

**MEETING NO. 17**  
**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

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**MEETING NO. 17**  
**July 15, 2004**

The Legislature was called to order by Chairman Holt.

All Members Present.

Invocation was led by Pastor Mary Ann Pula, Akron First United Methodist.

The Pledge of Allegiance was led by Mr. Ranzenhofer.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – Minutes of the previous meeting were tabled.

Item 4 – 2:00 P.M. Road Repair Reserve Fund Appropriations.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Honoring the Life of Harold William "Bill" Wirth, Jr. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. WROBLEWSKI presented a resolution Honoring Youth Engaged in Service (Y.E.S.) of West Seneca. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. SCHROEDER presented a resolution Honoring Monsignor Nash Council No.3875 of South Buffalo. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. SCHROEDER presented a resolution Honoring Patriarch Lubomyr Cardinal Ilusar & Proclaiming 8/24/04 as Ukrainian Independence Day in Erie County. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – HOLT, MARINELLI, RANZENHOFER, ET AL presented a resolution Honoring United Way & Their Contributions to Western New York. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. RANZENHOFER presented a resolution Congratulating ECC on Receiving the National Community Economic Development Best Practices Award From Assoc. of Comm. Coll. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. HOLT presented a resolution Recognizing Our Working Men & Women this Labor Day. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval on the above seven resolutions as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 12 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 15 – MR. RANZENHOFER presented the following Local Law and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
 Local Law Intro. No. 8 -2004  
 Local Law No. \_\_\_\_\_-2004

A LOCAL LAW to create an Employee Suggestion Program in Erie County.

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

Section 1. DEFINITIONS

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- a) SUGGESTION – A definite, constructive, original idea, which has been researched and submitted in writing, by an eligible county employee on an Employee Suggestion Program Form, which is intended to result in the more efficient and economical operation of Erie County government.
- b) ELIGIBLE COUNTY EMPLOYEE – All full and part.-time employees who are on the active payroll of Erie County government, with the exception of Commissioners, Department Heads, Deputy Commissioners or supervisory employees who job responsibilities call for them to seek methods to improve operations and services.
- c) EMPLOYEE SUGGESTION REVIEW COMMITTEE – There shall be an Employee Suggestion Review Committee made up from the Commissioner or their designee from the affected County department, Unit Supervisor, and a department clerical person to track and maintain suggestions and records. Representatives from the Budget Department and a Union Representative will be notified of the meeting and results, but are not required to attend.
- d) EMPLOYEE SUGGESTION AWARD COMMITTEE – There shall be an Employee Suggestion Award Committee made up from the Deputy County Executive, affected department Commissioner, Labor Director, Budget Director or their representative and a staff member to maintain records and/or decisions.

Section 2. PROCEDURES

- a) All suggestions shall be submitted on an Employee Suggestion Program Form that has been properly signed and date/time stamped and shall become the exclusive property of the County of Erie. All decisions of the Review Committee and Award Committee shall be final, binding, non-reviewable and non-grieveable, except as provided by the rules and regulations promulgated by the Review Committee and Award Committee under Section 4.
- b) The Review Committee shall have the following powers and duties: to receive and review all suggestions submitted by eligible County employees within 45 days of Employee Suggestion Program Form submission; approve and coordinate the implementation of adopted suggestions; notify the employee of committee's decision; and make recommendations to the Award Committee.
- c) The Award Committee shall have the following powers and duties: review results of the implementation period; and determine and approve awards and recognitions. The decisions are final and binding - all decisions are non-grieveable.
- d) Members of the Review Committee and Award Committee shall not receive any additional salary or compensation for service as members of these committees.

Section 3. AWARD TO EMPLOYEES

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- a) Awards will be based upon the benefit they bring to Erie County. All eligible implemented suggestions will receive consideration for some form of recognition.
- b) The minimum monetary award for a suggestion with either tangible savings or intangible savings will be \$50. There is no maximum amount. The employee can receive 10% of the first year's savings without limit.
- c) Payment will be made to the employee upon verification of annual savings by the Budget Director. The process may take up to one year.
- d) If adoption of a suggestion results in savings to one unit but a loss to another unit, the savings would be offset by the loss. Therefore, no monetary award shall be given in this instance.
- e) Eligible County employees may make joint suggestions with other eligible County employees; however, any award will be divided equally among the employees submitting the suggestion.

Section 4. RULES AND REGULATIONS

- a) The Review Committee and the Award Committee shall make such rules and regulations as are lawful, necessary and appropriate for the proper administration of this program as it applies to their respective powers and duties, subject to the provisions of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rules or regulations within sixty (60) days from the Review Committee and the Award Committee's written notice to the Legislature that such rules or regulations have been promulgated.

Section 5. PROHIBITONS

- a) No suggestion shall be considered for an award by the Award Committee unless the suggestion has been submitted to the Review Committee in the manner provided by this Local Law or rules and regulations promulgated by the Review Committee or the Award Committee under Section 4 of this Local Law.

Section 6. SEVERABILITY

- a) If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

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Section 7. EFFECTIVE DATE

- a) This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule

MICHAEL H. RANZENHOFER

CHARLES M. SWANICK

DENISE E. MARSHALL

JEANNE Z. CHASE

STEVEN P. McCARVILLE

ELISE M. CUSACK

MR. RANZENHOFER moved the approval of the Local Law. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 16 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
 LOCAL LAW NO. \_\_\_\_\_  
 LOCAL LAW INTRO NO. 9 -2004

A LOCAL LAW amending Erie County Local Law Number 5 of 1994, in relation to minority-owned business and woman-owned business utilization commitment by persons or firms contracting with the County of Erie for supplies, materials equipment, insurance, professional, technical or other consultant services.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short Title This local law shall be known as the Erie County MBE/WBE Utilization Commitment Act, and shall amend, in its entirety, Erie County Local Law number 5 of 1994, to read as set forth herein.

Section 2. Legislative Intent. The Erie County Legislature hereby finds, declares and determines that Erie County residents comprise a diverse workforce consisting of tens of thousands of local residents employed by businesses owned by minorities or women. The Legislature further finds that the existing local law concerning minority business enterprise (MBE) and woman business enterprise (WBE) utilization has been successful toward achieving the goal of equality of opportunity for minority and woman owned businesses offering supplies and materials to the County. It is finally determined and found that MBE/WBE utilization commitment requirements should be extended to contractual agreements for professional, technical or other consultant services.

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Section 3. Definitions. For the purposes of this local law, the following terms shall have the following meanings:

- a) A minority business enterprise (MBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members, with such ownership certified by the Erie County Division of Equal Employment Opportunity (EEO). For the purposes of this paragraph, minority group members: are citizens of the United States who are Native American, African- American, Hispanic and Asian American.
- b) A supplier shall mean any person, business, company, entity, or independent contractor seeking to enter into contractual agreements with the County of Erie for the provision of supplies, materials, equipment, insurance, professional technical or other consultant services, in accordance with the bidding procedures, local, state and federal laws governing such agreements.
- c) A woman-owned business enterprise (WBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of a publicly owned business, at least fifty- one percent (51 %) of all stock is owned by a woman or women, with such ownership certified by the Erie County Division of Equal Employment Opportunity.

Section 4. Provisions and conditions. The following provisions shall be inserted in and made a condition of all bid specifications and/or Requests for Qualifications or Proposals (RFQ or RFP) prepared by Erie County or its agents for supplies, materials, equipment, insurance, or professional, technical or other consultant services, involving a gross expenditure of more than \$15,000

**MINORITY AND WOMEN-OWNED BUSINESS UTILIZATION COMMITMENT**

A. The supplier of all purchase contracts involving an expenditure of more than \$15,000 shall take reasonable steps to provide equal opportunity to such firms and organizations to contract with the County through the utilization of a bona fide minority business enterprise (MBE) and women business enterprises (WBE) on all contracts including entering into sub-contracts with MBE/WBE firms, with Erie County. Reasonable action shall include, but not be limited to:

- 1) Utilizing a source list of MBEs and WBEs;
- 2) Solicitation of bids, RFQs and RFPs from MBEs .and WBEs;
- 3) Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations;
- 4) Maintaining records showing utilization of MBEs and/or WBEs, as well as the specific efforts to identify and utilize these companies.
- 5) A policy goal of awarding at least ten percent (10%) of the total dollar value of the County's contribution to a contract to MBEs and at least two percent (2%) of the total dollar value of the County's contribution to a contract to WBEs or, for those contracts governed by federal or state regulations with respect to MBE and/ or WBE hiring, the prevailing percentage set forth therein, whichever is higher, subject to waiver as provided below;
- 6) Entering into sub-contracts with MBE/WBE firms" if appropriate and feasible to effectuate the policy goal set forth herein; and

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- 7) Building the capacity of local and regional MBE and/or WBE firms to provide quality technical and professional services.

B. All suppliers, all bidders or proposers on each contract subject to this law shall submit to the Erie County Division of Equal Employment Opportunity, with the bid or proposal, a list of all MBEs and WBEs from whom the supplier has solicited bids or proposals, or with whom the supplier has signed a binding contractual agreement, for the purposes of meeting the MBE and WBE utilization goals provided in subdivision A (5) above. A supplier's bid or proposal shall not be considered where the supplier fails to submit a list of MBEs and WBEs as provided for herein. A supplier's bid or proposal shall not be considered where examination of said list of MBEs and WBEs evidences failure by the supplier to comply with the policy requirements provided herein, except that the legislature, with written concurrence from the Erie County Division of Equal Employment Opportunity, may grant a complete or partial waiver of the provisions of subdivision A (5) herein, in accordance with Section 6 of this Local Law.

C. As evidence of reasonable compliance with the policy goals set forth in subdivision A (5) above, the supplier shall submit to the Director of Purchasing, at the bid opening, or the head of the procuring department at the beginning of the RFQ/RFP deliberations, a schedule for MBE and WBE participation listing the MBEs and WBEs whom the supplier intends to utilize; specifying the agreed upon price to be paid for such goods or services and identifying in detail the contract item or items to be supplied or performed by each MBE and WBE. A copy of the participating schedule will be forwarded to the Erie County Division of Equal Employment Opportunity from the Division of Purchasing or the procuring Department. Contingent upon a contract award, a letter of intent to enter into a purchase agreement, signed by both the supplier and/or MBE/WBE, indicating the agreed upon price and scope of work, shall be provided.

D. As evidence of good faith efforts to attain the goals set forth in subdivision A (5) above, the supplier shall provide to the Erie County Division of Equal Employment Opportunity, copies of all the subcontracts and/or purchase agreements with the MBEs and WBEs within fifteen (15) days of contract award.

E. The Erie County Division of Equal Employment Opportunity reserves the prerogative to interpret the Local Law and to verify the Contractor's compliance or non-compliance with this Local Law.

Section 5. Applicability to contractual agreements for professional, technical or other consultant services. Notwithstanding any other application, this local law shall apply to any and all contractual agreements for professional, technical or other consultant services made in accordance with Section 19.08 of the Erie County Administrative Code. Waiver of Section 19.08, in accordance with the Erie County Legislature's authority to make a finding of necessity that the special service or skill must be provided immediately, or a determination that the procedure is impracticable, shall not constitute waiver of the provisions of subdivision 4A(5) of this local law.

Section 6. Waiver. The County, through the Erie County Division of Equal Employment Opportunity, upon written request by the supplier and subject to the authorization of the legislature by resolution, may grant a complete or partial waiver of the provisions of Section 4A(5) where the

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availability of MBEs and/or WBEs in the market area of the contract is less than the ten percent (10%) MBE goal and the two percent (2%) WBE goal. However, the supplier must illustrate good faith efforts in its attempts to reach the policy goals.

Section 7. Public hearing and annual report. The Legislature shall conduct annual public hearings to assess the impact and effect of this local law, and shall receive an annual report from the Erie County Division of Equal Employment Opportunity specific to the County's MBE/WBE utilization commitment on or before March 1 of each succeeding year.

Section 8. Severability. If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or section thereof directly involved in the proceeding or action in which such adjudication has been rendered.

Section 9. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

GEORGE A. HOLT, JR.  
 DEMONE A. SMITH

EDWARD J. KUWIK  
 MARK J. F. SCHROEDER

MS. MARINELLI moved the approval of the Local Law. MR. SMITH seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. (AYES 9, NOES 6).

CARRIED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table.

GRANTED.

**COMMITTEE REPORTS**

Item 19 –MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 330

July 12, 2004

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 12

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MARSHALL.

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

- |      |  |       |                |       |                |
|------|--|-------|----------------|-------|----------------|
| a.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 7E-6)</td> </tr> </table> <p><b>HOLT:</b> Copy of Letter to County Executive Re: Joint Appointments to ECIDA.<br/>       (4-0) Legislator Marshall absent.</p>                                | Item  | Page           | -2004 | (Comm. 7E-6)   |
| Item | Page   | -2004 | (Comm. 7E-6)   |       |                |
| b.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 9M-14)</td> </tr> </table> <p><b>NFTA:</b> Operating Budget Fiscal Year Ending 3/31/05 &amp; 5 Year Capital Plan.<br/>       (4-0) Legislator Marshall absent.</p>                            | Item  | Page           | -2004 | (Comm. 9M-14)  |
| Item | Page   | -2004 | (Comm. 9M-14)  |       |                |
| c.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 15E-57)</td> </tr> </table> <p><b>HOLT:</b> Letter to Legislator Schroeder Re: Proposed MBE &amp; WBE Local Law.<br/>       (4-0) Legislator Marshall absent.</p>                             | Item  | Page           | -2004 | (Comm. 15E-57) |
| Item | Page   | -2004 | (Comm. 15E-57) |       |                |
| d.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 16D-5)</td> </tr> </table> <p><b>DPW:</b> Copy of Letters to WNY Delegation of Federal &amp; State Representatives Re: Tonawanda Creek Road.<br/>       (4-0) Legislator Marshall absent.</p> | Item  | Page           | -2004 | (Comm. 16D-5)  |
| Item | Page   | -2004 | (Comm. 16D-5)  |       |                |
| e.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 16D-10)</td> </tr> </table> <p><b>COUNTY ATTORNEY:</b> Response to Request for List of Pre-Approved Architectural/Engineering Firms.<br/>       (4-0) Legislator Marshall absent.</p>         | Item  | Page           | -2004 | (Comm. 16D-10) |
| Item | Page   | -2004 | (Comm. 16D-10) |       |                |
| f.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 16E-39)</td> </tr> </table> <p><b>COMPTROLLER:</b> Letter to Chairman Holt Re: Comm. 15E-13 Ticor Building.<br/>       (4-0) Legislator Marshall absent.</p>                                  | Item  | Page           | -2004 | (Comm. 16E-39) |
| Item | Page   | -2004 | (Comm. 16E-39) |       |                |
| g.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 16M-8)</td> </tr> </table> <p><b>THE EXOLON COMPANY:</b> Position on the Potential Opening of the Former SGL Carbon Plant in Niagara Falls.<br/>       (4-0) Legislator Marshall absent.</p>  | Item  | Page           | -2004 | (Comm. 16M-8)  |
| Item | Page   | -2004 | (Comm. 16M-8)  |       |                |
| h.   | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 16M-10)</td> </tr> </table> <p><b>NFTA:</b> Minutes of Board Meeting Held 5/24/04.<br/>       (4-0) Legislator Marshall absent.</p>   | Item  | Page           | -2004 | (Comm. 16M-10) |
| Item | Page   | -2004 | (Comm. 16M-10) |       |                |

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- i.       Item           Page                           -2004           (Comm. 16M-15)  
**NYS UNIFIED COURT SYSTEM:** Letter to Legislator Schroeder Re: Use of Ticor Building by Fourth Department of the Appellate Division.  
(4-0) Legislator Marshall absent.

2.       Item           Page                           -2004           (Comm. 16E-26)  
**COUNTY EXECUTIVE**  
WHEREAS, the firm of Trautman & Associates was engaged by Erie County to design the Erie County Main Library, Exterior Building Rehabilitation, and

WHEREAS, the Department of Public Works directed Trautman & Associates to make various additions to the project construction documents during construction, and

WHEREAS, the additional design work was billed for on a time and material basis,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue Trautman & Associates a Supplemental Agreement in the amount of \$27,730, and be it further,

RESOLVED, that funding for this Supplemental Agreement shall be from Project A.00073, and be it further,

RESOLVED, that two certified copies of this letter be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Erie County Public Library.  
(4-0) Legislator Marshall absent.

3.       Item           Page                           -2004           (Comm. 16E-27)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on May 27, 2004 for the Buffalo Convention Center Acoustically Treated Doors & Loading Dock Leveler Repair, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Buffalo Convention Center:

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**GENERAL CONSTRUCTION WORK**

Cloverbank Construction  
 Base Bid: \$54,330.00

and be it further,

RESOLVED, that the sum of \$15,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that additional architectural/engineering fees be allocated for additional services in an amount not to exceed \$50,000.00, for 2004 bid packages, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 2003 Buffalo Convention Center, Project A.00078 in the amount of \$119,330.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the County Executive; and one copy to the Office of the Comptroller.  
 (4-0) Legislator Marshall absent.

4. Item Page -2004 (Comm. 16E-28)

**COUNTY EXECUTIVE**

WHEREAS, engineering design services are required for the Erie County Home Fire Alarm System Modifications project, and

WHEREAS, the firm of Robson Woese, Inc., presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Robson Woese, Inc. in an amount not to exceed \$20,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Home Fire Alarm System Modifications, and be it further,

RESOLVED, that the \$20,000 fee allocation be taken from Project H.00004, and be it further,

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

(4-0) Legislator Marshall absent.

5. Item Page -2004 (Comm. 16E-35)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie desires to participate in the retention and expansion of Elite Recovery in Erie County; and

WHEREAS, The company desires to expand its collections operations, currently located in the City of Buffalo; and

WHEREAS, The expansion of the activity in Erie County will be the preferred alternative for new work which will promote the retention of approximately 20 existing jobs and the creation of approximately 75 new jobs; and

WHEREAS, The offer of job training for existing and new employees at the Erie County facilities was important to the decision by Elite Recovery to stay and grow in Erie County; and

WHEREAS, The Empire State Development Corporation is expected to participate in funding in for this project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, in amounts not to exceed a total of \$75,000, for the purpose of providing job skills training to existing and new employees of Elite Recovery; and be it further

RESOLVED, That the source of these funds shall be \$75,000 re-appropriated in the Regional/Economic Development Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1331010, Public Benefit Agencies – Economic Development, to be further designated as follows:

Buffalo and Erie County Workforce Development Consortium for

Elite Recovery	\$75,000
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and be it further

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

(4-0) Legislator Marshall absent.

6. Item Page -2004 (Comm. 16E-37)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie desires to participate in the retention and expansion of Definity Health Corporation in Erie County; and

WHEREAS, The company desires to expand its health care administration operations; and

WHEREAS, The expansion of the activity in Erie County will be the preferred alternative for new work which will promote the retention of approximately 240 existing jobs and the creation of approximately 180 new jobs; and

WHEREAS, The offer of job training for existing and new employees at the Erie County facilities was important to the decision by Definity to stay and grow in Erie County; and

WHEREAS, The Empire State Development Corporation is expected to participate in funding in for this project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, in amounts not to exceed a total of \$75,000, for the purpose of providing job skills training to existing and new employees of Definity Health Corporation; and be it further

RESOLVED, That the source of these funds shall be \$75,000 re-appropriated in the Regional/Economic Development Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1331010, Public Benefit Agencies – Economic Development, to be further designated as follows:

Buffalo and Erie County Workforce Development Consortium

Definity Health Corporation	\$75,000
-----------------------------	----------

and be it further

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

**MEETING NO. 17**  
**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

(4-0) Legislator Marshall absent.

**MARK J. F. SCHROEDER**  
**CHAIRMAN**

MR. SCHROEDER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 331

July 12, 2004

GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR DEBENEDETTI.

1. RESOLVED, that the following item is hereby received and filed.
  - a. Item Page -2004 (Comm. 16D-9)  
**COUNTY ATTORNEY:** Notice of Claims.  
 (4-0) Legislator DeBenedetti absent.
2. Item Page -2004 (Comm. 16E-32)  
 RESOLVED, that the following item is hereby received, filed & printed.

July 6, 2004

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

RE: Amendment to various 2004 Town and Special District Budgets  
**IMMEDIATE CONSIDERATION REQUESTED**

Your Honorable Body:

**MEETING NO. 17**  
**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

The attached amended abstracts of various Town Budgets and Special District Budgets for the year 2004 are to replace those adopted at the 25<sup>th</sup> Session of the Erie County Legislature on December 11, 2003 (REF: Comm. 25E-18).

Thank you for your immediate consideration of this matter. If your Honorable Body requires any further information, kindly contact the Division of Budget, Management and Finance or our office and we will be happy to accommodate your request.

Respectfully,

JOEL A. GIAMBRA  
 Erie County Executive

JAG/ms  
 Attach:  
 RE: BMFFMAMBUD-04

COUNTY OF ERIE  
 Department of Finance  
 June 17, 2004

To : Joseph Maciejewski  
 From : Nancy Tanzella

Re : Amended Town Resolutions

Twelve town resolutions were amended due to late changes and additions in the town budgets. Below is a list of towns and the reason for the correction.

Alden	Out of District Water added and adjustment in a Sewer District
Amherst	Revised Community Environment Fund, Sanitary Sewer, Sidewalks, Pretreatment Surcharge and Delinquent Water adjustment. Omitted Tax added
Aurora	Aurora-Colden & Aurora-Wales fire district re-equalized and Rubbish Res & Rec adjustment
Cheektowaga	Sewer Lateral added, Sidewalks and Omitted Tax adjusted
Clarence	Adjusted figure for Special Assessments
Colden	Aurora – Colden fire district re-equalized
Collins	Omitted Taxes added

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**ERIE COUNTY LEGISLATURE**

Concord	Omitted Taxes adjustment
Eden	Refuse & Garbage adjustment
Evans	Refuse & Garbage adjustment and Premium Assessment added
Hamburg	Water, Sewer district, Unpaid Water and Omitted Tax adjustment
Lancaster	Omitted Tax adjustment (Village Relevy)
Marilla	Water District adjustment
Newstead	Water Revenue adjusted and ECWA Delinquent Water and Omitted Tax added
North Collins	Omitted Tax removed
Orchard Park	Delinquent Refuse adjusted, Pro rated Garbage, Lot Clearing and Star Fine added
Town of Tonawanda	Delinquent Water added
Wales	Aurora – Wales fire district re-equalized
West Seneca	Omitted Tax and Premium Assessment added

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law:

<b>AURORA</b> <b>FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED</b> <b>REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TWNWDE	\$2,926,762.00	\$1,794,570	\$1,132,192.00
GENERAL FUND-TOWN	\$854,762.00	\$663,000	\$191,762.00
HIGHWAY - TOWN	\$900,470.00	\$549,045	\$351,425.00
RISK RETENTION	\$0	\$0	\$0

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**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

SPECIAL GRANTS FUND	\$37,918.00	\$37,918.00	\$0
TOTAL TOWN & HWY	\$4,719,912.00	\$3,044,533	\$1,675,379.00
RUBBISH RES & REC	\$359,729.00	\$69,743	\$289,986.00
WATER DISTRICTS	\$820,930.00	\$368,576	\$452,354.00
FIRE PROTECTION	\$207,035.00	\$2,000	\$205,035.00
RUBBISH COLLECTION	\$68,187.00	\$6,530	\$61,657.00
LIGHTING DISTRICTS	\$18,956.00	\$0	\$18,956.00
SEWER DISTRICTS	\$132,639.00	\$107,190	\$25,449.00
AURORA-COLDEN FIRE	\$247,828.48	\$0	\$247,828.48
AURORA-WALES FIRE	\$117,612.90	\$0	\$117,612.90
DELINQUENT REFUSE	\$0	\$0	\$0
DELINQUENT WATER	\$4,447.48	\$0	\$4,447.48
TOTAL SPECIAL DST	\$1,977,364.86	\$554,039	\$1,423,325.86
GRAND TOTALS	\$6,697,276.86	\$3,598,572	\$3,098,704.86

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RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law:

**ALDEN**  
**FOR THE YEAR 2004**

**APPROPRIATION**      **ESTIMATED**      **TAX LEVY**  
**REVENUES**

GENERAL FUND TOWNWIDE	\$1,286,213.00	\$719,200	\$567,013.00
GENERAL FUND-TOWN ONLY	\$174,626.00	\$174,626	\$0
HIGHWAY TOWN ONLY	\$621,800.00	\$551,800	\$70,000.00
TOTAL TOWN & HIGHWAY	\$2,082,639.00	\$1,445,626	\$637,013.00
SEWER DISTRICT #1	\$30,071.00	\$300	\$29,771.00
SEWER DISTRICT #2	\$40,927.00	\$3,800	\$37,127.00
WATER DISTRICTS	\$348,820.00	\$3,400	\$345,420.00
FIRE PROTECTION DST	\$583,276.00	\$5,600	\$577,676.00
LIGHT DISTRICTS	\$89,000.00	\$10,500	\$78,500.00

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**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

DELINQUENT WATER	\$108.12	\$0	\$108.12
UNPAID REFUSE	\$188.00	\$0	\$188.00
WATER #5 OUT OF DIST	\$3,902.57	\$0	\$3,902.57
WATER #9 OUT OF DIST	\$209.30	\$0	\$209.30
OMITTED TAX	\$4,490.63	\$0	\$4,490.63
GARBAGE DISTRICT	\$386,100.00	\$3,500	\$382,600.00
TOTAL SPECIAL DISTRICT	\$1,487,092.62	\$27,100	\$1,459,992.62
GRAND TOTALS	\$3,569,731.62	\$1,472,726	\$2,097,005.62

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

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RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law:

**AMHERST**  
**FOR THE YEAR 2004**

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWN ONLY	\$44,414,801.00	\$24,755,768	\$19,659,033.00
GENERAL FUND VILLAGE ONLY	\$2,045,261.00	\$481,709	\$1,563,552.00
GENERAL FUND-OUTSIDE VILLAGE	\$4,019,208.00	\$1,451,500	\$2,567,708.00
HIGHWAY FUNDS TOWN ONLY	\$8,407,797.00	\$1,113,000	\$7,294,797.00
CENTRAL ALARM	\$1,129,960.00	\$290,489	\$839,471.00
COMMUNITY DEVELOPMENT	\$752,000.00	\$752,000	\$0
TOTAL TOWN & HIGHWAY	\$60,769,027.00	\$28,844,466	\$31,924,561.00
FIRE DISTRICTS	\$2,184,194.00	\$0	\$2,184,194.00
SANITARY SEWERS DISTRICT	\$18,275,288.00	\$4,290,283	\$13,985,005.00
FIRE PROTECTION DIST.	\$4,425,006.00	\$47,925	\$4,377,081.00
STORM SEWER	\$5,189,389.00	\$335,500	\$4,853,889.00

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**ERIE COUNTY LEGISLATURE**

DISTRICTS			
WATER DISTRICTS	\$739,937.00	\$13,531	\$726,406.00
TOTAL SPECIAL DISTRICTS	\$30,813,814.00	\$4,687,239	\$26,126,575.00
SPECIAL ASMT SANITARY SEWER	\$5,080.00	\$0	\$5,080.00
SPECIAL ASMT STORM SEWER	\$5,798.00	\$0	\$5,798.00
SPECIAL ASMT WATER DISTRICT	\$3,108.00	\$0	\$3,108.00
H.O.M.E.	\$1,241,708.00	\$1,241,708	\$0.00
SPECIAL ASMT LIGHT DISTRICT	\$3,329,107.00	\$160,000	\$3,169,107.00
SIDEWALKS	\$22,704.00	\$0	\$22,704.00
SPECIAL ASMT GARBAGE	\$6,782,807.00	\$646,856	\$6,135,951.00
DELINQUENT WATER - ECWA	\$10,904.00	\$0	\$10,904.00
DELINQUENT SEWER RENTAL	\$0	\$0	\$0.00
DELINQUENT SEWER - VILLAGE	\$1,194.00	\$0	\$1,194.00
PRETREATMENT SURCHARGE	\$222,807.00	\$0	\$222,807.00
DELINQUENT WATER - VILLAGE	\$0	\$0	\$0
CODE VIOLATIONS	\$5,484.00	\$0	\$5,484.00
DEMOLITION CHARGE	\$0	\$0	\$0
OMITTED TAX	\$3,751.57	\$0	\$3,751.57
TOTAL SPECIAL ASSESS'MT	\$11,634,452.57	\$2,048,564	\$9,585,888.57
GRAND TOTALS	\$103,217,293.57	\$35,580,269	\$67,637,024.57

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law:

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**ERIE COUNTY LEGISLATURE**

<b>CHEEKTOWAGA FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$36,064,159.00	\$10,196,853.00	\$25,867,306.00
GENERAL FUND- TOWN ONLY	\$1,018,136.00	\$1,018,136.00	\$0.00
RISK RETENSION FUND	\$2,131,000.00	\$2,131,000.00	\$0.00
GEN FUND SPEC ASSMNT	\$82,752.00	\$0	\$82,752.00
HIGHWAY FUNDS	\$8,161,887.00	\$6,026,364.00	\$2,135,523.00
DEBT SERVICE	\$5,538,916.00	\$5,538,916.00	\$0.00
TOTAL TOWN & HIGHWAY	\$52,996,850.00	\$24,911,269.00	\$28,085,581.00
CONSOLIDATED GARBAGE	\$8,212,158.00	\$711,000.00	\$7,501,158.00
GENERAL LIGHT	\$2,477,516.00	\$323,000.00	\$2,154,516.00
WATER DISTRICT	\$45,575.00	\$23,616.00	\$21,959.00
LEGAL SANITARY SEWER	\$0	\$0	\$0
STORM SEWER	\$530,793.00	\$16,000.00	\$514,793.00
SANITARY SEWER	\$9,992,836.00	\$1,950,194.00	8,042,642.00
HYDRANT DISTRICT	\$477,696.00	\$32,347.00	\$445,349.00
FIRE DISTRICTS	\$5,605,134.10	\$71,200.00	5,533,934.10
SEWER - LATERAL	\$485.00	\$0	\$485.00
OMITTED TAX	\$13,869.92	\$0	\$13,869.92
SIDEWALKS	\$11,873.51	\$0	\$11,873.51
DELINQUENT WATER	\$0	\$0	\$0
DELINQUENT REFUSE	\$254.28	\$0	\$254.28
CLEAN UP DEBRIS	\$48,123.50	\$0	\$48,123.50
TOTAL SPEC ASSESSMNT	\$27,416,314.31	\$3,127,357.00	\$24,288,957.31
<b>GRAND TOTALS</b>	<b>\$80,413,164.31</b>	<b>\$28,038,626.00</b>	<b>\$52,374,538.31</b>

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

**MEETING NO. 17**  
**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>CLARENCE FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$9,623,527.00	\$7,603,150	\$2,020,377.00
HIGHWAY FUNDS	\$3,252,921.00	\$1,588,145	\$1,664,776.00
TOTAL TOWN & HIGHWAY	\$12,876,448.00	\$9,191,295	\$3,685,153.00
FIRE DISTRICT	\$555,400.00	\$0	\$555,400.00
FIRE PROTECTION	\$1,913,593.00	\$4,600	\$1,908,993.00
CENTRAL ALARM	\$187,791.00	\$3,500	\$184,291.00
DRAINAGE DISTRICT	\$316,131.00	\$2,800	\$313,331.00
SEWER DISTRICT	\$404,895.00	\$87,000	\$317,895.00
WASTEWATER DISTRICT	\$106,711.00	\$15,449	\$91,262.00
SPECIAL ASSESSMENTS	\$334.00	\$0	\$334.00
DELINQUENT	\$0	\$0	\$0
COMMUNITY DEVLPMNT	\$100,000.00	\$100,000	\$0
LIGHTING DISTRICTS	\$13,000.00	\$1,350	\$11,650.00
CONSOLIDATED WATER	\$741,940.00	\$37,000	\$704,940.00
AQUA GROWTH CNTRL	\$3,000.00	\$0	\$3,000.00
OMITTED TAX	\$1,198.50	\$0	\$1,198.50
TOTAL SPECIAL DISTRICT	\$4,343,993.50	\$251,699	\$4,092,294.50
GRAND TOTALS	\$17,220,441.50	\$9,442,994	\$7,777,447.50

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law:

**MEETING NO. 17**  
**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

<b>COLDEN FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$852,102.00	\$828,556	\$23,546.00
HIGHWAY FUNDS	\$509,571.00	\$84,350	\$425,221.00
TOTAL TOWN & HIGHWAY	\$1,361,673.00	\$912,906	\$448,767.00
AURORA-COLDEN FIRE	\$30,921.52	\$0	30,921.52
COLDEN FIRE DISTRICT	\$363,900.00	\$0	\$363,900.00
REFUSE DISTRICT	\$159,379.00	\$1,350	\$158,029.00
COMMUNITY DEV FUND	\$10,000	\$10,000	\$0.00
LIGHTING DISTRICTS	\$32,428.00	\$3,100	\$29,328.00
TOTAL SPECIAL DISTRICT	\$596,628.52	\$14,450.00	\$582,178.52
<b>GRAND TOTALS</b>	<b>\$1,958,301.52</b>	<b>\$927,356</b>	<b>\$1,030,945.52</b>

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law:

<b>COLLINS FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$693,982.95	\$385,509.00	\$308,473.95
GENERAL FUND- TOWN ONLY	\$309,110.00	\$309,110.00	\$0.00
HIGHWAY TOWNWIDE	\$0	\$0	\$0
HIGHWAY - TOWN ONLY	\$762,865.00	\$657,768.00	\$105,097.00
TOTAL TOWN & HIGHWAY	\$1,765,957.95	\$1,352,387.00	\$413,570.95
FIRE PROT DIST	\$45,536.27	\$0	\$45,536.27
COLLINS FIRE DIST	\$128,554.64	\$0	\$128,554.64
LIGHT DISTRICTS	\$12,000.00	\$4,200.00	\$7,800.00

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**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

REFUSE & GARBAGE	\$57,169.00	\$45,100.00	\$12,069.00
LIBRARY FUND	\$57,645.00	\$3,000.00	\$54,645.00
WATER DISTRICT	\$260,824.00	\$187,388.00	\$73,436.00
DELINQUENT WATER	\$11,048.97	\$0	\$11,048.97
CLEAN-UP & REMVL	\$0	\$0	\$0
OMITTED TAXES	\$3,013.95	\$0	\$3,013.95
TOTAL SPECIAL DISTRICT	\$575,791.83	\$239,688.00	\$336,103.83
<b>GRAND TOTALS</b>	<b>\$2,341,749.78</b>	<b>\$1,592,075.00</b>	<b>\$749,674.78</b>

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**CONCORD**  
**FOR THE YEAR 2004**

**APPROPRIATION**      **ESTIMATED**      **TAX LEVY**  
**REVENUES**

GENERAL FUND TOWNWIDE	\$1,012,380.80	\$521,907	\$490,473.80
GEN FUND-TOWN ONLY	\$645,216.00	\$645,216	\$0.00
HIGHWAY FUND – TOWN ONLY	\$946,284.00	\$813,284	\$133,000.00
HIGHWAY FUNDS TOWNWIDE - BRIDGES	\$20,000.00	\$10,000	\$10,000.00
JOINT PROJECTS	\$128,925.00	\$128,925	\$0.00
COMMUNITY DEVELOP	\$30,000.00	\$30,000	\$0.00
TOTAL TOWN & HIGHWAY	\$2,782,805.80	\$2,149,332	\$633,473.80
LIBRARY	\$4,844.00	\$0	\$4,844.00
FIRE PROTECTION DIST	\$369,000.00	\$0	\$369,000.00
LIGHTING DISTRICTS	\$35,000.00	\$0	\$35,000.00
SEWER DISTRICT	\$85,251.00	\$0	\$85,251.00
WATER DISTRICTS	\$18,318.00	\$4,650	\$13,668.00
KISS BRDG WATER DIST	\$5,200.00	\$2,000	\$3,200.00
KISS BRDG SEWER DIST	\$20,600.00	\$0	\$20,600.00

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**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

OMITTED TAX	\$848.40	\$0	\$848.40
TOTAL SPECIAL DISTRICT	\$539,061.40	\$6,650	\$532,411.40
GRAND TOTALS	\$3,321,867.20	\$2,155,982	\$1,165,885.20

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**EDEN**  
**FOR THE YEAR 2004**

**APPROPRIATION**

**ESTIMATED  
REVENUES**

**TAX LEVY**

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$1,976,662.00	\$1,343,780.00	\$632,882.00
HIGHWAY FUNDS	\$1,100,344.00	\$236,500.00	\$863,844.00
TOTAL TOWN & HIGHWAY	\$3,077,006.00	\$1,580,280.00	\$1,496,726.00
WATER DISTRICT	\$192,829.76	\$964.81	\$191,864.95
FIRE PROTECTION DIST.	\$253,377.00	\$0	\$253,377.00
LIGHTING DISTRICTS	\$54,057.00	\$6,057.00	\$48,000.00
REFUSE & GARBAGE	\$369,174.00	\$56,520.00	\$312,654.00
HAMBURG WATER IMPV	\$2,745.37	\$0	\$2,745.37
DELINQUENT WATER	\$0	\$0	\$0
OMITTED TAX	\$406.46	\$0	\$406.46
DELINQ EVANS WTR	\$1,316.79	\$0	\$1,316.79
DRAINAGE	\$4,000.00	\$0	\$4,000.00
DELINQUENT WTR ECWA	\$756.68	\$0	\$756.68
DELINQUENT GARBAGE	\$91.53	\$0	\$91.53
TOTAL SPECIAL DISTRICT	\$878,754.59	\$63,541.81	\$815,212.78
GRAND TOTALS	\$3,955,760.59	\$1,643,821.81	\$2,311,938.78

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**MEETING NO. 17**  
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**ERIE COUNTY LEGISLATURE**

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>EVANS FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$3,435,689.00	\$1,296,835.00	\$2,138,854.00
GENERAL FUND- TOWN ONLY	\$3,224,462.00	\$2,127,434.00	\$1,097,028.00
HIGHWAY FUNDS - TOWN ONLY	\$1,915,314.00	\$531,934.00	1,383,380.00
DEBT SERVICE	\$528,985.00	\$528,985.00	\$0.00
COMMUNITY DEVELOPMENT	\$100,000.00	\$100,000.00	\$0.00
RISK RETEN/INS RESERVE	\$350,000.00	\$350,000.00	\$0.00
HIGHWAY FUNDS - TOWNWIDE	\$10,000.00	\$700.00	\$9,300.00
TOTAL TOWN & HIGHWAY	\$9,564,450.00	\$4,935,888.00	\$4,628,562.00
REFUSE & GARBAGE COLLECTION	\$925,643.50	\$92,289.00	\$833,354.50
STREET LIGHTING	\$282,026.00	\$33,995.00	\$248,031.00
FIRE PROTECTION	\$741,220.00	\$15,475.00	\$725,745.00
HYDRANT	\$5,200.00	\$10.00	\$5,190.00
WATER DISTRICTS	\$2,266,524.00	\$2,139,450.00	\$127,074.00
DEMOLITION	\$17,161.00	\$0	\$17,161.00
PREMIUM ASSMNT	\$700.00	\$0	\$700.00
FIRE DISTRICTS	\$487,350.00	\$22,450.00	\$464,900.00
DELINQUENT WATER	\$226,294.90	\$0	\$226,294.90
OMITTED TAX	\$2,604.19	\$0	\$2,604.19
EDEN WATER DIST	\$964.81	\$0	\$964.81
TOTAL SPEC DIST	\$4,955,688.40	\$2,303,669.00	\$2,652,019.40

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**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

<b>GRAND TOTALS</b>	<b>14,520,138.40</b>	<b>\$7,239,557.00</b>	<b>\$7,280,581.40</b>
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RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>HAMBURG FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$12,693,136.00	\$5,367,636	\$7,325,500.00
GENERAL FUND- TOWN ONLY	\$10,436,064.00	\$7,481,564	\$2,954,500.00
HIGHWAY FUNDS - TOWN ONLY	\$4,138,417.00	\$538,417	\$3,600,000.00
HIGHWAY FUNDS TOWNWIDE	\$14,000.00	\$12,500	\$1,500.00
GOLF COURSE	\$613,832.00	\$613,832	\$0
DEBT SERVICE	\$2,388,185.00	\$2,388,185	\$0
COMMUNITY DEVELOPMENT	\$730,549.00	\$730,549	\$0
INSURANCE RESERVE	\$1,126,000.00	\$1,126,000	\$0
SUNDANCE PARK	\$0	\$0	\$0
TOTAL TOWN & HIGHWAY	\$32,140,183.00	\$18,258,683.00	\$13,881,500.00
LIBRARY DEBT SERVICE	\$0	\$0	\$0
STREET LIGHTING	\$813,347.00	\$208,997	\$604,350.00
TOWN HYDRANT	\$289,748.00	\$29,748	\$260,000.00
FIRE PROTECTION	\$2,806,171.00	\$87,271	\$2,718,900.00
SEWER DISTRICTS	\$3,970,247.00	\$689,561	\$3,280,686.00
WATER DISTRICTS	\$1,102,103.00	\$108,703	\$993,400.00
RAVENWOOD DRAINAGE	\$13,374.00	\$1,374	\$12,000.00
RAVENWOOD RD IMP	\$73,905.00	\$2,405	\$71,500.00
DELINQUENT WATER	\$9,117.32	\$0	\$9,117.32

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UNPAID SEWER	\$420.00	\$0	\$420.00
REMOVALS	\$276.82	\$0	\$276.82
OMITTED TAX	\$7,987.34	\$0	\$7,987.34
TOTAL SPECIAL DISTRICT	\$9,086,696.48	\$1,128,059	\$7,958,637.48
LAKE VIEW FIRE DISTRICT	\$569,122.00	\$95,000	\$474,122.00
GRAND TOTALS	\$41,796,001.48	\$19,481,742	\$22,314,259.48

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**LANCASTER**  
**FOR THE YEAR 2004**

**APPROPRIATION**

**ESTIMATED REVENUES**

**TAX LEVY**

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$6,616,065.00	\$2,342,269	\$4,273,796.00
GENERAL FUND-TOWN ONLY	\$675,594.00	\$675,594	\$0
HIGHWAY TOWNWIDE	\$41,491.00	\$10,750	\$30,741.00
HIGHWAY PART TOWN	\$2,561,899.00	\$1,780,600	\$781,299.00
POLICE FUND	\$6,029,697.00	\$2,417,168	\$3,612,529.00
MISC SPEC REVENUE	\$389,000.00	\$389,000	\$0
TOTAL TOWN & HIGHWAY	\$16,313,746.00	\$7,615,381	\$8,698,365.00
GARBAGE DIST	\$1,807,466.00	\$61,000	\$1,746,466.00
LIGHTING DISTRICT	\$255,214.00	\$38,000	\$217,214.00
FIRE PROTECTION	\$2,646,915.00	\$36,500	\$2,610,415.00
SEWER DISTRICTS	\$199,274.00	\$0	\$199,274.00
WATER DISTRICTS	\$255,196.00	\$64,300	\$190,896.00
GRASS CUTTING	\$695.00	\$0	\$695.00
OMITTED TAX	\$1,036.61	\$0	\$1,036.61

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PIPE INSTALLATION	\$136.66	\$0	\$136.66
DELINQ WTR ECWA	\$2,517.47	\$0	\$2,517.47
TOTAL SPEC DIST	\$5,168,450.74	\$199,800	\$4,968,650.74
GRAND TOTALS	\$21,482,196.74	\$7,815,181	\$13,667,015.74

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**MARILLA**  
**FOR THE YEAR 2004**

**APPROPRIATION      ESTIMATED      TAX LEVY**  
**REVENUES**

GENERAL FUND TOWNWIDE	\$719,750.00	\$719,750.00	\$0.00
HIGHWAY FUNDS	\$373,900.00	\$273,900.00	\$100,000.00
COMMUNITY DEVELOP	\$100.00	\$100.00	\$0
TOTAL TOWN & HIGHWAY	\$1,093,750.00	\$993,750.00	\$100,000.00
WATER DISTRICT	\$435,200.00	\$17,375.00	\$417,825.00
FIRE DISTRICT	\$266,825.00	\$300.00	\$266,525.00
DEMOLITION	\$2,135.00	\$0	\$2,135.00
SANITATION	\$295,800.00	\$35,520.00	\$260,280.00
DELINQUENT WATER	\$434.96	\$0	\$434.96
TOTAL SPECIAL DISTRICT	\$1,000,394.96	\$53,195.00	\$947,199.96
GRAND TOTALS	\$2,094,144.96	\$1,046,945.00	\$1,047,199.96

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

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RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>NEWSTEAD FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$1,273,531.00	\$660,850	\$612,681.00
GENERAL FUND-TOWN ONLY	\$100,740.00	\$100,740	\$0
HIGHWAY FUND TOWNWIDE	\$4,039.00	\$100	\$3,939.00
HIGHWAY FUND-TOWN ONLY	\$743,508.00	\$743,508	\$0
TOTAL TOWN & HIGHWAY	\$2,121,818.00	\$1,505,198	\$616,620.00
WATER DIST CAP & O M	\$446,665.00	\$37,671	\$408,994.00
OMITTED TAX	\$11,275.36	\$0	\$11,275.36
REFUSE/GARBAGE	\$242,135.00	\$10,819	\$231,316.00
FIRE PROTECTION DIST.	\$373,205.00	\$1,200	\$372,005.00
DELINQUENT WATER	\$3,223.67	\$0	\$3,223.67
DELINQUENT REFUSE	\$118.25	\$0	\$118.25
DELINQUENT ECWA WTR	\$100.24	\$0	\$100.24
SEWER DISTRICT	\$33,625.00	\$33,625	\$0
TOTAL SPECIAL DISTRICT	\$1,110,347.52	\$83,315	\$1,027,032.52
GRAND TOTALS	\$3,232,165.52	\$1,588,513	\$1,643,652.52

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>NORTH COLLINS FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND	\$598,500.00	\$226,998	\$371,502.00

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TOWNWIDE			
GENERAL FUND-TOWN ONLY	\$134,351.00	\$45,844	\$88,507.00
HIGHWAY TOWNWIDE	\$48,921.00	\$5,250	\$43,671.00
HIGHWAY - TOWN ONLY	\$399,311.00	\$323,136	\$76,175.00
CAPITAL PROJECTS	\$21,500.00	\$21,500	\$0
TOTAL TOWN & HIGHWAY	\$1,202,583.00	\$622,728	\$579,855.00
FIRE PROTECTION DIST.	\$165,685.00	\$0	\$165,685.00
GARBAGE & REFUSE	\$102,969.00	\$0	\$102,969.00
OMITTED TAX	\$0	\$0	\$0
TOTAL SPECIAL DISTRICT	\$268,654.00	\$0	\$268,654.00
GRAND TOTALS	\$1,471,237.00	\$622,728	\$848,509.00

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>ORCHARD PARK FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$9,039,960.00	\$5,271,509	\$3,768,451.00
GENERAL FUND-TOWN ONLY	\$427,342.00	\$427,342.00	\$0
HIGHWAY FUNDS	\$2,865,111.00	\$442,000	\$2,423,111.00
GENERAL SPEC ASSESSMENTS	\$55,786.00	\$0	\$55,786.00
HIGHWAY - BRIDGES	\$0	\$0	\$0
DEBT SERVICE FUND	\$1,235,485.00	\$1,235,485	\$0
TOTAL TOWN & HIGHWAY	\$13,623,684.00	\$7,376,336	\$6,247,348.00

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**ERIE COUNTY LEGISLATURE**

CONSOLIDATE GARBAGE	\$1,467,978.00	\$60,500	\$1,407,478.00
GENERAL LIGHTING	\$297,285.00	\$10,000	\$287,285.00
FIRE DISTRICT #1	\$1,183,880.00	\$0	\$1,183,880.00
HYDRANT DISTRICTS	\$10,520.00	\$0	\$10,520.00
WATER DISTRICTS	\$1,681,156.00	\$855,926	\$825,230.00
DELINQ OP WATER	\$23,391.27	\$0	\$23,391.27
LOT CLEARING	\$401.92	\$0	\$401.92
DELINQ EC WATER	\$2,515.94	\$0	\$2,515.94
UNPAID REFUSE	\$262.44	\$0	\$262.44
OMITTED TAX	\$4,824.06	\$0	\$4,824.06
STAR FINE	\$100.00	\$0	\$100.00
SANITARY SEWER	\$831,392.00	\$193,003	\$638,389.00
PRO RATED GARBAGE	\$1,924.31	\$0	\$1,924.31
TOTAL SPECIAL DISTRICT	\$5,505,630.94	\$1,119,429	\$4,386,201.94
GRAND TOTALS	\$19,129,314.94	\$8,495,765	\$10,633,549.94

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**TONAWANDA**                      **APPROPRIATION**                      **ESTIMATED**                      **TAX LEVY**  
**FOR THE YEAR 2004**                      **REVENUES**

GENERAL FUND TOWNWIDE	\$25,170,008.00	\$15,836,000	\$9,334,008.00
GENERAL FUND-TOWN ONLY	\$14,949,457.00	\$9,835,957	\$5,113,500.00
HIGHWAY FUNDS - TOWN ONLY	\$6,163,391.00	\$2,582,847	\$3,580,544.00
TOTAL TOWN & HIGHWAY	\$46,282,856.00	\$28,254,804	\$18,028,052.00
WATER ACQUISITION	\$7,378,445.00	\$7,378,445	\$0
WATER CONSOLIDATION DST	\$0	\$0	\$0
FIRE PROTECTION DIST.	\$580,386.00	\$25,000	\$555,386.00
REFUSE & GARBAGE COLLECTION	\$5,971,828.00	\$475,000	\$5,496,828.00

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LIGHTING DISTRICTS	\$1,512,683.00	\$627,000	\$885,683.00
SEWER DISTRICTS	\$11,583,085.00	\$7,857,100	\$3,725,985.00
DRAINAGE CONSOLID	\$456,599.00	\$133,000	\$323,599.00
TOTAL SPECIAL DISTRICT	\$27,483,026.00	16,495,545	\$10,987,481.00
HIGHWAY PAVING	\$19,416.50	\$0	\$19,416.50
SEWER CONSOLIDATION DST	\$2,044.00	\$0	\$2,044.00
DRAINAGE CONSOLIDATION	\$6,402.00	\$0	\$6,402.00
CLEANUP – TOWN ONLY	\$900.00	\$0	\$900.00
DELINQUENT WATER	\$386,856.71	\$0	\$386,856.71
OMITTED TAX	\$0	\$0	\$0
FIRE DISTRICTS	\$2,236,976.43	\$0	\$2,236,976.43
TOTAL SPECIAL ASSESS	\$2,652,595.64	\$0	2,652,595.64
GRAND TOTALS	\$76,418,477.64	\$44,750,349	31,668,128.64

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**WALES**  
**FOR THE YEAR 2004**

**APPROPRIATION**      **ESTIMATED**      **TAX LEVY**  
**REVENUES**

GENERAL FUND TOWNWIDE	\$512,768.00	\$493,232	\$19,536.00
HIGHWAY FUNDS	\$315,642.00	\$222,197	\$93,445.00
TOTAL TOWN & HIGHWAY	\$828,410.00	\$715,429	\$112,981.00
FIRE PROTECTION	\$113,087.00	\$1,000	\$112,087.00
AURORA WALES FIRE DST	\$79,634.62	\$0	\$79,634.62
LIGHT DISTRICT #1	\$8,600.00	\$0	\$8,600.00
LIGHT DISTRICT #2	\$0	\$0	\$0
OMITTED TAX	\$0	\$0	\$0
AGRIC PENALTY	\$0	\$0	\$0
REFUSE DISTRICT	\$156,152.30	\$3,000	\$153,152.30
TOTAL SPECIAL DISTRICT	\$357,473.92	\$4,000	\$353,473.92

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**ERIE COUNTY LEGISLATURE**

GRAND TOTALS	\$1,185,883.92	\$719,429	\$466,454.92

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

<b>WEST SENECA FOR THE YEAR 2004</b>	<b>APPROPRIATION</b>	<b>ESTIMATED REVENUES</b>	<b>TAX LEVY</b>
GENERAL FUND TOWNWIDE	\$19,422,182.00	\$8,818,000	\$10,604,182.00
HIGHWAY FUNDS	\$7,680,625.00	\$1,171,224	\$6,509,401.00
HIGHWAY BRIDGES	\$9,000.00	\$0	\$9,000.00
TOTAL TOWN & HIGHWAY	\$27,111,807.00	\$9,989,224	\$17,122,583.00
WATER DISTRICTS	\$226,330.00	\$35,897	\$190,433.00
FIRE DISTRICTS	\$2,792,060.00	\$0	\$2,792,060.00
GAS LIGHT DIST.	\$106,523.00	\$7,900	\$98,623.00
PREMIUM ASSMNT	\$20,834.46	\$0	\$20,834.46
ELEC LIGHT DIST	\$78,104.00	(\$640)	\$78,744.00
GRASS & WEED CUT	\$0	\$0	\$0
SEWER DISTRICTS	\$7,171,222.00	\$2,181,931	\$4,989,291.00
DRAINAGE DIST	\$7,063.00	\$0	\$7,063.00
SPECIAL ASSMNT	\$203,671.00	\$0	\$203,671.00
ASSTS RECEIVABLE	\$1,100.00	\$0	\$1,100.00
DELINQUENT WATER	\$952.38	\$0	\$952.38
OMITTED TAX	\$5,631.05	\$0	\$5,631.05
TOTAL SPECIAL DISTRICT	\$10,613,490.89	\$2,225,088	\$8,388,402.89
GRAND TOTALS	\$37,725,297.89	\$12,214,312	\$25,510,985.89

(4-0) Legislator DeBenedetti absent.

**MEETING NO. 17**  
**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

**COUNTY EXECUTIVE AS AMENDED:**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 2, Disinfection Improvements, Contract Nos. 66STP-A General, 66STP-B Heating and Ventilation, 66STP-C Plumbing, and 66STP-D Electrical, at the Big Sister Creek Wastewater Treatment Plant on June 24, 2004.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 66STP-A General	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 429 Springville, NY 14141	\$1,217,100.00
Contract 66STP-B HVAC	John W. Danforth Co. 2100 Colvin Boulevard Tonawanda, NY 14150	44,000.00
Contract 66STP-C Plumbing	W.C. Roberson Plumbing & Construction Co. 602 E. Delavan Avenue Buffalo, NY 14211	14,700.00
Contract 66STP-D Electrical	O'Connell Electric Co. 830 Phillips Road Victor, NY 14564	140,000.00

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Disinfection Improvements, Contract Nos. 66STP-A General, 66STP-B Heating and Ventilation, 66STP-C Plumbing, and 66STP-D Electrical, at the Big Sister Creek Wastewater Treatment Plant be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 66STP-A General	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 429 Springville, NY 14141	\$1,217,100.00
Contract 66STP-B HVAC	John W. Danforth Co. 2100 Colvin Boulevard	44,000.00

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**ERIE COUNTY LEGISLATURE**

Tonawanda, NY 14150

Contract 66STP-C Plumbing	W.C. Roberson Plumbing & Construction Co. 602 E. Delavan Avenue Buffalo, NY 14211	14,700.00
Contract 66STP-D Electrical	O'Connell Electric Co. 830 Phillips Road Victor, NY 14564	140,000.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$1,415,800.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00013 (430-444), for Contract 66STP – A, Contract 66STP – B, Contract 66STP – C, and Contract 66STP – D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.  
 (4-0) Legislator DeBenedetti absent.

4. Item Page -2004 (Comm. 15E-32)

**COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to solid waste management planning units to assist them in meeting their solid waste management objectives; and

WHEREAS, the DEP provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, Erie County, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, it is necessary that a Contract by and between the people of the State of New York, herein called the State, and the Municipality be executed for such State aid; and

WHEREAS, the NYSDEC as part of the application process requires that Erie County pass a resolution stating its intention to act as its own agent in the marketing of compost.

NOW, THEREFORE BE IT

RESOLVED, that Erie County intends to act as its own market for compost; and be it further

RESOLVED, that compost will be used on Erie County lands and any excess will be made available to municipalities and residents at no charge; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Maria Lehman, Commissioner of the Department of Public Works; Patrick Gallivan, Erie County Sheriff; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0) Legislator DeBenedetti absent.

5.	Item	Page	-2004	<b>AS AMENDED</b> (Comm. 16E-12)
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**COUNTY EXECUTIVE:**

WHEREAS, the County is in need of having a highly skilled consultant team in place to augment Erie County functional and technical staff in supporting the new SAP system, and

WHEREAS, the county ERP project team followed county procedures in developing, advertising, and reviewing requests for proposals (RFP) for an SAP Competence Center Service provider, and

WHEREAS, the Project Team reviewed, scored, and ranked the top three support vendor proposals, and

WHEREAS, after reviewing formal proposal presentations from the top three vendors, conducting reference checks, and research and team discussion, the unanimous recommendation of the team is the support solution offered by IBM and their local partner, Globalquest, and

WHEREAS, in order to support the operation of the County SAP system, the services of qualified consultants with expertise in the field of SAP system operation and project management is essential to the further success of the project, to provide technical assistance for system malfunctions, upgrades, change management, employee training and business process reengineering, and

WHEREAS, the Project Team recommends that authorization be provided to contract for a three year period with said consultant for the SAP Competence Center Services,

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a three year contract with IBM and their local partner, Globalquest, for the purchase of SAP Competence Center Services, and be it further

RESOLVED, that the funding for the 2004 portion of the contract is currently available in Capital Project A.09023, in the amount of \$1,033,332.00; future year appropriations for said three year contract will be dependent on the availability of funds, and be it further

RESOLVED, that the Erie County Legislature's Clerk and Majority and Minority Chiefs-of-staff, and/or their designees, shall have full access to all ERP/SAP data and modules, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the Director of Information and Support Services, the Director of Purchasing, the Commissioner of Personnel, the County Comptroller and the Director of Budget, Management and Finance.

(4-0) Legislator DeBenedetti absent.

6. Item Page -2004 (Comm. 16E-23)

**COUNTY EXECUTIVE AS AMENDED:**

WHEREAS, the Department of Public Works currently has a very large and complex work program, including many pending outside funding sources, and

WHEREAS, the Commissioner of Public Works needs to advance agreements with various Federal and State entities, such as, but not limited to, the Federal Emergency Management Agency (FEMA), Urban Area Security Initiative (UASI), New York State Emergency Management Office (SEMO), New York State Department of Transportation (NYSDOT), Empire State Development, and any other outside funding sources for the purpose of design, construction, right-of-way acquisition, purchases, or accepting funding on the numerous ongoing projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into various agreements, as necessary, with the Federal Emergency Management Agency (FEMA), Urban Area Security Initiative (UASI), New York State Emergency Management Office (SEMO), New York State Department of Transportation (NYSDOT), Empire State Development, and any other outside funding sources for the purpose of advancing design, construction, right-of-way acquisition, or accepting funding on various projects, and be it further,

RESOLVED, that the funding received by Erie County will increase the appropriations into specific bond funds projects associated with the funding, and be it further,

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RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller. (4-0) Legislator DeBenedetti absent.

7. Item Page -2004 (Comm. 16E-34)

**COUNTY EXECUTIVE:**

WHEREAS, the Division of Budget, Management and Finance has received a request from the Lancaster School District regarding the referenced parcels, and

WHEREAS, before any transfer of ownership, these parcels will be forwarded to the Advisory Review Committee for their approval, and

WHEREAS, these parcels will be used in a project affecting the Aurora Middle School, and

WHEREAS, the Lancaster School District understands that if they were to sell these parcels at a future date, the County of Erie would be entitled to share in the profits of those sales.

NOW, THEREFORE BE IT RESOLVED, that the following parcels of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to the Lancaster School District, 177 Central Avenue, Lancaster, New York 14086 for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Lancaster, Town of Lancaster, County of Erie and State of New York being part of Farmlot 1, Section 10 Township 11 Range 6 as shown on Map Cover 592 filed in the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 115.07-7-18 (Oakwood Ave 325.00 x 45.00). Intending to convey those lands acquired by Erie County as Serial No. 1428 in In Rem Tax Foreclosure Action No. 140.

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Lancaster, Town of Lancaster, County of Erie and State of New York being part of Farmlot 1, Section 10 Township 11 Range 6 as shown on Map Cover 592 filed in the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 115.07-7-19 (Delaney Place 50.00 x 465). Intending to convey those lands acquired by Erie County as Serial No. 1479 in In Rem Tax Foreclosure Action No. 152.

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Lancaster, Town of Lancaster, County of Erie and State of New York being part of Farmlot 1, Section 10 Township 11 Range 6 as shown on Map Cover 592 filed in the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 115.07-7-20 (Oakwood Avenue 1.5 acres). Intending to convey those lands acquired by Erie County as Serial No. 1480 in In Rem Tax Foreclosure Action No. 152, and be it further

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

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

**LYNN M. MARINELLI**  
**CHAIRPERSON**

MS. MARINELLI moved to separate item #5 (Comm. 16E-12) and moved the balance of the report for approval. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #5. MR. DEBENEDETTI seconded.  
 LEGISLATOR SCHROEDER in the negative.

CARRIED.

**LEGISLATORS RESOLUTIONS**

Item 20 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 17-1 From LEGISLATOR CHASE Re: Proposed Rule Change to the Erie County Legislature's 2004 Rules of Order.

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

Re: Transfer of Public Benefit  
 Funds. (Intro. 17-2)

A RESOLUTION SUBMITTED BY LEGISLATORS, DEBENEDETTI, DUSZA, RANZENHOFER, CHASE, CUSACK, MARSHALL, McCARVILLE, SWANICK, WEINSTEIN

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

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$79,459 from the 2003 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Akron Soccer League	RANZENHOFER	\$3,416
Newell Faulkner Post 880 American Legion	CHASE	\$5,000
Akron Sports League, Inc.	RANZENHOFER	\$3,416
Amherst Community Foundation	RANZENHOFER	\$3,000
Blackrock Riverside Neighborhood Housing Services, Inc.	DEBENEDETTI	\$5,000
Collin's Volunteer Fire Company	MCCARVILLE	\$2,000
Family Court of the State of New York- Erie County	CHASE	\$4,477
Fireman's Memorial Exhibit Center	DUSZA	\$1,150
Hispanos Unidos De Buffalo, Inc.	DEBENEDETTI	\$2,000
The University of Buffalo Foundation, Inc.	MINORITY	\$47,000
St. Agatha's Roman Catholic Church	SCHROEDER	\$1,000
Town of North Collins Emergency Squad	MCCARVILLE	\$2,000
<b>Total</b>		<b>\$79,459</b>

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; Public Benefit Administrator's Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Reallocation of 2003 Budgeted Funds

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MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

¶# **Delete** the Resolution in its entirety and replace with the following:

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

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$83,459 from the 2003 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Akron Soccer League	RANZENHOFER	\$3,416
Newell Faulkner Post 880 American Legion	CHASE	\$5,000
Akron Sports League, Inc.	RANZENHOFER	\$3,416
Amherst Community Foundation	RANZENHOFER	\$3,000
Blackrock Riverside Neighborhood Housing Services, Inc.	DEBENEDETTI	\$5,000
Collin's Volunteer Fire Company	MCCARVILLE	\$2,000
Family Court of the State of New York- Erie County	CHASE	\$4,477
Fireman's Memorial Exhibit Center	DUSZA	\$1,150
Hispanos Unidos De Buffalo, Inc.	DEBENEDETTI	\$2,000
The University of Buffalo Foundation, Inc.	MINORITY	\$47,000
St. Agatha's Roman Catholic Church	SCHROEDER	\$1,000
Town of North Collins Emergency Squad	MCCARVILLE	\$2,000
Lackawanna Little Loop Football, Inc.	KUWIK	\$3,000
Mudpies Children's Museum	MCCARVILLE	\$1,000
<b>Total</b>		<b>\$83,459</b>

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

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 22 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 17-3 From LEGISLATOR SCHROEDER Re: Establishing a Presidential Library on the Buffalo Waterfront.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 333

Re: Transfer of Public Benefit Funds.  
 (Intro. 17-4)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI, DEBENEDETTI, DUSZA, KUWIK, SCHROEDER, SMITH, WROBLEWSKI, RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK AND WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$100,500 from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

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<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Kensington Bailey Neighborhood Housing Services, Inc.	\$8,500	SMITH
Buffalo Workforce Development Center, Inc.	\$2,500	WROBLEWSKI
North Cheektowaga Amateur Athletic Association	\$1,750	DUSZA and CUSACK
Polish Army Veterans Association of America Post No. 1	\$1,000	SCHROEDER
Gaelic American Athletic Association	\$5,000	SCHROEDER
The Firefighter Guardian Foundation	\$12,000	MARINELLI
Buffalo Fire Department- E.M. Cotter Fireboat	\$1,000	SCHROEDER
West Seneca Youth Baseball Association, Inc.	\$10,000	WROBLEWSKI
West Seneca Rotary Foundation, Inc.	\$25,000	WROBLEWSKI
Town of Holland	\$5,000	MARSHALL
Egbertsville Hose Company	\$8,000	CUSACK
North Collins Little Loop Football and Cheerleading (dba Edin Little Loop Football and Cheerleading, Inc.)	\$2,000	CHASE
Historical society of the Town of Clarence	\$3,000	RANZENHOFER
Keep Western New York Beautiful, inc.	\$7,500	RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, and WEINSTEIN
Boys and Girls Club of Elma, Marilla, and Wales	\$15,000	MARSHALL
Grand Island Chamber of Commerce	\$6,000	SWANICK
<b>TOTAL</b>	<b>\$100,500</b>	

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; Public Benefit Administrator's- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

## **Delete** the Resolution in its entirety and replace with the following:

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WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$622,354 from the County Contingency Funds Center 14010 Commitment Item 598900 to the Legislature-Contractual Fund Cost Center 1341010

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$205,240 from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Kensington Bailey Neighborhood Housing Services, Inc.	\$8,500	SMITH
Buffalo Workforce Development Center, Inc.	\$2,500	WROBLEWSKI
North Cheektowaga Amateur Athletic Association	\$1,750	DUSZA and CUSACK
Polish Army Veterans Association of America Post No. 1	\$1,000	SCHROEDER
Gaelic American Athletic Association	\$5,000	SCHROEDER
Firefighter's Guardian Foundation	\$12,000	MARINELLI
Buffalo Fire Department- E.M. Cotter Fireboat	\$1,000	SCHROEDER
West Seneca Youth Baseball Association, Inc.	\$10,000	WROBLEWSKI
West Seneca Rotary Foundation, Inc.	\$25,000	WROBLEWSKI
Town of Holland	\$5,000	MARSHALL
Egbertsville Hose Company	\$8,000	CUSACK
North Collins Little Loop Football and Cheerleading (dba Eden Little Loop Football and Cheerleading, Inc.)	\$2,000	CHASE
Historical society of the Town of Clarence	\$3,000	RANZENHOFER
Keep Western New York Beautiful, Inc.	\$7,500	RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, and WEINSTEIN
Boys and Girls Club of Elma, Marilla, and Wales	\$15,000	MARSHALL
Grand Island Chamber of Commerce	\$6,000	SWANICK
Excalibur Leisure Skills Center, Inc.	\$600	KUWIK
Town of Lancaster (Youth Wrestling)	\$1,000	DUSZA

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United Irish American Association of Erie County, Inc.	\$1,000	MARINELLI
Group Ministries, Inc. (All Pro Hoops)	\$1,000	DEBENEDETTI
YWCA OF Buffalo and Erie County	\$2,000	MARINELLI
N.H.S of South Buffalo, Inc.	\$5,600	SCHROEDER
American Legion Post No. 1528 (Depew Post)	\$1,000	DUSZA
Town of Cheektowaga (Town Clerk's Office)	\$2,750	DUSZA
Town of Lancaster (Sports Booster)	\$2,000	DUSZA
Town of Cheektowaga (Senior Center)	\$7,000	DUSZA and CUSACK
City of Tonawanda Community Development Agency	\$2,790	SWANICK
Newell- Faulkner Post 880 American Legion	\$4,000	CHASE
Cornell Cooperative Extension of Erie County	\$8,000	RANZENHOFER and MCCARVILLE
Town of Cheektowaga	\$3,000	CUSACK
Friends of Emery Park, inc.	\$5,000	MCCARVILLE
PTA New York Congress 19-245 (Mill Middle)	\$3,000	WEINSTEIN
Associated Builders and Contractors, Inc.	\$10,000	RANZENHOFER, CHASE, CUSACK, MARSHALL and MCCARVILLE
Mudpies Children's Museum	\$6,500	SMITH, WROBLWSKI, CUSACK and SWANICK
Village of Springville	\$10,000	MCCARVILLE
Iroquois Central School District	\$5,000	MARSHALL
River Road volunteer Fire Company, Inc.	\$3,000	SWANICK
Town of Marilla	\$5,000	MARSHALL
Town of Orchard Park	\$12,000	MCCARVILLE AND CHASE
Boys and Girls Clubs of Buffalo, Inc.	\$1,000	CUSACK
Everywoman Opportunity Center, Inc.	\$2,500	CUSACK
<b>TOTAL</b>	<b>\$205,240</b>	

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; Public Benefit

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Administrator's- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys  
 Susannah Bochenek and Melissa Heimerl.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

Re: Consideration for Public Benefit  
 Funding. (Intro. 17-5)

A RESOLUTION SUBMITTED

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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 its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**## Delete** the Resolution in its entirety and replace with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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,

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NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Drums Along the Waterfront	\$1,500	WROBLEWSKI
<b>TOTAL</b>	<b>\$1,500</b>	

And be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's Crystal L. Quick and Laurie A. Manzella of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 25 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

Re: Timely Access to Patient Records  
for Primary Care Physicians.  
(Intro. 17-6)

A RESOLUTION SUBMITTED BY  
LEGISLATORS WEINSTEIN

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WHEREAS, many times a patient is seen in an emergency room or discharged from a hospital visit and told to follow up with his or her primary care physician, and

WHEREAS, in order for the primary care physician to treat his or her patient appropriately it is essential that the doctor receive all medical information from the hospital or the urgent care facility, and

WHEREAS, if the emergency department records and/or the discharge summary are not sent from the hospital or urgent care facility to the primary care physician, valuable time must be spent trying to secure the records, and

WHEREAS, many physician's report that obtaining these records in a timely manner is often a difficult and frustrating experience, and

WHEREAS, if administrative procedures were introduced making it mandatory that emergency department records and discharge summaries be forwarded to the primary care physician in a timely manner upon discharge or release then the ability of primary care physicians to treat there patients would greatly improve, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is interested in facilitating necessary changes that will benefit the delivery of health care in our region, and

RESOLVED, that this Honorable Body asks the CEO of the Erie County Medical Center Corporation, the CEO of Kaleida Health and the CEO of the Catholic Health System to attend a future meeting of the Erie County Legislature's Human Services Committee to discuss the timely release of records to primary care physicians, and

RESOLVED, that certified copies of this resolution be forwarded to Mr. William D. McGuire, President and CEO, Kaleida Health, Mr. Joseph D. McDonald, President and CEO, Catholic Health System and Mr. Joseph A. Zizzi, Interim CEO, Erie County Medical Center Corporation

Fiscal Impact: NONE

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 26 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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Intro. 17-7 From LEGISTATOR SWANICK Re: Requesting New York State Broaden the Definition of "Beverage" for Purposes of Deposit.

Item 27 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 17-8 From LEGISLATORS RANZENHOFER & SWANICK Re: Calling on the State of New York to Consider a "Lemon Law" for New Personal Computer Purchases.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 336

Re: Consideration for Public Benefit Funding. (Intro. 17-9)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR RANZENHOFER

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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 an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Newstead Fire Company	\$10,000	RANZENHOFER
Town of Cheektowaga (Clerk's Office)	\$6,000	RANZENHOFER
TOTAL	\$16,000	

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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; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 337

Re: Consideration for Public Benefit  
Funding. (Intro. 17-10)

A RESOLUTION SUBMITTED BY  
LEGISLATOR CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Central School District	\$9,800	CUSACK
North Bailey Fire Company	\$5,000	CUSACK

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Brighton Library	\$3,000	CUSACK
Amherst Youth Foundation	\$5,000	CUSACK
Connie Mack Little League	\$2,000	CUSACK
Amherst Central Little League-	\$10,000	CUSACK
<b>TOTAL</b>		<b>\$34,800</b>

And be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 338

Re: Consideration for Public Benefit  
Funding. (Intro. 17-11)

A RESOLUTION SUBMITTED BY  
LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Police Department	\$3,000	WEINSTEIN
Amherst Senior Center	\$2,500	WEINSTEIN
Williamsville Education Foundation	\$1,000	WEINSTEIN
Town of Amherst	\$1,000	WEINSTEIN
Amherst Youth Board	\$2,300	WEINSTEIN
<b>TOTAL</b>	<b>\$9,800</b>	

And be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

€# DELETE The First Resolved Clause, REPLACE With the Following Resolved Clause:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Police Department	\$3,000	WEINSTEIN
Amherst Senior Center	\$2,500	WEINSTEIN
Williamsville Education Foundation	\$1,000	WEINSTEIN
Town of Amherst	\$3,000	WEINSTEIN
Amherst Youth Board	\$2,300	WEINSTEIN

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TOTAL	\$11,800

And be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 339

Re: Consideration for Public Benefit  
Funding. (Intro. 17-12)

A RESOLUTION SUBMITTED BY  
LEGISLATORS CHASE & McCARVILLE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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 an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Scenic Byway Committee	\$1,200	CHASE & McCARVILLE

And be it further

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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; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

€# **DELETE** The First Resolved Clause, **INSERT** The Following **(2) Resolved** Clauses:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Route 219 Scenic By-Way Committee	\$12,000	CHASE & McCARVILL E

And be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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<b>NAME OF ORGANIZATION</b>	<b>RECOMMENDED AMOUNT</b>	<b>SPONSOR</b>
Eden Historical Society	\$3,000	CHASE
Roat Acres Community Association	\$2,000	CHASE
Hamburg Counseling Service	\$2,500	CHASE
North Collins Historical Society	\$3,000	CHASE
Ten Lives Club	\$1,000	CHASE
Eden Athletic Association	\$2,000	CHASE
North Boston Elementary School	\$600	CHASE
<b>TOTAL</b>		
		<b>\$14,100</b>

And be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 340

Re: Consideration for Public Benefit  
Funding. (Intro. 17-13)

A RESOLUTION SUBMITTED BY  
LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 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 an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Lancaster Public Library	\$5,000	MARSHALL

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; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 341

Re: Calling for Assistance From the  
 Federal Government & the State of New  
 York Due to Failure of Tonawanda  
 Creek Road in Clarence, New York  
 New. (Intro. 17-14)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR RANZENHOFER

WHEREAS, on June 25, 2004, Tonawanda Creek Road (CR599) in the vicinity of Westphalinger Road in Clarence, NY suffered a major failure of the roadway embankment and stream bank with a 30 feet lateral slide, and

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WHEREAS, during the course of the weekend of June 26, 2004 and June 27, 2004, the roadway continued to deteriorate with the entire width of roadway collapsing during that time period, and

WHEREAS, the roadway failure and subsequent damage was so extensive that it caused several residences in the vicinity to be condemned due to safety concerns, and

WHEREAS, it appears that this collapse and the associated damage is a result of heavy rains and stream levels in the adjacent Tonawanda Creek during May 2004 and poor soil conditions in the area of the roadway, and

WHEREAS, New York State issued a disaster declaration for seventeen counties due to extreme rainfall in May 2004 and the subsequent damage that occurred, and

WHEREAS, New York State has set aside a preliminary amount of \$20 million for repairs in the seventeen counties included in the disaster declaration, and

WHEREAS, the State's declaration was submitted to the federal government to enable access to FEMA money for further repair costs associated with the rainfall, and

WHEREAS, it appears that proper repairs and/or relocation of the section of Tonawanda Creek Road in the vicinity of Westphalinger Road in Clarence, NY that collapsed will cost approximately \$8.5 million, and

WHEREAS, Erie County desires to access FEMA money to assist in paying for the repairs to Tonawanda Creek Road in the vicinity of Westphalinger Road in Clarence, NY,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge President Bush to sign New York State's disaster declaration so the Erie County may access FEMA money to assist in paying for the repairs and/or relocation of Tonawanda Creek Road in the vicinity of Westphalinger Road in Clarence, NY, and be it further,

RESOLVED, that the Erie County Legislature does hereby urge New York State to assist Erie County to accessing money to pay for the repairs and/or relocation of Tonawanda Creek Road in the vicinity of Westphalinger Road in Clarence, NY, and be it further,

RESOLVED, that the Erie County Legislature does hereby urge those receiving a certified copy of this resolution to assist Erie County to accessing money to pay for the repairs and/or relocation of Tonawanda Creek Road in the vicinity of Westphalinger Road in Clarence, NY, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to President Bush, FEMA, Representatives Reynolds, Quinn and Slaughter, Senators Schumer and Clinton, Governor Pataki,

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Senator Rath, Assemblymember Wirth, County Executive Giambra, Public Works Commissioner Lehman, and Supervisor Hallock.

Fiscal Impact: To Be Determined.

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

CARRIED UNANIMOUSLY.

Item 34 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 17-15 From LEGISLATOR HOLT Re: York State Thruway Tolls for Buffalo-Area Commuters.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 342

Re: 2004 Budget Amendments.  
 (Intro. 17-16)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS HOLT AND MARINELLI

WHEREAS, upon reviewing Erie County's first quarter finances, the County Executive's Director of Budget, Finance & Management has stated a need to amend the 2004 budget, and

WHEREAS, in a communication dated July 2, 2004 (Comm. 16D-8), the Budget Director proposed a number of budget amendments for Legislative consideration, and

WHEREAS, these budget amendments contained a number of cost-saving initiatives which can be achieved without the loss of service-providing positions, and

WHEREAS, according to the County Administration, the legal agreements which transferred the ECMC Healthcare Network to the newly created ECMCC public benefit corporation set aside \$21,967,774.52 from the sale proceeds in escrow to pay the future debt service for the hospital, and

WHEREAS, that escrow account eliminates the need for \$4,797,520.60 for ECMC debt service provided for in the 2004 Budget, and

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WHEREAS, the amendments further provided for a number of budgetary holds which would provide a savings to the County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the need to approve amendments to the 2004 Erie County budget due to a shortfall in the County's budget from January 1, 2004 through March 31, 2004, and be it further

RESOLVED, that this Honorable Body does hereby reduce the county subsidy to ECMCC by \$4,797,520.60 in accordance with the creation of the escrow account to fund debt service for fiscal year 2004, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the budget holds in departmental budget lines indicated in the attachment and totaling \$3,377,980, and be it further

RESOLVED, that the Erie County Legislature does declare that the vacant positions listed in the attachment shall remain vacant for the remainder of 2004 providing \$405,095 in savings in the 2004 budget, and be it further

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

**Fiscal impact:** Savings to the Erie County budget and to the taxpayers

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

CHAIRMAN HOLT directed that the amendment (Intro. 17-23) be sent to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. (AYES 8, NOES 7).

CARRIED.

## **ADD** the following **RESOLVE** Clauses as the new fifth (5<sup>th</sup>) through seventeenth (17<sup>th</sup>) **RESOLVES:**

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RESOLVED, that this Honorable Body does hereby renew its call, expressed in resolutions passed earlier this year, for New York State to pass a pension relief package for county and local governments consistent with the recommendations of New York State Comptroller Alan Hevesi, and be it further

RESOLVED, given the lack of a state early retirement incentive (ERI), the County Executive provide to the Erie County Legislature a detailed alternative plan to potentially provide a county-sponsored early retirement incentive to gain significant cost savings, and be it further

RESOLVED, that any lists of layoffs and vacant positions to be eliminated in County government should include administration and "higher grade" positions, including exempt and managerial-confidential employees, and not simply entry-level civil servants and employees in service providing positions, and be it further

RESOLVED, that the County Administration shall confer with the Legislature before compiling and developing any lists of layoffs of any County employees, and be it further

RESOLVED, that the Legislature calls upon the County Executive to place further budget holds on dormant projects listed in the rollover "X-Vendor" lists, including the Adelphia Parking Garage and the HSBC Arena projects totaling \$3.183 million dollars, and be it further

RESOLVED, that should a waterfront/economic development project which would require such funding be presented to the Legislature, that all revenue sources, including frozen X-Vendor funds and tobacco funds, may be released and made available for such projects upon the subsequent approval of the Erie County Legislature, and be it further

RESOLVED, that a complete and full inventory of all vacant and/or unfilled positions in all departments and offices in Erie County government shall be provided to the Legislature on a weekly basis clearly detailing all vacant positions in each unit, including position title, job group and annual salary, and the length of time each position has been vacant, and be it further

RESOLVED, that the Legislature calls on the County Executive to leave all vacant positions not related to public health or safety vacant unless specific legislative approval is provided, and be it further

RESOLVED, that the Director of Budget, Management, and Finance provide the Legislature with a detailed, itemized list of the actual budget line items included in the attached listing of budget holds (referred to as "Attachment A" in Comm. 16D-8), including the corresponding DAC codes and SAP cost center codes for each line item, and be it further

RESOLVED, that as required under the 2004 Adopted County Budget, the Director of Budget, Management, and Finance shall provide any and all budget monitoring reports in a timely fashion and provide the Legislature with a timeline for all future reports and budgetary actions, and be it further

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RESOLVED, that the County Executive and his administration are directed to take note of Section 1806 of the Erie County Charter in which the County Executive is required to “report to the county legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations for future action,” and be it further

RESOLVED, this Honorable Body does support the judicious use of fund balance to compensate for some revenue shortfalls, provided that a detailed report is provided to the Legislature which clearly outlines the current amount of fund balance available to the County, how much fund balance is being used in the 2004 Budget, any additions to the general fund balance through one-time revenues or other means such as the proceeds from the sale of Erie County Medical Center, and a statement of how much more fund balance is available for utilization in 2004 or future years before the County’s credit rating agencies may act to downgrade the County’s credit rating or place Erie County on a watch list, and be it further

RESOLVED, that once again, this Honorable Body does hereby go on record calling for relief from the federal and state governments for the increasing unfunded mandate placed on this County through the Medicaid program, and be it further

Fiscal Impact: Potential savings of at least \$11.7 million to the 2004 budget.

MS. CHASE moved to send the amendment to the FINANCE & MANAGEMENT COMMITTEE. MR. McCARVILLE second.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MS. MARINELLI moved the approval of the resolution as amendment. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 343

Re: Support for Extension of Sales Tax  
Exemption Weeks. (Intro. 17-17)

A RESOLUTION SUBMITTED BY  
LEGISLATOR HOLT

WHEREAS, the New York State Legislature and Governor recently agreed on legislation to extend the existing state budget for another six weeks (budget extended) while the Legislature is in summer recess, and in lieu of approving a Fiscal Year 2004-2005 State Budget and

WHEREAS, that emergency budget extender runs until August 1, 2004, and the budget extender further suspends collection or levy of the permanent sales tax on clothing until October 1, 2004, and

WHEREAS, the budget extender also allows for a temporary suspension of sales tax on clothing for the "back-to-school" period in which all purchases of clothing and shoes valued up to \$110 will be exempt from state sales tax between August 31, 2004 and September 6, 2004, and

WHEREAS, the legislation allows county governments the opportunity to participate in that sales tax-free week with the state, thus allowing families and consumers the ability to purchase clothing and footwear valued under \$110 without any state or local sales tax, and

WHEREAS, on March 4, 2004, the Erie County Legislature unanimously approved Intro. 5-4, Requesting that New York State Grant Counties Three (3) Sales Tax Exemption Weeks, and the Erie County Division of Budget, Management and Finance has indicated that the County plans to participate in the sales tax-free week,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support for the extension of the sales tax exemption for clothing and footwear in the state's 2004-2005 budget, and be it further

RESOLVED, that this Honorable Body expresses its support for, and desire that Erie County join with the State in suspending the collection of levy of all sales tax on clothing and footwear valued up to \$110 between August 31, 2004 and September 6, 2004, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Comptroller, Director of Budget, Management and Finance, and the New York State Association of Counties (111 Pine Street, Albany, NY 12207).

**Fiscal Impact:** Positive for Erie County families and consumers

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MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

~~#~~ **DELETE the Third RESOLVE clause in its ENTIRETY:**

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 344

Re: Opposition to Proposed Elimination  
of Navy Recruiting District  
Headquarters. (Intro. 17-18)

A RESOLUTION SUBMITTED BY  
LEGISLATOR HOLT

WHEREAS, the United States Navy maintains a recruiting district comprising almost all of the State excluding New York City and Long Island, as well as southwestern Connecticut, with the headquarters for the seven zones in Buffalo, and with 39 local recruiting offices scattered across the zones, and

WHEREAS, that recruiting district, one of 30 nationwide, has been headquartered in Buffalo since 1968, and now employs 12 civilian and 18 uniformed persons, and

WHEREAS, under a pending proposal of the U.S. Department of Defense Base Realignment and Closure Commission (BRAC), the Navy Recruiting District Buffalo would be closed and moved to Pittsburgh, PA or Boston, MA

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the retention of the Navy Recruiting District Buffalo headquarters in Buffalo, and urges the BRAC, United States Navy, and the Congress to maintain the facility in Buffalo, NY and be it further

RESOLVED, that certified copies of this resolution be transmitted to the local delegation in Congress, Commander August Howard Hein, commanding office, Navy Recruiting District Buffalo (Olympic Towers, 300 Pearl Street, Suite 300, Buffalo, NY 14202), and to Rear Admiral Jeffrey L.

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Fowler, Commander, Navy Recruiting Command, (NAVSUPACT Mid-South, S-784, 5722 Integrity Drive, Millington, TN 38054).

**Fiscal Impact:** None for this resolution.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 345

Re: 2004 Highway Maintenance & Overlay. (Intro. 17-19)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS SWANICK

WHEREAS, Erie County maintains thousands of miles of highways, and

NOW, THEREFORE, BE IT

RESOLVED, that Erie County maintains thousands of miles of highways, and be it further,

Fiscal Impact: Positive for Erie County Residents

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

CARRIED UNANIMOUSLY.

## **DELETE** the title and **REPLACE** with the following title:

DPW - MAINTENANCE PAVING OPERATIONS AND BRIDGE RECONSTRUCTION –  
 TOWNS OF CONCORD, HOLLAND, LANCASTER, NORTH COLLINS, WALES AND  
 CLARENCE

## **DELETE** the resolution in its entirety and **REPLACE** with the following:

WHEREAS, it is necessary for the safety and convenience of the traveling public that the roads, including Como Park Boulevard, Hunters Creek Road, Saunders Hill Road, Angling Road, Genesee Road, and Lapp Road in the Towns of Concord, Holland, Lancaster, North Collins, Wales and Clarence be funded with tobacco dollars in the amount of \$1,185,800 and the work be

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performed through our County Maintenance Districts, for the roadwork and through a bid contractor for the Lapp Road bridge work,

NOW, THEREFORE, BE IT

RESOLVED, that the County roads, including Como Park Boulevard, Hunters Creek Road, Saunders Hill Road, Angling Road and Genesee Road in the Towns of Concord, Holland, Lancaster, North Collins and Wales, be paved through our County Maintenance Districts, and be it further

RESOLVED, that the 2004 Capital Budget is hereby revised to establish a new Capital Project in the amount of \$1,185,800 and the work will be funded by proceeds from the Tobacco Trust Fund (Commitment Item 450500), and be it further

RESOLVED, that the Lapp Road bridge is to be bid by the terms and conditions of the executed contract with New York State Department of Transportation, and be it further

RESOLVED, that the 2003 Lapp Road bridge reconstruction program (SAP B.00019) is hereby revised to increase in an additional amount of \$185,800, to be funded by proceeds from the Tobacco Trust Fund (Commitment Item 450500), and be it further

RESOLVED, that the Clerk of the Legislature is instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways and one copy each to the County Executive, the Commissioner of Public Works, the Director of Budget, Management and Finance, and the County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 17-20 From LEGISLATORS CHASE, RANZENHOFER, SWANICK & MCCARVILLE Re: Assuring Access for Horses & Other Saddle Stock Animals on Public Lands.

CHAIRMAN HOLT directed that the following items be taken out of order.

GRANTED.

**SUSPENSION OF THE RULES**

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

GRANTED.

RESOLUTION NO. 346

Re: Public Safety and Remote  
 Controlled Locomotives. (Intro. 17-21)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR HOLT

WHEREAS, given the many rail lines, switching yards and rail facilities in Erie County, many of which are near residential neighborhoods, the safe and efficient operation of railroad locomotives is of the utmost importance and concern to our community, and

WHEREAS, many railroads have begun ordering their engineers, conductors and brakemen to operate locomotives in reverse and in many other instances have begun employing remote-controlled locomotives, and

WHEREAS, the operators of remote-controlled locomotives have only two weeks of training whereas rail engineers have one year of training prior to becoming full engineers, and

WHEREAS, remote-controlled locomotives have been involved in numerous episodes involving the derailment of rail cars, with the federal regulatory agency, the Federal Railroad Administration (FRA) noting that at July 2003, there had been at least 60 accidents involving remote-controlled locomotives in switching yards in the U.S., and

WHEREAS, in February 2004, at a CSX switching yard in Cheektowaga, a remote-controlled locomotive derailed eight rail cars, including three containing liquid propane, and

WHEREAS, in February 2003, a CSX trainman was killed near Syracuse in a switching yard while remote-controlled cars were being moved by his partner, and

WHEREAS, at least 59 city governments across the United States, including Baton Rouge, La.; Detroit, Mich.; Shreveport, La.; Boston, Mass.; Cleveland, Ohio; North Little Rock, Ark.; Bakersfield, Calif.; Woodbridge, N.J.; Maple Heights, Ohio; Evansville, Ind.; Flint, Mich.; Sparks, Nev.; Commerce, Calif.; Clinton, Iowa; Montebello, Calif.; Saginaw, Mich.; Mankato, Minn.; St. Louis, Mo.; Central City, Ill.; Carteret, N.J.; Toledo, Ohio; San Francisco, Calif.; Houston, Texas; Janesville, Wisc.; South Salt Lake City, Utah; and Fort Madison, Iowa, and seventeen counties including Douglas County, Wisc.; West Baton Rouge Parish (County), La.; Point Coupee Parish (County), La.; Cuyahoga County, Ohio; Huron County, Ohio; Erie County, Ohio; Whitley County, Ky.; Unicoi County, Tennessee; Contra Costa County, Calif.; Knox County, Tenn.; Clinton County, Iowa; Roanoke County, Va.; Harris County, Texas; Greenup, Ky.; San Francisco, Calif.; Champaign

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County, Ill.; and Beaver County, Utah have approved local resolutions opposing the use of remote-controlled locomotives in their jurisdictions, citing safety issues, and

WHEREAS, the Brotherhood of Locomotive Engineers and Trainmen, which represents employees federally licensed to move and operate locomotives in the United States, opposes the use of remote-controlled locomotives, citing safety and other concerns, and

WHEREAS, the New York State Assembly has introduced A.5701, a bill to amend the railroad law, to prohibit the operation of railroad locomotives in reverse (in certain situations) and to govern and regulate the use of remote-controlled locomotives to protect the public's safety and well-being, as well as that of engineers, conductors, brakemen, and trainmen,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby join the other county legislative bodies and city legislative bodies across the United States, in calling for restrictions on reverse-operated locomotives and remote-controlled locomotives, as specified in A.5701, and be it further

RESOLVED, that this Honorable Body hereby expresses its support for A.5701, calls on the State Assembly to pass such legislation, the State Senate to approve companion legislation, and the Governor to sign said legislation into law, and be it further

RESOLVED, that the FRA is hereby urged to ban the use of remote-controlled locomotives in local switching yards until appropriate safety concerns are addressed in consultation with engineers, conductors, brakemen and trainmen, including the following:

- ⚡ Any railroad operating a remotely-controlled locomotive must notify the Erie County Department of Emergency Services before implementing such operations,
- ⚡ Remotely-controlled locomotives should not transport, move, or switch cars with hazardous materials, wastes, and/or liquids on or near tracks occupied by cars with hazardous materials,
- ⚡ Remotely-controlled locomotives should not operate over or under a public or private rail crossing or bridge without an appropriate person in the cab with the appropriate federal training and skills to operate and stop the locomotive,
- ⚡ Trains that consist of one or more remotely-operated locomotives should be equipped with a clearly-marked external device outside of the operating compartment that is capable of stopping the locomotive and train in the case of an emergency,
- ⚡ Trains that consist of one or more remotely-operated locomotives should be equipped with devices that secure the operating cab and its controls against terrorists, vandals and any other unauthorized persons, and
- ⚡ An effective track-related mechanical device should be developed and installed to stop a remotely-controlled train or locomotive in the event of a runaway train

And be it further

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RESOLVED, that certified copies of this resolution be transmitted to Betty Monro, Acting Administrator of the Federal Railroad Administration (1120 Vermont Avenue NW, Washington, DC 20590), Don M. Hahs, National President of the Brotherhood of Locomotive Engineers and Trainmen and International President of the Brotherhood of Locomotive Engineers (1370 Ontario Street Mezzanine, Cleveland, OH 44113), the local congressional delegation, Governor George Pataki, the local delegation of the New York State Legislature.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

GRANTED.

RESOLUTION NO. 347

Re: Agreement to Reimburse Labor-  
 Management Healthcare Fund.  
 (Comm. 17E-35)

WHEREAS, the Labor-Management Healthcare Coalition, Inc. (LMHC) was formed, by Erie County management and union leaders, to provide dependable, affordable health insurance benefits for governmental, public entity and quasi-governmental agencies throughout WNY, and

WHEREAS, the Labor-Management Healthcare Fund (LMHF) is contracted with and was formed by the LMHC to administer various services which would ensure a smooth transition into the new healthcare system, and maintain an on-going level of quality customer service for its members, and

WHEREAS, the LMHF continually worked with the Dept. of Personnel in its endeavor to enroll all Erie County employees, their families and retirees, and

WHEREAS, as a result, certified mail was sent by LMHF, on behalf of Erie County, to 404 of its retirees to ensure receipt of enrollment information and confirm address information, and

WHEREAS, this mailing, at a total cost of \$1785.68, was an additional service provided to Erie County, and should be reimbursed to LMHF as it is not included in the annual Administration Fee, and

WHEREAS, the LMHC also contracts with Innovative Process Administration (IPA), which provides the Internet and telephone enrollment tools used for on-going and open enrollment of employee benefits, and

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WHEREAS, prior to directly billing Erie County, IPA invoiced and was paid by LMHF for Erie County's use of its enrollment services for December 2003 through April 2004, and

WHEREAS, the original invoices were forwarded by LMHF to Erie County, and are broken down as follows:

- €# Configuration and Open Enrollment Utilization Fees (Dec 2003): \$55,000.00
- €# Open Enrollment Utilization Fee for CSEA (Jan 2004): \$38,515.52
- €# Remaining Balance after adjustment for total enrolled (Feb 2004): \$6856.88
- €# On-Going Enrollment fee of \$0.07 per employee per month or \$291.90. A total of \$1167.60 (Jan – Apr 2004), and

WHEREAS, the total of costs incurred by LMHF, on behalf of Erie County is \$103,325.68, for which an invoice is attached.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County agrees to reimburse the Labor-Management Healthcare Fund in the amount of \$103,325.68 for its payments of services, on the County's behalf, and be it further

RESOLVED, that these funds are available and shall be disbursed from Account 610 – 200500 Payroll Trust Fund and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

GRANTED.

RESOLUTION NO. 348

Re: Erie County Holding Center  
 Overcrowding. (Intro. 17-22)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS KUWIK, HOLT, MARINELLI, RANZENHOFER, SWANICK, WEINSTEIN,  
 MCCARVILLE, CHASE, CUSACK AND MARSHALL

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WHEREAS, over the past few years the average daily population of the Holding Center has steadily increased above approved capacity limits, and

WHEREAS, variances for temporary housing which had been granted by the New York State Commission of Corrections to accommodate prisoners have been revoked, and

WHEREAS, the NYS Commission of Corrections is now requiring the County of Erie to find a permanent solution to this problem, and

WHEREAS, the Commission has mandated that the County take immediate steps to increase bed space in the Holding Center, and

WHEREAS, it is recommended that a capital project be established as soon as possible to renovate the Holding Center so as to increase bed space by forty four beds,

NOW, THEREFORE, BE IT

RESOLVED, that the 2004 Capital Budget is amended to include an additional \$850,000 to partially fund a capital project in the amount of \$1,200,000, for Holding Center renovations which will increase bed space, and be it further

RESOLVED, that funding for said project shall be made up of \$150,000 in Sheriff Commissary reimbursement account 415620, \$700,000 in Tobacco Trust Fund Proceeds account 450500, and \$350,000 in available bond proceeds account 475000, and be it further

RESOLVED, that authorization is provided to decrease bond proceeds by \$200,000 for capital project A.00085, Master Plan for Jail Management, in order to utilize \$200,000 of bond proceeds revenue for the Holding Center renovation project, and be it further

RESOLVED, that authorization is provided to decrease bond proceeds by \$150,000 for capital project A.00088, Holding Center Plumbing/Electrical Project, in order to utilize \$150,000 of bond proceeds revenue for the Holding Center renovation project, and be it further

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

**Fiscal Impact:** Amendment of 2004 Capital Budget of \$1,200,000

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 43 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SCHROEDER seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 17E-36 From LEGISLATOR DEBENEDETTI Re: Letter to Commissioner Lehman Re: Centennial Pool.

Item 44 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 17E-37 From LEGISLATOR SCHROEDER Re: Letter to Deputy County Executive Mr. Calabrese Re: ERP/SAP Steering Committee.

Item 45 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

Comm. 17E-38 From LEGISLATOR McCARVILLE Re: Intro 24-5 (2003) Availability of Surplus Computers.

CHAIRMAN HOLT directed that the following resolution be received, filed & printed.

GRANTED.

June 25, 2004

Hon. Kevin Kelley  
Clerk, Erie County Legislature  
25 Delaware Avenue, 7<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers.

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Dear Mr. Kelley:

I have received a request from The Library Foundation of Buffalo & Erie County, Inc., 1 Lafayette Square, Buffalo, NY for three (3) surplus computers, monitors and keyboards for technological upgrades to comply with the Child Internet Protection Act. A copy of the request letter from The Library Foundation of Buffalo & Erie County, Inc. is attached for your reference.

Sincerely,

Steven P. McCarville  
Erie County Legislator  
13th District

Attachment

Cc: Ken Beam, DISS Administration

LIBRARY FOUNDATION OF BUFFALO & ERIE COUNTY, INC.

July 14, 2004

Hon. Steven McCarville  
Erie County Legislature  
4214 N. Buffalo Rd.  
Orchard Park, NY 14127

Dear Legislator McCarville,

It has come to my attention that Erie County is offering used computers, keyboards, and monitors to non-profit organizations. On behalf of the Library Foundation of Buffalo and Erie County I am requesting 3 computers, keyboards, and monitors.

This technological upgrade will help us comply with the Child Internet Protection Act standards that must be met in the Library buildings.

I would greatly appreciate any help you can give us in this matter.

Sincerely,

Anne M. Leary

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

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Item 46 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Intro. 9-15 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 349

Re: Local Homeland Security – Support  
For the Rehabilitation of the Town of  
Tonawanda Fire Tower Training  
Facility.

A RESOLUTION SUBMITTED BY  
LEGISLATOR MARINELLI

WHEREAS, the Town of Tonawanda has consistently been at the forefront of preparing and training emergency responders for disasters that may occur in the Town of Tonawanda, and

WHEREAS, for 33 years, the Town of Tonawanda has operated a town-owned Fire Tower and training facility adjacent to the Youngman Expressway, providing volunteer firefighters, police officers and emergency medical technicians and paramedics with valuable, hands-on training, and

WHEREAS, in addition to town emergency responders, in a demonstration of municipal cooperation and assistance, other emergency responders from the Village of Kenmore, City of Tonawanda, and Town of Grand Island have utilized the Fire Tower for training, and

WHEREAS, in the future, the County's Community Emergency Response Team will utilize the facility for training under a federal grant, and

WHEREAS, this training at the Tonawanda Fire Tower facility is crucial, as a target vulnerability and threat assessment evaluation conducted by the federal government identified the Town as having seven of the County's top 20 potential targets, and

WHEREAS, as a response to homeland security issues and notwithstanding the recent need for enhanced first responder training and coordination, the Fire Tower has helped save the lives of literally hundreds of local residents through the training provided to volunteer firefighters in the community, and

WHEREAS, Town officials have notified public officials that the Fire Tower, and the classroom training facility is in dire need of urgent rehabilitation and repair, both to satisfactorily prepare and train emergency responders, as well as to safeguard their safety while training at the tower, and

WHEREAS, at a recent presentation, Town officials expressed a need for approximately \$1,225,000 for the rehabilitation and upgrade of the facility, with \$250,000 of that amount for the repairs to the Fire Tower alone,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its appreciation and support to the Town of Tonawanda for its training for emergency responders, including those from neighboring municipalities as well as the many contributions to the community made by those emergency responders, and be it further

RESOLVED, that this Honorable Body expresses its desire to assist the Town in the rehabilitation and upgrading of the Fire Tower facility as part of our local homeland security initiatives to continue to help prepare and train our emergency responders, and be it further

RESOLVED, that this Honorable Body expresses its intention to work with the County Executive to develop County funding for the rehabilitation and upgrade of the Tonawanda Fire Tower facility through the use of tobacco securitization proceeds and any other revenue sources, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Director of Budget, Management and Finance, Comptroller, Commissioner of Emergency Services, Commissioner of Central Police Services, Sheriff, the Supervisor and Board of the Town of Tonawanda, and officials from each of the fire districts and organizations.

Fiscal Impact: Unknown at this time.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 1E-48 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 350

Re: Erie County Sewer District No.6  
Sludge Filter Press Contract No.28STP  
“A” – General Joseph Davis, Inc.  
Contract Close-Out.

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WHEREAS, the County of Erie had awarded Contract No. 28STP"A" to Joseph Davis, Inc.; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the final acceptance of Contract No. 28STP"A" in the amount of \$459,049.00 which includes the Change Order No.3 (Final), a decrease of \$7,037.00, and the processing of the retention payment in the amount of \$22,952.45.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 28STP"A" between the County of Erie/Erie County Sewer District No. 6 and Joseph Davis, Inc., 1200 West Tupper Street, Buffalo, New York 14201 be accepted in the amount of \$459,049.00 which includes the Change Order No.3 (Final), a decrease of \$7,037.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 28STP"A" between the County of Erie/Erie County Sewer District No. 6 and Joseph Davis, Inc. in the amount of \$459,049.00 and make final payment, in the amount of \$22,952.45, from Erie County Sewer District No. 6 Bond Account Fund No. 430, Project No. 914, and return the unused portion \$7,037.00 to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy each to Gregory Dudek, Assistant County Attorney, Joseph Passafiume, Director of Budget Management and Finance, and Nancy Naples, Erie County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 11E-22 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 351

RE: Erie County/Southtowns Sewage Treatment Agency Southtowns and Lackawanna Disinfection Improvements Contract 6ST-A -General Contract 6ST-B -HVAC – Contract 6ST-C -Plumbing Contract 6ST-D -Electrical Award of

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Contracts

RESOLVED, The Department of Environment and Planning, Division of Sewerage Management will open bids for the construction of the hypochlorite system and vehicle storage building at the Southtowns Wastewater Treatment Facility and the Hypochlorite system 'at the Lackawanna Wastewater Treatment Plant, Contract Nos. 6ST-A General, 6ST-B HVAC, 6ST-C Plumbing, and 6ST-D Electrical, in the near future.

MS MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County/Southtowns Sewage Treatment Agency, Southtowns and Lackawanna Disinfection Improvements, Contract 6ST-A General, Contract 6ST-B HVAC, Contract 6ST-C Plumbing, and Contract 6ST-D Electrical on July 2, 2004.

<u>Contract</u>	<u>Lowest Bidder</u>	<u>Amount Bid</u>
Contract 6ST-A General	Summit Construction Group 6 Lancaster Parkway Lancaster, New York 14086	\$1,917,000.00
Contract 6ST-B HVAC	John W. Danforth Company 2100 Colvin Boulevard Tonawanda, New York 14150	\$ 144,000.00
Contract 6ST-C Plumbing	W.C. Roberson Plumbing & Construction Co. 602 E. Delavan Avenue Buffalo, New York 14211	\$ 33,300.00
Contract 6ST-D Electrical	Tunney Electric, Inc. 8565 Roll Road Clarence Center, New York 14032	\$ 240,600.00

and

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

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RESOLVED, that the Southtowns and Lackawanna Disinfection Improvements, Contract 6ST-A General, Contract 6ST- B HVAC, Contract 6ST-C Plumbing, and Contract 6ST-D Electrical be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Lowest Bidder</u>	<u>Amount Bid</u>
Contract 6ST-A General	Summit Construction Group 6 Lancaster Parkway Lancaster, New York 14086	\$1,917,000.00
Contract 6ST-B HVAC	John W. Danforth Company 2100 Colvin Boulevard Tonawanda, New York 14150	\$ 144,000.00
Contract 6ST-C Plumbing	W.C. Roberson Plumbing & Construction Co. 602 E. Delavan Avenue Buffalo, New York 14211	\$ 33,300.00
Contract 6ST-D Electrical	Tunney Electric, Inc. 8565 Roll Road Clarence Center, New York 14032	\$ 240,600.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$1,724,400 from Sewer Capital, Erie County/Southtowns Sewage Treatment Agency, Account C.00038 (430-915) and \$610,500 from Sewer Capital, Erie County Sewer District No. 6, Account C.00037 (430-914) for Contract 6ST-A General, Contract 6ST-B HVAC, Contract 6ST-C Plumbing, and Contract 6ST-D Electrical; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra, two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning, one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office and one certified copy to Gregory Dudek, Assistant County Attorney.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 49 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-50 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 352

Re: Grover Cleveland Park  
Irrigation System.

WHEREAS, The Department of Public Works will receive bids for the above-mentioned project on June 28, 2004. We expect to be ready to make a recommendation for award of contract shortly and we, therefore, request that this item be placed on the agenda for the next Economic Development Committee meeting. We will have a representative in attendance at said committee meeting, at which time we will present a tabulation of bids, proposed resolution and Guidelines under Rule 2.34.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

¶# **ADD** the following resolution in its entirety:

WHEREAS, the Department of Public Works received bids on June 28, 2004 for the Grover Cleveland Golf Course, New Irrigation System, and

WHEREAS, the Department of Public Works is recommending award to the lower responsible bidder,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract for Grover Cleveland Golf Course, New Irrigation System, as follows:

Irrigation & Pump Specialties, Inc.

Base Bid	\$746,000
Alternate Bid No.1	<u>\$4,500</u>
Total	\$750,500

and be it further

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RESOLVED, that the sum of \$70,000 we allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

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

A.00094 - '03 Grover Waterlines	\$228,000
A.00243 - '04 Grover Waterlines	\$300,000
A.09028 - '04 Parks Master Plan	\$292,500

and be it further

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

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 50 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 16E-19 (2004). MR. SCHROEDER seconded. LEGISLATOR DEBENEDETTI in the negative.

CARRIED (14-1).

RESOLUTION NO. 353

Re: Surplus Revenue, Road Repair Reserve Fund.

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the 2003 Adopted budget appropriated \$8,000,000.00 from the Road Repair Reserve Fund for Capital repair of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals during the year, and

WHEREAS, the Road Repair Reserve Fund has a surplus from the 2003 Real Property Transfer Tax in the amount of \$1,463,710.75, and

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WHEREAS, surplus Road Repair Reserve Funds can only be used for capital repairs of roads and bridges in the County, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing, and

WHEREAS, a public hearing was held on July 15, 2004,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments:

		<u>DEBIT (CREDIT)</u>
Road Fund Road Repair Reserve Fund Balance	12330 310010	(\$1,463,710.75)
Road Fund Road Repair Reserve Interdepartment Highways	12330 912300	\$1,463,710.75
Road Fund Interdepartment -Road Repair Reserve	12320 912300	(\$1,463,710.75)
Road Fund Road Construction & Improvements	12320 561500	\$1,463,710.75

and be it further,

RESOLVED, that the following road projects or others deemed necessary by the Commissioner of Public Works, be initiated during 2004:

**2004 TRANSFER TAX PROJECTS**

**OIL & CHIPPING**

**COST**

Meahl Road	\$ 28,000.00
Schurr Road	7,000.00
Pfarner Road	7,800.00
Emery Road	7,500.00
Irish Road	28,200.00
Brown Road	40,000.00
Quaker Road	75,000.00
Skyview Road	<u>6,000.00</u>
	\$ 199,500.00

**HOT ASPHALT SURFACE REPAIR**

East Robinson Road	\$ 15,000.00
North Forest Road	10,000.00
North French Road	50,000.00
Home Road	5,200.00

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Indian Road	560.00
Boston State Road	20,000.00
Heinrich Road	6,200.00
Centerline Road	17,000.00
Springville-Boston Road	15,200.00
Taylor Hollow Road	<u>10,000.00</u>
	\$ 149,160.00

**COLD MIX PAVING WITH OIL & CHIP SURFACE TREATMENT**

Fletcher Road	\$ 125,000.00
North Road	80,000.00
East Creek Road	210,000.00
East Holland Road	<u>328,050.75</u>
	\$ 743,050.75

**ASPHALT OVERLAY**

North Creek Road	252,000.00
East Avenue	<u>120,000.00</u>
	\$ 372,000.00

**GRAND TOTAL** \$ 1,463,710.75

and, be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Joel A. Giambra; the County Comptroller, Nancy Naples; the Director of Budget and Management, Joseph Passafiume; the First Assistant County Attorney, Andrew Isenberg; the Commissioner of Public Works, Maria Lehman; and the Interim Deputy Commissioner of Highways, Gerard J. Sentz .

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 51 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 16E-4 (2004). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354

Re: County Executive's Submission of  
the Erie Community College (ECC)  
Budget for the 2004-2005 Academic and  
Fiscal Year.

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**July 15, 2004**

**ERIE COUNTY LEGISLATURE**

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WHEREAS, Erie Community College (ECC) has submitted its budget request for its 2004-2005 academic and fiscal year; and

WHEREAS, the budget request submitted to me by ECC provides for an increase of \$500,000 in the sponsor's share; and

WHEREAS, I deem such increase to be unacceptable and am recommending the following changes in the budget for the College that was submitted to me by the Board of Trustees:

- ## The College's full-time equivalent student (FTE) estimate will be increased by 100.
- ## The County of Erie's contribution to ECC will remain at \$15,429,317.
- ## Revenue and expense accounts are amended as shown on the schedule submitted with this communication; this schedule to be substituted for the College's submittal as it appears on Page 13.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2004 and ending August 31, 2005 is hereby approved in the total amount of \$79,608,017, with Erie County's sponsor contribution fixed at \$15,429,317, subject to the following terms and conditions:

FIRST, that the ECC Board of Trustees may not upgrade or create any Senior Executive Staff [f/k/a Managerial Confidential] position, nor increase the compensation payable to any existing Senior Executive Staff position above the amount paid for the last academic and fiscal year without the prior approval of both the County Legislature and the County Executive;

SECOND, that the ECC Board of Trustees may not, following this approval of its budget, appropriate or otherwise authorize the expenditure or disbursement of any unanticipated revenues as may be received by ECC during the 2004-2005 academic and fiscal year without the approval of the Budget Director and the Erie County Legislature;

and be it further

RESOLVED, that the ECC Board of Trustees make any and all corresponding changes in and to the pertinent revenue and appropriation data, details and schedules set forth in the College's requested budget so as to render same consistent with the budget recommended and approved herein; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Erie County Executive, the Director of the Division of Budget, Management and Finance, President of Erie Community College, the County Comptroller, and the Board of Trustees of Erie Community College.

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**ERIE COMMUNITY COLLEGE  
2004-2005  
SUMMARY**

COLLEGE OPERATING BUDGET	2001-2002 BUDGET	2002-2003 BUDGET	2003-2004 BUDGET	2004-2005 REQUEST	2004-2005 EXECUTIVE RECOMMENDED	% OF TOTAL BUDGET
<b>REVENUE</b>						
TUITION & FEES	\$26,986,047	\$29,102,192	\$31,075,700	\$34,950,000	\$35,220,000	44.24%
OTHER SPONSORED PROGRAMS	1,109,676	1,047,678	1,366,000	1,366,000	1,366,000	1.72%
STATE AID	21,157,350	23,157,900	23,612,000	25,334,500	25,564,500	32.11%
SPONSOR'S CONTRIBUTION	12,770,777	15,942,936	15,429,317	15,929,317	15,429,317	19.38%
CHARGES TO OTHER COUNTIES	1,029,671	883,633	1,210,000	1,210,000	1,210,000	1.52%
OTHER SOURCES	720,096	772,970	818,200	818,200	818,200	1.03%
ALLOCATED FUND BALANCE	(434,538)	(1,012,308)	0	0	0	0.00%
<b>TOTAL OPERATING REVENUES</b>	<b>\$63,339,079</b>	<b>\$69,895,001</b>	<b>\$73,511,217</b>	<b>\$79,608,017</b>	<b>\$79,608,017</b>	<b>100.00%</b>
<b>EXPENSE</b>						
PERSONAL SERVICES	\$44,225,390	\$45,786,813	\$46,929,440	\$50,484,622	\$50,484,622	63.42%
EQUIPMENT	0	2,233,381	1,858,540	2,000,000	2,000,000	2.51%
CONTRACTUAL	8,628,955	8,346,067	10,278,377	10,909,695	10,909,695	13.70%
EMPLOYEE BENEFITS	10,484,734	13,528,740	14,444,860	16,213,700	16,213,700	20.37%
<b>TOTAL OPERATING EXPENSES</b>	<b>\$63,339,079</b>	<b>\$69,895,001</b>	<b>\$73,511,217</b>	<b>\$79,608,017</b>	<b>\$79,608,017</b>	<b>100.00%</b>

NOTE: These changes apply to all relevant pages submitted in the Erie Community College's Requested Budget for 2004-2005.

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MS. MARINELLI moved to amend the resolution. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

€# **DELETE** the first (1<sup>st</sup>) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2004 and ending August 31, 2005 is hereby approved in the total amount of \$79,608,017, with Erie County's sponsor contribution fixed at \$15,429,317, and be it further

€# **ADD** the following **RESOLVE** Clauses as the new third (3<sup>rd</sup>), fourth (4<sup>th</sup>), fifth (5<sup>th</sup>), sixth (6<sup>th</sup>), seventh (7<sup>th</sup>) and eighth (8<sup>th</sup>) **RESOLVES**:

RESOLVED, that the Erie County Legislature applauds the college's administration and board of trustees for their leadership and stewardship of ECC and commends the students for their hard work, sacrifices and support in these difficult fiscal times, and be it further

RESOLVED, that this Honorable Body affirms its commitment to, and recognizes the need for the college to maintain institutional autonomy from Erie County government as detailed in the recommendations of the college's accreditation body, the Middle States Commission, and be it further

RESOLVED, that the amount of potential performance based salary increases for Senior Executive Staff (SES) at the college, as specified on page 36 of the college's budget submission (Comm. 10D-6), is hereby reduced from "6% of Total SES Salaries" to "3% of Total SES Salaries," with the expenditure accordingly reduced from \$80,278 to \$40,139, with such decrease netted against the position control savings found on the same page, and be it further

RESOLVED, that should the college wish to award performance-based salary increases for members of the SES, such increases shall come from the 3% pool of \$40,139, and that any increases beyond that pool may only be awarded by the college after approval by the Erie County Legislature, and be it further

RESOLVED, that the Erie County Legislature does hereby recognize and commend the administration and leadership of ECC for acknowledging the need to increase the college's fund balance and for their commitment and assurance to the Legislature that the college will devote any unanticipated revenues in its 2004-2005 fiscal and academic year to the college's fund balance, and be it further

RESOLVED, that the college shall provide a copy of its monthly "revenues and expenditures – key item report" to the Legislature's Community Enrichment Committee in order that the Legislature may be kept apprised of the college's unanticipated revenues, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 52 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 16E-22 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 355

Re: General Architectural/Engineering Services for Miscellaneous Projects.

WHEREAS, the Commissioner of Public Works desires to engage the services of Architectural/ Engineering firms to provide General Architectural/Engineering Services for numerous projects in order to assure a more timely execution of said projects, and

WHEREAS, the Department of Public Works advertised for Requests for Qualifications from Architectural/Engineering firms, and

WHEREAS, after careful review of each firm's capabilities, several firms were selected as having the necessary expertise, experience, and manpower to provide the required services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with each of the following selected firms to provide General Architectural/Engineering Services for miscellaneous construction projects:

Firms based upon personnel:

Small firms: (less than 30 employees)

Carmina & Wood, P.C. Architecture & Engineering  
 Clinton Brown Company Architecture  
 Donald Gallo, Consulting Engineer  
 Stievater & Associates, Architects  
 Macon, Chaintreuil, Jansen & Stark Architects & Planners  
 Stieglitz Snyder Architecture  
 Louis Pease  
 Young Architectural  
 TRM Architect, P.C.  
 BHNT Architects, P.C.  
 Silvestri Architects, P.C.

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Large firms: (over 30 employees)

Buffalo Engineering, P.C.  
 Bergmann Associates  
 Cannon Design  
 Clark Patterson Associates  
 C&S Companies  
 DiDonato Associates  
 Foit-Albert Associates  
 Kideney Architects  
 Lauer-Manguso & Associates, Architects  
 M/E Engineering, P.C.  
 Trautman Associates  
 URS Corporation  
 Watts Engineering and Architecture, P.C.  
 Edrman Anthony and Associates, Inc.  
 Robson Woese, Inc.  
 Wendel Duchscherer  
 C & S Companies  
 EI Team, Inc.

and be it further,

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 53 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-8 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 15E-8 From THE COUNTY COMPTROLLER Re: \$929,000 Bond Resolution – Repair of Lapp Road Bridges.

Received and filed.

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Item 54 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-43 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 356

RE: County Funding for Community Programs and Special Events.

WHEREAS, four not-for-profit organizations, which provide important community programs in Buffalo and Erie County, have requested funds for programs and events that have been determined to be important to the social and economic quality of life in our community, and these activities provide our residents and visitors from other areas with opportunities to celebrate special community happenings, as well as enhance the abilities of these groups and other cultural organizations to increase their program capabilities, as well as fiscal accountability; and

WHEREAS, each of these four organizations, the Police Athletic League of Buffalo, the Iron Island Preservation Society of Lovejoy, the Arts Council in Buffalo and Erie County, and Great Lakes United, have a demonstrated track record of program accomplishment and management expertise; and

WHEREAS, these 2004 events and programs, which include the Police Athletic League's July 4<sup>th</sup> celebration in Delaware Park, the Iron Island Preservation Society of Lovejoy's Iron Island Festival, the Arts Council in Buffalo and Erie County's pilot Management Development Program, and Great Lakes United's Solar Splash 2004, attract thousands of attendees and generate important economic benefits for our community and each respective organization, and will facilitate a program to enhance cultural organizations' fiscal accountability,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the Police Athletic League of Buffalo, Inc., the Iron Island Preservation Society of Lovejoy, Inc., the Arts Council in Buffalo and Erie County, and Great Lakes United for their respective events and activities; and be it further

RESOLVED, that the source of funds for these agreements, which total \$14,000, were re-appropriated in the Regionalism/Economic Development Funds in Cost Center 1335010, and these funds shall be transferred to Cost Center 1332010, Community/Neighborhood Development Agencies, to be further designated as

Police Athletic League of Buffalo, Inc.	
July 4 <sup>th</sup> celebration in Delaware Park	\$1,000
Iron Island Preservation Society of Lovejoy, Inc.	
Lovejoy Iron Island Festival	\$2,500

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Arts Council in Buffalo and Erie County Phase I – Management Development Program	\$2,500
Great Lakes United Solar Splash 2004	\$8,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; Susan Gonzalez, Police Athletic League of Buffalo, Inc., 17 Meadowview Place, Buffalo, New York 14214; Linda Duvall, President, Iron Island Preservation Society of Lovejoy, Inc., 998 Lovejoy Street, Buffalo, New York 14206; Celeste Lawson, Executive Director, Arts Council in Buffalo and Erie County, 700 Main Street, Buffalo, New York 14202; and Bonnie Danni, Great Lakes United, Buffalo State College, Cassety Hall, 1300 Elmwood Avenue, Buffalo, New York 14222.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

¶# **DELETE** the resolution in its entirety and **REPLACE** with the following:

WHEREAS, four not-for-profit organizations, which provide important community programs in Buffalo and Erie County, have requested funds for programs and events that have been determined to be important to the social and economic quality of life in our community, and these activities provide our residents and visitors from other areas with opportunities to celebrate special community happenings, as well as enhance the abilities of these groups and other cultural organizations to increase their program capabilities, as well as fiscal accountability; and

WHEREAS, each of these four organizations, the Iron Island Preservation Society of Lovejoy, the Arts Council in Buffalo and Erie County, Great Lakes United, and the Community Action Organization have a demonstrated track record of program accomplishment and management expertise; and

WHEREAS, these 2004 events and programs, which include, the Iron Island Preservation Society of Lovejoy's Iron Island Festival, the Arts Council in Buffalo and Erie County's pilot Management Development Program, Great Lakes United's Solar Splash 2004, and the Community Action Organization's summer youth recreation programs and services attract thousands of attendees and generate important social and economic benefits for our community and each respective organization, and will facilitate a program to enhance cultural organizations' fiscal accountability,

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, with the Iron Island Preservation Society of Lovejoy, Inc., the Arts Council in Buffalo and Erie County, Great Lakes United, and the Community Action Organization for their respective events and activities; and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 55 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-53 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 357

RE: Grant Programs - Authorization to Contract.

WHEREAS, the following grant programs are included in Book B of the 2004 Adopted Budget, and

WHEREAS, the 2004 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on or after July 1, 2004 and before October 1, 2004:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>2004 Budget Book B Page No.</u>
650 - Central Police Services	Points of Entry Drug Interdiction	07/01/04-06/30/05	64
200 - Social Svcs.	Day Care Registration	08/16/04-08/15/05	294

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and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2004 and thereafter:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>2004 Budget Book B Page No.</u>
110 - Co. Exec.	Office of Traffic Safety	10/01/04-09/30/05	9
140 - Dist. Atty.	Points of Entry Grant	11/01/04-10/31/05	23
140 - Dist. Atty.	Child Victim Advocacy Program	10/01/04-09/30/05	23
140 - Dist. Atty.	S.T.O.P. Violence Against Women	10/01/04-09/30/05	24
140 - Dist. Atty.	BE-SAFE	10/01/04-09/30/05	24
140 - Dist. Atty.	Victim/Witness Assistance Program	10/01/04-09/30/05	24
140 - Dist. Atty.	Exile Partner	10/01/04-09/30/05	25
140 - Dist. Atty.	Juvenile Justice Prosecution Project	10/01/04-09/30/05	25
650 - Central Police Services	Juvenile Accountability Incentive Block Grant	10/01/04-09/30/05	63
150 - Sheriff	C.E.O.S.C. Security Grant	10/01/04-09/30/05	79
660 - Sheriff - Jail Management Division	High Impact Incarceration Program (HIIP)	11/01/04-10/31/05	91
260 - Probation	Juvenile Accountability Incentive Block Grant	10/01/04-09/30/05	96

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200 - Social Svcs.	Child Care Block Grant	10/01/04-09/30/05	293
			2004 Budget Book B
<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>Page No.</u>
200 - Social Svcs.	Energy Services Packaging Project 04-05	10/01/04-09/30/05	293
200 - Social Svcs.	Home Energy Assistance Program (HEAP)	10/01/04-09/30/05	295

and be it further

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

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

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

¶ **ADD** the following as the new fourth (4<sup>th</sup>) **RESOLVE** Clause:

RESOLVED, that any changes in these grants and items must be approved by the Erie County Legislature, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 56 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 8E-21 (2004). MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE & RANZENHOFER. NOES: SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 5, NOES 10).

FAILED.

Item 57 – MS. CHASE moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 13E-14 (2004). MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 6, NOES 9).

FAILED.

Item 58 – MS. CHASE moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 15E-40 (2004). MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 6, NOES 9).

FAILED.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM COUNTY EXECUTIVE**

Item 59 – (Comm. 17E-1) Semi-Annual Attendance Records – ECSD Boards of Managers.

Received and filed.

**FROM THE COMPTROLLER**

Item 60 – (Comm. 17E-2) Notice of Sale of \$83 Million Revenue Anticipation Note.

Item 61 – (Comm. 17E-3) COMPTROLLER Response to Legislator DeBenedetti's Request for Information Re: Risk Retention Fund.

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

FROM COUNTY EXECUTIVE

Item 62 – (Comm. 17E-4) Veto Message – Local Law Intro. No.6-2004 (Print 2)

RECEIVED, FILED & PRINTED.

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2004 on Friday, June 25, 2004, 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 DISAPPROVE and VETO said Local Law this 8 day of July, 2004.

JOEL A. GIAMBRA

Item 63 – (Comm. 17E-5) Statement Re: Medicaid Busting Erie County's Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 64 – (Comm. 17E-6) Letter to Chairman Holt Re: Vacancy on Erie County Records Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 65 – (Comm. 17E-7) Certificate of Determination – Sale of \$82,500,000 Revenue Anticipation Note.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM COUNTY EXECUTIVE

Item 66 – (Comm. 17E-8) Award of Contracts – EC/Southtowns Sewage Treatment Agency – Southtowns & Lackawanna Disinfection Improvements.

Received and filed.

FROM LEGISLATOR SWANICK

Item 67 – (Comm. 17E-9) Letter to Legislator DeBenedetti Re: Mid-Year Budget Hearings.

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Received and filed.

FROM COUNTY EXECUTIVE

Item 68 – (Comm. 17E-10) Amendments to 2004 Adopted Budget – Attachments "B" & "C" to Communication 16D-8 (2004)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 358

Re: Award of Contract – Overlay  
Program – 2004 "B" -Various Towns.  
(Comm. 17E-11)

WHEREAS, bids were taken for the 2004 Overlay "B" Program, Project Number OP-04B, which include Baseline Road, Bennett Road, Dodge Road, George Urban Blvd., Lein Road, Maple Street, Michael Road, Milestrip Road, Shisler Road, Stahley Road and Wehrle Drive, in the Towns of Amherst, Cheektowaga, Clarence, Elma, Grand Island, Marilla, Orchard Park and West Seneca and the low bidder was Amherst Paving Incorporated of Amherst, New York, at an original low bid amount of \$1,754,179.00 that was revised to \$1,200,000,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project No. OP-04B, in the Towns of Amherst, Cheektowaga, Clarence, Elma, Grand Island, Marilla, Orchard Park and West Seneca, between the County of Erie and the low bidder Amherst Paving Incorporated, at its revised low bid amount of \$1,200,000, and be it further,

RESOLVED, that an amount of \$1,200,000 be allocated from the 2004 Capital Overlay Program (SAP B.00129), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finances, and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 70 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: RANZENHOFER, DEBENEDETTI, HOLT, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, SWANICK, WEINSTEIN, DUSZA, KUWIK & WROBLEWSKI. (AYES 6, NOES 9).

FAILED.

Comm. 17E-12 From COUNTY EXECUIVE JOEL GIAMBRA Re: Social Services – Parks Recreation & Forestry Staff Transfer - (11E-28) – Amendment B.

Received and filed.

Item 71 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 359

Re: DA – Salary Changes.  
 (Comm. 17E-13)

WHEREAS, the District Attorney needs to upgrade four highly qualified attorneys within their office so as to better retain experienced prosecutors, and

WHEREAS, these individuals have come up the ranks of the office, gaining prosecutorial experience of all types of cases and are the best qualified in these positions,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to eliminate one position of Confidential Criminal Investigator, Job Grade 10, and one Assistant District Attorney IV Job Group 15, and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to reallocate funds for two (2) positions in the Erie County District Attorney's Office, namely Senior Chief of Target Crime Initiative Bureau to Job Group 18 and Chief of Operations, Training and Planning to Job Group 17, and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to create a new Job 17 position, Senior Chief of Homicide Bureau, and promote an Assistant District Attorney V Job Group 16 into new position, and be it further

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RESOLVED, that the Erie County Legislature hereby provides authorization to promote the employee from the eliminated Assistant District Attorney IV Job Group 15 to the Assistant District Attorney V Job Group 16 vacancy, and be it further

RESOLVED~ that funding for these upgrades shall be made available through the savings realized in the personal services line of the operating budget as a result of the elimination of the Confidential Criminal Investigator, which has been vacant for most of 2004, and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 72 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES – 9, NOES – 6.)

FAILED.

Comm. 17E-14 From COUNTY EXECUTIVE JOEL GIAMBRA Re: Accounts Receivable Management Consultant Agreement with Lawrence W. Smith.

Item 73 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 360

Re: Authorization to Award Contract –  
 Radio Interoperability Device.  
 (Comm. 17E-15)

WHEREAS, your Honorable Body has in previous years allowed the County Executive to enter into contracts during the summer recess, and

WHEREAS, the Department of Central Police Services issued a Request for Proposal and the Consultant Selection Committee will be ready to make a recommendation in the near future, and

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WHEREAS, our first responders need to be able to communicate, and

WHEREAS, in order to progress the project, contracts must be awarded as soon as possible,

NOW, THEREFORE, BE IT.

RESOLVED, that after the Department of Central Police Services Selection Committee recommends a vendor, that the County Executive be authorized to enter into a contract in an amount not to exceed \$500,000 for the new Radio Interoperability Device, and be it further,

RESOLVED, that the Commissioner of Central Police Services shall inform the Erie County Legislature which vendor was awarded the contract, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the 2004 Central Police Budget Interoperability Communications Equipment (ICE) Grant (HS165ICE0304) account #561410, in an amount not to exceed \$500,000, which was previously approved by the Erie County Legislature via Comm. 4E-50 (2004), and be it further,

RESOLVED, that a certified copy of this resolution be sent to the County Executive's Office, the Department of Central Police Services, the Division of Budget Management & Finance, the Comptroller's Office, the Homeland Security Grants Administrator, and to the Department of Emergency Services.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 74 – (Comm. 17E-16) Appointment to ECSD No. 3 Board of Managers.

RECEIVED, FILED & PRINTED.

July 6, 2004

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

Re: Appointment to Erie County Sewer District # 3 Board of Managers

Honorable Members:

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I, Joel A. Giambra, Erie County Executive, pursuant to Article 5-A of the New York State County Law and Section 1607 of the Erie County Charter, do hereby appoint the following individual to the Board of Managers for Erie County Sewer District # 3, subject to your confirmation.

<u>Name and Address</u>	<u>Term Expiration</u>
Hon. Glenn R. Nellis Supervisor Town of Eden 2795 East Church Street Eden, New York 14057	December 31, 2005

Supervisor Nellis will replace Councilmember Mary Lou Pew, who has resigned.

Respectfully submitted,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG:jda

cc: Appointee  
 Commissioner Laurence Rubin, Environment & Planning  
 Charles Alessi, Environment & Planning

Item 75 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 361

Re: Granting Easement to Town of West Seneca on County Inventory Land Located on Seneca Street.  
 (Comm. 17E-17)

WHEREAS, the Town of West Seneca has asked the County of Erie for a Right of Way and Easement over, under and/or through the County Owned parcel located on Seneca Street, West Seneca, New York SBL# 135.190-1-40, and

WHEREAS, the Town of West Seneca is commencing a public improvement project commonly known as Cazenovia Creek Flood Control Project in the County of Erie, State of New York, and

WHEREAS, the plans for such public improvement project call for the acquisition of certain parcels of land in fee or easement right over property owned by the County of Erie, and

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WHEREAS, the County of Erie shall sell and the Town of West Seneca shall buy that certain portion or parcel of land or easement rights over the County of Erie property situate in the Town of West Seneca, County of Erie and State of New York, (more particularly set forth below), as shown on a Map prepared by TVGA Engineering dated February 24, 2004, a copy of which Map is attached hereto and made a part hereof (Map 37, Parcel 37 for Flowage Easement), and

WHEREAS, the Town of West Seneca shall pay to the County of Erie for the property rights shown on the Map attached hereto, the sum of Two Thousand and 00/100 Dollars (\$ 2,000.00) payable by check of the Town of West Seneca, or by certified funds if payment is made by an agent of the Town of West Seneca. Payment shall be made to County of Erie upon delivery to the Town of West Seneca of a good and sufficient title, free and clear from any and all encumbrances, to the property, and

WHEREAS, the County of Erie shall deliver to the Town of West Seneca an easement in form satisfactory to the Town of West Seneca, together with such other documentation reasonably necessary for the County of Erie to comply with this contract, and

WHEREAS, the Town of West Seneca shall be responsible for obtaining the title search and survey and any other evidence of title it deems necessary. The purchaser shall pay for said title search and survey and recording fees to convey the property interest to the Town of West Seneca, and

WHEREAS, this agreement is intended to bind the County of Erie and the Town of West Seneca and those who succeed to their interests, and

WHEREAS, this agreement contains the entire agreement between the County of Erie and the Town of West Seneca and nothing is binding on either the County of Erie or the Town of West Seneca which is not contained in this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to the Town of West Seneca, 1250 Union Road , West Seneca, New York 14224, in consideration of the sum of Two Thousand and 00/100 Dollars (\$ 2,000.00) a right of way and/or easement on the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie, State of New York being part of Farmlots 276 and 278, Township 10, Range 7 (5.2 acres, and be it further

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

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MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded. LEGISLATOR McCARVILLE sustained.

CARRIED.

Item 76 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362

Re: ECSD No. 6 – Sanitary Sewer  
 Manhole Rehab. Project – H & K  
 Services – Contract Close Out.  
 (Comm. 17E-18)

WHEREAS, the Erie County Legislature had awarded Contract No. 36SA to H & K Services, Inc. for the Erie County Sewer District No. 6, Sanitary Sewer Manhole Rehabilitation Project; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 36SA in the amount of \$320,467.85 which includes Final Change Order No. 1, a decrease of \$65,342.15, and release all retention.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 36SA between the County of Erie/Erie County Sewer District No. 6 and H & K Services, Inc. 6585 Town Hill Road, Conewango Valley, New York 14726 be accepted in the amount of \$320,467.85, which includes the Final Change Order No. 1, a decrease of \$65,342.15; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No.36SA between the County of Erie/Erie County Sewer District No. 6 and H & K Services, Inc. in the amount of \$320,467.85 in Erie County Sewer District No. 6 Sewer Capital Account C.00037 (430-914) and cancel the unused balance of \$65,342.15; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 77 – (Comm. 17E-19) ECSD No. 6 – Engineering Service Agreement - 1/1/02 - Change Order No. 6 – Stearns & Wheler.

Received and filed.

Item 78 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 363

Re: Health – Public Health Preparedness  
 Laboratory Response Network 8/31/04 –  
 8/30/05. (Comm. 17E-20)

WHEREAS, the Erie County Department of Health operates a Public Health Preparedness Laboratory Response Network through funding from New York State Health Research, Inc. for the development of a high containment emergency preparedness laboratory, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$225,000 from New York State Health Research, Inc.(HRI).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the continuation grant award from HRI which is budgeted as follows:

Department of Health Public Health Lab Response Network Grant 8/31/04 - 8/30/05 SAP TITLE: HS127LRN0405, COST CENTER #1273010		
<b>SAP</b>	<b>REVENUE</b>	<b>TOTAL</b>
410190	NYS HEALTH RESEARCH	225,000
	<b>TOTAL</b>	<u>\$ 225,000</u>
<b>EXPENSES</b>		
500000	PERSONAL SERVICES	\$ 90,000

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501000	OVERTIME	10,000
502000	FRINGE BENEFITS	35,000
505800	MEDICAL SUPPLIES	50,000
506200	REPAIRS & MAINT.	5,000
510100	OUT OF AREA TRAVEL	10,000
516030	MAINTENANCE CONTR	25,000
	<b>TOTAL</b>	<b><u>\$ 225,000</u></b>

and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 79 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 364

Re: Health – Immunization Action Plan  
 4/1/03 – 3/31/04. (Comm. 17E-21)

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a revised grant award for the Immunization Action Plan Program in the amount of \$128,399 which is funded 100% from the New York State Health Department which includes budgetary adjustments as follows:

**Immunization Action Plan**  
**4/1/03 – 3/31/04**  
**SFG Project #873**  
**SAP TITLE: 127IAP0304, COST CTR # 1271674**

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SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	ST AID OTHER	\$ 128,399	\$ 0	\$ 128,399
	<b>TOTAL</b>	<u>\$ 128,399</u>	<u>\$ 0</u>	<u>\$ 128,399</u>
<b>EXPENSES</b>				
500000	PERSONAL SERVICES	\$ 78,719	\$ -299	\$ 78,420
501000	OVERTIME	156	1	157
502000	FRINGE BENEFITS	17,583	-458	17,125
505000	OFFICE SUPPLIES	1,165	-1,060	105
505200	CLOTHING SUPPLIES	44	0	44
510000	TRAVEL & MILEAGE	1,620	-77	1,543
510100	OUT OF AREA TRAVEL	1,825	-227	1,598
516020	PRO SER CNT & FEES	750	0	750
530000	OTHER EXPENSES	14,869	-391	14,478
545000	RENTAL CHARGES	34	0	34
561410	LAB & TECH EQUIP	2,000	-137	1,863
561420	FURNITURE, FIXTURES	500	-500	0
912700	ID HLTH SVC	4,396	3,589	7,985
980000	ID DISS	4,738	-441	4,297
	<b>TOTAL</b>	<u>\$ 128,399</u>	<u>\$ 0</u>	<u>\$ 128,399</u>

and be it further

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

Increase Account 912700 ID Health Services	\$3,589
Increase Account 516020 Professional Services Contracts & Fees	\$3,589

and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 80 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 365

Re: CPS -Urban Area Security Initiative  
FFYO4. (Comm. 17E-22)

WHEREAS, on May 27, 2004 the County Legislature, in communication 10E-13, authorized the Erie County Executive to accept funds and contract with the State of New York under the Urban Areas Security Initiative (UASI) for Federal fiscal year 2003; and

WHEREAS, the second year's funding is in the process of being released to Erie County by the New York State Weapons of Mass Destruction (WMD) Task Force in the amount of \$4,717,062.35; and

WHEREAS, the City of Buffalo and the Counties of Erie and Niagara were identified as core city and core counties as part of the UASI; and

WHEREAS, the grant will continue the work authorized in the first year of the grant, namely fund the cost of building a sustainable capacity to prevent, respond to, and to recover from, threats or acts of terrorism in this region; and

WHEREAS, under the direction of the Office of the County Executive, the Departments of Central Police Services; Emergency Services; Health; Mental Health; Public Works and the Erie County Sheriff's Office have developed a plan for the use of these funds; and

WHEREAS, complete expenditure of these funds are required by November 30, 2005; otherwise, any expenditure after that date will become ineligible for funding under this program

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York to accept \$4,717,062.35 in UASI 04 funds from the Federal Government; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities as required by the UASI for provision of services, supplies or equipment as necessary for program implementation; and be it further

RESOLVED, that the following UASI 04 Grant is authorized in the following amounts:

Central Police Services

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<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Salaries (Planning personnel)	372,103.00
502000	Fringes (Planning personnel)	100,467.81
561410	Lab & Tech Equipment	1,600,000.00
516020	Professional Services	388,981.60
561410 205	Computer Equipment	120,000.00
561410 205a	Computer Software	100,000.00
916500	Interdepartment-CPS	72,374.00
414000	Federal Revenue	(2,753,926.41)

Emergency Services

<u>Account</u>	<u>Description</u>	<u>Amount</u>
505200	Clothing Supplies	52,000
561440	Motor Vehicles	250,000
414000	Federal Revenue	(302,000)

Dept of Public Works-Buildings & Grounds

<u>Account</u>	<u>Description</u>	<u>Amount</u>
561410	Lab & Tech Equipment	500,000
414000	Federal Revenue	(500,000)

Erie County Sheriff

<u>Account</u>	<u>Description</u>	<u>Amount</u>
561410	Lab & Tech Equipment	584,000
561440	Motor Vehicle	280,000
414000	Federal Revenue	(864,000)

Health

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	150,000
414000	Federal Revenue	(150,000)

Mental Health

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<u>Account</u>	<u>Description</u>	<u>Amount</u>
516010	Contractual Non Profit	75,000
414000	Federal Revenue	(75,000)

County Executive

<u>Account</u>	<u>Description</u>	<u>Amount</u>
505000	Office Supplies	8,774.47
910100	Interdepartment –County Exec.	63,361.47
414000	Federal Revenue	(72,135.94)

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust any and all interfund or interdepartmental budgets to facilitate the implementation of this grant; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the Erie County Deputy County Executive; the Erie County Homeland Security Grants Administrator; the Commissioners of Central Police Services; Emergency Services; Public Works; Erie County Sheriff's Department; Health; Mental Health; the Erie County Comptroller; the Erie County Director of Budget, Management and Finance and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 81 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 366

Re: Town of Tonawanda Public Safety  
 Training Center – Fire Tower  
 Restoration Project. (Comm. 17E-23)

WHEREAS, the Town of Tonawanda has requested \$250,000 to assist in efforts to restore the fire training tower located at 70 Fire Tower Drive in the Town of Tonawanda; and

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WHEREAS, the fire tower is a critical component of the Town's Public Safety Training Center; and

WHEREAS, the Public Safety Training Center is designed to provide the necessary training to insure the personal safety of all local first responders; and

WHEREAS, the Town of Tonawanda has the highest concentration of extremely hazardous substances in Erie County; and

WHEREAS, the Town of Tonawanda requires the assistance of Erie County to help in restoring the fire tower for public safety training.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements with the Town of Tonawanda for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$250,000 are hereby transferred from the Tobacco Trust Fund to G/L Account 516000 in Cost Center 1335010, Extraordinary Aid to Local Governments, to be further designated as follows: Town of Tonawanda Fire Tower Restoration; and be it further

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 82 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 367

Re: Award of Contract – Overlay  
Program – 2004 "C" -Towns of Aurora,  
Colden, Concord, Evans & Hamburg.  
(Comm. 17E-24)

WHEREAS, bids were taken for the 2004 Overlay "C" Program, Project Number OP-04C, which includes Amsdell Road, Lake Street, Lake View Road, Springville-Boston Road and Sweetland Road,) in the Towns of Aurora, Colden, Concord, Evans, and Hamburg and the low bidder was Amherst Paving Incorporated of Amherst, New York, at an original project low bid

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amount of \$1,523,660.00 which was revised to a low bid amount of \$1,181,103.15. ( Center Street and North Creek Road were removed after the bid and will be done by County Maintenance forces),

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project No. OP-04C, in the Towns of Aurora, Colden, Concord, Evans, and Hamburg, between the County of Erie and the low bidder Amherst Paving Incorporated, at its revised low bid amount of \$1,181,103.15, and be it further,

RESOLVED, that an amount of \$1,181,103.15 be allocated from the 2004 Capital Overlay Program (SAP B.00129), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the County Comptroller

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 83 – MR. RANZENHOFER moved to reconsider item #74 (Comm. 17E-16). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 368

Re: Appointment to ECSD No. 3  
Board of Managers

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Hon. Glenn R. Nellis at 2795 East Church Street of Eden, New York, 14057, to the Board of Managers of Erie Sewer District #3 for a term to expire December 31, 2005.

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

CARRIED UNANIMOUSLY.

Item 84 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 369

Re: Correctional Facility Face Brick  
 Remediation. (Comm. 17E-25)

WHEREAS, the Department of Public Works received bids on June 30, 2004, for the Erie County Correctional Facility, Face Brick Remediation project, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Erie County Correctional Facility, Face Brick Remediation as follows:

Morris Masonry

Base Bid	\$158,190
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and be it further,

RESOLVED, that \$8,000 be allocated for construction inspection services, and be it further,

RESOLVED, that the sum of \$25,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approved change orders not to exceed the amount of the contingency, and be it further,

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

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

ECCF Brick Rehabilitation	Project A.00045	\$ 88,694
Exterior Building Rehabilitation	Project A.00044	\$102,496

and be it further,

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 370

Re: Agreement with NYSDOT –  
 Construction & Construction Inspection  
 Phase - Ransom Road Bridge Over  
 Cayuga Creek, Town of Lancaster.  
 (Comm. 17E-26)

WHEREAS, a project for the Replacement of the Ransom Road Bridge, BR 155-2, over Cayuga Creek, BIN 3-32705-0, in the Town of Lancaster, Erie County, PIN 5755.68, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.68,

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

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

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

RESOLVED, that the sum of \$322,600 was hereby appropriated from the 2002 Ransom Road Bridge (155-2) Reconstruction (NYS PIN 5755.68) Program (SFG 322 - SAP B.00047), for the Project’s Construction and Construction Inspection Phase via County Resolution No. 8E-28 adopted on the 25<sup>th</sup> day of April, 2002, and made available to cover the cost of participation in the above phase of the Project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Construction and Construction Inspection Phase exceeds the amount appropriated above \$322,600 and/or 100% of the full Federal and Non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$1,403,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

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

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

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 86 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 371

Re: Erie Canalway Trails, Towns of  
 Tonawanda & Amherst.  
 (Comm. 17E-27)

WHEREAS, it is expected that bids will be taken for the Erie Canalway Trail Project, TAB 03-49C, consisting of the construction of a pedestrian and bicycle trail along portions of Tonawanda Creek in the Towns of Tonawanda and Amherst, during the month of August 2004, and

WHEREAS, the approved Erie County Budget for 2001 was approved with funds in the amount of \$1,500,000 for the Erie Canalway Trail Project, and

WHEREAS, expenditure of Erie County's share of the funding for design and construction phase services was approved by the Erie County Legislature on February 15, 2001 and May 22, 2003 by Resolutions Communication Number 2-E-39 and Communication Number 8-E-9, and

WHEREAS, said funds shall be fully reimbursed to Erie County by the New York State Canal Corporation upon project completion, and

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WHEREAS, the Erie County Legislature will be in summer recess at the time of the bid opening, and it is desirable to progress this work prior to the start of winter.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project TAB 03-49C, between the County and the lowest responsible bidder, at its low bid not to exceed \$1,265,000, the amount of funds available for construction from the New York State Canal Corporation and allocated from the Erie Canal Trail funding source (SAP A.00034), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways, Department of Public Works and one certified copy each to the County Executive, the Division of Budget Management & Finance, the Commissioner of Public Works and to the Erie County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 87 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 372

Re: Award of Contract – New Oregon  
 Road Bridge, Town of North Collins.  
 (Comm. 17E-28)

WHEREAS, bids were taken for the New Oregon Road Bridge 446-6, Project No. FRP 446-6-04, Town of North Collins and the low bidder was UCC Constructors, Incorporated of West Seneca, New York, at a low bid amount of \$ 252,492.30, and

WHEREAS, money was previously authorized at Legislative Meeting Number 25, held on December 11, 2003, Communication Number 25E-24,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project No. FRP 446-6-04, Town of North Collins, between the County of Erie and the low bidder UCC Constructors, Incorporated, at its low bid amount of \$ 252,492.30, and be it further,

RESOLVED, that an amount of \$252,492.30 be allocated from the 2003 Bridge, Design and Construction Bond Account (SAP B.00058), and be it further,

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RESOLVED, that an additional amount of \$50,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$ 50,000 from the 2003 Bridge, Design and Construction Bond Account (SAP B.00058), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 88 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 373

Re: Award of Contract –Lapp Road  
 Bridge Replacement, Town of Clarence.  
 (Comm. 17E-29)

WHEREAS, bids will be taken for the Lapp Road Bridge Replacement Project, Project Number FA 24-3-4-04, Town of Clarence, consisting of the replacement of bridges BR 24-3 and 24-4 on Lapp Road between Goodrich Road and Salt Road, during the month of August 2004, and

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

WHEREAS, it is desirable to progress this work to attempt to re-open Bridge BR 24-4, which has been closed since October 2003, prior to the start of winter,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 24-3-4-04, between the County of Erie and the lowest responsible bidder, at its low bid not to exceed \$908,000, and be it further,

RESOLVED, that the amount of the low bid be allocated from available funds in the 2003 Lapp Road Bridges Reconstruction Program (SAP B.00019), and be it further,

RESOLVED, that an additional amount, the balance of the \$908,000, be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed this amount, and be it further,

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RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways, and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and to the Erie County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 89 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 374

Re: Award of Contract -2004 Overlay  
 "A" Program, Town of Amherst.  
 (Comm. 17E-30)

WHEREAS, bids were taken for the 2004 Overlay “A” Program, Project Number CHIPS OP-04A, which consists of the Rehabilitation of Tonawanda Creek Road, from Old Falls Blvd. to Campbell Boulevard, in the Town of Amherst, and the low bidder was Amherst Paving Incorporated of Amherst, New York, at a low bid amount of \$1,532,626.34.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project No. CHIPS OP-04A, in the Town of Amherst, between the County of Erie and the low bidder Amherst Paving Incorporated, at its low bid amount of \$1,532,626.34, and be it further,

RESOLVED, that an amount of \$1,532,626.34 be allocated from the 2004 Capital Overlay Program (SAP B.00129), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and to the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 90 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 375

Re: Increase to Design & Construction  
 Contracts & Request to Receive Funds  
 From Town of Orchard Park –  
 Reconstruction of Milestrip Road.  
 (Comm. 17E-31)

WHEREAS, the Erie County Legislature approved a contract for the design of Milestrip Road (CR 460) between Clark Patterson Associates and the County of Erie in Meeting Number 16, held on July 12 2001, Communication Number 15E-7, and

WHEREAS, the Erie County Legislature approved a contract for the Reconstruction of Milestrip Road (CR 460) in the Town of Orchard Park between Sicar, Incorporated and the County of Erie in Meeting Number 15, held on September 11, 2003, Communication Number 15E-21, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated, and the cost for the additional work exceeds the funding previously authorized for this project, and

WHEREAS, the Town of Orchard Park has passed a resolution authorizing payment to the County of Erie for the Town's share of watermain relocation work,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contracts with Clark Patterson Associates and with Sicar, Incorporated be increased by \$240,000 to be allocated from the following Capital Accounts:

SAP# B.00058	2003 Bridge Design & Construction	\$ 183,000.00
SAP# B.00035	2002 Highway Safety Enhancements	\$ 57,000.00

for change orders for the additional work, and be it further,

RESOLVED, that the Comptroller be authorized to accept payment from the Town of Orchard Park for their share of the watermain relocation work in an amount not to exceed \$67,500. The funds received from the Town of Orchard Park will be deposited in SAP# B.09001, 2001 Milestrip Reconstruction Project, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways, Department of Public Works and one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 91 – (Comm. 17E-32) Transfer of Erie County Tax Sale Certificates - 4901 Transit Road.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 376

Re: Public Safety Campus –  
Contingency Fund Increase.  
(Comm. 17E-33)

WHEREAS, the Department of Public Works received bids for the Public Safety Campus,  
and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in the amount of \$23,318,847,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$750,000 to a new total amount of \$2,450,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from Project A.00061, and be it further,

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

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

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 377

Re: Supplemental Agreement with  
NYSDOT – Construction &  
Construction Inspection Phase – Lake  
Shore Road Bridge – Over Delaware  
Creek, Evans. (Comm. 17E-34)

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

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.66,

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

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

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

RESOLVED, that the total phase budget is \$935,000 and that the local share sum of \$187,000 is hereby appropriated from the 2000 Road & Bridge Federal Aid Program (SFG 420-153 - SAP B.00011) and made available to cover the cost of participation in the above phase of the Project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project’s Construction and Construction Inspection Phase exceeds the amount appropriated above \$187,000 and/or 100% of the full Federal and Non Federal shares of the cost of the project’s Construction and Construction Inspection Phase \$935,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the

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Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

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

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

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM BUDGET, MANAGEMENT & FINANCE – DIVISION OF REAL PROPERTY TAX**

Item 94 – (Comm. 17D-1) Copy of Letter to EC Association of Tax Receivers & Collectors Re: Centralized Regional Tax Collection System.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ECC**

Item 95 – (Comm. 17D-2) Minutes of Trustees Meeting Held 5/19/04.

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 96 – (Comm. 17D-3) Memorandum to Chairman Holt Re: ECC 2004-05 Budget Senior Executive Staff Salary Increases.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

Item 97 – (Comm. 17D-4) Duplicate of Comm. 16E-39.

Received and filed.

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FROM ECC

Item 98 – (Comm. 17D-5) Response to County Attorney's Memorandum to Chairman Holt  
Re: ECC 2004-05 Budget Senior Executive Staff Salary Increases.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM SOCIAL SERVICES

Item 99 – (Comm. 17D-6) Response to Request for Information Re: Comm. 16E-20  
(Transfer of Funds for Statler Towers Lease Payment).

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 100 – (Comm. 17D-7) Summary of Term & Termination Provisions of the Buffalo Bills  
Stadium Lease with EC.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM SENATOR RATH

Item 101 – (Comm. 17M-1) Receipt of Resolutions.

Received and filed.

FROM NYSDOH

Item 102 – (Comm. 17M-2) Health Consultation – Former NL Industries Site – Off-Site  
Residential Properties, Village of Depew.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYSAC

Item 103 – (Comm. 17M-3) Notice of Fall Conference.

Received and filed.

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**FROM THE NYS BOARD OF REAL PROPERTY SERVICES**

Item 104 – (Comm. 17M-4) List of Certified 2004 State Equalization Rates.

Item 105 – (Comm. 17M-5) List of Certified 2004 Class Equalization Rates.

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

**FROM ECWA**

Item 106 – (Comm. 17M-6) MOU – Agreement Between City of Buffalo & Erie County for Water Services.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE TOWN OF ALDEN**

Item 107 – (Comm. 17M-7) Certified Resolution.

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 108 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Michael Orlando.

Item 109 – Mr. Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Harold William “Bill” Wirth, Jr.

Item 110 – Ms. Marshall requested that when the Legislature adjourns, it do so in memory of Robert Fix.

Item 111 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. Benjamin Oblatz.

Item 113 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Barbara Burwick.

Item 114 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Dominique LaJones.

Item 115 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Alan M. Perczynski.

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Item 116 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Ms. R. Lott.

**ADJOURNMENT**

Item 117 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, September 9, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 9, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY**  
**CLERK**