New York Tax Law, provided that this resolution shall expire May 31, 2004, and be deemed repealed.

**Fiscal Impact:** To be determined.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**DELETE the SPONSORSHIP, TITLE and the RESOLUTION in its ENTIRETY and REPLACE with the following:**

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

**SECTION ONE:** Receipts from sales of and consideration given or contracted to be given for the purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph 30 of subdivision (a) of section 1115 of the New York Tax Law during the periods commencing August 26, 2003, and ending September 1, 2003, and commencing January 26, 2004, and ending February 1, 2004, shall also be exempt during such periods from sales and compensating use taxes imposed in this jurisdiction.

**SECTION TWO:** This resolution shall take effect June 1, 2003, and shall apply during the applicable exemption periods in accordance with the applicable transitional provisions of Article 29 of the New York Tax Law, provided that this resolution shall expire May 31, 2004, and be deemed repealed.

**Fiscal Impact:** To be determined.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

\*\*\* See Session 14 for further action on Intro. 13-5.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 456

Re: Transfer of Public Benefit Funds.  
(Intro. 13-6)

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

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$128,477 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Hamburg Character First	830/	\$1,000	CHASE
Amherst Drug Court	830/1389	\$4,000	CUSACK
Buffalo Green Fund	830/0619	\$50,000	FISHER
Buffalo & Erie County Botanical Gardens Society	830/1138	\$10,000	FISHER
Boys & Girls Clubs of Buffalo	830/0546	\$10,000	FISHER
Hamburg Development Companies	830/1331	\$3,000	KUWIK
Lackawanna Community Development Corp.	830/1180	\$3,000	KUWIK
Lackawanna Community Development Corp. (Veterans Stadium Rest. Project)	830/1180	\$2,000	KUWIK
Town of Tonawanda Youth, Parks & Recreation	830/0745	\$20,000	MARINELLI
University Heights Community Dev Assn	830/0346	\$9,977	MARINELLI
LK Painter Community Center	830/550	\$3,000	MCCARVILLE
Amherst Drug Court	830/1389	\$4,000	RANZENHOFER
Clarence Soccer Club, Inc.	830/1121	\$3,000	RANZENHOFER
Buffalo Arts Studio	830/1033	\$2,000	SMITH
Buffalo Urban League	830/1625	\$1,500	SMITH
Amherst Drug Court	830/1389	\$2,000	WEINSTEIN
<b>TOTAL</b>		<b>\$128,477</b>	

And be it further

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$1,117 from the Legislature - Contractual DAC: 110905100830 to the Road Fund - Highway Supplies DAC: 2109632308179000, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$15,000 from DAC: 11092331029010001995 to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following Public Benefit Agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Olmsted Park	830/1632	\$5,000	FISHER
West Side Play Area	830/0618	\$5,000	FISHER
Clarence Chamber of Commerce	830/1134	\$5,000	RANZENHOFER
TOTAL		\$15,000	

And be it further,

RESOLVED, that Erie County Legislature does hereby authorize the transfer of \$195 from Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services – LaSalle Ambulance, Inc. (1109213018301740) to the Legislature Contractual DAC: 110905100830, and be it further

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

Fiscal Impact: Transfer of funds and appropriation of 2003 budgeted funds

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

CARRIED UNANIMOUSLY.

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$184,877 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Hamburg Character First	830/	\$1,000	CHASE
Cleveland Hill Fire District	830/	\$5,000	CUSACK
ESG LOC 2003	830/	\$10,000	CUSACK
ESG LOC 2003	830/	\$2,000	FALKNER
ESG LOC 2003	830/	\$5,000	RANZENHOFER
ESG LOC 2003	830/	\$5,000	WEINSTEIN
GROUP Ministries	830/	\$1,500	SMITH
Junior Achievement of WNY, Inc.	830/	\$3,000	FALKNER
Niagara County -- 2003: A Fish Odyssey	830/	\$5,000	SWANICK
St. Philip the Apostle Parish Youth Program	830/	\$4,000	DUSZA
Meals on Wheels of Buffalo & Erie County	830/0141	\$1,500	WEINSTEIN
University Heights Community Development Association, Inc.	830/0346	\$9,977	MARINELLI
Boys & Girls Clubs of Buffalo	830/0546	\$10,000	FISHER
Boys and Girls Club of Buffalo	830/0546	\$5,000	CUSACK
LK Painter Community Center	830/0550	\$3,000	MCCARVILLE
Buffalo Green Fund	830/0619	\$50,000	FISHER
Town of Tonawanda Youth, Parks & Recreation	830/0745	\$20,000	MARINELLI
Boys & Girls Club of Elma, Marilla & Wales, Inc.	830/1027	\$4,400	FALKNER
Buffalo Arts Studio	830/1033	\$2,000	SMITH
Clarence Soccer Club, Inc.	830/1121	\$3,000	RANZENHOFER
Buffalo & Erie County Botanical Gardens Society	830/1138	\$10,000	FISHER
Lackawanna Community Development Corp.	830/1180	\$3,000	KUWIK
Lackawanna Community Development Corp. (Veterans Stadium Rest. Proj.)	830/1180	\$2,000	KUWIK
Sisterhood Wellness Center, Inc.	830/1248	\$3,000	CHASE
Mel Ott Little League	830/1264	\$2,000	CUSACK
Hamburg Development Companies	830/1331	\$3,000	KUWIK
Amherst Drug Court	830/1389	\$4,000	CUSACK
Amherst Drug Court	830/1389	\$4,000	RANZENHOFER
Amherst Drug Court	830/1389	\$2,000	WEINSTEIN
Buffalo Urban League	830/1625	\$1,500	SMITH

**TOTAL****\$184,877**

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

Item 38 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 457

Re: Consideration for Public Benefit Funding.  
(Intro. 13-7)

A RESOLUTION SUBMITTED BY  
LEGISLATOR SCHROEDER

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
O' Sullivan School of Traditional Dance	\$2,000	SCHROEDER
Bishop Timon - St. Jude H.S.	\$5,000	SCHROEDER
Mount Mercy Scholarship Fund	\$2,500	SCHROEDER
Public School 72	\$700	SCHROEDER
Seneca-Babcock Community Center	\$1,000	SCHROEDER
Boys & Girls Club of Buffalo	\$1,000	SCHROEDER
Holy Family Sports Assn.	\$1,000	SCHROEDER
Ss. Rita & Patrick Youth Summer Fun Program	\$1,000	SCHROEDER
St. Agatha's Recreation Assn.	\$1,000	SCHROEDER

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

St. Agnes	\$700	SCHROEDER
St. Ambrose Sports Committee	\$1,000	SCHROEDER
St. Martin's Sports Committee	\$1,000	SCHROEDER
St. Simon's Food Pantry	\$2,000	SCHROEDER
St. Teresa's Athletic Club	\$1,000	SCHROEDER
St. Thomas Aquinas Sports Committee	\$1,000	SCHROEDER
South Buffalo Community Assn.	\$43,500	SCHROEDER
<b>TOTAL</b>	<b>\$65,400</b>	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek & Melissa Heimerl.

Fiscal Impact: None

MR. SCHROEDER moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
O' Sullivan School of Traditional Dance	\$2,000	SCHROEDER
Bishop Timon - St. Jude H.S.	\$5,000	SCHROEDER
Mount Mercy Scholarship Fund	\$2,500	SCHROEDER
Public School 72	\$700	SCHROEDER
Seneca-Babcock Community Center	\$1,000	SCHROEDER

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Boys & Girls Club of Buffalo	\$1,000	SCHROEDER
Holy Family Sports Assn.	\$1,000	SCHROEDER
Ss. Rita & Patrick Youth Summer Fun Program	\$1,000	SCHROEDER
St. Agatha's Recreation Assn.	\$1,000	SCHROEDER
St. Agnes	\$700	SCHROEDER
St. Ambrose Sports Committee	\$1,000	SCHROEDER
St. Martin's Sports Committee	\$1,000	SCHROEDER
St. Teresa's Athletic Club	\$1,000	SCHROEDER
St. Thomas Aquinas Sports Committee	\$1,000	SCHROEDER
South Buffalo Community Assn.	\$45,500	SCHROEDER
Erie County SPCA	\$2,233	MARINELLI
TOTAL	\$67,633	

And be it further

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

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 13-8 From LEGISLATOR HOLT Re: Potential Casino in Buffalo's Historic Central Terminal.

Item 40 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

CHALLENGE THE CHAIR.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Intro. 13-9 From LEGISLATORS HOLT & SMITH Re: Allocating EC Funding from Brown & Williamson Tobacco Settlement for Regional Assets on Buffalo's East Side.

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Item 41 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 13-10 From LEGISLATORS HOLT, SMITH, SCHROEDER & DeBENEDETTI Re: Obligations of Property Owners in City of Buffalo.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 458

Re: Continued, Uninterrupted Federal Funding for Americorps. (Intro. 13-11)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI

WHEREAS, AmeriCorps, part of the Corporation for National and Community Service, is a “network of national service programs that engage more than 50,000 Americans each year in intensive service to meet critical needs in education, public safety, health, and the environment,” and

WHEREAS, AmeriCorps members serve through several thousand nonprofits, public agencies, and faith-based organizations, tutoring and mentoring young people, building affordable housing, teaching computer skills, cleaning parks and streams, running after-school programs, and helping communities respond to disasters, and

WHEREAS, the AmeriCorps volunteers usually serve for one year, and receive, in exchange for their 1,700 hours of community service, up to a \$9,000 living stipend and \$4,725 in grants for their higher education, and

WHEREAS, the United States Congress has significantly reduced federal funding for AmeriCorps by \$65 million, a more than 25% cut in its budget, and

WHEREAS, locally, the cut in AmeriCorps funding will force the closure of the AmeriCorps program in West Seneca (West Seneca Youth Bureau) and the elimination of all AmeriCorps programs and its 400 volunteers in Erie County, including school-based tutoring and its 225 tutors, and

WHEREAS, locally, AmeriCorps provides tutors to schools, operates after-school programs, delivers food to food pantries, cleans vacant lots and parks, and operates a Ranger program in Buffalo, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, U.S. Reps. Jack Quinn, Amo Houghton, and Louise Slaughter and U.S. Senators Charles Schumer and Hillary Rodham Clinton have asked President George W. Bush to intercede to provide additional funding for AmeriCorps, and

WHEREAS, President Bush, in his State of the Union address in January 2003, stated his desire to increase the number of national AmeriCorps volunteers by 50%, while this congressional action will devastate the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its full support to AmeriCorps and the West Seneca Youth Bureau, and thanks the 400 AmeriCorps volunteers and their advisors for their service and commitment to our community, and be it further

RESOLVED, that this Honorable Body calls on U.S. Rep. Thomas Reynolds to join Reps. Quinn, Houghton, and Slaughter in demanding that President Bush allocate appropriate funding for AmeriCorps, in order to fulfill his previous statements of commitment to community and national service, and that Rep. Reynolds use his considerable influence and rank to continue full funding of AmeriCorps at its previous level, and be it further

RESOLVED, that the Erie County Legislature respectfully calls on President Bush to provide continued funding for AmeriCorps at the minimum, at the prior year's level, and be it further

RESOLVED, that certified copies of this resolution be transmitted to President George W. Bush (The White House, 1600 Pennsylvania Avenue, N.W., Washington, DC 20500), U.S. Reps. Jack Quinn, Amo Houghton, Thomas Reynolds, and Louise Slaughter, U.S. Senators Charles Schumer and Hillary Rodham Clinton, and Mark Lazarra, Executive Director of West Seneca AmeriCorps (2001 Union Road, West Seneca, NY 14224).

**Fiscal Impact:           Positive for Erie County.**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

DELETE the Fourth WHEREAS clause and REPLACE with the following:

WHEREAS, the funding for the AmeriCorps program nationwide has been reduced by \$65 million due to fiscal constraints, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

INSERT after the Fifth WHEREAS clause the following:

WHEREAS, the reduction in funding will substantially impact such foundational local organizations as AIDS Community Services, American Red Cross, Big Brothers Big Sisters, Boy Scouts of America, Buffalo Science Museum, Catholic Charities, Child & Family Services, City Mission, Goodwill, Habitat for Humanity, Hispanic United, Jewish Community Center, Martin Luther King Center, People Inc, WNED, YMCA as well as many churches, libraries and other local organizations that provide necessary services, and

DELETE the Eighth WHEREAS clause and REPLACE with the following:

WHEREAS, President Bush, in his State of the Union address in January 2003, stated his desire to increase the number of national AmeriCorps volunteers by 50%,

DELETE the Second RESOLVED clause and REPLACE with the following:

RESOLVED, that this Honorable Body calls on U.S. Representatives Houghton, Quinn, Reynolds and Slaughter to continue their efforts to obtain adequate funding for AmeriCorps into the future, and be it further

DELETE the Third RESOLVED clause and REPLACE with the following:

RESOLVED, that the Erie County Legislature does respectfully call upon President Bush to provide continued funding for AmeriCorps and effectuate his desired 50% increase in the membership of national AmeriCorps volunteers, and be it further

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 43 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 10E-30.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 459

Re: Ralph Wilson Stadium – 2003 – Sideline Seating Repairs.

WHEREAS, the Department of Public Works received bids on June 16, 2003 for the Ralph Wilson Stadium – 2003 Improvements – Sideline Heated Seat Repairs, and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2003 Improvements – Sideline Heated Seat Repairs, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Sideline Heated Seat Repairs as follows:

SEATING PARTS CONTRACT

American Seating Company

Base Bid

\$345,768.00

and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount of \$345,768.00, and be it further,

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

MR. HOLT moved to send the resolution back to the ECONOMIC DEVELOPMENT COMMITTEE. MR. DeBENEDETTI seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

CARRIED. (WEIGHTED VOTE: 15.128-1.872)

Item 44 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 10E-31. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 460

Re: Award of Contract and Supplemental for Construction Inspection Services Replacement of Eckhardt Road Bridge – Towns of Hamburg and Boston.

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

CARRIED UNANIMOUSLY.

WHEREAS, bids were taken for the Replacement of Eckhardt Road Bridge 472-1, in the Towns of Hamburg and Boston, on May 22, 2003, and the low bidder was Donald J. Braasch, Incorporated of Lakeview, New York, at a low bid amount of \$1,083,869.50, and

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

WHEREAS, the total estimated cost of the Eckhardt Road Bridge Project has exceeded the 2001 Capital Bridge Project authorization by \$232,000.00, and

WHEREAS, It has been determined that there is an availability of \$232,000 in Project 443-380, 2003 Design/Installation of Precast Culverts due to change in Department priorities reflecting the change in the condition rating of the structure.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the decrease of appropriations and revenues in the 2003 Design/Installation of Precast Box Culvert Program (SFG 443-380) in the amount of \$232,000.00 and an increase in appropriations and revenues in the 2001 Eckhardt Road Capital Bridge Project Program (SFG 443-283), and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number BR 472-1-03 for the Replacement of Eckhardt Road Bridge, in the Towns of Hamburg and Boston, between the County of Erie and the low bidder Donald J. Braasch, Incorporated at its low bid amount of \$1,083,869.50, and be it further

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that an amount of \$1,083,869.50 be allocated from the 2001 Eckhardt Road Capital Bridge Project Program (SFG 443-283), and be it further

RESOLVED, that an additional amount of \$110,000.00 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 \$110,000.00 from the 2001 Eckhardt Road Capital Bridge Project Program (SFG 443-283), and be it further

RESOLVED, that an amount of \$70,000.00 be allocated from the 2001 Eckhardt Road Capital Bridge Project Program (SFG 443-283), for a change order to the contract for additional engineering services and construction inspection with C&S Engineers, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 45 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-19.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 461

Re: Award of Contract and Supplemental for Construction Inspection Services – 2003 Culvert Replacement – Group 16 – Towns of Collins and North Collins.

WHEREAS, bids were taken for the 2003 Culvert Replacement – Group 16, which include the following culverts: Replacement of Marshfield Road (500-2) and rehabilitation of Ketchum Road (501-2) and Lenox Road (511-1) in the Towns of Collins and North Collins, on May 22, 2003, and the low bidder was Sicar, Incorporated of Elma, New York, at a low bid amount of \$374,371.40, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Urban Engineers of NY, P.C., 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 CG-16-03 for the 2003 Culvert Replacement – Group 16, in the Towns of

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

Collins and North Collins, between the County of Erie and the low bidder Sicar, Incorporated of Elma, New York, at its low bid amount of \$374,371.40, and be it further

RESOLVED, that an amount of \$374,371.40 be allocated from the 2003 Capital Projects (Bridges) Tobacco Fund Program (SFG 443-380), and be it further

RESOLVED, that an additional amount of \$40,000.00 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 \$40,000.00 from the 2003 Capital Projects (Bridges) Tobacco Fund Program (SFG 443-380), and be it further

RESOLVED, that an amount of \$25,000.00 be allocated from the 2003 Capital Projects (Bridges) Tobacco Fund Program (SFG 443-380), for a change order to the contract for construction inspection services with Urban Engineers of NY, P.C., and be it further

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

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

CARRIED UNANIMOUSLY.

Item 46 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 12E-29. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 462

Re: District Attorney's Office 2003 Capital Budget Amendment.

**WHEREAS**, the Erie County District Attorney's Office is currently under renovation as part of the Office of Court Administration's project to renovate and remodel Old County Hall and the annex at 25 Delaware Avenue, and

**WHEREAS**, the District Attorney's Office will begin moving into a brand new space in 2003 and all of the current furnishings in the office will be outdated, inadequate and inefficient within the new office layout, and

**WHEREAS**, in 2002 the District Attorney's Office requested and received approval in the amount of \$271,000 under the 2003 Capital Project Budget 'District Attorney Office Renovations' to be used for the purpose of purchasing new office furniture and fixtures for the newly renovated office space, and

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

**WHEREAS**, the District Attorney's Office has now received final furniture cost estimates from a county approved vendor to furnish the first phase of office space which will be completed in 2003, and

**WHEREAS**, that estimate amounts to \$370,000,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2003 Capital Budget is hereby amended to increase the capital project 'District Attorney Office Renovations' in the amount of \$99,000 to allow the District Attorney's Office the funding necessary to furnish the section of new office space which will be ready for occupancy in 2003, and be it further,

**RESOLVED**, that the source of funds for the increase in the capital project shall be a transfer of \$99,000 as an interfund transfer from the General Fund, and be it further,

**RESOLVED**, that the sum of \$99,000 is hereby transferred from the Fund Balance – 1995 Designated Contingency (DAC 110 923 310 2901 000 1995) to an interfund transfer appropriation to the Capital Fund (DAC 110 925 320 886 2108), and be it further,

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

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

GRANTED.

RESOLUTION NO. 463

Re: Funding for the Union Ship Canal  
Infrastructure Work. (Comm. 13E-67)

**WHEREAS**, The County of Erie, is interested in fostering business growth and job creation within Erie County; and

**WHEREAS**, Erie County desires to encourage the environmentally sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, The Development Downtown Inc. owns an approximately 100 acres site known as the Union Ship Canal site which is an abandoned industrial brownfield and desires to construct new roads, utilities, pedestrian walkways and redevelop the parcel into productive reuse; and

WHEREAS, Erie County desires to work with the ECIDA and the City of Buffalo to redevelop this brownfield and assist in funding the costs of construction through various state and federal programs and direct contracting for these services where appropriate; and

WHEREAS, Erie County recognizes the need for local financial participation in order to receive state and federal funding assistance in brownfield redevelopment programs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed two million dollars (\$2,000,000.00), with the Erie County Industrial Development Agency, Development Downtown Inc, the City of Buffalo, the Buffalo Sewer Authority, the City of Lackawanna and the U.S. Army Corp of Engineers for the purpose of funding projects which will move the Union Ship Canal redevelopment forward; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers or roadways; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the City of Buffalo, the Buffalo Sewer Authority, Development Downtown Inc., Erie County Industrial Development Agency, the City of Lackawanna and the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the source of funds will be \$2,000,000.00 available in the approved 2001 and 2002 Erie County Capital Budget, subject to approval of a bond resolution for this purpose; and be it further

RESOLVED, that any revenues received by the Erie County Industrial Development Agency, Development Downtown Inc. or by the City of Buffalo or any of its development agencies as reimbursements from grant sources, which were originally funded by this appropriation, be retained in a separate account, for future Union Ship Canal projects and that reuse of these funds be contingent upon approval of the Commissioner of the Department of Environment and Planning; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 48 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. CUSACK seconded.

GRANTED.

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

GRANTED.

Comm. 13E-68 From COUNTY EXECUTIVE Re: Department of Parks, Recreation & Forestry Recreational Event Funding.

Item 49 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. FALKNER seconded.

GRANTED.

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

GRANTED.

Comm. 13E-69 From COUNTY EXECUTIVE Re: Semi-Annual Attendance Records Boards of Managers Erie County Sewer Districts.

Item 50 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

Comm. 13E-70 From COUNTY EXECUTIVE Re: Non-Drilling Oil and Gas Lease on Erie County Forestry Lands in the Town of Sardinia.

Item 51 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. CHASE seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following item be referred to the HUMAN SERVICES COMMITTEE.

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

---

GRANTED.

Comm. 13E-71 From COUNTY EXECUTIVE Re: Erie County Department of Senior Services – Authorization to Amend the III-E and CSI Grant Budgets.

Item 52 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. McCARVILLE seconded.

GRANTED.

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

GRANTED.

Comm. 13E-72 From COUNTY EXECUTIVE Re: Department of Personnel – 2003 – NYS Safety Training Grant Awarded.

Item 53 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. McCARVILLE seconded.

GRANTED.

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

GRANTED.

Comm. 13D-7 From COUNTY EXECUTIVE Re: Department of Personnel Unemployment Insurance.

Item 54 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. McCARVILLE seconded.

GRANTED.

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

GRANTED.

Comm. 13E-73 From COUNTY EXECUTIVE Re: Compressed Natural Gas Refueling Station.

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 55 – (Comm. 13E-1) Certificate of Determination Sale & Issuance of \$79,135,000 Public Improvement Serial Bonds & \$2,405,000 Sewer District Serial Bonds.

Item 56 – (Comm. 13E-2) Certificate of Determination - \$90,000,000 Revenue Anticipation Note.

The above two items were received & filed.

**FROM CHAIRMAN SWANICK**

Item 57 – (Comm. 13E-3) Copy of Letter to Governor Pataki Re: Appointments to Buffalo Fiscal Stability Authority.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 58 – (Comm. 13E-4) ECC Budget for 2003-2004 – County Executive's Recommendation.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR CUSACK**

Item 59 – (Comm. 13E-5) Revised 2003 – 2004 ECC Budget Approval Process.

Received and filed.

**FROM THE COMPTROLLER**

Item 60 – (Comm. 13E-6) Apportionment & Distribution of 4% Sales Tax for 6/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR CUSACK**

Item 61 – (Comm. 13E-7) Invited Departmental Representatives for Community Enrichment Committee Meeting To Discuss 2003-2004 ECC Budget.

Received and filed.

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

**FROM THE COUNTY EXECUTIVE**

Item 62 – (Comm. 13E-8) 2003 Annual Report – 2002 Equalization Rates & 2003 Tax Rates  
 – Division of Real Property.

Received and filed.

**FROM THE COMPTROLLER**

Item 63 – MR. RANZENHOFER presented the following resolution and moved for  
 immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 464

Re: Bond Resolution - \$1,500,000 –  
 Reconstruction of Various County Bridges,  
 Dams & Culverts. (Comm. 13E-9)

RESOLUTION NO. 464 -2003

BOND RESOLUTION DATED JULY 3, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE  
 RECONSTRUCTION OF VARIOUS COUNTY BRIDGES, DAMS AND CULVERTS, STATING  
 THE ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000, APPROPRIATING SAID  
 AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF  
 THE COUNTY TO PAY THE COST THEREOF.

(Introduced) JUNE 30, 2003

(Adopted) JULY 3, 2003

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 reconstruct various County bridges, dams and culverts, in and for the County. The  
 estimated maximum cost of said specific object or purpose, including preliminary costs and costs  
 incidental thereto and to the financing thereof, is \$1,500,000, and said amount is hereby appropriated  
 therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2003. To the  
 extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003  
 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of  
 financing includes the issuance of \$1,500,000 bonds of the County and any bond anticipation notes

issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$1,500,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 10 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 Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

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

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

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

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

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

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

CARRIED UNANIMOUSLY.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 15.056 – 1.944)

RESOLUTION NO. 465

Re: Bond Resolution - \$10,000,000  
Reconstruction of Various County Highways.  
(Comm. 13E-10)

RESOLUTION NO. 465 -2003

BOND RESOLUTION DATED JULY 3, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE RECONSTRUCTION OF VARIOUS COUNTY HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) JUNE 30, 2003

(Adopted) JULY 3, 2003

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 reconstruct various County highways, including pavement and shoulder widening, drainage improvements, sight distance and safety improvements. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$10,000,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2003. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$10,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$10,000,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (b) of the Law, is ten (10) years.

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

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing

for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 15.056 – 1.944)

Item 65 – (Comm. 13E-11) Bond Resolution – Appropriating Additional \$63,000 – Partial Reconstruction of Existing Courthouse Buildings.

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

Item 66 – (Comm. 13E-12) Bond Resolution – Appropriating Additional \$189,000 – Acquisition of Land & Construction of Central Police Services Training Facility.

Item 67 – (Comm. 13E-13) Bond Resolution – Appropriating Additional \$63,000 – Authorizing Construction of EC Secure Youth Detention Facility.

Item 68 – (Comm. 13E-14) Bond Resolution – Appropriating Additional \$63,000 – Authorizing Various Improvements to Central Library.

Item 69 – (Comm. 13E-15) Bond Resolution – Additional Funds for Design of Reconstruction for Various County Roads.

Item 70 – (Comm. 13E-16) Bond Resolution – Additional Funds for Reconstruction of Various County Park Facilities.

Item 71 – (Comm. 13E-17) Bond Resolution - \$3,500,000 – Authorizing Improvements to Various County Facilities.

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

Item 72 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 466

Re: Bond Resolution - \$2,000,000 –  
Authorizing Various Infrastructure  
Improvements for Urban Brownfields  
Development Project at Union Ship.  
(Comm. 13E-18)

RESOLUTION NO. 466-2003

BOND RESOLUTION DATED JULY 3, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS INFRASTRUCTURE IMPROVEMENTS FOR THE URBAN BROWNFIELDS DEVELOPMENT PROJECT AT THE UNION SHIP CANAL SITE IN THE CITY OF BUFFALO; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,000,000, APPROPRIATING \$2,000,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) JULY 1, 2003

(Adopted) JULY 3, 2003

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"), pursuant to and in accordance with the provisions of Chapter 828 of the New York Laws of 1982 and an intermunicipal agreement with the City of Buffalo, is hereby authorized to acquire and construct various infrastructure improvements for the Urban Brownfields Development Project at the Union Ship Canal Site, in the City of Buffalo, including roads, sewage collection and disposal facilities, solid waste collection and disposal facilities, water supply facilities and drainage facilities. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,000,000, and \$2,000,000 is hereby appropriated therefor pursuant to the duly adopted Capital Budgets of said County for the fiscal years 2002 and 2003. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$2,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$2,000,000 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.

Section 3. The period of probable usefulness of the specific objects or purposes for which said \$2,000,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) 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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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.

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

MR. DALE moved to send the resolution to committee. MR. DeBENEDETTI seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE 2.832-14.168)

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

**FROM THE SHERIFF**

Item 73 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 467

Re: NYS Division of Criminal Justice Services  
– BYRNE Grant. (Comm. 13E-19)

WHEREAS, the State of New York Division of Criminal Justice Services has awarded \$30,000 to The Erie County Sheriff's Office to improve their patrols on the waterways of Erie County by partially funding the purchase of a new patrol boat and,

WHEREAS, funds are available in the Sheriff's Asset Forfeiture Fund to fund the remaining portion of the purchase and,

WHEREAS, the Erie County Legislature has the authority, under Article III Section 07.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature, and

WHEREAS, the Sheriff's Office identified the best vessel for law enforcement purposes as being a Glasstream 27 ft. Model SCX, and

WHEREAS, Harbor Place Marina in Buffalo, New York is the sole area distributor of Glasstream boats within 700 miles of Western New York and is willing to sell us a brand new Glasstream boat, with trade-in, for \$20,000 below retail, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the State of New York Division of Criminal Justice Services and is authorized to accept funding in the amount of \$30,000 and be it further,

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Sheriff and Erie County Purchasing are authorized to purchase a 27 Foot Patrol Boat, involving the trade-in of a current boat in a state of disrepair from a selected vendor without competitive bidding, and be it further,

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

Department 931 – Sheriff’s Office

<u>REVENUE</u>	<u>Increase</u>
Acct. 639 - State Aid Miscellaneous	<u>30,000</u>
TOTAL REVENUE	<u>30,000</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Acct. 930 – Motor Vehicle Equipment	<u>30,000</u>
TOTAL APPROPRIATIONS	<u>30,000</u>

and it be further

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 74 – (Comm. 13E-20) Erie County/EC Soil & Water Conservation District Shared Staff Position.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 75 – (Comm. 13E-21) Agreement with NYSDOT – North French Road Overlay.

Item 76 – (Comm. 13E-22) Agreement with NYSDOT – Maple Road.

Item 77 – (Comm. 13E-23) Agreement with NYSDOT – Zoeller Road Bridge.

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

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

---

Item 78 – (Comm. 13E-24) 2003 (PY2) Mental Health/Juvenile Justice (MH/JJ) Services Diversion Project.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 79 – (Comm. 13E-25) Social Services Distance Learning Initiative.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 80 – (Comm. 13E-26) Dunn Tire Park – County Capital Improvements – Sealant Replacement & A/E Services Change Order.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 81 – (Comm. 13E-27) County Funds for Sea Lion/River Otter Exhibit at Buffalo Zoo.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 82 – (Comm. 13E-28) Dunn Tire Park – 2003 – Right Field Modifications.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 83 – (Comm. 13E-29) Probation & Youth Detention Services – Staffing Adjustment.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 84 – (Comm. 13E-30) Contract Modification – Comm. 19E-25 (2002) ECSD No. 1 – Sanitary Sewer Rehabilitation Design Services.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 85 – (Comm. 13E-31) Juvenile Accountability Incentive Block Grant with NYS Division of Criminal Justice Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 86 – (Comm. 13E-32) NYS Indoor Air Radon Grant Program (SIRG 11).

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 87 – (Comm. 13E-33) DPW – Highways – Award of Construction Contracts.

Item 88 – (Comm. 13E-34) 2003 Highway, Bride Culvert Program – Utilization of 2003 Bond – 2003 Culvert Design – Various Locations – Award of Engineering Services.

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

---

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

Item 89 – (Comm. 13E-35) CPS – Personnel Adjustments.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 90 – (Comm. 13E-36) ECSD No. 5 – Clarence Town District No. 9 – Proposed Service Agreement.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 91 – (Comm. 13E-37) Increases to Consultant & Construction Contracts – Kenmore Avenue, Vulcan Street & Kenmore/Sheridan Intersection.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 92 – (Comm. 13E-38) Transfer of Funds to Public Safety Campus Project.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 93 – (Comm. 13E-39) Implementation of Electronic Construction Bidding Documents for Construction.

Item 94 – (Comm. 13E-40) Chestnut Ridge Waterline – Contingency Fund Increase.

Item 95 – (Comm. 13E-41) New School 84 Roof Renovation.

Item 96 – (Comm. 13E-42) Buffalo & Erie County Central Library – Fire Protection & Domestic Water Service.

Item 97 – (Comm. 13E-43) Roof & Masonry Restoration at Clarence Maintenance Garage.

Item 98 – (Comm. 13E-44) Ralph Wilson Stadium – Sideline Suite Renovations – Phase II – Contingency Fund Increase.

Item 99 – (Comm. 13E-45) ECC South Campus – Vehicle Technology Building Roof.

Item 100 – (Comm. 13E-46) Parks & Recreation – Miscellaneous Improvements – A/E Supplemental Agreement.

Item 101 – (Comm. 13E-47) Performance Contracting Program – Award of Construction Work at EC Correctional Facility.

Item 102 – (Comm. 13E-48) Authorization to Enter Into Agreements or Accept Funding.

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

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

Item 103 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 468

Re: Ralph Wilson Stadium – 2003  
Improvements – Miscellaneous Concrete &  
DRYVIT Repairs. (Comm. 13E-49)

WHEREAS, the Department of Public Works received bids on June 11, 2003, for the Ralph Wilson Stadium – 2003 Improvements – Concrete & Dryvit Repairs, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2003 Improvements – Concrete & Dryvit Repairs, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Concrete & Dryvit Repairs, as follows:

GENERAL CONSTRUCTION WORK

DiPizio Construction Co., Inc.

Base Bid	\$329,000.00
----------	--------------

and be it further,

RESOLVED, that the sum of \$65,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount of \$394,000, and be it further,

**MEETING NO. 13****July 3, 2003****ERIE COUNTY LEGISLATURE**

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

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

CARRIED UNANIMOUSLY.

Item 104 – (Comm. 13E-50) New Secure Youth Detention Facility – Contingency Fund Increase.

Item 105 – (Comm. 13E-51) EC Fire Training Academy – Sitework Renovations, Security Improvements Phase II & Renovations to Exterior of Training Tower.

Item 106 – (Comm. 13E-52) Emery Park Waterline Installation.

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

Item 107 – (Comm. 13E-53) Health – Tuberculosis Elimination Activities Program – 2/1/03 – 1/31/04 – Project #869.

Item 108 – (Comm. 13E-54) Health – Public Health Campaign Grant – 4/1/03 – 3/31/04 – Project #873.

Item 109 – (Comm. 13E-55) Health – Amend Term of Contract Provider Agreement – NYSDOH Refugee Health Program.

Item 110 – (Comm. 13E-56) Health – Integration of Hepatitis Prevention Services Grant – 9/30/01 – 9/29/02 – Project #580.

Item 111 – (Comm. 13E-57) Health – Integration of Hepatitis Prevention Services Grant Revision 9/30/02 – 9/29/03 – Project #718.

Item 112 – (Comm. 13E-58) Health – Enhanced Drinking Water Protection Program Grant Revision – 4/1/02 – 3/31/04 – Project #691.

Item 113 – (Comm. 13E-59) Health – Hepatitis C Transmission Study Grant – 8/1/03 – 7/31/04 – Project #862.

Item 114 – (Comm. 13E-60) Health – Western Regional Training Grant – 7/1/02 – 6/30/03 – Project #706.

Item 115 – (Comm. 13E-61) Contract Amendment – Rural Van Transportation Service.

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

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

Item 116 – (Comm. 13E-62) EC\SSTA – ECSD No. 3 – Village of Blasdell Proposed Amended Agreements.

Item 117 – (Comm. 13E-63) ECSD No. 6 – Manhole Rehabilitation – Contract No. 365A Bid Opening.

Item 118 – (Comm. 13E-64) ECSD No. 6 – Sludge Filter Press – Contract No. 28 STP “D” Electrical – Tunney Electric – Contract Close-Out.

Item 119 – (Comm. 13E-65) ECSD No. 3/Town of Hamburg Proposed Agreement – Big Tree Road Sewer Project.

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

Item 120 – (Comm. 13E-66) Gallagher Beach – Phase II Improvements.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 121 – (Comm. 13D-1) Notice of Public Hearing – Local Law Intro No. 11 – 2003.

RECEIVED, FILED & PRINTED.

**VIA HAND DELIVERY**

Ms. Laurie A. Manzella, Clerk  
 Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, New York 14202

RE: Notice of Public Hearing  
 Local Law Intro. No. 11-2003

Dear Ms. Manzella:

Enclosed herein is copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on June 19, 2003.

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

---

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

By: MELISSA O. HEIMERL  
Assistant County Attorney

encl.

cc: Frederick a. Wolf, Erie County Attorney  
Thomas P. DeMartino, Esq., Senior Executive Assistant  
(all w/o attachment)

#### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, July 1,2003 at 9:30 a.m., concerning:

**A LOCAL LAW** in relation to an equitable distribution of the Erie County Legislature's recommendations to the Governor of New York State for appointment to the board of directors of the Erie County Medical Center Corporation.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On June 19, 2003, the Erie County Legislature adopted Erie County Local Law Intro. No. 11 of 2003. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA  
Erie County Executive

FROM ECMC

Item 122 – (Comm. 13D-2) Notice of Human Resources Committee Meeting.

Item 123 – (Comm. 13D-3) Notice of Board of Managers Meeting.

**MEETING NO. 13**  
**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

Item 124 – (Comm. 13D-4) Notice of Finance Committee Meeting.

Item 125 – (Comm. 13D-5) Financial Statements for 5/03.

The above four items were received and filed.

**FROM THE CLERK OF THE LEGISLATURE**

Item 126 – (Comm. 13D-6) Notice of Public Hearing – 2003 – 2004 ECC Budget.

RECEIVED, FILED & PRINTED.

July 1, 2003

To: All Erie County Legislators  
 From: Laurie A. Manzella, Clerk  
 Subject: *PUBLIC HEARING -2003-2004 Erie Community College Budget*

Be advised that a Public Hearing will be held in the Chambers of the Erie County Legislature on **Monday, July 7, 2003, at 5:00 p.m.**, to hear all persons wishing to give testimony on the County Executive's 2003~2004 Erie Community College tentative budget.

A NOTICE OF PUBLIC HEARING will be published in the county's official newspapers (AMHERST BEE & FRONT PAGE) and in the BUFFALO NEWS, as a convenience to the public.

A sign-in sheet will be available at 4:30 p.m. at the entrance to the Chambers. Members of the public will be heard on a first-come, first-serve basis.

c: *Erin R. Ziegler, Community Enrichment Committee Clerk*  
*Legislature Staff*  
*Hon. Joel A. Giambra, Erie County Executive*  
*Joseph Passafiume, Budget Director*  
*William J. Mariani, President, Erie Community College*  
*Joseph D. DiVincenzo, Chairman, ECC Board of Trustees*

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM UJIMA**

Item 127 – (Comm. 13M-1) Request for Emergency Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LANGSTON HUGHES

Item 128 – (Comm. 13M-2) Emergency Funding Request.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CITY OF BUFFALO

Item 129 – (Comm. 13M-3) Certified Resolution Re: Downtown Preservation.

Received and filed.

FROM RICHARD PAWARSKI

Item 130 – (Comm. 13M-4) Copy of Letter to Chairman of EC Board of Ethics Re: Legislator Schroeder.

Received and filed.

FROM SENATOR RATH

Item 131 – (Comm. 13M-5) Receipt of Resolution.

Received and filed.

FROM THE CITY OF BUFFALO

Item 132 – (Comm. 13M-6) Certified Resolution Re: Financial Control Board for City of Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM UJIMA

Item 133 – (Comm. 13M-7) Amended Request for Emergency Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 134 – (Comm. 13M-8) 2002 Annual Report.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 135 – (Comm. 13M-9) Metro Cash Flow Statements.

Received and filed.

FROM STUDIO ARENA

Item 136 – (Comm. 13M-10) Copy of Published Article in American Theatre Magazine.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 137 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Henry J. Wischerath, Jr.

Item 138 – Legislators Dusza, Dale & Schroeder requested that when the Legislature adjourns, it do so in memory of Charles Cannon.

Item 139 – Legislators Dale, Dusza & Schroeder requested that when the Legislature adjourns, it do so in memory of Edward Schultz.

Item 140 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Doris L. Brown.

Item 141 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Edmond J. Malkiewicz.

Item 142 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Edward Colpoys.

Item 143 – Legislator DeBenedetti requested that when the Legislature adjourns, it do so in memory of Mary G. Zerpa.

Item 144 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Mrs. Adamczyk.

Item 145 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of American soldiers worldwide who have lost their lives defending America.

ADJOURNMENT

**MEETING NO. 13**

**July 3, 2003**

**ERIE COUNTY LEGISLATURE**

---

Item 146 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, July 10, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, July 10, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA  
CLERK**