

ERIE COUNTY LEGISLATURE
MEETING NO. 15
September 11, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Father Joseph Bayne, Chaplain of the Erie County Department of Emergency Services & Director of the Franciscan Center.

The Pledge of Allegiance was led by Mr. Schroeder.

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

Item 2 – MR. HOLT moved to reconsider Comm. 13E-33 from Meeting #14. MR. DALE seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Item 3 – MR. RANZENHOFER moved the approval of minutes for Meeting No. 13 of 2003. MR. LARSON seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

MISCELLANEOUS RESOLUTIONS

Item 4 – MS. CHASE presented a resolution Honoring Warren Wittig for his Contributions in Architecturally Creating & Building the Eden Public Library. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. CHASE presented a resolution Honoring Herbert Rose for Fifty Years of Volunteer Service to Highland Hose Volunteer Fire Company. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 6 – MR. SWANICK, MAJORITY CAUCUS presented a resolution Honoring Area Businesses Celebrating 100th Anniversary. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. CHASE & MR. McCARVILLE presented a resolution Honoring the 90th Birthday of North Collins Resident, William Thomas Castiglia. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 8 – The MINORITY CAUCUS presented a resolution Honoring Young Democrats of America on Their National Convention in Buffalo. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. CHASE presented a resolution Honoring Salvatore Sack's 50 Years of Service to Angola Fire Department. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. SWANICK, MAJORITY CAUCUS presented a resolution Honoring NYS Senator Dale M. Volker on his Appointment to the Criminal Justice Board of Directors for the Council of State Governments. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. SCHROEDER, ET AL presented a resolution Honoring St. Mary's School for the Deaf on it's 150th Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. HOLT presented a resolution Honoring Enterprise Charter School on it's Grand Opening. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. CUSACK presented a resolution Recognizing the Erie County Parks Master Plan for Receiving an Award from New York Upstate Chapter of the American Planning Association. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 14 – MR. HOLT, ET AL presented a resolution Expressing Support & Appreciation to Righteous Babe Records for their Commitment to Our Community. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 15 – The MAJORITY CAUCUS, ET AL presented a resolution Remembering the Victims of Terrorists' Attack on 9/11/01. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. HOLT, MR. SMITH & MS. FISHER presented a resolution Honoring the Recipients of the 2003 22nd Annual BFNC Moot Senior Citizens' Award. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. KUWIK, ET AL presented a resolution Honoring National Business Women's Week. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. DUSZA, ET AL presented a resolution Honoring Local Soldier PFC Robert Sciria. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. DALE presented a resolution Honoring Kenneth Pokorski, the Mayor of the Village of Sloan. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. HOLT presented a resolution Honoring Dennis Muhammad of E.N.O.T.A. MR. DALE seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 23 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 24 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

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

Item 26 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 27 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 28 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 29 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

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)

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 502

Re: EC Audit Committee Request to Amend
Contract Pertaining to Audit Services for EC,
ECMC & ECC. (Intro. 15-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
LARSON & DeBENEDETTI

WHEREAS, Section 1813 of the Erie County Charter established an Erie County Audit Committee,
and

WHEREAS, the Audit Committee is responsible for issuing requests for proposals from certified
public accounting firms for the preparation of an annual audit report and accompanying management
letter for the County of Erie, the Erie County Medical Center (ECMC), and the Erie Community
College (ECC), and

WHEREAS, the Audit Committee recommended to the County Legislature that Deloitte & Touche,
LLP be awarded the three six-year audit contracts, and

WHEREAS, in a resolution dated October 7, 1999 the County Legislature authorized the County
Executive to enter into separate contracts with Deloitte & Touche, LLP for the audits of Erie County
and ECMC, and

WHEREAS, in a resolution dated September 7, 2000 the County Legislature authorized the Board
of Trustees and the President of Erie Community College to enter into contract with Deloitte &
Touche, LLP for the audit of ECC, and

WHEREAS, these resolutions authorized specific dollar amounts for each year of the six year audit
contracts, and

WHEREAS, additional audit requirements are now necessary due to the applicability of
Governmental Accounting Standards Board (GASB) audit requirements relating to GASB Statement
34, "Basic Financial Statements-and Management's Discussion and Analysis-for State and Local
Governments" and Statement on Auditing Standard (SAS)99, "Consideration of Fraud in a Financial
Statement Audit", and

WHEREAS, additional auditing hours are required by the new standards, and

WHEREAS, the Audit Committee has reviewed the additional audit procedures in detail with
Deloitte & Touche, LLP, and concurs that additional auditing hours are required, and

WHEREAS, the Audit Committee is recommending that appropriate actions be taken to make the
necessary changes to the audit contracts with Deloitte & Touche, LLP to reflect the fee increases
proposed by Deloitte & Touche, LLP,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Board of Trustees and President of ECC are authorized to amend their contracts with Deloitte & Touche, LLP for the audits providing for fee increases for 2002 as follows:

Increased audit fees for 2002:

	SAS 99	GASB 34	Total
Erie County	\$ 7,188	\$17,250	\$24,438
ECMC	4,312	4,600	8,912
ECC	1,150	5,750	6,900
Total	<u>\$12,650</u>	<u>\$27,600</u>	<u>\$40,250</u>

and be it further,

RESOLVED, that increased fees for subsequent years of the six year contracts will be adjusted using the same incremental percentages as included in the existing contracts, (i.e., approximately 2.5% for the County and ECMC for years 2003 and 2004, and 3.0% for ECC for fiscal years ending August 31, 2003, 2004, and 2005), and be it further

RESOLVED, that the appropriations necessary to pay these additional fees will be separately provided for within the operating budgets of ECC and ECMC for their respective audits and the Comptroller's Office for the County audit,

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the County Attorney, the Budget Director, the President of ECC, the members of the Board of Trustees, the ECC Chief Administrative and Financial Officer, the Chief Executive Officer of ECMC, and the Chief Financial Officer of ECMC.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 503

Re: Designation of Authorized Tourism
 Promotion Agency for EC for 2003-2004.
 (Intro. 15-2)

A RESOLUTION SUBMITTED BY LEGISLATORS

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

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

WHEREAS, the promotion, development, and expansion of the tourist travel, report, and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's economy, increases employment opportunities, and promotes the general welfare of county residents, and

WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act, and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs, and

WHEREAS, on several occasions, the Erie County Legislature has expressed its sincere concern for the county's efforts with respect to tourism activities, particularly concerning cultural tourism and the resultant manners by which the county's many and various cultural institutions can be used to more effectively market Erie County and Western New York for tourism, and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort, and

NOW, THEREFORE, BE IT

RESOLVED, that the Buffalo Niagara Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2003 – 2004, and be it further

RESOLVED, that this Honorable Body does hereby request that the Buffalo Niagara Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the New York State Tourism Protection Act, and be it further

RESOLVED, that officials of the Convention and Visitors Bureau are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York, and be it further

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Commerce, and to Richard Geiger and David Lacki of the Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, New York 14203-1496, State Assembly Tourism, Arts, and Sports Development Committee Chairman Joseph D. Morelle, State Senate Tourism, Recreation and Sports Development Committee Chairman John DeFrancisco, and to Erie County Executive Joel A. Giambra.

Fiscal Impact: None for Resolution

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Re: County Assistance to Stem the Violence in
the City of Buffalo. (Intro. 15-3)

A RESOLUTION SUBMITTED BY
LEGISLATOR HOLT

WHEREAS, the Summer of 2003 has seen a wave of violence in certain areas of the City of Buffalo, and

WHEREAS, as of August 5, 2003, there have been 33 homicides in the City of Buffalo, and since June 1, 2003, nearly 90 shootings, most in neighborhoods on Buffalo's East Side, representing more than 33% more shootings than last year at this time and nearly 50% more than five years ago, and

WHEREAS, this pattern of violence mirrors the violence of May 2001, when there were 19 homicides in the City, the deadliest month on record in Buffalo, and

WHEREAS, in May 2001, the City of Buffalo requested and received assistance from the Erie County Sheriffs Department and the New York State Police to help patrol high crime areas in the City, and that May 2001 initiative, while very helpful and welcomed, was terminated after five weeks, and was intended as a temporary patrol measure, and

WHEREAS, in August 2003, facing another wave of violence, the Stop the Violence Task Force has been created, including the Buffalo Police Department, Erie County Sheriffs Department, Erie County District Attorney, New York State Police, Federal Bureau of Investigation, and Bureau of Alcohol, Tobacco, Firearms and Explosives, and this task force will patrol city streets, arrest drug dealers, and confiscate illegal firearms and arrest those carrying them, and

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, our community is in need of long-term, systemic and deep-rooted community policing-style measures to educate young people about non-violent ways to address conflict, and measures to develop better relations and respect between law enforcement and young people,

WHEREAS, a community activist and minister, Dennis Muhammad, has created a program, Educating Neighborhoods to Obey Those in Authority (ENOTA), community sensitivity training to help bridge the gap between community and law enforcement, and

WHEREAS, ENOTA has been successfully initiated in Syracuse, NY with the support and assistance of the Syracuse Police Department, and

WHEREAS, Mr. Muhammad has been meeting with Buffalo Police Department officials and community leaders to discuss the potential for developing ENOTA in Buffalo, and making Buffalo a pilot project and a model for other cities, and those officials and leaders have expressed an interest in implementing ENOTA in Buffalo,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its deepest concern over the violence plaguing our community, and be it further

RESOLVED, that this Honorable Body pledges its assistance to help stem the violence, and be it further

RESOLVED, that this Honorable Body expresses its support for the creation and implementation of comprehensive campaigns and educational training programs designed to educate young people about non-violent ways to resolve conflict and avoid violence as well as programs to help train law enforcement professionals on ways to work with the community in their policing, and be it further

RESOLVED, that the Erie County Legislature expresses its support for the creation and implementation of a one-year pilot ENOTA project in Buffalo, to help bridge the gap between the community and law enforcement, to train community leaders, law enforcement personnel, and others, and in so doing, to help reduce the violence affecting our community, and be it further

RESOLVED, that in order to assist in this way, the Erie County Legislature requests that the County Executive allocate and appropriate \$100,000 as Extraordinary County Aid to Local Governments from the Regionalism/Economic Development Fund (DAC 110 904 303 830 1299) to implement ENOTA in the City of Buffalo for a one year (12 month) pilot project and be it further

RESOLVED, that certified copies of this resolution be submitted to County Executive Joel Giambra, Director of Budget, Management and Finance Joseph Passafiume, Erie County Sheriff Patrick Gallivan, Buffalo Mayor Anthony Masiello, Buffalo Common Council Members, Buffalo Police Commissioner Rocco Diina, and Dennis Muhammad.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Fiscal Impact: \$100,000

MR. HOLT moved to amend the item to include Et Al Sponsorship. MR. DALE seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed the resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 15-3 From LEGISLATORS HOLT, ET AL Re: County Assistance to Stem the Violence in the City of Buffalo.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 504

Re: Calling for an Investigation & Upgrade of the Northeastern Electric Grid. (Intro. 15-4)

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

WHEREAS, the largest power blackout in U.S. history rolled across the northeastern United States and southern Ontario on Thursday, August 14, 2003 causing power outages that spread over 9,300 square miles leaving more than 80% of New York State in the dark, and

WHEREAS, hundreds of thousands of people were forced to spend the night away from home and in many cases in the streets with nothing to do except wait for relief, and

WHEREAS, an estimated \$1 billion of revenue was lost due in part to business shutdowns and expiration of perishable goods, and

WHEREAS, distress was felt far beyond that of dark rooms and uncomfortable sleeping arrangements, and

WHEREAS, although the cause has yet to be determined it came as no surprise to those involved in the power industry, and

WHEREAS, while there have been no significant additions and/or improvements made to the electric transmission grid in the last 20 years, in an era where electricity-hungry appliances such as

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

computers and air conditioners are commonplace, there have been significant increases in power generation, and

WHEREAS, both state and federal officials need to work alongside energy technology experts to develop an intelligent, adaptive power grid that is able to easily respond to system failure and rapidly recover power, and

WHEREAS, with terrorism a constant and daily threat, the safety of all citizens is highly compromised by an electrical grid that is vulnerable to changes in the flow of electricity, and

WHEREAS, answers and solutions are being demanded by everyone involved regarding why such a catastrophe could happen and what will be done in the future to ensure this never happens again,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls upon state and federal officials to provide a full investigation of the cause of the events of the last week's blackout in an effort to upgrade the northeastern electric grid thereby limiting any future problems, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bush, NYS Delegation to the United States House of Representatives & Senate, US Department of Energy, FERC, Governor Pataki, WNY Delegation to the Assembly & Senate, NYISO, NYPA, NYSERDA, Niagara Mohawk, RG&E, Con Ed and NYSEG.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

Item 34 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 15-5 From LEGISLATOR DeBENEDETTI Re: Consumers' Rights to a Free Annual Copy of Their Credit Report & Rating.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 505

Re: Requesting that Governor Pataki Release the Appropriated Money for the Western Erie

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Canal Heritage Corridor Planning Commission.
(Intro. 15-6)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

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

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

WHEREAS, the planning commission, after significant public participation throughout the canal corridor, is finalizing a comprehensive management plan that will, among other things, support and strengthen the economic revitalization and preservation of areas within the Western Erie Canal Heritage Corridor, and

WHEREAS, the Western Erie Canal Heritage Corridor Planning Commission has shown its ability to create vision for the Western Erie Canal Corridor, and

WHEREAS, on July 1, 2003 Governor Pataki extended the existence of the Western Erie Canal Heritage Corridor Planning Commission for an additional year, and

WHEREAS, \$50,000 was allocated for the Western Erie Canal Heritage Corridor Planning Commission in the 2003-2004 New York State Budget, and

WHEREAS, the appropriated funds for the Western Erie Canal Heritage Corridor Planning Commission have not yet been released by New York State, and

WHEREAS, the Western Erie Canal Heritage Corridor Planning Commission will have to shut down operations if they do not receive the funding by September 15, 2003,

NOW, THEREFORE, BE IT,

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

RESOLVED, that this Honorable Body does hereby request that New York State Governor George Pataki release the appropriated funds to the Western Erie Canal Heritage Corridor Planning Commission in order to continue the production of the management plan that has high community investment and expectations, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, NYS Senate Majority Leader Bruno, NYS Assembly Speaker Silver, members of the Western New York

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

delegation to the New York State Legislature, and the Western Erie Canal Heritage Corridor Planning Commission.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 506

Re: Calling for Emergency Power to Maintain Cellular Phone Communications During a Power Failure. (Intro. 15-7)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

WHEREAS, on Thursday, August 14, 2003, the largest power failure in United States history occurred across an eastern portion of the United States and southern Ontario causing power outages that spread over 9,300 square miles, and

WHEREAS, hundreds of thousands of people were forced to spend the night and, in several cases, days without electrical power, and

WHEREAS, cellular phone communications, in areas where the blackout occurred, were severely disrupted during the duration of the power failure, and

WHEREAS, the inability to make cellular phone calls caused many problems and distress for people and emergency personnel needing to make calls, and

WHEREAS, some of these failures have been attributed to high cell phone call volume during this time, and

WHEREAS, several other failures have not been attributed to high cell phone call volume and are likely explained by a lack of adequate emergency or back-up power to maintain cellular communications, and

WHEREAS, New York State has collected an average of \$84 million over the last years with Erie County contributing an average of \$4.3 million in the form of the Wireless 911 surcharge to cell phone users, and

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the funds collected from this surcharge are designated to be used for public safety communications, and

WHEREAS, maintaining emergency power for cellular communications should be a proper purpose for the funds collected under the Wireless 911 surcharge and should be used as such to avoid a situation similar to which occurred on Thursday, August 14, 2003,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls upon New York State officials to earmark a certain percentage of the Wireless 911 surcharge to maintain emergency or back-up power for cellular phone communications in the event of a future power failure, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, and the WNY Delegation to the Assembly & Senate.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 507

Re: Appointment to the EC Audit Committee.
(Intro. 15-8)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER & LARSON

WHEREAS, a vacancy exists on the Erie County Audit Committee due to the term expiration of the current accounting profession representative, and

WHEREAS, pursuant to applicable law, Audit Committee members have received nominations for a representative from the Buffalo Chapter of the New York State Society of Certified Public Accountants, and

WHEREAS, following a review of the qualifications of each nominee, pursuant to applicable law, the Erie County Audit Committee has recommended that the Erie County Legislature appoint John P. Schaivone to serve as a member of the Erie County Audit Committee,

NOW, THEREFORE, BE IT

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature does hereby appoint John P. Schiavone, CPA, 7198 Brookside Drive, Lockport, NY 14094 to serve as a member of the Erie County Audit Committee as a representative of the accounting profession, and be it further

RESOLVED, that said appointment will be for three years, effective August 1, 2003 and will expire June 30, 2006, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel Giambra, Comptroller Nancy A. Naples, Joseph J. Surdyk, Jr., Secretary to the Audit Committee, and to John P. Schiavone.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 508

Re: Opposition to the New Designation for the
 Buffalo-Niagara Falls Metropolitan Area.
 (Intro. 15-9)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK, WEINSTEIN, FALKNER, McCARVILLE,
LARSON, CUSACK, CHASE & RANZENHOFER

WHEREAS, the United States Office of Management & Budget designates regions or Metropolitan Statistical Areas (MSA) for the purpose of research, and

WHEREAS, until recently the local MSA incorporated Erie and Niagara County and was known as the “Buffalo-Niagara Falls” MSA, in recognition of the two largest cities contained within the geographically defined area, and

WHEREAS, the United States Office of Management & Budget has announced that the local metropolitan area **will now be known as** the “Buffalo-Cheektowaga-Tonawanda” MSA based on population statistics from the 2000 census, and

WHEREAS, developers interested in development in our region look to the MSA as a statistical tool for making decisions on where to build, and

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, by eliminating Niagara Falls from the name of our local MSA, the City of Niagara Falls will have far less visibility with corporate real estate executives, corporate site selectors and researchers at a time when high visibility is critical for the survival of both the City of Niagara Falls and the City of Buffalo, and

WHEREAS, the name change comes at a time when the City of Niagara Falls is undertaking new initiatives to promote itself in the global economy, attract new business to the region and create jobs, and

WHEREAS, the Mayor of the City of Tonawanda and the Supervisor of the Town of Tonawanda are on record as not objecting if the name was changed back to the “Buffalo-Niagara Falls” MSA, and

WHEREAS, no one seems to be able to adequately explain why consideration is not given to the Town of Amherst (the largest municipality in the region after the City of Buffalo) while The Towns of Cheektowaga and Tonawanda are acceptable, which leads many to opinion that the two largest cities – Buffalo and Niagara Falls – should continue to be used as the MSA designation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to economic development in Erie County and the greater “Buffalo-Niagara Falls” region, and

RESOLVED, that this Honorable Body is opposed to changing the name of the our local MSA from “Buffalo-Niagara Falls” to “Buffalo-Cheektowaga-Tonawanda,” and

RESOLVED, that certified copies of this resolution be forwarded to U.S. Senator Charles E. Schumer, U.S. Senator Hillary Rodham Clinton, Congressman Thomas M. Reynolds, Congresswoman Louise M. Slaughter, the Western New York Delegation to the New York State Legislature, Irene J. Elia, Mayor, City of Niagara Falls, Anthony M. Masiello, Mayor, City of Buffalo, Robert Newman, President & CEO, Niagara USA Chamber, The Buffalo-Niagara Partnership, Charles Gargano, Commissioner, Empire State Development, Tim Doolittle, Regional Director, Empire State Development’s Buffalo Office, United States Office of Management & Budget and the United States Census Bureau.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. McCARVILLE seconded. MR. DALE, MR. DUSZA & MR. SCHROEDER in the negative.

CARRIED. (WEIGHTED VOTE: 14.255 – 2.745)

Item 39 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 509

Re: Elma Agricultural District (EC #13) 8-Year
 Review & Recertification. (Intro. 15-10)

A RESOLUTION SUBMITTED BY LEGISLATORS
 SWANICK, RANZENHOFER, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE,
 WEINSTEIN, HOLT, DALE, DeBENEDETTI, DUSZA, FISHER, KUWIK,
 MARINELLI, SCHROEDER & SMITH

WHEREAS, the Elma Agricultural District (EC#13), with extensions into the Towns of Aurora and Orchard Park, was initially created June 20, 1979 and recertified in 1987 and 1995, and

WHEREAS, Article 25AA of the New York State Agricultural and Markets Law, Section 303-a.1, specifies that the County Legislative body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

WHEREAS, pursuant to a resolution on March 6, 2003, the Erie County Legislature directed the Clerk of the Legislature to publish a public notice of the district's review, and

WHEREAS, the district was duly referred to the Erie County Division of Planning and to the Agricultural and Farmland Protection Board (formerly the Agricultural District Advisory Committee) of this Legislature for review of the district, and

WHEREAS, on the 14th day of July 2003, pursuant to public notice, a public hearing was held within the agricultural district at the Elma Town Hall, and

WHEREAS, various matters were brought before the public hearing, discussed and considered, and

WHEREAS, the following properties are listed as additions and deletions (modifications) resulting in a net decrease of 13.04 acres to the Elma Agricultural District, and

ADDITIONS

NAME	PROPERTY LOCATION	ACRES	TAX I.D.
Mark & Sarah Roelofs	1840 Billington Rd., Elma	62.74	155.00-3-27.1
Norman & Alma Zilke	890 Blossom Rd., Elma	65.5	136.01-2-9.11
Mark & Sarah Roelofs	511 Bowen Rd., Elma	1.76	155.00-3-27.2
Ginny Wolski	6501 Clinton St., Elma	47.16	127.03-1-3.11
Michael & Ann Fanelli	541 Schultz Rd., Elma	12.0	146.00-3-54.11
Christopher & Lynn Kerr	502 Jewett Holmwood Rd., Aurora	5.06	174.00-2-31.1
Christopher & Lynn Kerr	492 Jewett Holmwood Rd., Aurora	15.54	174.00-2-51
Jeffrey & Susan Mikula	453 Jewett Holmwood Rd., Aurora	5.5	174.00-3-29.1
Bernard & Michelle	1154 Jewett Holmwood Rd., Aurora	4.69	174.03-1-12

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Kowalczyk			
	Total Additions	219.95 acres	

DELETIONS

NAME	PROPERTY LOCATION	ACRES	TAX I.D.
James & Rebecca Wyzykiewicz	1930 Bowen Rd., Elma	3.44	146.01-1-10.21
James & Rebecca Wyzykiewicz	Bowen Rd., Elma	43.4	146.01-1-10.111
James & Rebecca Wyzykiewicz	Rice Rd., Elma	25.0	146.00-4-1
Marie O'Brien	Rice Rd., Elma	72.6	145.00-2-2
James & Rebecca Wyzykiewicz	960 Schultz Rd., Elma	40.1	146.02-2-47.11
Creekside Development, LLC	1288 Quaker Rd., Aurora	38.95	163.00-2-19
Jerry Morrow	1045 Willardshire Rd., Aurora	9.5	163.00-1-2
	Total Deletions	232.99 acres	
	Net Decrease	13.04 acres	

WHEREAS, in accordance with the New York State Environmental Quality Review Act of 1975 and in accordance with adopted review procedures and the criteria set forth in Part 617, this agricultural district and its modifications have been reviewed and determined to have no significant effect on the environment (Exhibit A),

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and reaffirm the existing Elma Agricultural District together with the modifications (additions/deletions) and the Negative Declaration, and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward the necessary documentation to the appropriate officials of the State of New York in accordance with the Agricultural and Markets Law and that certified copies of this resolution be sent to the Erie County Department of Environment and Planning, and to the Town Supervisors and Town Clerks of Elma, Aurora and Orchard Park.

FISCAL IMPACT: To be determined.

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

CARRIED UNANIMOUSLY.

*** See Meeting 16 for further action on Intro. 15-10.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 40 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 510

Re: Calling the EC Veterans' Services Department to Provide the Appropriate Flags to the Military Park at the Inner Harbor.
(Intro. 15-11)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

WHEREAS, on July 30, 2003, the new Military Park was opened at the Inner Harbor in the City of Buffalo, and

WHEREAS, the Erie County Department of Veterans' Services has provided flags for the Vietnam War Memorial in the past, and

WHEREAS, the new Military Park contains three flagpoles which are in desperate need of flags to show the proper respect and deference for those who bravely served for and died for the United States, and

WHEREAS, the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the POW/MIA flag for the Vietnam War Memorial at the new Military Park, and

WHEREAS, the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the South Korean flag for the Korean War Memorial at the new Military Park,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby wish to express its thanks and gratitude to those veterans who bravely served for and died for the United States, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the POW/MIA flag for the Vietnam War Memorial at the new Military Park, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the South Korean flag for the Korean War Memorial at the new Military Park, and be it further

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Erie County Department of Veterans' Services and the Vietnam Veterans of America, Inc., Western New York Chapter 77.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

DELETE the Fourth and Fifth WHEREAS clauses and REPLACE with the following:

WHEREAS, the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the POW/MIA flag as needed for the Vietnam War Memorial at the new Military Park, and

WHEREAS, the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the South Korean flag and needed for the Korean War Memorial at the new Military Park,

DELETE the Second and Third RESOLVED clauses and REPLACE with the following :

RESOLVED, that the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the POW/MIA flag as needed for the Vietnam War Memorial at the new Military Park, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon the Erie County Department of Veterans' Services to provide the United States flag and the South Korean flag as needed for the Korean War Memorial at the new Military Park, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 511

Re: Additional Funding for Household
 Hazardous Waste Days. (Intro. 15-12)

A RESOLUTION SUBMITTED BY

LEGISLATOR SWANICK

WHEREAS, many homes contain hazardous chemicals, paints, oil and other products that are not easily properly disposable, and

WHEREAS, in the past Erie County has named several days throughout the year in which residents can drop-off household hazardous waste at various sites across the county, and

WHEREAS, these household hazardous waste collection days have been successful in collecting thousands of gallons of wasteful products that may have otherwise been improperly disposed of and a danger to our environment, and

WHEREAS, this program offers residents a safe, free, clean way to rid their homes of dangerous materials, and

WHEREAS, the Department of Environment & Planning has identified a shortfall in funding for the Household Hazardous Waste Collection Program, and will require additional funds, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislative Contractual (DAC: 110905100830) to Fund 110, Project 945, Department 620 – Department of Environment & Planning as follows: Transfer \$5,000 to Hazardous Waste Days (DAC 110945620830270), and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 945, Department 620 – Department of Environment & Planning as follows: Transfer \$5,000 to Hazardous Waste Days (DAC 110945620830270), and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Department of Environment & Planning Commissioner Laurence K. Rubin, Kelly Wahl – First Administrative Assistant Erie County Legislature, and Second Assistant County Attorney Susannah Bochenek.

Fiscal Impact: Appropriation of 2003-budgeted funds.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 512

Re: Brant-Evans Agricultural District Nos.
 1 & 2 – EC #9 & #10 – 8-Year Review.
 (Intro. 15-13)

A RESOLUTION SUBMITTED BY LEGISLATORS
 SWANICK, RANZENHOFER, CHASE, CUSACK, FALKNER, LARSON,
 McCARVILLE, WEINSTEIN, HOLT, DALE, DeBENEDETTI, DUSZA,
 FISHER, KUWIK, MARINELLI, SCHROEDER & SMITH

RESOLVED, that the Clerk of the Legislature is directed to hold a Public Hearing on October 2, 2003 at 7:30 pm at the Evans Town Hall, 8787 Erie Road, Angola, New York concerning the 8-year review and expansion of the Evans portion of the Brant-Evans Agricultural District and, be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in a newspaper having a general circulation within the agricultural district and to so notify the affected municipalities and the property owners within the expanded portion of the Brant-Evans Agricultural District of the proposed modification.

FISCAL IMPACT: To be determined.

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

CARRIED UNANIMOUSLY.

Item 43 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Intro. 15-14 From LEGISLATORS SWANICK, RANZENHOFER & HOLT Re: Legislative Personnel Adjustments.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 513

Re: Consideration for Public Benefit Funding.
(Intro. 15-15)

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>
Cornell Cooperative Extension	\$2,000	CHASE
Town of Evans Police Department	\$5,000	CHASE
TOTAL	\$7,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 45 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 514

Re: Consideration for Public Benefit Funding.
 (Intro. 15-16)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CUSACK

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Village of Williamsville	\$1,000	CUSACK
Erie County Dept. of Senior Services	\$5,000	CUSACK
Literacy Volunteers of Buffalo & Erie County, Inc.	\$2,000	CUSACK
Erie County Environmental Education Institute	\$2,000	CUSACK
Rural Metro	\$445	

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

TOTAL \$10,445

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

DELETE the first RESOLVE and REPLACE with the following:

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Village of Williamsville	\$1,000	CUSACK
Literacy Volunteers of Buffalo & Erie County, Inc.	\$2,000	CUSACK
Erie County Environmental Education Institute	\$2,000	CUSACK
Rural Metro	\$445	
TOTAL	\$5,445	

And be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$10,000 from the Legislature Contractual DAC: 100905100830 to the Division of Senior Services – Transportation – Motor Vehicles Equipment DAC: 110940631930 for expenses associated with the Going Places van, and be it further

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 515

Re: Calling for 9/11 to be Designated as a
 National Day of Remembrance & Reflection for
 the Victims of 9/11/01. (Intro. 15-17)

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

WHEREAS, on September 11, 2001, a horrific act of terrorism was committed on the citizens and military personnel of the United States of America, and

WHEREAS, nearly 3,000 innocent men and women lost their lives in New York City, Washington D.C., and Pennsylvania, and

WHEREAS, more than 300 firefighters, police officers, and emergency personnel died trying to save the lives of the innocent men and women who were caught in the attacks, and

WHEREAS, the devastation and grief of this event has caused deep and long lasting effects on the people of this country, and

WHEREAS, numerous proposals have been submitted to properly commemorate this day, and

WHEREAS, on the second anniversary of September 11, 2001, the Erie County Legislature wishes to respectfully suggest that the day of September 11 be designated as a ‘**National Day of Remembrance and Reflection for the Victims of September 11, 2001**’,

NOW, THEREFORE BE IT,

RESOLVED, that the Erie County Legislature wishes to pause in its deliberations today, September 11, 2003, to pay tribute to those who lost their lives in New York City, Washington D.C., and Pennsylvania on September 11, 2001, and be it further

RESOLVED, that this Honorable Body wishes to further pause in its deliberations today, September 11, 2003, to honor the men and women that responded to this tragedy, and be it further

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that this Honorable Body wishes to respectfully suggest that the day of September 11 be designated as a ‘**National Day of Remembrance and Reflection for the Victims of September 11, 2001**’, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President George W. Bush, the WNY delegation to the U.S. House of Representatives, N.Y. Senators Charles Schumer and Hillary Clinton, Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the WNY delegation to NYS Legislature, and County Executive Joel Giambra.

Fiscal Impact: None for Resolution

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 47 – MR. LARSON presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 516

Re: Consideration for Public Benefit Funding.
(Intro. 15-18)

A RESOLUTION SUBMITTED BY
LEGISLATOR LARSON

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:

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Lancaster Senior Center	\$2,000	LARSON
Renegades Drum Corp.	\$2,500	LARSON
TOTAL	\$4,500	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 517

Re: Consideration for Public Benefit Funding.
(Intro. 15-19)

A RESOLUTION SUBMITTED BY
LEGISLATOR McCARVILLE

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

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

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>
Star Swimming	\$2,000	McCARVILLE
Town of North Collins	\$2,000	McCARVILLE
TOTAL	\$4,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 49 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 518

Re: Consideration for Public Benefit Funding.
(Intro. 15-20)

A RESOLUTION SUBMITTED BY
 LEGISLATOR RANZENHOFER

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

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

NOW, THEREFORE, BE IT

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>
Town of Clarence	\$1,741	RANZENHOFER
TOTAL	\$1,741	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 50 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 519

Re: Consideration for Public Benefit Funding.
(Intro. 15-21)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Village of Williamsville	\$5,000	WEINSTEIN
Town of Amherst (Highway Dept)	\$2,000	WEINSTEIN
Amherst Chamber Ensemble	\$500	WEINSTEIN
Safe Homes (ECCPASA)	\$800	WEINSTEIN
Amherst Youth Foundation	\$1,400	WEINSTEIN
TOTAL	\$9,700	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 51 – MR. FALKNER presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 520

Re: Consideration for Public Benefit Funding.
(Intro. 15-22)

A RESOLUTION SUBMITTED BY
LEGISLATOR FALKNER

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

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

NOW, THEREFORE, BE IT

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>
Mercy Flight (Charity Golf Tournament)	\$500	FALKNER
St. Simons Episcopal Church	\$500	FALKNER
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 Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 52 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 521

Re: Consideration for Public Benefit Funding.
 (Intro. 15-23)

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>
Resurrection Parish Youth Group	\$3,000	DUSZA

Boy Scout Troop 659	\$500	DUSZA
TOTAL	\$3,500	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 53 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 522

Re: Transfer of Public Benefit Funds.
(Intro. 15-24)

A RESOLUTION SUBMITTED BY LEGISLATORS
CHASE, CUSACK, FALKNER, McCARVILLE,
WEINSTEIN & SCHROEDER

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

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

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

NOW, THEREFORE, BE IT

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$23,000 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>
Tremendous Teens	830/	\$2,500	FALKNER
Armor Fire Company	830/	\$3,000	MCCARVILLE
Boys & Girls Club of Buffalo	830/0546	\$1,000	SCHROEDER
North Collins Little Loop Football (Eden Little Loop)	830/1011	\$2,000	CHASE
Town of Amherst Senior Services	830/1017	\$2,500	CUSACK
Town of Amherst Senior Services	830/1017	\$2,000	WEINSTEIN
Town of Amherst Senior Services	830/1017	\$2,000	WEINSTEIN
Graycliff Conservancy	830/1192	\$3,000	FALKNER
Mel Ott Little League	830/1264	\$5,000	WEINSTEIN
TOTAL		\$23,000	

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,000 from Agency Payments & Public Benefit Services – Amherst Public Library (1109213018300156) back to the Legislature – Contractual fund (110905100830), and be it further

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

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

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

Fiscal Impact: Appropriation of 2003 budgeted funds

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

CARRIED UNANIMOUSLY.

Item 54 – CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 15-25 From LEGISLATOR DALE Re: Guidelines for Approval of Waivers Pursuant to the Clean Indoor Air Act.

Item 55 – CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT 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. 15-26 from LEGISLATORS MARINELLI & FISHER Re: Support for Buffalo Olmsted Parks Conservancy's Quest for Assistance in Proposal to Develop a Linear Park System Along Niag. River.

Item 56 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 523

Re: Calling for a Federal Investigation of Gasoline Prices & the Establishment of a Pro-Consumer National Energy Policy.
 (Intro. 15-27)

A RESOLUTION SUBMITTED BY LEGISLATORS
 HOLT, MARINELLI, DEBENEDETTI, SCHROEDER, SMITH,
 KUWIK, DUSZA, FISHER AND DALE

WHEREAS, starting with the electric blackout that affected the Northeastern United States on August 14, 2003, gasoline prices across the United States have soared, with average retail prices increasing at one point, 12 cents per gallon in one week alone, and

WHEREAS, in Erie County, the average retail price for 87 octane gasoline is now approximately \$1.81 per gallon, an increase of more than 30 cents per gallon since mid-August

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

2003, an increase of 36.4% from one year ago, and up from approximately \$1.08 per gallon in January 2002, and

WHEREAS, despite widespread popular concerns, the American Petroleum Institute has denied that petroleum companies are engaging in price gouging, collusion, or antitrust activities, and

WHEREAS, during the first week of September 2003, the U.S. Congress began hearings concerning various national energy issues, including the significant spikes in gasoline prices since mid-August 2003, and

WHEREAS, on September 4, 2003, the U.S. Department of Energy's Energy Information Administration announced its intention to investigate gasoline prices in the United States, specifically, whether or not gasoline and petroleum companies have engaged in deliberate price gouging since the electric blackout in the Northeastern United States on August 14, 2003, and

WHEREAS, if the Department of Energy finds that irregularities or price gouging did, in fact occur, that department will refer its findings to the U.S. Department of Justice and the U.S. Federal Trade Commission (FTC) for possible prosecution, and

WHEREAS, the recent electric blackout, combined with the spike in gasoline prices, massive increases over the past 2 years in natural gas prices, and significantly larger electricity rates, has led some observers and experts to call for the establishment of a comprehensive national energy policy that benefits the American consumer,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for a thorough, independent, and comprehensive investigation by the federal government, including the FTC, into allegations of price gouging in retail gasoline sales, and, if necessary, the full prosecution of energy companies found to have violated the law and engaged in price gouging, and be it further

RESOLVED, that this Honorable Body calls for the establishment of a comprehensive national energy policy that includes consumer advocates, representatives of the energy sector, representatives of the environmental and conservation sectors, and which develops long-term, enforceable strategies that promotes better conservation, efficient technology, and the use of renewal energy sources, all of which may help lead to cheaper and sustainable energy, and be it further

RESOLVED, that certified copies of this resolution be transmitted to President George W. Bush (1600 Pennsylvania Ave., N.W., Washington, DC 20500), Secretary of Energy Spencer Abraham (1000 Independence Ave., S.W., Washington, DC 20585), Federal Trade Commission Chairman Timothy Muris (600 Pennsylvania Avenue, N.W., Washington, DC 20580), U.S. Senators Charles Schumer and Hillary Rodham Clinton, and U.S. Representatives Louise Slaughter, Jack Quinn, and Thomas Reynolds.

Fiscal Impact: Positive for Erie County consumers

MR. HOLT moved to amend the resolution to include Et Al sponsorship. MR. DALE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 57 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 15-28 From THE MINORITY CAUCUS Re: Establishment of a Legislative Task Force to Study EC Government Assistance to the City of Buffalo.

Item 58 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 15-29 From LEGISLATOR DALE Re: Creation of an Ad Hoc EC Legislative Investigative Committee into Allegations of Wrong Doing and Misapplication of County Funds in DPW.

Item 59 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 15-30 From LEGISLATOR DALE Re: Plan to Cut County Government in Order to Share with the City of Buffalo a Portion of the Sales and Compensation Use Tax Revenue.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 524

Re: Calling for NYS Legislature to Pass Legislation (S.5531/A.7274) Authorizing the Adoption of a Soils/Fill Management Plan for WNY. (Intro. 15-31)

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

WHEREAS, in June 2003, the NYS Assembly passed brownfields legislation that would be the most stringent in the United States by imposing new fees and increases in the time and money required to complete remediation projects, and

WHEREAS, this legislation would, in many cases, force municipalities to suspend remediation efforts on brownfield areas to limit their liability, and

WHEREAS, Erie County and the City of Buffalo are engaged in several current and possible future remediation projects in an area defined as the Western New York Brownfield Renewal Area which contains the Bethlehem Steel property, the Union Ship Canal, the St. Lawrence Cement Property, the Lehigh Rail Yard, the CSX Rail Yard, the NFTA Outer Harbor Property, and the Buffalo Ship Canal, and

WHEREAS, one such project that Erie County and the City of Buffalo are currently collaborating on in remediation is the Union Ship Canal property, and

WHEREAS, if such legislation were to pass in the Senate and signed by the Governor, Erie County and the City of Buffalo may have to postpone their efforts and jeopardize the future of this project, and

WHEREAS, NYS Senator Dale Volker and NYS Assemblyman Brian Higgins have sponsored an alternate bill (S.5531/A.7274), in their respective houses, which seeks to empower the NYS Department of Environmental Conservation to develop a soils/fill management plan for the area defined as the Western New York Brownfield Renewal Area, and

WHEREAS, the soils/fill management plan sets clean-up standards that will be protective of human health and the environment, but will allow the Western New York Brownfield Renewal Area to be utilized for commercial industrial use, and

WHEREAS, verified compliance with the soils/fill management plan will release eligible parties from liability making the risk for taking on such projects more cost effective, and

WHEREAS, this decreased liability will contribute to further development of the Western New York Brownfield Renewal Area for commercial industrial use and ultimately economic and job growth in the area,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls upon the New York State Legislature to cease its consideration of the Assembly's legislation that could impede further redevelopment of the

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Western New York Brownfield Renewal Area and particularly the Union Ship Canal property, and be it further

RESOLVED, that the Erie County Legislature hereby calls upon the New York State Legislature to take up consideration of the bill sponsored by NYS Senator Dale Volker and NYS Assemblyman Brian Higgins (S.5531/A.7274) which will create a soils/fill management plan for the Western New York Brownfield Renewal Area, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Senate Majority Leader Bruno, Assembly Speaker Silver, the WNY Delegation to the Assembly & Senate, County Executive Giambra, Erie County Department of Environment and Planning, Mayor Masiello, the Common Council, and the Buffalo Niagara Partnership.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 61 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

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

GRANTED.

Comm. 15E-72 From THE COMPTROLLER Re: Report on the Aurora Highway District Operations Department of Public Works for the Period of 1/1/01 – 12/31/02.

Item 62 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. FALKNER seconded.

GRANTED.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Comm. 15D-28 From DPW Re: Audit Response Memo.

Item 63 – MR. RANZENHOFER moved for a suspension of the rules to include an item not included on the agenda. MR. WEINSTEIN seconded.

GRANTED.

RESOLUTION NO. 525

Re: Support for Funding the Great Lakes Basin
 Program for Soil Erosion and Sediment Control.
 (Intro. 15-32)

A RESOLUTION SUBMITTED BY LEGISLATORS
 CHASE & DALE

WHEREAS, the 2002 U.S. Farm Bill authorized funding for The Great Lakes Basin Program for Soil Erosion and Sediment Control (“Program”) which is a federal, state and local partnership that supports over 200 demonstration and technical assistance projects in the Great Lakes states, and

WHEREAS, New York conservation districts received approximately \$500,000 from the Program in 2003, and

WHEREAS, the United States Senate recently deleted the funding source for the Program, and

WHEREAS, the projects previously funded by the Program have improved both fish and wildlife habitat and watershed conditions in the area of the Great Lakes Basin, and

WHEREAS, the Program has been funded at approximately \$2.5 million annually, and

WHEREAS, the reapplication of these resources will enable the Program to continue its work and protect the greatest source of fresh water in the world,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby state its support for The Great Lakes Basin Program for Soil Erosion and Sediment Control and the goals it seeks to achieve, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon the U.S. Senate to restore funding for the Program, and be it further

RESOLVED, that certified copies of this resolution be sent to the members of NYS Delegation to the U.S. House of Representatives and the U.S. Senate, the Great Lakes Commission, and the Erie County Soil and Water District Conservation Board.

Fiscal Impact: None for the Resolution.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

Item 64 – MR. HOLT moved for a suspension to include an item not on the agenda. MR. DUSZA seconded.

GRANTED.

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

GRANTED.

Intro. 15-33 From LEGISLATORS DUSZA, SCHROEDER, KUWIK, HOLT, DeBENEDETTI, SMITH, MARINELLI, DALE & FISHER Re: Support for the Continuation of Section 201 Steel Tariffs.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 65 – (Comm. 15E-1) Certificate of Determination – Sale & Issuance of \$1,233,551 EFC Sewer System Serial Bonds.

Received and filed.

FROM CHAIRMAN SWANICK

Item 66 – (Comm. 15E-2) Appointment to EC Alternatives to Incarceration Advisory Board.

RECEIVED, FILED & PRINTED.

July 14, 2003

VIA HAND DELIVERY

Thomas P. DeMartino, Esq.
 Rath Building -16th Floor
 95 Franklin Street
 Buffalo, NY 14202

Re: Appointment to the Erie County Alternatives to Incarceration Advisory Board.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Dear Mr. DeMartino:

We are in receipt of your letter, dated July 2, 2003, notifying the Majority Caucus of their appointment to the Erie County Alternatives to Incarceration Advisory Board.

After consultation, we will be appointing Hon. Steven P. McCarville to serve as the Majority Caucus representative on this Board. Mr. McCarville can be contacted at the following:

Hon. Steven P. McCarville
 158 Quaker Road – Suite A
 East Aurora, NY 14052
 Tel. 652-9088
 Fax 652-7054
 E-mail MCCARVILLE13TH@erie.gov

If you have any questions regarding this recommendation, please feel free to contact us at 858-6192.

Very truly yours,

Charles M. Swanick
 Chairman, Erie County Legislature

Cc: Hon. Steven P. McCarville
 158 Quaker Road – Suite A
 East Aurora, New York 14052

FROM THE COMPTROLLER

Item 67 – (Comm. 15E-3) Comprehensive Annual Financial Report for Fiscal Year Ended 12/31/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (Comm. 15E-4) Response to Comptroller's Audit – Locally Administered Federal Aid Capital Projects – Reimbursement Claiming Process 8/1/00 – 9/30/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 69 – (Comm. 15E-5) Review of Unfilled Vacant Positions.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 70 – (Comm. 15E-6) Apportionment & Distribution of 4% Sales Tax for 7/03.

Item 71 – (Comm. 15E-7) Audited Financial Statements & Management Letter for ECMC for Fiscal Year Ended 12/31/02.

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

FROM CHAIRMAN SWANICK

Item 72 – (Comm. 15E-8) Appointment of Chairperson of EC Home Health Care Advisory Board.

RECEIVED, FILE & PRINTED.

August 21, 2003

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

Re: Appointment of Patricia A. Bylewski as Chairperson of the Erie County Home Health Care Advisory Board.

Dear Madam Clerk:

Pursuant to the provisions of Local Law No. 10 (1991), as amended by Local Law No.3 (1996), I hereby appoint Patricia A. Bylewski as the Chairperson of the Erie County Home Health Care Advisory Board.

Ms. Bylewski will be replacing James R. Totaro who resigned the Chairperson position earlier this year.

Very truly yours,

Charles M. Swanick
Chairman, Erie County Legislature

Cc: Patricia A. Bylewski
6086 Wellesley Common
East Amherst, NY 14051

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Judith C. Ketteman
Interim HealthCare
361 Delaware Avenue
Buffalo, NY 14202-1689

FROM THE COMPTROLLER

Item 73 – (Comm. 15E-9) Quarterly Investment Report 4/1/03 – 6/30/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 74 – (Comm. 15E-10) Consolidation of Economic Development Committee Items.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR DALE

Item 75 – (Comm. 15E-11) Copy of Letter to District Attorney Re: Aurora Highway Garage.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 76 – (Comm. 15E-12) Audited Financial Statements for ECC for Fiscal Year Ended 8/31/02.

Item 77 – (Comm. 15E-13) Apportionment & Distribution of 4% Sales Tax for 8/03.

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

FROM LEGISLATOR RANZENHOFER

Item 78 – (Comm. 15E-14) Memo to Legislators Re: Local Law Intro. No. 1 – 2003 (Print 2) Known as EC MBE/WBE Utilization Commitment Act.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 79 – (Comm. 15E-15) EC Appointments to the Inter-County Association of WNY.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RECEIVED, FILED & PRINTED.

September 4, 2003

Hon. Edmund Burdick
President, Inter-County Association
of Western New York
Allegany County Board of Legislators
County Office Building
7 Court Street
Belmont, NY 14813-1039

Re: Erie County Appointments to the Inter-County Association of Western New York.

Dear Mr. Burdick:

It has come to my attention that Erie County does not currently maintain its membership with the Inter-County Association of Western New York. Please allow this letter to serve as Erie County's appointments to your organization.

Pursuant to information provided by the Inter County Association of Western New York, I am appointing myself, as Chairman of the Erie County Legislature, and Hon. Jeanne Z. Chase to be two of the three voting delegates from Erie County. I am also appointing Legislature Staff Members Rosemary Bapst and J. Matthew Plunkett as alternate delegates for Ms. Chase and myself. The contact information for each individual listed above can be found enclosed.

I have asked the Minority Leader of the Erie County Legislature to forward to me the name of the third Legislator delegate and alternate delegate that he wishes to appoint to the Inter-County Association of Western New York. When I receive those names from the Minority Leader, I will forward them to you.

If you have any questions, please contact me at (716) 858-6192.

Very truly yours,

Charles M. Swanick
Chairman, Erie County Legislature
10th District

Enclosure

cc: Hon. Jeanne Z. Chase
184 Buffalo Street

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Hamburg, NY 14075

Rosemary Bapst, Esq.
2901 Bowen Road
P.O. Box C
Elma, NY 14059

J. Matthew Plunkett, Esq.
475 Capen Blvd.
Amherst, NY 14226

Attachment Majority Contact Information

Hon. Charles M. Swanick

3200 Elmwood Avenue - Room 100
Kenmore, NY 14217
Tel. No. (716) 877-3986
Fax No. (716) 877-3820
E-Mail cswanick@erie.gov

Hon. Jeanne Z. Chase

184 Buffalo Street
Hamburg, NY 14075
Tel. No. (716) 646-2378
Fax No. (716) 648-8102
E-mail jzchase@adelghia.net

Rosemary Bapst, Esq.

2901 Bowen Road
P.O. Box C
Elma, NY 14059
Tel. No. (716) 655-3900
Fax No. (716) 655-0659
E-mail RoseBapst@aol.com

J. Matthew Plunkett, Esq.

475 Capen Blvd.
Amherst, NY 14226
Tel. No. (716) 471-4981
Fax No. (716) 631-7105
E-mail j_matthewplunkett@yahoo.com

FROM THE COMPTROLLER

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 80 – (Comm. 15E-16) EC Supplement to the Comprehensive Annual Financial Report for Year Ended 12/31/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SMITH

Item 81 – (Comm. 15E-17) Copy of Letter to Coordinator of Council on Children & Families Re: CGR Study.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 82 – (Comm. 15E-18) Interim Financial Reports for 3 Months Ended 3/31/03 & 6 Months Ended 6/30/03.

Item 83 – (Comm. 15E-19) Cost of Borrowing Report – Sale of a \$81,540,000 of General Obligation Bonds.

Item 84 – (Comm. 15E-20) Cost of Borrowing Report – Sale of a \$90,000,000 Revenue Anticipation Note.

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

Item 85 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 526

Re: DPW – Division of Highways – 2003
 Highway, Bridge & Culvert Program – Request
 to Ratify & Award Construction Contracts.
 (Comm. 15E-21)

WHEREAS, your Honorable Body approved the 2003 Capital Budget for various projects,
 and

WHEREAS, your Honorable Body unanimously approved on July 10, 2003 a resolution (13E-33) that authorized the Commissioner of Public Works to recommend construction contracts to the County Executive and thereafter to enter into agreements and contracts as necessary to advance the 2003 Program within the approved budget funding limits established, and

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, your Honorable Body has now returned from summer recess and is available to formally confirm and ratify all construction contracts currently with the 2003 Program, and

WHEREAS, funds for these projects will be taken from the appropriate Capital Bond Fund Accounts pending all necessary SEQR approvals and bond authorization of these funds and from the \$30,000,000 in tobacco proceeds previously identified in the 2003 Erie County Executive's Budget Message and Summary (of which approximately \$18 million remains unallocated).

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to award construction contracts at the identified amount, plus an additional 10% \pm for contingency and enter into agreements and contracts as indicated below to continue to advance the 2003 Program, and be it further

<u>PROJECT</u>	<u>BID DATE</u>	<u>AMOUNT</u>	<u>CONTRACTOR</u>	<u>SFG PROJ. CAPITAL BUDGET PROJECT FUND</u>
CG-01-03	7/03/03	\$ 553,362.45	Armand Cerrone	420-new 2003 Culvert/Bridge Reconstruction
CG-02-03	7/02/03	\$ 461,442.00	Nichols Long & Moore	443-380 2003 Culvert Fabrication,Design,Construct
CG-03-03	7/03/03	\$ 581,252.75	Armand Cerrone	443-380 2003 Culvert Fabrication,Design Construct
CG-04-03	6/05/03	\$ 400,935.80	UCC Constructors	420-new 2003 Culvert/Bridge Reconstruction
CG-06-03	6/05/03	\$ 238,935.01	Kandey Company	443-380 2003 Culvert Fabrication,Design Construct
CG-07-03	6/19/03	\$ 272,093.60	Sicar Inc.	443-380 2003 Culvert Fabrication,Design Construct
CG-08-03	7/10/03	\$ 678,000.00	Donald Braasch	420-new 2003 Culvert/Bridge Reconstruction
CG-09-03	6/05/03	\$ 449,207.50	C. Destro	420-new 2003 Culvert/Bridge Reconstruction
CG-10-03	6/26/03	\$ 630,000.00	Donald Braasch	420-new 2003 Culvert/Bridge Reconstruction
CG-11-03	6/26/03	\$ 446,699.80	Kandey Company	420-new 2003 Culvert/Bridge Reconstruction
CG-12-03	7/03/03	\$1,576,259.46	Nichols Long & Moore	420-new 2003 Culvert/Bridge Reconstruction
CG-13-03	6/26/03	\$ 490,632.00	Sicar, Inc.	420-new 2003 Culvert/Bridge Reconstruction

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

CG-14-03	6/26/03	\$ 622,567.95	Nichols Long & Moore	443-380 2003 Culvert Fabrication,Design,Construct
CG-15-03	7/03/03	\$ 481,117.50	Sicar, Inc.	420-new 2003 Culvert/Bridge Reconstruction
CG-17-03	6/12/03	\$ 398,000.00	Donald Braasch	420-new 2003 Culvert/Bridge Reconstruction
CG-19-03	8/14/03	\$ 408,156.17	Accadia	420-new 2003 Culvert/Bridge Reconstruction
CG-25-03	6/12/03	\$ 281,551.40	Nichols Long & Moore	420-225 2001 Salt Road Culverts-Increase proj.
CPP-N-03	7/10/03	\$3,264,018.50	DiPizio Construction	443-new 2003 Tobacco
CPP-S-03	7/10/03	\$3,560,964.10	DiPizio Construction	443-new 2003 Tobacco
MF-01-03	8/07/03	\$2,609,115.54	Diamond D	443-new 2003 Tobacco
MF-02-03	8/14/03	\$ 805,377.00	Amherst Paving	443-new 2003 Tobacco
MF-03-03	8/14/03	\$ 843,553.90	Janik Paving	443-new 2003 Tobacco
MF-04-03	7/31/03	\$2,282,163.60	DiPizio Construction	443-new 2003 Tobacco
MF-05-03	8/14/03	\$1,167,245.00	Amherst Paving	443-new 2003 Tobacco
MILESTRIP	7/31/03	\$2,440,661.56	Sicar, Inc.	443-336 2001 Rec. of Milestrip-Increase Proj.
OMPHALIUS CO		\$1,350,000.00	Diamond D	420-330 2002 Hgwy Rec.Program-Increase Proj.
WINSPEAR	7/10/03	\$ 267,435.00	Armand Cerrone	420-308& 348 2002/2003 Highway Safety Enh.
ZOAR VALLEY	7/10/03	\$ 736,035.00	UCC Constructors	420-348 2003 Highway Safety Enhancements

RESOLVED, that three certified copies of this resolution be sent to the Deputy Commissioner - Highways, Department of Public Works and one copy each to the Commissioner of Public Works, the Comptroller's Office; and to the Division of Budget, Management & Finance.

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

CARRIED UNANIMOUSLY.

- In the 4th WHEREAS clause, *Delete* "2003 Erie County Executive's Budget Message and Summary" and *Replace* with "2003 Erie County Adopted Budget".

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

CARRIED UNANIMOUSLY.

Item 86 – (Comm. 15E-22) New Positions for Youth Detention Facility.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 87 – (Comm. 15E-23) CPS – Amendment to Agreement with EM Systems.

Item 88 – (Comm. 15E-24) Crime Victim Assistance Grant.

Item 89 – (Comm. 15E-25) Contract with First Time/Last Time Program.

Item 90 – (Comm. 15E-26) Probation & Youth Detention Services Increase in Interdepartmental Appropriations – Payments to Buildings & Grounds & In Lab & Tech.

Item 91 – (Comm. 15E-27) Probation & Youth Detention Services – Local Government Records Management Improvement Fund.

Item 92 – (Comm. 15E-28) CPS & Probation – JAIBG Funding Year 4 – Authorization to Enter Into Contract, Amend Budget & Extend Contract.

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

Item 93 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 527

Re: Cancellation/Compromise of Delinquent Tax Sale Certificates – Niagara River World, Inc. Property at 4000 River Road, Town of Tonawanda. (Comm. 15E-29)

WHEREAS, in 1989, Niagara River World, Inc. acquired title, through a Bankruptcy Trustee of Roblin Industries, to a 62.34 acre parcel of real property located at 4000 River Road, Tonawanda, NY and only thereafter learned that part of the property had been contaminated with illegally dumped hazardous wastes by Envirotek, Ltd., a firm which had occupied and operated a hazardous waste treatment-storage-disposal facility on part of the property in the 1980's, and;

WHEREAS, although Niagara River World, Inc. had no involvement whatever in the illegal dumping of any hazardous wastes, the firm, because it had become the owner of what came to be called the “Envirotek II Site”, was nonetheless identified as a “potentially responsible party” by the U.S. Environmental Protection Agency [“EPA”] and was required to participate in the emergency remediation of the site, and

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, due to the contamination of the property by Envirotek, Ltd., Niagara River World, Inc. was compelled between 1989 and 1993 to expend in excess of \$250,000.00 of its own funds for EPA-mandated 24-hour security and emergency remediation of the site, and;

WHEREAS, despite fully paying the property's Town/County taxes for the years 1991, 1992, 1993 and 1994 and School taxes for the years 1997 and 1998, as a consequence of its security and emergency remediation expenditures, funds were not available to Niagara River World, Inc. to pay pre-existing County tax delinquencies and tax sale certificates affecting the property for the years 1987, 1988 and 1989, as well as subsequently levied Town/County and/or School taxes for the years 1990 and 1995 through 1999, now also represented by County-owned tax sale certificates, and;

WHEREAS, since the 2000 tax year, Niagara River World, Inc. has fully paid all of the Town/County and School taxes levied against the property and the firm now desires to resolve all of the property's existing tax delinquencies by fully paying, in installments over 10 years, and with 5% interest, the "base" County tax for the years in question, meaning the amount of the County tax levied each year exclusive of the penalty and interest accruals otherwise applicable to unpaid County taxes.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreement with Niagara River World, Inc., upon such terms and conditions as may be deemed appropriate by the County Attorney, providing for the payment by Niagara River World, Inc., in installments over 10 years and with 5% interest, of the currently unpaid "base" County taxes for the years 1987 through 1990 and 1995 through 1999 affecting the 62.34 acre parcel located at 4000 River Road, Tonawanda, NY [formerly identified as SBL#64.08-1-1; now identified as SBL Nos. 64.08-1-1.1 and 64.08-1-1.2]; and it is further

RESOLVED, that the Commissioner of Finance, once Niagara River World, Inc. has fully paid the currently unpaid "base" County taxes as aforesaid, is hereby directed to enter upon Erie County's tax records that the said County taxes, and the related County-owned tax sale certificates, have been fully paid and satisfied and, in connection therewith and pursuant to Erie County Tax Act § 12-1.0, to cancel all of the penalty, fee and interest accruals otherwise affecting said taxes and tax sale certificates; and it is further

RESOLVED, that the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Commissioner of Finance/Budget Director, the Deputy Commissioner for Real Property Taxes and the County Attorney.

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

CARRIED UNANIMOUSLY.

Item 94 – (Comm. 15E-30) Sale Approval – County-Owned Properties Sold at Public Auction by Cash Realty D/B/A Cash Realty & Auctions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 95 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 528

Re: Levy of 2003-2004 School Tax Budgets.
(Comm. 15E-31)

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Division of the Erie County Department of Finance, and;

WHEREAS, the Deputy Commissioner for said Real Property Tax Division has spread and extended said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Deputy Commissioner for the Real Property Tax Division, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and it is further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Deputy Commissioner for the Real Property Tax Division, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and it is further

RESOLVED, that the Deputy Commissioner for the Real Property Tax Division is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and it is further

RESOLVED, that each and every act of the Deputy Commissioner for the Real Property Tax Division in connection with the foregoing is hereby ratified and confirmed; and it is further

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature.

ABSTRACT OF SCHOOL BUDGETS AND TAXES		2003-2004 TAX							
SCHOOL DISTRICT	RECEIVER	CODE	TOTAL WARRANT	VALUATION	TAX SPREAD	TAX RATE PER	# PARCELS		
ALDEN CENTRAL SCHOOL DISTRICT #1									
ALDEN	MARILYN M. DAVIDSON	AC-1		244,990,933	7,403,446.66	30.219268	3635		
LANCASTER	JOHANNA M. COLEMAN			29,897,618	745,374.41	24.930896	349		
MARILLA	FAITH KRISHER			49,581,866	1,704,993.59	34.387443	675		
NEWSTEAD	FAITH KRISHER			5,187,754	108,901.39	20.994439	87		
	TOTAL		\$9,962,716.05				4746		
AKRON CENTRAL SCHOOL DISTRICT									
ALDEN	MARILYN M. DAVIDSON	AKC1		4,185,560	95,608.57	22.842481	71		
CLARENCE	NANCY G. METZGER			3,072,257	46,317.46	15.076038	48		
NEWSTEAD	DAWN IZYDORCZAK			299,545,418	4,753,639.91	15.869513	3385		
	TOTAL		\$4,895,565.94				3504		
AMHERST CENTRAL SCHOOL DISTRICT									
AMHERST	SUSAN K. JAROS	AM-1		1,057,757,050	23,703,278.00	22.409000	9130		
	TOTAL		\$23,703,278.00				9130		
SWEET HOME CENTRAL SCHOOL DISTRICT									
AMHERST	SUSAN K. JAROS	AM-7		644,658,845	8,465,652.22	13.131988	7164		
TONAWANDA	TOWN CLERK	HMSTD		639,704,066	\$13,239,098.49	20.695661	1478		
		NON-HMSTD		123,126,405	\$2,520,173.30	20.468179	2109		
		NON-HMSTD		34,651,269	\$1,113,457.82	32.133248	124		
	TOTAL		\$25,338,381.83				10875		
ATTICA CENTRAL SCHOOL DISTRICT									
WALES	CATHERINE FORGNONE	ATT1		737,200	23,881.89	32.395408	12		
	LIBRARY			737,200	404.08	0.548123			
	TOTAL		\$24,285.97				12		
EAST AURORA UNION FREE DISTRICT #1									
AURORA	BARBARA A. HALT	AU-1		439,219,261	13,928,715.78	37.712443	5737		

COLDEN	HELEN NELSON		43,360,879	1,017,203.16	23,459,007	605	
CONCORD	HELEN NELSON		305,422	6,667.51	21,830,484	7	
HOLLAND	HELEN NELSON		179,089,914	2,394,682.16	13,371,396	1882	
SARDINIA	HELEN NELSON		28,704,797	558,847.95	19,468,800	379	
WALES	HELEN NELSON		26,837,497	664,289.27	24,752,281	403	
TOTAL			\$4,774,442.97			3390	
IROQUOIS CENTRAL SCHOOL DISTRICT #1							
		IRC1	144201				
AURORA	BARBARA A. HALT		15,712,268	396,952.43	25,263,853	205	
ELMA	FRANKLIN W. KESTER		43,524,137	9,851,828.17	226,353,211	4835	
LANCASTER	JOHANNA M. COLEMAN		6,176,117	104,834.34	16,974,151	72	
MARILLA	DAWN FLANIGAN		119,232,752	2,791,621.58	23,413,211	1535	
WALES	SHIRLEY SCHLITZ		73,511,589	1,847,941.16	25,138,093	1010	
TOTAL			\$14,993,177.68			7657	
LACKAWANNA CENTRAL SCHOOL DISTRICT							
		LK-1	140900				
LACKAWANNA	THOMAS B. ROJEK	HMSTD	265,118,335	2,707,370.94	10,211,934	5800	
TOTAL		NON-HMSTD	132,383,790	3,432,629.00	25,927,417	1091	
			\$6,139,999.94			6891	
LANCASTER CENTRAL SCHOOL DIST. #1							
		LC-1	145201				
CHEEKTOWAGA	WILLIAM ROGOWSKI		164,288,181	3,940,761.54	23,986,884	2215	
ELMA	FRANKLIN W. KESTER		666,854	177,964.72	266,872,089	103	
LANCASTER	JOHANNA M. COLEMAN		1,339,940,307	26,114,726.42	19,489,470	14122	
TOTAL			\$30,233,452.68			16440	
LAKE SHORE CENT. EVANS-BRANT SCHOOL							
		LSC1	144401				
BRANT	DIANA A. CAFFERTY		69,951,541	1,216,577.47	17,391,718	1105	
EDEN	DIANA A. CAFFERTY		2,473,285	50,098.62	20,256,903	50	
EVANS	DIANA A. CAFFERTY		481,327,044	11,280,291.56	23,435,815	9204	
TOTAL			\$12,546,967.65			10359	
NORTH COLLINS CENTRAL SCHOOL DIST. #1							
		NCC1	145801				
BRANT	JUDITH ANN THOMAS		19,868,684	380,510.05	19,151,246	322	
COLLINS	JUDITH ANN THOMAS		5,821,102	135,952.87	23,355,178	98	
CONCORD	JUDITH ANN THOMAS		13,563,230	424,086.12	31,267,340	67	
EDEN	JUDITH ANN THOMAS		620,315	13,836.25	22,305,201	8	
EVANS	DIANA A. CAFFERTY		3,116,923	80,437.89	25,806,826	68	
NORTH COLLIN	JUDITH ANN THOMAS		125,108,769	2,395,988.81	19,151,246	1897	

	TOTAL		\$38,749,451.09			21501
	CITY OF TONAWANDA SCHOOL DISTRICT	141600				
	TCSD					
TONAWANDA	JOSEPH M. HOGENKAMP			421,855,224	8,863,115.82	6483
	TOTAL		\$8,863,115.82		21,009,852	6483

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

CARRIED UNANIMOUSLY.

Item 96 – (Comm. 15E-32) District Attorney – Asset Forfeiture Appropriations.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 97 – (Comm. 15E-33) Authorization to Accept a Grant from US HUD & to Increase 2003 Appropriation to Spectrum Human Services to Execute Grant.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 98 – (Comm. 15E-34) Emergency Services – Revision of Resolution for Grant from US EPA.

Item 99 – (Comm. 15E-35) Emergency Services – Proposed Revision to Resolution for Grant from NYSEMO to Update EC Comprehensive Emergency Management Plan.

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

Item 100 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 529

Re: Appointments to EC Commission on the Status of Women. (Comm. 15E-36)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Nancy W. Ware of 90 Independence Drive, Orchard Park, New York 14127 to the Erie County Commission on the Status of Women for a term to expire June 30, 2006, and be it further

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Hon. Jane Woodward of 45 Wellington Court, Williamsville, New York 14221 to the Erie County Commission on the Status of Women for a term to expire June 30, 2006.

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

CARRIED UNANIMOUSLY.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 101 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 530

Re: Appointment to Buffalo & Erie County
 Public Library Board of Trustees.
 (Comm. 15E-37)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Susan Maggiore of 133 Bedford Avenue, Buffalo, New York 14216 to the Buffalo & Erie County Public Library Board of Trustees for a term to expire August 31, 2007.

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

CARRIED UNANIMOUSLY.

Item 102 – (Comm. 15E-38) Authorization to Accept a Byrne Formula Grant from US DOJ, Bureau of Justice Assistance - \$60,000 – Additional Videoconferencing Equipment.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 103 – (Comm. 15E-39) Health – HIV Surveillance & Partner Notification Grant 10/1/02 – 9/30/03 – Project #713.

Item 104 – (Comm. 15E-40) Health – WIC Vendor Management Grant 10/1/03 – 9/30/04.

Item 105 – (Comm. 15E-41) Health – Women, Infant & Children’s Supplement Nutrition (WIC) Program 10/1/02 – 9/30/03 – Project #701.

Item 106 – (Comm. 15E-42) Health – Home Visiting Pilot Project.

Item 107 – (Comm. 15E-43) Health – Lease Agreement for WIC Program Distribution Site – 546 Abbott Road, City of Buffalo.

Item 108 – (Comm. 15E-44) Health – A Systems Approach to Reducing the Burden of Asthma – 7/1/03 – 6/30/04 – Project #861.

Item 109 – (Comm. 15E-45) Health – Tonawanda Service & Referral Center – Lease Agreement Renewal.

Item 110 – (Comm. 15E-46) Health – Childhood Lead Poisoning Prevention Program – 1/1/02 – 12/31/02 – Project #704.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 111 – (Comm. 15E-47) Health – Public Health Campaign Grant – 4/1/02 – 3/31/03 – Project #709.

Item 112 – (Comm. 15E-48) Health – Public Health Laboratory Response Network – 9/1/02 – 8/30/03 – Project #896.

Item 113 – (Comm. 15E-49) Health – Hepatitis C Transmission Study Grant – 8/1/03 – 7/31/04 – Project #862.

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

Item 114 – (Comm. 15E-50) DPW – Road Fund Activity.

Item 115 – (Comm. 15E-51) Acceptance of Funds from Aurora for Steel Casing Pipes.

Item 116 – (Comm. 15E-52) Award of Supplemental Agreement to C J Brown Energy.

Item 117 – (Comm. 15E-53) Increase to DPW Budget for HUD Grant.

Item 118 – (Comm. 15E-54) Division of Highways – Transfer of Funds.

Item 119 – (Comm. 15E-55) Abandonment of a Portion of Existing Highway Right-of-Way – Milestrip Road, Town of Orchard Park.

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

Item 120 – (Comm. 15E-56) Senior Services – Authorization to Transfer Funds to Administration Division & Amend Nutrition Grant Budgets & a Nutrition Contract.

Item 121 – (Comm. 15E-57) Senior Services – Authorization to Revise Various Grants.

Item 122 – (Comm. 15E-58) Senior Services – Authorization to Amend 7 Grant Budgets.

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

Item 123 – (Comm. 15E-59) Funding for Buffalo Niagara Medical Campus Master Plan.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 126 – (Comm. 15E-60) Seneca Bluffs Habitat Restoration Project Property Acquisition.

Item 125 – (Comm. 15E-61) EC Electric Vehicles.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 126 – (Comm. 15E-62) Cooperative Pesticide Notification Program – Evaluation Consultant.

Item 127 – (Comm. 15E-63) ECSD Nos. 1-6 – Section 270/271 Resolutions.

Item 128 – (Comm. 15E-64) EC/SSTA – Engineering Service Agreement Dated 6/1/02 – Change Order No. 3 – Stearns & Wheler.

Item 129 – (Comm. 15E-65) DEP – Variable Minimum.

Item 130 – (Comm. 15E-66) ECSD No. 5 – Thompson Extension – Contract No. 7A – Tom Greenauer Development – Contract Close Out.

Item 131 – (Comm. 15E-67) ECSDs NYSERDA Program Opportunity Applications – EC/SSTA Program Opportunity Notice (PON) 786-03 – Municipal Water & Wastewater Technology.

Item 132 – (Comm. 15E-68) ECSD No. 2 – Engineering Service Agreements – Work Order P-3, Legislative Comm. 18E-41.

Item 133 – (Comm. 15E-69) ECSD No. 5 – Fox & Company – Buffalo Proposed Agreement Amendment.

Item 134 – (Comm. 15E-70) Notice of Public Hearing – ECSDs – 2004 Assessment Rolls.

Item 135 – (Comm. 15E-71) ECSD No. 3 – Pratt & Huth Associates – Engineering Service Agreement Close Out – A/E Agreement Dates 10/17/91.

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 136 – (Comm. 15D-1) Notice of County Executive's Approval of Local Law No. 5 – 2003 (Local Law Intro. No. 11 – 2003)

RECEIVED, FILED & PRINTED.

July 10, 2003

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: LOCAL LAW No. 5-2003

Dear Laurie:

Enclosed is a certified copy of the above-referenced law for your files.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney.

BY: MELISSA O. HEIMERL
Assistant County Attorney

Enclosure

cc: Frederick A. Wolf, Erie County Attorney (w/o enclosure)

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2003 on Tuesday, July 1, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 1st day of July, 2003.

Joel A. Giambra

FROM ECC

Item 137 – (Comm. 15D-2) Notice of Board of Trustees Meeting.

Received and filed.

FROM THE COUNTY ATTORNEY

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 138 – (Comm. 15D-3) Notice of Public Hearing – Local Law Intro. No. 12 – 2003.

RECEIVED, FILED & PRINTED.

July 11, 2003

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th
Floor Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 12-2003

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on July 10, 2003.

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 Thursday, July 24, 2003 at 9:30 a.m., concerning:

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, changing the name of the Erie County Medical Center to the University Medical Center at the Erie County Medical Campus.

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 July 10, 2003, the Erie County Legislature adopted Erie County Local Law Intro. No. 12 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 139 – (Comm. 15D-4) Agenda & Minutes of Board Meeting.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 140 – (Comm. 15D-5) Budget Monitoring Report for Period Ending 5/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECMC

Item 141 – (Comm. 15D-6) Financial Statements for 6/03.

Received and filed.

FROM DEP

Item 142 – (Comm. 15D-7) SEQR – Negative Declaration – Greenmeadow Subtrunk & Elimination of Greenmeadow Pumping Station.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

Item 143 – (Comm. 15D-8) Adopted Budget – 9/1/03 – 8/31/04.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 144 – (Comm. 15D-9) Minutes of Board of Trustees Meeting.

Item 145 – (Comm. 15D-10) Minutes of Board of Trustees Meeting.

Item 146 – (Comm. 15D-11) Meeting Notice & Agenda for Board of Trustees Meeting.

Item 147 – (Comm. 15D-12) Meeting Notice of Board of Trustees Meeting.

The above five items were received and filed.

FROM ECMC

Item 148 – (Comm. 15D-13) Notice of Board of Managers Meeting.

Item 149 – (Comm. 15D-14) Notice of Finance Committee Meeting.

Item 150 – (Comm. 15D-15) Agenda & Minutes of Board Meeting.

The above three items were received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 151 – (Comm. 15D-16) Agenda & Minutes of Board Meeting.

Received and filed.

FROM ECC

Item 152 – (Comm. 15D-17) Meeting Notice & Agenda for Board of Trustees Meeting.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 153 – (Comm. 15D-18) Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 154 – (Comm. 15D-19) Budget Monitoring Report for Period Ending 6/30/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF FLEET SERVICES

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 155 – (Comm. 15D-20) Copy of Letter to Legislator Dale Re: Questions from Government Affairs Committee Meeting.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 156 – (Comm. 15D-21) Agenda for Board of Trustees Meeting.

Item 157 – (Comm. 15D-22) Minutes of Board of Trustees Meeting.

The above two items were received and filed.

FROM ECMC

Item 158 – (Comm. 15D-23) Financial Statements for 7/03.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 159 – (Comm. 15D-24) Notice of Claim.

Item 160 – (Comm. 15D-25) Notice of Claim.

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

FORM THE BUDGET DIRECTOR

Item 161 – (Comm. 15D-26) OPEN ITEM: Private Sale of Delinquent County Tax Certificates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

Item 162 – (Comm. 15D-27) Final Report – EC DPW – 2002 Culvert Inspection Program.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 163 – (Comm. 15M-1) Meeting Notice & Agenda.

Received and filed.

FROM THE TOWN OF BRANT

Item 164 – (Comm. 15M-2) Certified Resolution Re: Opposition to Sharing of 1% Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN ALDEN

Item 165 – (Comm. 15M-3) Certified Resolution Re: Opposition to Sharing of 1% Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE MAYOR OF CITY OF BUFFALO

Item 166 – (Comm. 15M-4) Draft of Buffalo's Comprehensive Plan.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM CONGRESSMAN QUINN

Item 167 – (Comm. 15M-5) Receipt of Resolution.

Received and filed.

FROM NYS COMPTROLLER

Item 168 – (Comm. 15M-6) Receipt of Resolution.

Received and filed.

FROM THE EC BOARD OF HEALTH

Item 169 – (Comm. 15M-7) Notice of Meeting, Minutes & Agenda.

Received and filed.

FROM SENATOR RATH

Item 170 – (Comm. 15M-8) Receipt of Resolution.

Received and filed.

FROM THE NFTA

Item 171 – (Comm. 15M-9) Audited Financial Statements for Fiscal Year Ended 2003.

Received and filed.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 172 – (Comm. 15M-10) Notice of Receipt of Intro. 13-5 (2003).

Received and filed.

FROM THE PRESIDENT'S NEW FREEDOM COMMISSION ON MENTAL HEALTH

Item 173 – (Comm. 15M-11) Achieving the Promise: Transforming Mental Health Care in America.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE TIOGA COUNTY LEGISLATURE

Item 174 – (Comm. 15M-12) Copy of Certified Resolution Re: Opposition to Legislation Which Limits Eligibility Benefits Through Veterans Administration.

Received and filed.

FROM THE TOWN OF NORTH COLLINS

Item 175 – (Comm. 15M-13) Certified Resolution Re: Opposition to Sharing of 1% Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF COLDEN

Item 176 – (Comm. 15M-14) Certified Resolution Re: Opposition to Sharing of 1% Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC WATER AUTHORITY

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 177 – (Comm. 15M-15) 2002 Annual Report.

Received and filed.

FROM THE TOWN OF EDEN

Item 178 – (Comm. 15M-16) Certified Resolution Re: Opposition to Sharing of 1% Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECIDA

Item 179 – (Comm. 15M-17) Notice of Meeting.

Received and filed.

FROM NFTA

Item 180 – (Comm. 15M-18) Board Minutes.

Received and filed.

FROM NYSDOT

Item 181 – (Comm. 15M-19) Letter in Response to EC Resolution – Buffalo Skyway.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE WEST SENECA CENTRAL SCHOOL DISTRICTS

Item 182 – (Comm. 15M-20) Notice of Adoption of Levy & Tax Rate.

Received and filed.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 183 – (Comm. 15M-21) List of 2003 State Equalization Rates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ANTHONY INSINNA

Item 184 – (Comm. 15M-22) Copy of E-Mail to Legislator Weinstein Re: “Welfare to Work” Program.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ECIDA

Item 185 – (Comm. 15M-23) Meeting Agenda & Minutes.

Received and filed.

FROM THE NYS COMPTROLLER

Item 186 – (Comm. 15M-24) Receipt of Resolution Intro. 13-5.

Received and filed.

FROM NYSDOH

Item 187 – (Comm. 15M-25) Public Comment Draft of Health Consultation – Off-Site Residential Properties Former NL Industries Site.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM EARL, DeLANGE, MAY, SEAMAN, JONES, HOGAN & BROOKS

Item 188 – (Comm. 15M-26) Town of Lockport Amendment to Zoning Ordinance – Signs.

Received and filed.

FROM NYSDEC

Item 189 – (Comm. 15M-27) Fact Sheet – Former Buffalo Brake Beam Site.

Received and filed.

FORM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 190 – (Comm. 15M-28) List of Certified 2003 State Equalization Rates.

Item 191 – (Comm. 15M-29) List of Certified 2003 Class Equalization Rates.

Item 192 – (Comm. 15M-30) List of 2003 State Equalization Rates.

Item 193 – (Comm. 15M-31) List of Certified 2003 Class Equalization Rates.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

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

FROM RICHARD PAWARSKI

Item 194 – (Comm. 15M-32) Letter to Clerk of Legislature Re: Information Request.

Received and filed.

FROM EARL, DeLANGE, MAY, SEAMAN, JONES, HOGAN & BROOKS

Item 195 – (Comm. 15M-33) Town of Lockport Amendment to Zoning Ordinance – Cluster Developments.

Received and filed.

FROM NFTA

Item 196 – (Comm. 15M-34) Board Minutes.

Received and filed.

FROM NYSDEC

Item 197 – (Comm. 15M-35) Fact Sheet – Former Pizza Hut Site - #2137.

Received and filed.

FROM ECIDA

Item 198 – (Comm. 15M-36) Notice of Meeting.

Received and filed.

FROM CONGRESSMAN QUINN

Item 199 – (Comm. 15M-37) Receipt of Resolution.

Received and filed.

FROM BILL STODDARD

Item 200 – (Comm. 15M-38) Heal WNY Student Service Project.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE CHAUTAUQUA COUNTY LEGISLATURE

Item 201 – (Comm. 15M-39) Chautauqua County Snowmobile Grant Administration.

Received and filed.

FROM NFTA

Item 202 – (Comm. 15M-40) 17A Report & Capital Expenditure Reports for 1st Quarter of Fiscal Year Ending 3/31/04.

Received and filed.

FROM THE REGION 9 FOREST PRACTICE BOARD

Item 203 – (Comm. 15M-41) Notice of Meeting.

Received and filed.

FROM SUCCESS BY 6

Item 204 – (Comm. 15M-42) Request to Implement NYS 15% Rate Differential for Accredited Child Care Providers in EC.

Received and referred to the HUMAN SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

Item 205 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Nelson Comerford.

Item 206 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Robert Hazard.

Item 207 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Alice Kaznowski.

Item 208 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Charles Cannon.

Item 209 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Richard Schultz.

MEETING NO. 15
September 11, 2003

ERIE COUNTY LEGISLATURE

Item 210 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of John Kavulich.

Item 211 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Edward Reed.

Item 212 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of John Hennessy.

Item 213 – Legislator McCarville requested that when the Legislature adjourns, it do so in memory of Glen Masten.

Item 214 – Legislator Fisher requested that when the Legislature adjourns, it do so in memory of John Hedges.

Item 215 – Legislator Falkner requested that when the Legislature adjourns, it do so in memory of Joseph Sudyn.

ADJOURNMENT

Item 216 – 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, September 25, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 25, 2003 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK