

MEETING NO. 17
September 19, 2002

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present.

The invocation was led by Rev. Monsignor John Zeitler, Our Lady of Perpetual Help.

The Pledge of Allegiance was led by Mr. Ranzenhofer.

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

MR. GREENAN moved the approval of the minutes of Meeting No. 15 of 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MR. DUSZA presented a resolution Congratulating NYSEG Upon Their 150th Anniversary. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. McCARVILLE presented a resolution Honoring East Aurora Chamber of Commerce Award Winners. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. SCHROEDER presented a resolution Congratulating Robert Francis Stackpoole on the Occasion of the Past Grand Knights Dinner of the Msgr. Nash Council of the Knights of Columbus. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. FISHER presented a resolution Congratulating William Miles on His 42 Years of Service in the Library System. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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Item 6 – MR. DUSZA presented a resolution Congratulating Connie Cieslinski on His 22 Years in Public Service. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. DUSZA presented a resolution Congratulating Ken Trask on His 24 Years in Public Service. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. DUSZA presented a resolution Congratulating Jay Rizzo on His 29 Years in Public Service. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA presented a resolution Congratulating Gail Sturm on Her 13 Years in Public Service. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. DALE presented a resolution Congratulating Helen Domske on Her 2002 Paul MacClennan Environment Citizen of the Year Award. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. GREENAN presented a resolution Honoring the Efforts of Wilbert Stier of VFW Post 5861. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. RANZENHOFER presented a resolution Honoring Legislator John W. Greenan upon His Final Legislative Session. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

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

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

Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 17 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #2) 2002 remain on the table.

CHALLENGE THE CHAIR.

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

FAILED. (WEIGHTED VOTE: 6.563 – 10.437)

Item 18 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 19 – CHAIRMAN DeBENEDETTI directed that Local Law No. 7 (Print #1) 2002 remain on the table.

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

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW NO. _____ - 2002

LOCAL LAW INTRO. NO. 8 – 2002 (PRINT #1)

A LOCAL LAW in relation to N.Y. County Law Section 224-a concerning a voluntary registry to notify interested citizens of Erie County regarding commercial pesticide applications on abutting property for the elimination of noxious weeds.

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

Section 1. Title

This law shall be known as the Erie County Pesticide Notification Registry (hereinafter "registry").

Section 2. Legislative Intent.

The Erie County Legislature hereby finds that the citizens of Erie County and their personal property can come into unintentional contact with pesticides from commercial lawn applications on abutting property. Various citizens have expressed a desire to receive notification from commercial lawn applicators prior to pesticide applications on abutting property. The intent of this local law is to provide adequate information to those interested county residents who wish to receive notification of pesticide applications so that they can take whatever steps they deem necessary to minimize any unintended contact. Accordingly, this Legislature hereby adopts a voluntary registry for notification of pesticide applications by commercial lawn applicators to citizens wishing such notification.

Section 3: Definitions.

a. "Abutting property" means any property that has any boundary or boundary point in common with the property on which a pesticide is to be applied.

b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the education law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation as those terms are defined in the transportation corporations law, which applies pesticides.

c. "Commercial lawn application" means the application of a general use pesticide to the ground, trees, or shrubs on public or private outdoor property. For the purposes of this local law the following shall not be considered a commercial lawn application:

- (1) the application of pesticides for the purpose of producing an agricultural commodity;
- (2) residential application of pesticides;
- (3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
- (4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation law where such application is within one-hundred feet of a dwelling, multiple dwelling, public building, or public park; and
- (5) the application of pesticides on golf courses or turf farms.

d. "General use pesticide" means any pesticide that does not meet the state criteria for a restricted pesticide as established under authority of section 33-0303 of the New York Environmental Conservation Law.

e. "Not-for-profit agency" means any agency which meets the requirements of not-for-profit status by the US Treasury under Section 501(c)(3) of the United States Internal Revenue Code.

f. "Pesticide" means:

- (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; and
- (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

g. "Residential lawn application" means the application of a general use pesticide to the ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this local law, the following shall not be considered a residential lawn application:

- (1) the application of pesticides for the purpose of producing an agricultural commodity;
- (2) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
- (3) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
- (4) the application of pesticides on golf courses or turf farms.

Section 4. Notification Requirements.

a. Retail Consumer Information Sign.

- (1) All retail establishments that sell general use pesticides for commercial and/or residential lawn application shall display a sign meeting the standards established by the Commissioner of the Erie County Department of Health pursuant to rules and regulations promulgated under Section 7 of this local law.

b. Establishment of the Erie County Pesticide Notification Registry.

- (1) Erie County by itself or through a designated not-for-profit agency shall establish a voluntary registry for notification to interested citizens when a commercial lawn application of a general use pesticide is performed on abutting property with a boundary that is within one hundred seventy-five (175) feet of the site of such application.
- (2) On or about February 1, 2003 and on or about February 1 of each and succeeding year after the adoption of this local law, Erie County or its designated not-for-profit agency shall contact all residence addresses within Erie County by U.S.

mail, providing a registration form to solicit those who wish to be included within the registry.

- (3) The registration form will provide for the registrant's name, address, telephone number, fax number, and electronic mail (e-mail) address. Those citizens interested in receiving prior notification shall return the form for inclusion in the registry.
- (4) Erie County or its designated not-for-profit agency shall also establish a phone number and link at its website that interested residents can contact for inclusion in the registry.
- (5) Erie County or its designated not-for-profit agency will maintain the registry, and the local lawn care industry will use the registry to notify registered residents of commercial lawn applications of a general use pesticide on abutting property with a boundary that is within one hundred seventy-five (175) feet of the site of such application.
- (6) Erie County or its designated not-for-profit agency, and the local lawn care industry shall jointly place advertisements in newspapers and on radio and television to notify residents of the existence of the registry.
- (7) Erie County or its designated not-for-profit agency, and the local lawn care industry shall jointly publish brochures and other advisory materials to notify residents of the existence of the registry.

c. Implementation of the Erie County Pesticide Notification Registry.

- (1) The registry will require that commercial lawn applicators provide forty-eight (48) hours prior notice of general use pesticide applications to residents requesting notification and living on abutting property with a boundary that is within one hundred seventy-five (175) feet of the site of such application.
- (2) Notice shall be by a manner specified by the registrant in the registry, which may include:
 - (a) written notice; or
 - (b) telephone call; or
 - (c) fax; or
 - (d) e-mail; or
 - (e) personal notification.

- (3) In the situation where no contact has been made with the registrant, the commercial lawn applicator shall make a personal visit to the registrant's residence at least 12 hours before the commercial lawn application.
- (4) The expense of notifying registrants shall be the sole responsibility of the local lawn care industry.
- (5) Such prior notification provisions shall not apply to the following:
 - (a) the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);
 - (b) the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;
 - (c) the use of non-volatile insect or rodent bait in a tamper resistant container;
 - (d) the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;
 - (e) the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;
 - (f) the use of boric acid and disodium octaborate tetrahydrate;
 - (g) the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
 - (h) the application of a pesticide to the ground or turf of any cemetery; and
 - (i) an emergency application of a pesticide when necessary to protect against any imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the prior notice required pursuant to this title.

Section 5. Enforcement.

- a. The Erie County Department of Health shall enforce the provisions of this local law administratively through itself or upon referral from the designated not-for-profit agency provided

that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in Section 6 of this law.

Section 6. Penalties.

a. Administrative Sanctions

- (1) A person or business providing a commercial lawn application of a general use pesticide or any other person or business that violates any provision of this local law shall be assessed a written warning for a first offense, a fine in the amount of two hundred fifty (\$250) dollars for a second offense and a fine in the amount of five hundred (\$500) dollars for a third offense and each subsequent offense thereafter.
- (2) The Department of Health shall publicly notify the citizens of Erie County, at periodic intervals, of any fines issued by the Department including the name of the individual or business fined, their address and the number and amount of fines assessed.

Section 7: Rules and Regulations.

a. The Commissioner of the Erie County Department of Health may promulgate such rules and regulations as necessary to carry out the purposes of this local law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 8: Establishment of a Review Committee.

a. No later than January 20, 2004, the Chairman of the Erie County Legislature shall appoint a committee to review this local law.

b. The review committee shall consist of representation from interested groups, the Erie County Legislature and officials of the Erie County Department of Health.

c. The review committee shall produce a report to the Chairman concerning this local law within ninety (90) days of appointment.

Section 9: 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

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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.

Section 10: Effective Date.

a. This local law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York Municipal Home Rule Law.

JOHN W. GREENAN

CHARLES M. SWANICK

ALBERT DEBENEDETTI

MICHAEL H. RANZENHOFER

EDWARD J. KUWIK

DALE W. LARSON

RAYMOND K. DUSZA

JEANNE Z. CHASE

MARK J.F. SCHROEDER

MR. WEINSTEIN moved to table the resolution. MS. CUSACK seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 5.675 – 11.325)

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 11.325 – 5.675)

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 376

September 10, 2002

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. Item Page -2002 (Intro. 8-5)

HOLT

WHEREAS, the City of Buffalo ranks sixth highest in its poverty rate, while poverty in the United States overall is the lowest it has been in nearly 30 years, and

WHEREAS, slightly more than one in four residents, or 26%, of the city of Buffalo is impoverished, and

WHEREAS, 75% of impoverished children live in single parent homes earning less than \$15,000 annually, and

WHEREAS, a large percentage of impoverished people lack education greater than high school or GED level, skilled trades and information technology training, and

WHEREAS, large percentages of impoverished people represent lower socio-economic classes with a “Welfare Status” that has cycled for generations, and

WHEREAS, the Western New York Region has lost approximately 65% of the large major industrial manufacturing business, which once provided upward social economic mobility potential, and

WHEREAS, skill development is strictly imperative for gainful employment in the wake of present economic crises, including the state of the U.S. Steel industry,

NOW, THEREFORE, BE IT

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

RESOLVED, that this Honorable Body does hereby wish to ensure that impoverished families receive income supplements supporting education and job training opportunities toward gaining employment, and be it further

RESOLVED, that this Honorable Body acknowledges the necessity of families with children to balance the demands of wage earnings, parenting, and family life, and be it further

RESOLVED, that this Honorable Body through its reaffirmation of commitment intends to provide some measure of training vehicle, avenues for skill development and educational advancement to obtain valuable skills, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George E. Pataki, County Executive Joel A. Giambra, Commissioner of Social Services Deborah A. Merrifield.

Fiscal Impact: To Be Determined.
 (5-0)

2. Item Page -2002 (Comm. 16E-23)
COUNTY EXECUTIVE

WHEREAS, the First Time/Last Time Program serves youth, ages 16-21, from throughout Erie County, and

WHEREAS, the First Time/Last Time Program's mission is to provide assistance to young people who have been charged with criminal offenses by providing direct services of crisis intervention and individual/family counseling as well as diverting these offenders into an extensive and supportive referral-based system, and

WHEREAS, The New York State Division of Criminal Justice Services has made Federal funding available for this project.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the New York State Division of Criminal Justice Services for the receipt of Federal funding in the amount of \$41,000, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the First Time/Last Time Program to provide services and receive \$41,000 in funding, and be it further

RESOLVED, that authorization is hereby provided to make the following budgetary adjustments in the general fund budget of the Youth Bureau:

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Youth Bureau
 Project 946

<u>Revenue</u>	<u>Increase</u>
Acct. 627 – State Aid Criminal Justice Program	\$41,000
<u>Appropriation</u>	
Acct. 830-0262 – Contractual, First Time/Last Time	<u>\$41,000</u>
Net Cost	\$0

and be it further

RESOLVED, that certified copies of this resolution be the Division of Budget, Management and Finance, the Office of the Comptroller, and the Erie County Youth Bureau and the Department of Probation and Youth Detention Services.

(5-0)

3. Item Page -2002 (Comm. 16E-30)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services contracts with Parents Anonymous for crisis support respite services that are critically needed to provide short term immediate care to foster parents with sporadic and immediate care needs, and

WHEREAS, these short term services are needed to prevent disruption or termination of foster boarding home placements in such instances as employment, medical emergency and crises resulting from foster child behavioral problems, and

WHEREAS, services are provided during all hours and also on weekends and holidays when other programs are generally not available, and

WHEREAS, the contract for these services was first implemented in 2001 and the need in 2002 has grown beyond the capacity of the resources and funding available in the 2002 budget, and

WHEREAS, an expansion of this contract in the amount of \$100,000 in the current year is made possible at no additional local share due to the availability of new sixty-five percent State share funding and the provision of donated in-kind services by Parents Anonymous, and

WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Service are authorized to amend the current contract with Parents Anonymous, increasing the contract by \$100,000, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830 1500	Parents Anonymous - Crisis Support Respite	<u>\$100,000</u>
	Total Expenditures	<u>\$100,000</u>
598	State Aid - Child Welfare Services	\$65,000
447	Donated Funds	<u>35,000</u>
	Total Revenue	<u>\$100,000</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(5-0)

4. Item Page -2002 (Comm. 16E-31)

COUNTY EXECUTIVE

WHEREAS, Erie County is entitled to receive enhanced reimbursement from New York State for medical costs for individuals who are current or former Medicaid recipients and were also inpatients of a mental hygiene facility for a continuous period of at least five years and were subsequently released, and

WHEREAS, there are instances where individuals that were residents of such mental hygiene facilities and have been discharged do not become known to the Department, and

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WHEREAS, the Department issued a Request for Proposals (RFP) to identify a consultant with direct experience in the identification of individuals from Mental Hygiene facility discharge records to document individuals and costs eligible for enhanced State reimbursement and to prepare revenue claims for the County, and

WHEREAS, Nancy Stormer, esq, who has considerable experience and success in this area, was the sole respondent to the RFP and is recommended for this important initiative to gain additional State reimbursement on a contingency fee basis, and

WHEREAS, it is not possible to estimate the overall impact of this effort until such time as cases are identified, costs of care are captured and claims are prepared.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Services are authorized to execute a contract with Nancy Stormer, esq. on a 20 percent contingent fee basis to be paid from revenues actually received, and be it further

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

(5-0)

AS AMENDED

5. Item Page -2002 (Comm. 16E-32)

COUNTY EXECUTIVE

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

WHEREAS, Erie County Department of Health has received a revised grant from Health Research, Inc., to support West Nile Virus surveillance activities, including human, bird/mammal and mosquito surveillance and public and professional education activities related to West Nile Virus, and

WHEREAS, under this letter of agreement, Health Research, Inc. will provide reimbursement for expenses incurred by the County in performing West Nile surveillance for the period 4/1/02 through 3/31/03, up to a maximum of \$30,000, and

WHEREAS, this revision authorizes the creation of one part time position of Assistant Public Health Sanitarian, JG 14.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County

Executive to enter into an agreement with Health Research, Inc., to be budgeted as follows:

WEST NILE SURVEILLANCE & EDUCATION GRANT
04/01/02 - 3/31/03
PROJECT #686

ACCT	SUB-ACCT	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	200	Health Research, Inc	<u>\$ 60,000</u>	<u>- \$ 30,000</u>	<u>\$ 30,000</u>
		TOTAL	<u><u>\$ 60,000</u></u>	<u><u>-\$ 30,000</u></u>	<u><u>\$ 30,000</u></u>
		EXPENSES			
800	000	Personal Services	\$ 0	\$ 7,400	\$ 7,400
801		Overtime	10,000	-6,000	4,000
805	000	Fringe Benefits	0	836	836
814		Medical Supplies	4,000	-4,000	0
821		Dues and Fees	10,000	-9,200	800
824		Local Travel	9,000	-7,600	1,400
825		Out of Area Travel	2,000	0	2,000
826		Other Expenses	10,000	-10,000	0
932		Office Equipment	1,000	1,000	2,000
933		Lab & Tech Equipment	<u>14,000</u>	<u>-2,436</u>	<u>11,564</u>
		TOTAL	<u><u>\$60,000</u></u>	<u><u>-\$30,000</u></u>	<u><u>\$30,000</u></u>

and be it further

RESOLVED, that one part time position of Associate Public Health Sanitarian, JG 14, is hereby created. The following personnel detail is hereby submitted.

TITLE: Assistant Public Health Sanitarian – Part Time FUNDING: 100% State Funded
 JG: 14 CIVIL SERVICE: Yes
 STEP: 1 CIVIL SERVICE LIST: Yes
 HOURLY RATE: \$24.63

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

(5-0)

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6. Item Page -2002 (Comm. 16E-34)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program check distribution sites in various locations, and

WHEREAS, we wish to renew an agreement to lease space in a building at 546 Abbott Road, Buffalo, New York, being utilized as a WIC check distribution site, and

WHEREAS, funds are available in the WIC grant budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to renew an agreement with Mercy Hospital & Our Lady of Victory Hospital of Buffalo (Catholic Health Systems) whereby Erie County will continue to pay \$4,000.00 annually for the rental of a lower floor of a two-story building located at 546 Abbott Road, Buffalo, New York for the period February 1, 2002 through January 31, 2003, with an option to renew for two one-year periods, and be it further

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

(5-0)

7. Item Page -2002 (Comm. 16E-35)

COUNTY EXECUTIVE

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded a revised grant in the amount of \$116,546 to the Erie County Department of Health for the purpose of integrating viral hepatitis prevention services into existing Western New York health departments' services, and

WHEREAS, the regional Integration of Hepatitis Prevention Services project will provide hepatitis prevention counseling to patients at high risk, testing for Hepatitis C and B, vaccination for Hepatitis A and B, referral of infected patients to appropriate substance abuse and medical specialist services, staff training and project evaluation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised agreement with the Centers for Disease Control (CDC) which is budgeted as follows:

**INTEGRATION OF HEPATITIS PREVENTION
SERVICES
9/30/01 - 9/29/02
PROJECT # 580**

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
521	OTHER UNCLASSIFIED REVENUE	\$ 116,546		\$0 \$ 116,546
	TOTAL	<u>\$ 116,546</u>		<u>\$0 \$ 116,546</u>
 <u>EXPENSES</u>				
800	PERSONNEL SERVICES	\$ 39,174	\$ 0	\$ 39,174
805	FRINGE BENEFITS	6,872	2,400	9,272
814	MEDICAL & HEALTH SUPPLIES	8,000	-8,000	0
821	DUES & FEES	4,000	2,000	6,000
824	TRAVEL & MILEAGE	2,000	0	2,000
825	OUT OF AREA TRAVEL	5,500	2,000	7,500
826	OTHER EXPENSES	1,000	1,600	2,600
880-2720	INTERFUND-PUBLIC HEALTH LAB	38,500	0	38,500
880-4000	ECMC	10,000	0	10,000
880-5100	DISS	500	0	500
932	OFFICE EQUIPMENT	<u>1,000</u>	<u>0</u>	<u>1,000</u>
	TOTAL	<u>\$ 116,546</u>		<u>\$0 \$ 116,546</u>

and be it further

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

(5-0)

8. Item Page -2002 (Comm. 16E-36)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a revised grant award from Health Research Inc. in the amount \$91,250 of for the purpose of funding breast and cervical cancer screening for low income, asymptomatic, underserved women aged 40 and over, for the period 9/30/01to 9/29/02 and

WHEREAS, the Erie County Healthy Women’s Partnership is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department, Health Research, Inc. and the United Way of Buffalo and Erie County, and

WHEREAS, the Erie County Health Department is the fiscal intermediary for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from Health Research Inc., to be budgeted as follows:

BREAST AND CERVICAL CANCER
09/30/01 - 09/29/02
PROJECT # 510

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
553- 200	State Aid – HRI, Inc.	<u>\$55,250</u>	<u>\$36,000</u>	<u>\$91,250</u>
	TOTAL	<u>\$55,250</u>	<u>\$36,000</u>	<u>\$91,250</u>
 <u>EXPENSES</u>				
830- 989	Contractual Clinical Services	\$55,250	\$34,000	\$89,250
880- 4000	ECMC	<u>0</u>	<u>2,000</u>	<u>2,000</u>
	TOTAL	<u>\$55,250</u>	<u>\$36,000</u>	<u>\$91,250</u>

and be it further

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

(5-0)

9. Item Page -2002 (Comm. 16E-37)

COUNTY EXECUTIVE

WHEREAS, recent threats of bioterrorism incidents in Erie County have resulted in an increased need for security and protection from the risk of bioterrorism infectious agents. This will be accomplished in part by increasing supervision over the autopsy process, and increasing the efficiency of the office, and

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WHEREAS, this change is also necessary to fix responsibility for assuring that autopsy rooms are organized, supplied, and maintained according to the regulatory standards, and

WHEREAS, it is necessary to create one full-time position of Senior Pathological Lab Worker, JG 7 and one full-time position of Morgue Keeper, JG 5, and

WHEREAS, to effectuate this change it is necessary to delete one full time position of Pathological Lab Worker, JG 5 (position number 149296) and two positions of Part-Time Morgue Keeper, (position numbers 149310 and 141313 respectively), and

WHEREAS, sufficient funds are available in the 2002 Adopted Budget to effectuate this change.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Senior Pathological Lab Worker, JG 7, and one position of Morgue Keeper, JG 5, are hereby created:

The following personnel detail is hereby submitted:

TITLE: Sr. Pathological Lab Worker

JG: 7

STEP: E

ANNUAL SALARY: \$40,945

ANNUAL BENEFITS: \$9,417

CIVIL SERVICE LIST: No

CIVIL SERVICE: Yes

TITLE: Morgue Keeper

JG: 5

STEP: 0

ANNUAL SALARY: \$24,762

ANNUAL BENEFITS: \$5,695

CIVIL SERVICE LIST: No

CIVIL SERVICE: Yes

and be it further

RESOLVED, that one full time position (position number 149296) of Pathological Lab Worker, JG 5, and two positions of Morgue Keeper – Part-Time (position number 149310 and 149313 respectively) are hereby deleted, and be it further

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

(5-0)

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10. Item Page -2002 (Comm. 16E-38)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded an amended contract totaling \$115,000 which includes an additional \$15,000 for the Erie County Department of Health, and

WHEREAS, the funding will be used to implement the Expanded Syringe Access Program (ESAD) throughout Erie County, and

WHEREAS, the Expanded Syringe Access Program will provide individuals who have medical conditions requiring at home use of sharps, to safely dispose of them and to provide those individuals with information on how they can replace their sharps at a minimal fee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended contract with the New York State Department of Health to provide services budgeted as follows:

WESTERN REGIONAL TRAINING GRANT
07/01/02 - 06/30/03
PROJECT # 706

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553	STATE AID	\$ 100,000	\$ 15,000	\$ 115,000
	TOTAL	<u>\$ 100,000</u>	<u>\$ 15,000</u>	<u>\$ 115,000</u>
 <u>EXPENSES</u>				
800	PERSONAL SERVICES	\$ 65,496	\$ 0	\$ 65,496
805	FRINGE BENEFITS	20,107	0	20,107
810	OFFICE SUPPLIES	500	4,000	4,500
824	TRAVEL & MILEAGE	5,500	0	5,500
825	OUT OF AREA TRAVEL	3,000	1,000	4,000
826	OTHER EXPENSES	5,097	10,000	15,097
830	CONTRACTUAL SERVICES	<u>300</u>	<u>0</u>	<u>300</u>
	TOTAL	<u>\$ 100,000</u>	<u>\$ 15,000</u>	<u>\$ 115,000</u>

and be it further

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

(5-0)

11. Item Page -2002 (Comm. 16E-39)
COUNTY EXECUTIVE

WHEREAS, the Youth Detention Medical Clinic needs to make personnel adjustments to assure consistent coverage for second shift, more flexibility in staffing procedures and utilization of part-time positions and reduce the need for overtime, and meet State requirements, and

WHEREAS, the Health Department wishes to create one full-time position of Registered Nurse, JG N1, and delete one Regular Part Time position of Registered Nurse (position number 126821) and one Part-Time position of Registered Nurse (position number 131530) in order to fund this full-time position, and

WHEREAS, sufficient funds are available in the Health Department's 2002 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full-time position of Registered Nurse, JG N1 and the deletion of one Regular Part Time position of Registered Nurse (position number 126821) and one Part-Time position of Registered Nurse (position number 131530)

The following personnel detail is hereby submitted:

TITLE: Registered Nurse	FUNDING: 100% Reimbursed
JG: N1	CIVIL SERVICE: Non-competitive
STEP: 3	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$35,978	
ANNUAL BENEFITS: \$8,333	

and be it further

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

(5-0)

12. Item Page -2002 (Comm. 16E-40)
COUNTY EXECUTIVE

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

WHEREAS, on May 23, 2002, the Erie County Legislature authorized the County Executive to contract with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$623,520 over a five year period to provide rental assistance for homeless persons disabled by serious mental illness, and

WHEREAS, the Erie County Legislature established a grant and project budget of \$124,704 from HUD for year one of the five year period, and

WHEREAS, additional New York State Office of Mental Health (OMH) funds are available to serve as the required matching funds, and

WHEREAS, the Legislature requested that the Erie County Department of Mental Health (ECMDH) recommend the transfer of said funds in order to execute contracts with specific provider agencies identified through a Request For Proposals (RFP) process, and

WHEREAS, the Erie County Department of Mental Health has recently identified Housing Options Made Easy, Inc., as the RFP recipient of the HUD Shelter Plus Care V award.

NOW, THEREFORE, BE IT

RESOLVED, that a 2002 appropriation be established in Project 739 for Housing Options Made Easy, Inc., in the amount of \$78,485, with the source of these funds being \$39,245 in HUD funds and \$39,240 in NYS Office of Mental Health funds, and be it further

RESOLVED, that the County Executive be authorized to contract with Housing Options Made Easy, Inc., for the period September 1, 2002 through December 31, 2002 in an amount not to exceed \$78,485, and be it further

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

(5-0)

13. Item Page -2002 (Comm. 16E-41)

COUNTY EXECUTIVE

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

WHEREAS, on May 9, 2002, the Erie County Legislature authorized the County Executive to contract with the U. S. Department of Housing and Urban Development (HUD) in the amount of \$513,452 over a three year period to provide rental assistance for homeless persons dually disabled

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by serious mental illness and chemical abuse disorders under the HUD Supportive Housing Program, and

WHEREAS, the Erie County Legislature established a grant and project budget of \$171,150 from HUD for year one of the three year period, and

WHEREAS, additional New York State Office of Mental Health (OMH) funds are available to serve as the required matching funds, and

WHEREAS, the Erie County Legislature requested that the Erie County Department of Mental Health (ECDMH) recommend the transfer of said funds in order to execute contracts with specific provider agencies, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from the Restoration Society, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that a 2002 appropriation for Restoration Society, Inc., be established in Project 738 in the amount of \$93,785, with the source of these funds being \$85,576 in U. S. Department of Housing and Urban Development (HUD) funds and \$8,209 in matching New York State Office of Mental Health (OMH) funds, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2002 contract with Restoration Society, Inc., for the period January 1, 2002 through December 31, 2002, by an amount not to exceed \$93,785, and be it further

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

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 377

September 12, 2002

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT EXCEPT LARSON.

1. Item Page -2002 (Comm. 16E-42)
COUNTY EXECUTIVE

WHEREAS, a Project for the Replacement of the Borden Road Bridge (CR 322) over Buffalo Creek, BIN 3-32702-0, in the Town of West Seneca, Erie County, P.I.N. 5753.53 (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 Project by making a commitment of 100% of non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement, and

WHEREAS, the Project cost for Construction & Construction Inspection has been increased from \$2,103,000.00 to \$2,159,399.95 or \$56,399.95 and the required local share of 20% has been increased by \$11,300.00.

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

RESOLVE, that the County Legislature of the County of Erie 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 the full non-Federal share of the cost of the Construction and Construction Inspection Phase of the project or portions thereof; and be it further

RESOLVED, that the total sum of \$11,300.00 is hereby appropriated from the 1996 Federal Aid Projects Program (SFG 727) in addition to \$420,600.00 previously appropriated for the Project's Construction & Construction Inspection Phase via Erie County Resolution No. 17E-54 adopted on the 4th day of October, 2001 which appropriated \$452,000.00 for the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection Phases, 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 non-Federal share of the costs of the project exceed the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the 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 the non-Federal share of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

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

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

(4-0) Legislator Larson absent.

2. Item Page -2002 (Comm. 16E-43)

COUNTY EXECUTIVE

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

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

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

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

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

RESOLVED, that the sum of \$163,000 is hereby appropriated from the 2002 Federal Aid Road & Bridge Projects Program (SFG 319) and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project 's Construction & Construction Inspection Phase exceeds the amount appropriated above \$163,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Construction & Construction Inspection Phase exceeds \$811,000, 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 on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

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

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

(4-0) Legislator Larson absent.

3. Item Page -2002 (Comm. 16E-44)

COUNTY EXECUTIVE

RESOLVED, that for County purposes of construction and reconstruction of roads, the County Executive is hereby authorized and directed to acquire the following interest in the parcel of land herein described for and in consideration of the sum described herein for the Omphalius Road Project (CR 439), in the Town of Boston

PARCEL	OWNER(S)	AREA	PERMANENT EASEMENT
17	Warner G. Martin and Shirley Martin	0.03 ± acres	\$ 100.00

and be it further,

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RESOLVED, that funds not to exceed an amount of \$100.00 for a permanent easement for the above noted parcel for the Omphalius Road Project be authorized from the 2002 Highway Reconstruction Program - Countywide (SFG 330), 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 Commissioner of Public Works and to the County Comptroller.
 (4-0) Legislator Larson absent.

4. Item Page -2002 (Comm. 16E-45)

COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Rehabilitation (Multi-Course Overlay) of CR 523, Como Park Boulevard from NY Route 277, Union Road, to NY Route 78, Transit Road, in the Town of Cheektowaga, Erie County, P.I.N. 5755.83 (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 Project by making a commitment of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.83.

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

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

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

RESOLVED, that the sum of \$86,000 is hereby appropriated from the 2001 Federal Aid Road and Bridge Projects - Como Park Blvd (CR 523) Design 5755.83 Program (SFG 206) 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 Preliminary Engineering (Scoping and Design I-VI) Phase exceeds \$426,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or

Marchiselli Aid on behalf of the County of Erie with the 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 also one copy each to the Commissioner of Public Works and to the Erie County Comptroller.

(4-0) Legislator Larson absent.

5. Item Page -2002 (Comm. 16E-46)

COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the Lapp Road Bridges, BR 24-3 and 24-4, over Beeman Creek, BIN 3-32628-0 and BIN 3-32629-0, in the Town of Clarence, Erie County, PIN 5756.08, (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 Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals of the Project, PIN 5756.08.

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

RESOLVED, that the sum of \$319,000 is hereby appropriated from the 2001 Federal Aid Road and Bridge Projects - Lapp Road Bridges (CR 24) Design 5756.08 Program (SFG 207) and made available to cover the cost of participation in the above phases of the Project, and be it further

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

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

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

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

(4-0) Legislator Larson absent.

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 378

September 12, 2002

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

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

Item Page -2002 (Comm. 12M-3)
 a. **TOWN OF CHEEKTOWAGA:** Letter to Legislator Dusza Re: Resolution Requesting DPW to Apply for CMAQ Funding.
 (4-0) Legislator Chase absent.

Item Page -2002 (Comm. 16D-3)
 b. **DEP:** SEQR – Solicitation for Lead Agency Status – Unlisted Action.
 (4-0) Legislator Chase absent.

Item Page -2002 (Comm. 16E-53)
 c. **COUNTY EXECUTIVE:** ECSD No. 1 – Engineering Services Agreements.
 (4-0) Legislator Chase absent.

Item Page -2002 (Comm. 16E-55)
 d. **COUNTY EXECUTIVE:** Semi- Annual Attendance Records for Boards of Managers – ECSDs.
 (4-0) Legislator Chase absent.

Item Page -2002 (Comm. 16E-57)
 e. **COUNTY EXECUTIVE:** ECSD Nos. 1-6 – Section 270/271 Resolutions.
 (4-0) Legislator Chase absent.

2. Item Page -2002 (Comm. 16E-52)
COUNTY EXECUTIVE

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the New York State Department of Health (NYSDOH) has provided funding for the Erie County Radon/Indoor Air Quality Program since 1993; and

WHEREAS, Erie County received notification from the NYSDOH on October 3, 2000, of the County's eligibility to receive \$48,500 in grant funding through the State Indoor Radon Grant Program (SIRG 10); and

WHEREAS, the County Executive received authorization through a resolution (Comm. 21E-27) passed on November 2, 2000, to accept the \$48,500 in grant funding from the NYSDOH for implementation of the Erie County/Western New York Comprehensive Radon Risk Reduction Program; and

WHEREAS, the position of Senior Environmental Education Specialist (JG-11 RPT) was created in the Erie County Department of Environment and Planning (ECDEP) and funded from the established budget for the Erie County/Western New York Comprehensive Radon Risk Reduction Program; and

WHEREAS, subsequent changes by the State in the effective dates of the grant period caused a gap in State funding; and

WHEREAS, in order to fill this funding gap and to maintain continuity in its State Indoor Radon Grant Program, it is necessary for the County to provide additional resources.

NOW, THEREFORE BE IT

RESOLVED, that the budget of the SIRG 10 Grant (SFG #563) is hereby increased as follows:

<u>Account</u>	<u>Description</u>	
800	Personal Services	\$20,343
805	Fringe Benefits	4,484
826	Other Expenses	<u>670</u>
Total		\$25,497

and be it further

RESOLVED, that the source of funds for this increase shall be a transfer in the amount of \$25,497 from Regionalism/Economic Development Fund (DAC 110 9043038301299) to Account 886, Interfund Subsidies, in the budget of the Department of Environment and Planning, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney. (4-0) Legislator Chase absent.

3. Item Page -2002 (Comm. 16E-56)

COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and

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WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2002 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, Buffalo, NY, at 1:30 p.m., local time, on November 7, 2002, for the purpose of meeting to hear and consider any objections which may be made to the 2003 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 6, 2002; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek Assistant County Attorney. (4-0) Legislator Chase absent.

JOHN W. GREENAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 379

September 12, 2002

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

MEETING NO. 17
September 19, 2002

ERIE COUNTY LEGISLATURE

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

	Item	Page	-2002	(Comm. 8E-6)
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COMPROLLER: Review of Erie County Legislature Mailings & Postage for Period 1/1/01 – 11/16/01.
(5-0)
 - b.

	Item	Page	-2002	(Comm. 15E-1)
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LARSON: Copy of Electronic Mail from C. Todd Miles to County Attorney Re: Use of Tobacco Funds for Capital Project Soft Costs.
(5-0)
 - c.

	Item	Page	-2002	(Comm. 16D-2)
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BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for the Period Ending 5/31/02.
(5-0)
 - d.

	Item	Page	-2002	(Comm. 16D-4)
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BUDGET, MANAGEMENT & FINANCE: 2002 Year Annual Report of Division of Real Property Tax with 2001 Equalization Rates & 2002 Tax Rates.
(5-0)
 - e.

	Item	Page	-2002	(Comm. 16D-10)
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BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for Period Ending 6/30/02.
(5-0)
 - f.

	Item	Page	-2002	(Comm. 16E-1)
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COMPROLLER: Response to Report of Examination Prepared by NYS Comptroller's Office.
(5-0)
 - g.

	Item	Page	-2002	(Comm. 16E-3)
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COMPROLLER: EC's Comprehensive Annual Financial Report for Fiscal Year Ended 12/31/01.
(5-0)
 - h.

	Item	Page	-2002	(Comm. 16E-4)
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COMPROLLER: Quarterly Investment Report 4/1/02 – 6/30/02.
(5-0)
 - i.

	Item	Page	-2002	(Comm. 16E-5)
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COMPROLLER: Apportionment & Distribution of 4% Sales Tax Received by EC from NYS for 7/02.
(5-0)

- | | | | | |
|----|---------------------------------------------|----------------------------------------------------------------------------------------|-------|----------------|
| | Item | Page | -2002 | (Comm. 16E-9) |
| j. | COMPTROLLER: | Management Letter for ECMC Healthcare Network for Fiscal Year Ended 12/31/01.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16E-10) |
| k. | COMPTROLLER: | Review of Unfilled Vacant Positions.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16E-11) |
| l. | COMPTROLLER: | Supplement to Comprehensive Annual Financial Report for Year Ended 12/31/02.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16E-14) |
| m. | COMPTROLLER: | County's Interim Financial Report for Three Months Ended 3/31/02.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16M-8) |
| n. | AUDIT COMMITTEE FOR ERIE COUNTY: | 2001 Annual Report.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16M-25) |
| o. | NYS BOARD OF REAL PROPERTY SERVICES: | List of Certified 2002 State Equalization Rates.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16M-27) |
| p. | NYS BOARD OF REAL PROPERTY SERVICES: | List of Certified 2002 State Equalization Rates.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16M-28) |
| q. | NYS BOARD OF REAL PROPERTY SERVICES: | List of Certified 2002 State Equalization Rates.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16M-29) |
| r. | NYS BOARD OF REAL PROPERTY SERVICES: | List of Certified 2002 State Equalization Rates.
(5-0) | | |
| | Item | Page | -2002 | (Comm. 16M-30) |

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- s. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 Class Equalization Rates.
 (5-0)

Item Page -2002 (Comm. 16M-36)

- t. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 State Equalization Rates.
 (5-0)

Item Page -2002 (Comm. 16M-37)

- u. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 Class Equalization Rates.
 (5-0)

Item Page -2002 (Comm. 16M-38)

- v. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 Class Equalization Rates.
 (5-0)

Item Page -2002 (Comm. 16M-39)

- w. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 State Equalization Rates.
 (5-0)

Item Page -2002 (Comm. 16M-40)

- x. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 State Equalization Rates.
 (5-0)

Item Page -2002 (Comm. 16M-41)

- y. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2002 Class Equalization Rates.
 (5-0)

2. Item Page -2002 (Comm. 1D-9A)

BUDGET, MANAGEMENT & FINANCE

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

email document is 202898.em

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

RESOLVED, that petitions numbered 202841 through 202895 inclusive

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be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202841 / 2002 - ASSESSOR - Cancel - \$162.93

SBL No. 141.52-2-69 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 162.93 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE CITY OF LACKAWANNA OWNS AND IS WHOLLY EXEMPT FROM COUNTY TAXES. RPTL 550(2)C

Petition No. 202842 / 2002 - ASSESSOR - Cancel - \$180.04

SBL No. 142.11-6-18 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 180.04 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 29,100 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202843/ 2002 - ASSESSOR - Cancel - \$23.73

SBL No. 142.15-5-12 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 23.73 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE DISABILITY EXEMPTION IN THE AMOUNT OF 15,340 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202844 / 2002 - ASSESSOR - Cancel - \$264.49

SBL No. 142.20-1-17 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 264.49 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 33,250

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THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202845 / 2002 - ASSESSOR - Cancel - \$590.86

SBL No. 151.06-3-20 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 590.86 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE PARAPLEGIC EXEMPTION IN THE AMOUNT OF 95,500 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202846/ 2002 - ASSESSOR - Cancel - \$55.82

SBL No. 151.08-5-36 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 55.82 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 9,022 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202847/ 102 - ASSESSOR - Cancel - \$232.74

SBL No. 108.18-1-24 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 232.74 - Town/SpecialDist/School

Charge to : VILLAGE OF ALDEN 232.74

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS PLACED ON THIS PARCEL IN ERROR. THE RPTL 520 WAS PREVIOUSLY PAID. RPTL 550(2)E

Petition No. 202848/ 102 - ASSESSOR - Cancel - \$158.79

SBL No. 108.18-6-16 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 158.79 - Town/SpecialDist/School

Charge to : VILLAGE OF ALDEN 158.79

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CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL WAS MISCALCULATED. THE WRONG SALE DATE WAS USED. RPTL 550(2)E

Petition No. 202849 / 102 - ASSESSOR - Refund - \$36.13

SBL No. 108.20-2-16 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 36.13 - Town/SpecialDist/School

Charge to : VILLAGE OF ALDEN 36.13

REFUND - CLERICAL ERROR, THE RPTL 520 WAS PAID ON THE 2000/2001 VILLAGE TAX. RPTL 520 WAS PLACED ON THIS PARCEL IN ERROR. RPTL 550(2)E
 CHECK IN FAVOR OF: SLYVIA STEVENS

Petition No. 202850 / 102 - ASSESSOR - Refund - \$124.62

SBL No. 108.20-8-8 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 124.62 - Town/SpecialDist/School

Charge to : VILLAGE OF ALDEN 124.62

REFUND - CLERICAL ERROR, RPTL 520 WAS PREVIOUSLY PAID ON THE 2000/2001 VILLAGE TAX. THE RPTL 520 WAS PLACED ON THIS PRCEL IN ERROR.
 RPTL 550(2)E
 CHECK IN FAVOR OF: GLEN SCHULTZ

Petition No. 202851 / 102 - ASSESSOR - Refund - \$429.97

SBL No. 108.20-10-6.1 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 429.97 - Town/SpecialDist/School

Charge to : VILLAGE OF ALDEN 429.97

REFUND - CLERICAL ERROR, THE RPTL 520 WAS PAID ON THE 2000/2001 VLG THE RPTL 520 ON THE 2001/2002 VILLAGE TAX BILL WAS PLACED ON THE BILL IN ERROR. RPTL 550(2)E
 CHECK IN FAVOR OF: RICHARD & LEEZA BROWN

Petition No. 202852 / 2002 - ASSESSOR - Cancel - \$44,607.92

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SBL No. 119.08-3-12.112 - TOWN OF ALDEN

Acct. No. 112 - \$ 11,138.97 - County

Acct. No. 132 - \$ 33,468.95 - Town/SpecialDist/School

Charge to : TOWN OF ALDEN 2,983.48
 VILLAGE OF ALDEN 30,485.47

CANCEL - CLERICAL ERROR, THIS PARCEL IS EXEMPT FROM TAXES UNDER
 PUBLIC AUTHORITY TAX LAW. RPTL 550(2)C

Petition No. 202853 / 2002 - ASSESSOR - Refund - \$235.38

SBL No. 27.15-7-17 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 235.38 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 235.38

REFUND - CLERICAL ERROR, THE LIGHT DISTRICT ON THIS PARCEL WAS
 MISCALCULATED. RPTL 550(2)E
 CHECK IN FAVOR OF: SUE & THEODORE COCHRAN

Petition No. 202854 / 9900 - ASSESSOR - Refund - \$750.89

SBL No. 28.00-1-4.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 750.89 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 750.89

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE. SBL 28.00-1-1.21J
 RPTL 550(2)F

CHECK IN FAVOR OF: THE UNILAND PARTNERSHIP

Petition No. 202855 / 2000 - ASSESSOR - Refund - \$573.16

SBL No. 28.00-1-4.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 240.97 - County

Acct. No. 132 - \$ 332.19 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 332.19

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE. THE SBL IS

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28.00-1-1.21/J RPTL 550(2)F
 CHECK IN FAVOR OF: THE UNILAND PARTNERSHIP

Petition No. 202856 / 1 - ASSESSOR - Refund - \$772.22

SBL No. 28.00-1-4.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 772.22 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 772.22

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL.
 SBL 28.00-1-1.21/J. RPTL 550(2)F
 CHECK IN FAVOR OF: THE UNILAND PARTNERSHIP

Petition No. 202857 / 2001 - ASSESSOR - Refund - \$536.22

SBL No. 28.00-1-4.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 202.56 - County

Acct. No. 132 - \$ 333.66 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 333.66

REFUND - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL. THE SBL IS
 28.00-1-1.211/J. RPTL 550(2)F
 CHECK IN FAVOR OF: THE UNILAND PARTNERSHIP

Petition No. 202858 / 102 - ASSESSOR - Refund - \$782.70

SBL No. 28.00-1-4.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 782.70 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 782.70

REFUND - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL. THE SBL IS
 28.00-1-1.211/J. RPTL 550(2)R
 CHECK IN FAVOR OF: THE UNILAND PARTNERSHIP

Petition No. 202859 / 2002 - ASSESSOR - Cancel - \$541.64

SBL No. 28.00-1-4.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 202.13 - County

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Acct. No. 132 - \$ 339.51 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 339.51

CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL. PARCEL IS UNDER
 SBL 28.00-1-1.211/J. RPTL 550(2)F

Petition No. 202860 / 2002 - ASSESSOR - Refund - \$156.50

SBL No. 28.13-1-30 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 156.50 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 156.50

REFUND - THE LIGHT DISTRICT WAS MISCALCULATED. RPTL 550(2)E
 CHECK IN FAVOR OF: ALAN & JILL PARRINO

Petition No. 202861 / 2002 - ASSESSOR - Refund - \$478.48

SBL No. 29.17-1-57 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 478.48 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 478.48

REFUND - CLERICAL ERROR, THE LIGHT DISTRICT WAS MISCALCULATED.
 RPTL 550(2)E
 CHECK IN FAVOR OF: JENNIFER & MICHAEL ELDRIDGE

Petition No. 202862 / 2002 - ASSESSOR - Refund - \$367.92

SBL No. 42.08-2-25 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 367.92 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 367.92

REFUND - CLERICAL ERROR, THE LIGHT DISTRICT WAS MISCALCULATED.
 RPTL 550(2)E
 CHECK IN FAVOR OF: WELDON & CYNTHIA JONES

Petition No. 202863 / 2001 - ASSESSOR - Refund - \$1,766.79

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SBL No. 54.02-1-44 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,766.79 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,766.79

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED ON THE SANITARY
 SEWER TAX. RPTL 550(2)E
 CHECK IN FAVOR OF: DAVID ROG

Petition No. 202864 / 102 - ASSESSOR - Refund - \$563.10

SBL No. 55.08-5-17 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

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

Charge to : BASIC STAR EXEMPTION 563.10

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

Petition No. 202865 / 102 - ASSESSOR - Refund - \$656.39

SBL No. 67.64-2-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 656.39 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 656.39

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

Petition No. 202866 / 102 - ASSESSOR - Refund - \$361.02

SBL No. 68.17-6-23 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 361.02 - Town/SpecialDist/School

Charge to : AMHERST CENTRAL 361.02

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REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 3,500
 WAS MISCALCULATED. THE CORRECT AMOUNT IS 35,000. RPTL 550(2)C
 CHECK IN FAVOR OF: JUNE WATT

Petition No. 202867 / 2002 - ASSESSOR - Refund - \$197.18

SBL No. 68.17-6-23 - TOWN OF AMHERST

Acct. No. 112 - \$ 101.79 - County

Acct. No. 132 - \$ 95.39 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 95.39

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 3,500
 WAS MISCALCULATED. THE CORRECT AMOUNT IS 35,000. RPTL 550(2)E
 CHECK IN FAVOR OF: JUNE WATT

Petition No. 202868 / 203 - ASSESSOR - Cancel - \$1,048.18

SBL No. 114.08-7-24 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,048.18 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 1,048.18

CANCEL - CLERICAL ERROR, THE SENIOR STAR EXEMPTION IN THE AMOUNT
 OF 32,500 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM

THE TAX ROLL. RPTL 550(2)C
 DEPEW CENTRAL SCHOOL DISTRICT

Petition No. 202869 / 203 - ASSESSOR - Cancel - \$503.89

SBL No. 125.06-17-31 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 503.89 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 503.89

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 19,500 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C

Petition No. 202870 / 203 - ASSESSOR - Cancel - \$582.44

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SBL No. 43.05-4-40.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 582.44 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 582.44

CANCEL- CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

WILLIAMSVILLE CENTRAL

Petition No. 202871 / 203 - ASSESSOR - Cancel - \$497.17

SBL No. 43.10-1-7 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 497.17 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 497.17

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CLARENCE CENTRAL

Petition No. 202872 / 203 - ASSESSOR - Cancel - \$497.16

SBL No. 43.11-1-9 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 497.16 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 497.16

CANCEL- CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CLARENCE CENTRAL

Petition No. 202873 / 203 - ASSESSOR - Cancel - \$580.02

SBL No. 70.18-6-9 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 580.02 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 580.02

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CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 40,000 AND SHOULD BE 5,000.
 RPTL 550(2)

Petition No. 202874 / 203 - ASSESSOR - Cancel - \$331.44

SBL No. 43.16-2-42 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 331.44 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 331.44

CANCEL - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR EXEMPTION
 IN THE AMOUNT OF 30,000 AND SHOULD BE 50,000. RPTL 550(2)C
 CLARENCE CENTRAL

Petition No. 202875 / 203 - ASSESSOR - Cancel - \$1,834.52

SBL No. 70.14-3-4 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,834.52 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 1,005.92
 NYS STAR ENHANCED EXEMPTI 828.60

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 60,700
 AND THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 THAT THIS
 PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.
 RPTL 550(2)C CLARENCE CENTRAL

Petition No. 202876 / 203 - ASSESSOR - Cancel - \$828.60

SBL No. 71.00-3-26.1/GO - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 828.60 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 828.60

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT
 OF 50,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2)C
 CLARENCE CENTRAL

Petition No. 202877 / 203 - ASSESSOR - Refund - \$311.44

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SBL No. 72.06-5-4 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 311.44 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 311.44

REFUND - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR EXEMPTION

IN THE AMOUNT OF 30,000 AND WAS ENTITLED TO THE ENHANCED STAR IN THE
 AMOUNT OF 50,000. RPTL 550(2)B CLARENCE CENTRAL
 CHECK IN FAVOR OF: RPBERT & SHARON LARKIN

Petition No. 202878 / 203 - ASSESSOR - Cancel - \$580.02

SBL No. 82.10-1-19 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 580.02 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 580.02

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 40,000 AND SHOULD BE 5,000.
 RPTL 550(2)A

Petition No. 202879 / 2001 - ASSESSOR - Cancel - \$1,302.87

SBL No. 246.10-2-13.2 - TOWN OF HOLLAND

Acct. No. 112 - \$ 498.21 - County

Acct. No. 132 - \$ 804.66 - Town/SpecialDist/School

Charge to : TOWN OF HOLLAND 399.25
 HOLLAND FIRE DIST #1 120.90
 ERIE CO SEW DST 3 284.51

CANCEL - CLERICAL ERROR, THIS IS A GROUP HOME AND IS EXEMPT FROM TAXES
 PAYS ONLY ON SPECIAL ASSESSMENTS THAT THEY RECEIVE A DIRECT BENEFIT.
 RPTL 550(2)C

Petition No. 202880 / 102 - ASSESSOR - Refund - \$480.18

SBL No. 115.11-2-31 - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00 - County

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Acct. No. 132 - \$ 480.18 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 480.18

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 25,310 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C LANCASTER CENTRAL
 CHECK IN FAVOR OF: ANTHONY DOBUCKI & PATRICIA RUSSO

Petition No. 202881 / 2001 - ASSESSOR - Refund - \$62.79

SBL No. 33.00-4-5.1 - TOWN OF LANCASTER

Acct. No. 112 - \$ 39.11 - County

Acct. No. 132 - \$ 23.68 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER 23.02

WATER DISTRICT #1 0.66

REFUND - ERROR IN ESSENTIAL FACT, CHARGED FOR AN IMPROVEMENT NOT IN EXISTENCE. THE SQUARE FOOTAGE USED WAS 1680 AND SHOULD BE 1080. THE ASSESSMENT WAS 86,900 AND SHOULD BE 74,200. RPTL 550(3)B
 CHECK IN FAVOR OF: RAYMOND GORSKI

Petition No. 202882 / 102 - ASSESSOR - Refund - \$187.53

SBL No. 33.00-4-5.1 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 187.53 - Town/SpecialDist/School

Charge to : AKRON CENTRAL 187.53

REFUND - ERROR IN ESSENTIAL FACT, CHARGED FOR AN IMPROVEMENT THAT DID NOT EXIST. SQUARE FOOTAGE WAS 1680. ACTUAL FOOTAGE IS 1080. THE ASSESSED VALUE WAS 86,900 AND SHOULD BE 74,200. RPTL 550(3)B
 CHECK IN FAVOR OF: RAYMOND GORSKI

Petition No. 202883 / 2002 - ASSESSOR - Refund - \$98.52

SBL No. 33.00-4-5.1 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 62.75 - County

Acct. No. 132 - \$ 35.77 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 35.36

WATER DISTRICT #1 0.41

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REFUND - ERROR IN ESSENTIAL FACT, CHARGED FOR IMPROVEMENT NOT IN
 EXISTENCE. THE SQUARE FOOTAGE USED WAS 1680 AND SHOULD BE 1080. THE
 ASSESSMENT WAS 86,900 AND SHOULD BE 74,200. RPTL 550(3)B.
 CHECK IN FAVOR OF: RAYMOND GORSKI

Petition No. 202884 / 2002 - ASSESSOR - Cancel - \$37.57

SBL No. 60.00-3-6./CN - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 24.56 - County

Acct. No. 132 - \$ 13.01 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 13.01

CANCEL- CLERICAL ERROR, PARCEL IS A DUPLICATE OF 60.00-3-6./186.
 RPTL 550(2)F

Petition No. 202885/ 2000 - ASSESSOR - Refund - \$150.00

SBL No. 173.05-2-14 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 150.00 - Town/SpecialDist/School

Charge to : ERIE CO SEW DST 3 150.00

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR TWO UNITS OF SEWER
 SERVICE. PARCEL SHOULD ONLY BE CHARGED FOR ONE UNIT. RPTL 550(2)E
 CHECK IN FAVOR OF: PAUL C & GRACE A COLLINS

Petition No. 202886 / 2001 - ASSESSOR - Refund - \$165.00

SBL No. 173.05-2-14 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 165.00 - Town/SpecialDist/School

Charge to : ERIE CO SEW DST 3 165.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO UNITS OF SEWER
 SERVICE AND SHOULD ONLY BE CHARGED FOR ONE UNIT OF SERVICE.

RPTL 550(2)E

CHECK IN FAVOR OF: PAUL C & GRACE A COLLINS

Petition No. 202887 / 2002 - ASSESSOR - Cancel - \$165.00

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SBL No. 173.05-2-14 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 165.00 - Town/SpecialDist/School

Charge to : ERIE CO SEW DST 3 165.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO UNITS OF SEWER SERVICE AND SHOULD ONLY BE CHARGED FOR ONE UNIT OF SERVICE.
 RPTL 550(2)E
 CHECK IN FAVOR OF: PAUL C & GRACE COLLINS

Petition No. 202888 / 2000 - ASSESSOR - Cancel - \$669.59

SBL No. 294.00-1-6.12 - TOWN OF SARDINIA

Acct. No. 112 - \$ 204.47 - County

Acct. No. 132 - \$ 465.12 - Town/SpecialDist/School

Charge to : TOWN OF SARDINIA 68.62
 HOLLAND CENTRAL 371.21
 SARDINIA FIRE PROTECT 25.29

CANCEL - CLERICAL ERROR, PARCEL HAS BEEN SPLIT INTO SBL 294.00-1-6.121, 294.00-1-6.122, 294.00-6-123. RPTL 550(2)F

Petition No. 202889 / 2001 - ASSESSOR - Cancel - \$662.25

SBL No. 294.00-1-6.12 - TOWN OF SARDINIA

Acct. No. 112 - \$ 189.81 - County

Acct. No. 132 - \$ 472.44 - Town/SpecialDist/School

Charge to : TOWN OF SARDINIA 63.42
 HOLLAND CENTRAL 383.83
 SARDINIA FIRE PROTECT 25.19

CANCEL - CLERICAL ERROR, PARCEL HAS BEEN SPLIT SBL 294.00-1-6.121, 294.00-1-6.122 AND 294.00-1-6.123. RPTL 550(2)F

Petition No. 202890 / 2002 - ASSESSOR - Cancel - \$730.59

SBL No. 294.00-1-6.12 - TOWN OF SARDINIA

Acct. No. 112 - \$ 200.63 - County

Acct. No. 132 - \$ 529.96 - Town/SpecialDist/School

Charge to : TOWN OF SARDINIA 59.52

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HOLLAND CENTRAL	441.28
SARDINIA FIRE PROTECT	29.16

CANCEL - CLERICAL ERROR, PARCEL HAS BEEN SPLIT. SBL 294.00-1-6.121,
 294.00-1-6.122, 294.00-1-6.123. RPTL 550(2)F

Petition No. 202891 / 102 - ASSESSOR - Refund - \$628.21

SBL No. 54.53-1-2 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C KEN-TON
 CHECK IN FAVOR OF: WILLIAM & BRENDA RUDOLPH

Petition No. 202892 / 1 - ASSESSOR - Refund - \$310.69

SBL No. 77.28-3-26 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 310.69 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 310.69

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 13,380 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2)C KEN TON
 CHECK IN FAVOR OF: MELANIE CARBONETTI

Petition No. 202893 / 102 - ASSESSOR - Refund - \$628.21

SBL No. 77.28-3-26 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 24,170 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2)C KEN TON
 CHECK IN FAVOR OF: MELANIE CARBONETTI

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Petition No. 202894 / 102 - ASSESSOR - Refund - \$628.21

SBL No. 78.23-1-46 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C KEN TON
 CHECK IN FAVOR OF: YOUNG H TATO

Petition No. 202895 / 203 - ASSESSOR - Cancel - \$200.00

SBL No. 78.31-6-6.1 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 200.00 - Town/SpecialDist/School

Charge to : VILLAGE OF KENMORE 200.00

CANCEL - CLERICAL ERROR, MISCELLANOUS CHARGE PLACED ON PARCEL IN ERROR
 RPTL 550(2)E

(5-0)

3. Item Page -2002 (Comm. 16E-28)

COUNTY EXECUTIVE

WHEREAS, the County has been notified by New York State of the IGT program details and payment schedule for the 2002-2003 State fiscal year, and

WHEREAS, the payment schedule provides for regular IGT payments to the Erie County Medical Center (ECMC) and the Erie County Home in August and October of 2002, and

WHEREAS, the payment schedule includes an ECMC supplemental IGT reconciliation payment to be received in September for the 1999-00 program year, and

WHEREAS, the annual county budget includes the IGT program on a "net zero" basis only, with subsequent budget amendments to be defined when actual details of gross revenue amounts and local share cost are known, and

WHEREAS, amendments are required in the 2002 budget of the Department of Social Services to reflect the actual 90 percent Medicaid local share cost of the IGT program and the recoupment of this local share from ECMC and the Erie County Home, and

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WHEREAS, in lieu of a regular IGT payment for ECMC hospital inpatient and outpatient services the Medical Center will receive a one-time Upper Payment Limit (UPL) payment adjustment of \$14.70 million for the period September 1, 2001 through May 14, 2002, and

WHEREAS, the UPL adjustment represents the difference between the regular Medicaid payment rate and 150 percent of the federal Upper Payment Limit (UPL) rate for hospital inpatient and outpatient services, and

WHEREAS, there will be a Medicaid local share cost for the UPL payment in the Department of Social Services which will be recouped from ECMC, and

WHEREAS, additional amendments are required in the 2002 budget of the Department of Social Services to reflect Medicaid local share cost of the UPL program and the recoupment of this local share from ECMC, and

WHEREAS, the IGT and UPL Program gross revenues, local share costs and net revenues to be realized in 2002 are as follows:

	<u>Gross IGT Revenue</u>	<u>Medicaid Local Share Cost</u>	<u>Net Revenue</u>
ECMC – P/Y Reconciliation	\$24,609,550	\$22,148,595	\$ 2,460,955
ECMC – Regular	\$ -0-	\$ -0-	\$ -0-
ECMC – SNF Regular	<u>\$ 9,864,462</u>	<u>\$ 8,878,016</u>	<u>\$ 986,446</u>
Total ECMC	\$34,474,012	\$31,026,611	\$ 3,447,401
Erie County Home Regular	<u>\$44,863,090</u>	<u>\$40,376,782</u>	<u>\$ 4,486,308</u>
Subtotal IGT Program	\$79,337,102	\$71,403,393	\$ 7,933,709
ECMC UPL Payment	<u>\$14,697,733</u>	<u>\$12,003,536</u>	<u>\$ 2,694,197</u>
GRAND TOTAL	<u>\$94,034,835</u>	<u>\$83,406,929</u>	<u>\$10,627,906</u>

NOW, THEREFORE, BE IT

RESOLVED, that the following amendments are hereby authorized in the 2002 budget of the Department of Social Services, Fund 120, to reflect the 90 percent IGT Medicaid local share cost, the UPL Medicaid local share cost and the recoupment of same from ECMC and the Erie County Home.

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<u>Account</u>	<u>Description</u>	<u>Increase</u>
840-0100	MMIS – IGT Local Share	\$71,403,393
840-0200	MMIS – UPL Local Share	<u>\$12,003,536</u>
	Total Appropriation	<u>\$83,406,929</u>
510-0100	Refund of Expense – IGT	\$71,403,393
510-0200	Refund of Expense – UPL	<u>\$12,003,536</u>
	Total Revenue	<u>\$83,406,929</u>

and be it further,

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

(5-0)

Item Page -2002 (Comm. 16E-51)
 4. **COUNTY EXECUTIVE**

WHEREAS, St. Paul's Place Apartment, L.P. (St. Paul's Place) is developing housing for elderly individuals (Project) pursuant to Article XI of the New York State Private Housing Finance Law; and

WHEREAS, the project is located at 930 Lake Street, Angola, New York and contain sixteen residential units for low and moderate income elderly individuals; and

WHEREAS, St. Paul's Place will be managed by Episcopal Community Housing, Inc; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for St. Paul's Place Apartments, L.P., it is necessary to obtain tax relief from the County of Erie and the Town of Evans.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT agreement with St. Paul's Place relating to the property located at 930 Lake Street, Evans, New York, and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said agreement shall include an annual PILOT of \$4,044 by St. Paul's Place in the first year of the PILOT Agreement, with a three (3) percent increase annually thereafter

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for a fifteen year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

(5-0)

5. Item Page -2002 (Comm. 16E-60)

COMPTROLLER

RESOLUTION NO. 380-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 11, 2002, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE CONVENTION CENTER RECONSTRUCTION

(Introduced) _____, 2002

(Adopted) _____, 2002

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2002 Capital Budget of the County, pursuant to the bond resolution adopted on April 11, 2002, by the Legislature, and hereinafter referred to; and

WHEREAS, it is now necessary to provide \$500,000 additional County funds for the reconstruction of the Convention Center;

NOW, THEREFORE, BE IT

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

SECTION (A) Section 1. Row 2 column B of the attached schedule to Resolution 160-2002 of said County duly adopted by the Legislature on April 11, 2002 which states "\$1,500,000" is hereby amended to state "\$2,000,000."

Section 2. Row 2 column C of the attached schedule to Resolution 160-2002 of said County duly adopted by the Legislature on April 11, 2002 stating "\$1,500,000" is hereby amended to state "\$2,000,000." Bonds of the County in the principal amount of \$500,000 are hereby authorized to be issued, in addition to \$1,500,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Resolution No. 160-2002 of said County duly adopted by the Legislature on April 11, 2002, entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2002 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$60,143,100, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$12,128,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$48,015,100 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2002, AMENDING THE BOND RESOLUTION ADOPTED APRIL 11, 2002.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2002 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$60,643,100, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$12,128,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$48,515,100 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.
(5-0)

6. Item Page -2002 (Comm. 16E-61)
COMPTROLLER
RESOLUTION NO. 381-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001 AND AMENDED NOVEMBER 8, 2001 AND MARCH 21, 2002, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE DESIGN OF VARIOUS COUNTY FACILITIES

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(Introduced) _____, 2002

(Adopted) _____, 2002

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2001 Capital Budget of the County, pursuant to the bond resolution adopted on April 5, 2001 and thereafter amended on November 8, 2001 and March 21, 2002, by the Legislature, and hereinafter referred to; and

WHEREAS, it is now necessary to provide (i) \$9,300 additional County funds for the design for Como Park Boulevard and (ii) \$7,450 additional County funds for the design for the Lapp Road Bridge;

NOW, THEREFORE, BE IT

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

SECTION (A) Section 1. Row 15 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 which states "\$240,000" is hereby amended to state "\$426,000."

Section 2. Row 15 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$12,000" is hereby amended to state "\$21,300." Bonds of the County in the principal amount of \$9,300 are hereby authorized to be issued, in addition to \$12,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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Section 3. Row 15 column D of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$228,000" is hereby amended to state "\$404,700."

Section 4. Row 19 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 which states "\$170,000" is hereby amended to state "\$319,000."

Section 5. Row 19 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$8,500" is hereby amended to state "\$15,950." Bonds of the County in the principal amount of \$7,450 are hereby authorized to be issued, in addition to \$8,500 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 6. Row 19 column D of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$161,500" is hereby amended to state "\$303,050."

Section 7. Resolution No. 152-2001 of said County duly adopted by the Legislature on April 5, 2001 and amended November 8, 2001 and March 21, 2002, entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$44,593,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$5,007,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE; AND AUTHORIZING THE ISSUANCE OF \$36,985,416 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR

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THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2002, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001 AND AMENDED NOVEMBER 8, 2001 AND MARCH 21, 2002.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,455,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$5,826,600 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE; AND AUTHORIZING THE ISSUANCE OF \$37,028,516 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS."

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.
 (5-0)

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate items #5 & #6 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #5. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 382

September 12, 2002

PUBLIC SAFETY
COMMITTEE
REPORT NO. 9

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

1. RESOLVED, that the following items were received and filed.

Item Page -2001 (Comm. 14E-8)
 a. **SHERIFF:** Letter to Legislator Kuwik Re: Work Needed to be Done for Completion of the SWAT Range.
 (5-0)

Item Page -2002 (Intro. 16-2)
 b. **DeBENEDETTI, MAJORITY CAUCUS:** Support for the Implementation of the Amber Alert Broadcast in Erie County.
 (5-0)

2. Item Page -2002 (Comm. 16E-16)
COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Aid to Prosecution Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney’s Grant Budgets in Book B for 2002, and

WHEREAS, the contract received from the New York State Division of Criminal Services authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Aid to Prosecution to match final state authorized funding levels, to be adjusted as follows:

AID TO PROSECUTION GRANT – Project #608
 April 1, 2002 – March 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 830,688	\$ - 0 -	\$ 830,688
Acct. 686 1400 Interfund DA	710,871	9,700	720,571
Acct. 698 0105 Approp. Fund. Bal.	<u>169,000</u>	<u>- 0 -</u>	<u>169,000</u>
Total Revenue	<u>\$1,710,559</u>	<u>\$ 9,700</u>	<u>\$1,720,259</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 1,439,232	\$ - 0 -	\$ 1,439,232
Acct. 803 M/C Salary Adj.	(54,400)	- 0 -	(54,400)
Acct. 805 Fringe Benefits	320,727	- 0 -	320,727
Acct. 810 Office Supplies	1,000	3,700	4,700
Acct. 821 Dues & Fees	2,000	3,000	5,000
Acct. 825 Out of Area Travel	2,000	(2,000)	- 0 -

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Acct. 826 Other Expenses	- 0 -	<u>5,000</u>	<u>5,000</u>
Total Appropriations	<u>\$ 1,710,559</u>	<u>\$ 9,700</u>	<u>\$ 1,720,259</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.
(5-0)

3. Item Page -2002 (Comm. 16E-17)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Multijurisdictional Program Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2002, and

WHEREAS, the contract received from the New York State Division of Criminal Services authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Multijurisdictional Program to match final state authorized funding levels, to be adjusted as follows:

MULTIJURISDICTIONAL PROGRAM GRANT – Project #619

April 1, 2002 – March 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 252,407	\$ 3,664	\$ 256,071
Acct. 686 1400 Interfund DA	<u>61,034</u>	<u>8,908</u>	<u>69,942</u>
Total Revenue	<u>\$ 313,441</u>	<u>\$ 12,572</u>	<u>\$ 326,013</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 262,639	\$ - 0 -	\$ 262,639
Acct. 803 M/C Salary Adj.	(11,388)	- 0 -	(11,388)
Acct. 805 Fringe Benefits	58,190	(5,428)	52,762
Acct. 810 Office Supplies	- 0 -	2,000	2,000
Acct. 821 Dues & Fees	2,000	11,000	13,000
Acct. 825 Out of Area Travel	2,000	- 0 -	2,000
Acct. 826 Other Expenses	<u>- 0 -</u>	<u>5,000</u>	<u>5,000</u>
Total Appropriations	<u>\$ 313,441</u>	<u>\$ 12,572</u>	<u>\$ 326,013</u>

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.
 (5-0)

4. Item Page -2002 (Comm. 16E-20)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Victim/Witness Assistance and Child Advocacy Program Grants provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2002, and

WHEREAS, the amended contract received from the NYS Crime Victims Board authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness and Child Advocacy Grants to match final state authorized funding levels, to be adjusted as follows:

VICTIM/WITNESS ASSISTANCE GRANT – Project #620

October 1, 2002 – September 30, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 NYSDCJS	\$ 280,700	\$ (16,500)	\$ 264,200
Acct. 686 Interfund DA	24,557	17,159	41,716
Total Revenue	<u>\$ 305,257</u>	<u>\$ 659</u>	<u>\$ 305,916</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 247,426	\$ - 0 -	\$ 247,426
Acct. 801 Overtime	2,527	- 0 -	2,527
Acct. 805 Fringe Benefits	57,304	- 0 -	57,304
Acct. 824 Travel & Mileage	8,000	(3,000)	5,000
Acct. 826 Other Expenses	- 0 -	600	600
Acct. 883 Interfund-County Exec	(10,000)	- 0 -	(10,000)
Acct. 933 Lab & Tech Equip	<u>- 0 -</u>	<u>3,059</u>	<u>3,059</u>
Total Appropriations	<u>\$ 305,257</u>	<u>\$ 659</u>	<u>\$ 305,916</u>

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CHILD ADVOCACY GRANT – Project #610

October 1, 2002 – September 30, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 NYSDCJS	\$ 45,000	\$ 16,500	\$ 61,500
Acct. 686 Interfund DA	<u>16,500</u>	<u>(16,500)</u>	<u>- 0 -</u>
Total Revenue	<u>\$ 61,500</u>	<u>\$ - 0 -</u>	<u>\$ 61,500</u>
Appropriations			
Acct. 800 Personal Services	\$ 49,935	\$ - 0 -	\$ 49,935
Acct. 805 Fringe Benefits	<u>11,565</u>	<u>- 0 -</u>	<u>11,565</u>
Total Appropriations	<u>\$ 61,500</u>	<u>\$ - 0 -</u>	<u>\$ 61,500</u>

and be it further

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

(5-0)

JEANNE Z. CHASE
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 383

September 12, 2002

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

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

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- | | | | | |
|----|--------------------------------------|--------------------------------------------------|-------|---------------|
| | Item | Page | -2002 | (Comm. 10M-7) |
| a. | WOMEN'S PAVILION PAN AM 2001: | Audit Report for Years 2000 & 2001 Ending 12/31. | | |
| | (4-0) Legislator Weinstein absent. | | | |
| | | | | |
| | Item | Page | -2002 | (Comm. 12D-1) |
| b. | ECC: | ECC Board of Trustees 2002-2003 Budget. | | |
| | (4-0) Legislator Weinstein absent. | | | |

ELISE CUSACK
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 384

September 12, 2002

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

- RESOLVED, that the following item is received and filed.

- | | | | | |
|----|-------------------------|-------------------|-------|---------------|
| | Item | Page | -2002 | (Comm. 16D-7) |
| a. | COUNTY ATTORNEY: | Notice of Claims. | | |
| | (5-0) | | | |

- Item Page -2002 (Comm. 16E-21)
COUNTY EXECUTIVE

WHEREAS, the County, through the Enterprise Resource Planning (ERP) project will be upgrading its financial and human resource software to enhance the efficiency and effectiveness of county government, and

WHEREAS, the Human Resource/Payroll component of the software is one of the most vital and complex systems to install, and

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WHEREAS, the Personnel Department representative on the ERP Project Team is Mr. William Burke, who has over 30 years of HR/payroll experience, and

WHEREAS, Mr. Burke has decided to retire from full-time County service, and

WHEREAS, it is deemed essential that Mr. Burke stay with the ERP project to assure the successful implementation of the Payroll system,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to add the position of Chief Payroll Supervisor RPT, Job Group 15, to the budget of the ERP capital project under the direction of the Director of Information and Support Services, and be it further

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

(5-0)

3. Item Page -2002 (Comm. 16E-22)

COUNTY EXECUTIVE

WHEREAS, the Legal Aid Bureau of Buffalo Inc., has a 2001 general fund surplus of \$4,576.87, and

WHEREAS, the County contract with said agency allows for retention of any operating surplus in the next fiscal year, subject to approval of the Legislature, and

WHEREAS, the Legal Aid Bureau will utilize these funds for the Indigent Defense Program,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Legal Aid Bureau of Buffalo Inc., to retain their 2001 general fund surplus of \$4,576.87 for 2002 operational needs in the Indigent Defense Program, and be it further

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

(5-0)

4. Item Page -2002 (Comm. 16E-24)

COUNTY EXECUTIVE

WHEREAS, Upstate Cellular Network, d/b/a Verizon Wireless ("Verizon") desires to sublease a portion of the complex known as Ralph Wilson Stadium ("Stadium Complex") from

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Buffalo Bills, Inc. for the purpose of erecting and operating a cellular tower and ancillary equipment ("Cell Tower"); and

WHEREAS, the purpose of erecting the Cell Tower is to enhance telecommunications within the Stadium Complex; and

WHEREAS, the Cell Tower will take the shape of an actual flag pole which will blend in with the existing structures and have no impact on pedestrian traffic; and

WHEREAS, Section 16.1 of the Master Stadium Lease between the County and Buffalo Bills, Inc. provides that Buffalo Bills, Inc. will not sublease the whole or any part of the Stadium Complex without the prior written consent of the County; and

WHEREAS, should the Master Stadium Lease expire or be terminated, the sublease between Buffalo Bills, Inc. and Verizon ("Sublease") shall also be terminated; and

WHEREAS, the proposed Sublease provides that, upon its termination, Buffalo Bills, Inc. and the County may require Verizon to remove the Cell Tower at its sole expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby consents to the Sublease between Buffalo Bills, Inc. and Verizon for the purpose of erecting and operating a Cell Tower on the Stadium Complex; and be it further

RESOLVED, that the County Executive is hereby authorized to forward to Buffalo Bills, Inc. correspondence evidencing the County's consent to the Sublease; and be it further

RESOLVED, that the County Attorney shall review and approve of the form of the Sublease; and be it further

RESOLVED, that the Commissioner of Public Works shall have the right to inspect and approve of the engineering drawings and the construction of the Cell Tower; and be it further

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

(5-0)

5. Item Page -2002 (Comm. 16E-27)

COUNTY EXECUTIVE

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

WHEREAS, the County of Erie and the CSEA, Erie Unit Local 815 negotiated an agreement which addressed Paternity Leave (§22.15) and Maternity Leave (§22.2, note a typographical error in the printing has entitled this section Military Leave), and

WHEREAS, a complaint was filed alleging discrimination because of certain alleged inconsistencies between Maternity and Paternity Leave in the negotiated Collective Bargaining Agreement, and

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

WHEREAS, said negotiated mutually beneficial modification is made without any admission of wrongdoing or liability whatsoever and simply to avoid further costs and expenses related to litigation,

NOW, THEREFORE, BE IT

RESOLVED, that the current Collective Bargaining Agreement by and between the County of Erie and the CSEA, Erie Unit Local 815 be modified as follows:

- 1) Article XXII, Section 22.2(d) be hereby deleted in its entirety.
- 2) The last paragraph found in Article XXII, Section 22.3 on page 26 of the Collective Bargaining Agreement be deleted in its entirety.
- 3) Article XXII, Section 22.15, titled "Paternity Leave" is deleted in its entirety and is replaced with the following provision:

Section 22.15 Child Rearing Leave

A continuous leave of absence without pay by reason of the birth of a child within the first year of said child's birth shall be granted to an employee for a period of up to six (6) months. Paid leave will be substituted for the unpaid leave at the employee's or Erie County's option, where permitted by federal statute, or other provisions of this collective bargaining agreement and Erie County policy. Such Leave requests must be presented in writing to the department head at least thirty (30) calendar days in advance of the commencement of the leave. If an employee fails to give thirty (30) days notice with no reasonable excuse for the delay, the County may delay the taking of the requested leave until at least thirty (30) calendar days after the date the employee submits his or her request.

An employee on child rearing leave will notify the department head of his or her intention to return to work at least thirty (30) calendar days prior to the expiration of the leave of absence.

An employee returning to work after a child rearing leave shall return to the same position in the same department the employee left, if available, and shall be returned to the same step the employee occupied when the leave commenced.

and be it further

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

RESOLVED, that said modification be implemented immediately upon the County Executive's enactment, and be it further

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

(5-0)

6. Item Page -2002 (Comm. 16E-58)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Personnel is in need of a Manager of Workers Compensation; and

WHEREAS, the creation of this position will be cost effective by reducing the cost of Workers Compensation county-wide; and

WHEREAS, the newly created Manager of Workers Compensation will be hired with a variable minimum of Step 2 being required in order to retain a qualified and experienced candidate, and

WHEREAS, funds are available in the Personnel Department's 2002 Personnel Services Account

NOW, THEREFORE, BE IT

RESOLVED, that effective immediately, the position of Manager of Workers Compensation, Job Group 15, Step 2, is hereby created within the Personnel Department; and be it further

RESOLVED, that a variable minimum for the position of Manager of Workers Compensation, Job Group 15, Step 2, is hereby authorized and be it further

RESOLVED, that funds to pay the salary of \$62,340 annually are available in the Personnel Department's 2002 Personnel Services account; and be it further

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

AS AMENDED

7. Item Page -2002 (Intro. 16-8)
SCHROEDER, McCARVILLE, CHASE, CUSACK, SWANICK, MARINELLI,
KUWIK & FISHER

WHEREAS, Erie County Legislature is both philosophically and legislatively mandated to "hear from, and speak to" its constituents, and

WHEREAS, the majority of Erie County's citizens have the capability to interact with the their elected legislative body at their discretion, and

WHEREAS, Erie County has over 3,000 persons who live in and work in this county who are hearing impaired and need an interpreter to communicate with hearing and speaking persons, and

WHEREAS, The Erie County Legislature conducts a number of public forums where the public is requested to attend and participate, and

WHEREAS, many people who are deaf could fully participate in the Erie County's governmental process if these public forums would provide sign language interpreters as a matter of course and not as a special accommodation, and

WHEREAS, sign language interpreters can be retained, with notice, at a cost of approximately \$100.00 per hour; given the relatively small number of public hearings and forums sponsored by the Legislature each year, the cost of providing such service is not exorbitant, and

WHEREAS, Erie County, through its Office for the Disabled, plays a role in ensuring that all persons with disabilities are given fair and equal access to all aspects of Erie County government,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the need to provide all of its citizens equal access to public hearings and forums, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to provide such access to hearing impaired persons, and be it further

RESOLVED, The Erie County Legislature will provide a funding source in the 2003 budget to cover all costs involved for this service, and be it further

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RESOLVED, that this Honorable Body does hereby endorse the establishment of a line item in the Legislature's 2003 budget specific to retaining sign language interpreters for public hearings and forums of the Erie County Legislature, and be it further

RESOLVED, that the Clerk of the Legislature be and hereby is requested to ensure that the following persons or agencies listed below, as representatives of the hearing impaired community in Buffalo and Erie County, receive US mail or facsimile notice of all scheduled public hearings and forums of the Legislature:

Administration
St. Mary's School for the Deaf
2253 Main St., Buffalo, NY 14214
phone – (716) 834-7200; fax – (716) 834-2720

Donna Poore, Executive Director
Deaf Adult Services
2495 Main St., Buffalo, NY 14214
phone – (716) 833-1637; fax – (716) 833-7480

Todd Vaarwerk, Disability Rights Advocate
Independent Living Center of WNY
3108 Main St., Buffalo, NY 14214
phone – (716) 836-0822; fax – (716) 835-3967

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Health, the Director of the Office for the Disabled, and to the individuals and agencies listed in the previous RESOLVE clause.

Fiscal Impact: Minimal.
(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

MR. McCARVILLE moved to separate item #7 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved to send item #7 back to the GOVERNMENT AFFAIRS COMMITTEE. MR. GREENAN seconded.

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CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 29 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 385

Re: Transfer of Funding. (Intro. 17-1)

A RESOLUTION SUBMITTED BY LEGISLATOR SCHROEDER

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$9,500 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Neighborhood Housing Services of South Buffalo	830/1462	\$7,500	(\$7,500)	-0-
Buffalo Hornets Hockey Assoc.	830/1402	\$2,000	(\$2,000)	-0-
South Buffalo Community Association	830/1052	\$120,882	\$9,500	\$130,382
(Greater South Buffalo GED Education Center program)				

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TOTAL

\$-0-

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, and to Kris Parisi, Executive Director, South Buffalo Community Association, (2219 South Park Avenue, Buffalo, NY 14220.)

Fiscal Impact: Re-Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 386

Re: Transfer of Funding. (Intro. 17-2)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, KUWIK, SCHROEDER,
HOLT, FISHER, DALE, DUSZA, PEOPLES, & MARINELLI

WHEREAS, the Legislature set aside funds in the 2001 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
Baker Victory Services (Stand for Children Carnival in the Park)	830/1398	\$4,000	(\$4,000)	-0-
United Way of Buffalo & Erie County (Stand for Children Carnival in the Park)	830/0339	-0-	\$4,000	\$4,000
TOTAL			\$-0-	

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, and to Ann Ryan, Director, United Way of Buffalo & Erie County, (742 Delaware Avenue, Buffalo, NY 14209.)

Fiscal Impact: Re-Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 387

Re: Funding for Volunteer Fire Fighting
 Organization. (Intro. 17-3)

A RESOLUTION SUBMITTED BY LEGISLATOR RANZENHOFER

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,100 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Newstead Fire Company, Inc. (<i>personal protective equipment</i>)	830/1483	\$6,100
TOTAL		\$6,100

And be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to Captain Paul Vohwinkel, Newstead Volunteer Fire Company (5691 Cummings Road, Akron, NY 14001)

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 388

Re: Funding for Public Health Initiative.
 (Intro. 17-4)

A RESOLUTION SUBMITTED BY LEGISLATORS WEINSTEIN & CUSACK

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Rodent Control (rodent control)	830/1277	\$2,000
TOTAL		\$2,000

And be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to Senior Refuse Officer, Leonard J. Fiegl, Town of Amherst Rodent Control (5583 Main Street, Williamsville, NY 14221).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 389

Re: Funding for Various Community Organizations. (Intro. 17-5)

A RESOLUTION SUBMITTED BY LEGISLATOR LARSON

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$66,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301

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Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lancaster Opera House <i>(children's theatre & backstage improvement)</i>	830/0365	\$15,000
Lancaster-Depew Boys & Girls Club <i>(youth programming)</i>	830/0533	\$10,000
Boys & Girls Club of Springville <i>(youth programming)</i>	830/	\$16,000
Lancaster-Depew Baseball League <i>(diamond lighting at Westwood Park)</i>	830/	\$25,000
TOTAL		\$66,000

And be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Executive Director Thomas Kamierczak III, Lancaster Opera House (21 Central Avenue, Lancaster, NY 14086); Executive Director, David Hoch (5440 Broadway, Lancaster, NY 14086); President & Chief Volunteer Officer, Michael Sheridan, Boys & Girls Club of Springville (P.O. Box 128, Springville, NY 14141); and to Jerry Kochialski, Lancaster-Depew Baseball League (P.O. Box 521, Lancaster, NY 14086).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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Item 34 – MS. CUSACK presented a resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 390

Re: Amendment to 2002 Rules of the Erie
 County Legislature. (Intro. 17-6)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

WHEREAS, the Erie County Legislature adopted Rules of Order (“Rules”) for 2002 at its reorganization meeting held January 8, 2002, and

WHEREAS, the Legislature subsequently amended the Rules at Meeting Nos. 9 and 11, in accordance with existing RULE 57: AMENDMENT OF RULES, and

WHEREAS, the Erie County Comptroller, in an audit of Erie County Legislative Mailings and Postage for the period 1/1/01 – 11/16/01, recommended that the Legislature establish and implement written policies and procedures over legislative mailings and related postage usage, and

WHEREAS, the Erie County Legislature recognizes the need to institute a policy to improve the accountability of the cost of legislative mailings,

NOW, THEREFORE, BE IT

RESOLVED, that the following amendment to the Erie County Legislature’s 2002 Rules of Order is approved as follows:

- **RULE 57 AND RULE 58 ARE HEREBY RENUMBERED RULE 58 AND RULE 59, RESPECTIVELY.**

And be it further,

RESOLVED, that a new RULE 57 of the Rules of Order is approved as follows:

- **RULE 57: ERIE COUNTY LEGISLATURE MAIL POLICY**
 1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
 2. The Clerk of the Legislature will maintain an accounting log of the Legislature’s in-house postage meter.

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3. All members of the Legislature are entitled to one (1) district wide mailing (newsletter, calendar of events, etc.) per year. Printing and postage costs will be inclusive.
4. Two (2) weeks prior to the printing and/or sending of a district wide mailing, the member must notify the Chairman of the Legislature and submit a final copy of the intended mail piece. Timely scheduling of mailing resources and targeted mailing date will be set upon printing and staff availability.
5. District wide mailings allowed to each member under this policy must be **postmarked and mailed**, no later than, forty-five (45) days prior to the date of the Erie County Legislature Primary Election or Erie County Legislature General Election to which the member is a candidate.
6. District wide mailings will not be authorized after the Erie County Legislature General Election, to which the member is a candidate, except at the discretion of the Chairman and after ratification of an authorizing resolution by a majority vote of the Legislature.
7. The Chairman, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
8. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, will be itemized. District Offices are required to maintain copies of all mailed correspondence.
9. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.
10. This policy is retroactive to February 1, 2002.

And be it further,

RESOLVED, that the Clerk of the Legislature shall produce and distribute, to Erie County Legislators, Staff, Elected Officials and others, a revised copy of the 2002 Rules of Order incorporating said amendments.

Fiscal Impact: None

MS. CUSACK moved to amend the resolution. MR. GREENAN seconded. MR. DALE voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

Delete the second **RESOLVED** clause in its entirety, and **REPLACE** with the following:

RESOLVED, that a new RULE 57 of the Rules of Order is approved as follows:

• **RULE 57: ERIE COUNTY LEGISLATURE MAIL POLICY**

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. All members of the Legislature are entitled to one (1) district wide mailing (newsletter, calendar of events, etc.) per year. Printing and postage costs will be inclusive.
4. Two (2) weeks prior to the printing and/or sending of a district wide mailing, the member must notify the Chairman of the Legislature and submit a final copy of the intended mail piece. Timely scheduling of mailing resources and targeted mailing date will be set upon printing and staff availability.
5. District wide mailings allowed to each member under this policy must be **postmarked and mailed**, no later than, forty-five (45) days prior to the date of the Erie County Legislature Primary Election or Erie County Legislature General Election to which the member is a candidate.
6. District wide mailings will not be authorized after the Erie County Legislature General Election, to which the member is a candidate, except at the discretion of the Chairman and after ratification of an authorizing resolution by a majority vote of the Legislature.
7. The Chairman, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
8. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, will be itemized. District Offices are required to maintain copies of all targeted informational mailings.
9. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

10. This policy is retroactive to February 1, 2002.

MS. CUSACK moved to further amend the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD the following co-sponsors: DeBENEDETTI, GREENAN, CHASE, McCARVILLE, WEINSTEIN, RANZENHOFER, LARSON, SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, PEOPLES, DUSZA & MARINELLI.

MS. CUSACK moved the approval of the resolution as amended. MR. GREENAN seconded. MR. DALE voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 391

Re: Requesting Report from Department of Public Works Concerning Road Projects in Cheektowaga. (Intro. 17-7)

A RESOLUTION SUBMITTED BY LEGISLATORS DUSZA & DALE

WHEREAS, Congestion Mitigation and Air Quality (CMAQ) funding is available to municipalities to assist in alleviating traffic congestion problems on local highways, and

WHEREAS, the Town of Cheektowaga has several local roads for which CMAQ funding would prove helpful, and

WHEREAS, in a certified resolution adopted by its town board on May 20, 2002, the town of Cheektowaga requested that the Erie County Department of Public Works provided a list of Cheektowaga roadways to be included in Erie County's CMAQ funding application for 2002, including:

1. Brentwood Road at French Road (right turn lane);
2. Como Park Boulevard (culverting and striping west from Stiglmier Park to establish a bicycle lane);
3. Losson Road, east and west of the Julia Boyer Reinstein Library (flashing caution signals);

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4. Towers Boulevard/ Stiglmier Park entrance at Losson Road (widening roadway to allow opposing left turn lanes, to realign park roadway with Towers Boulevard, and to install sidewalks and bicycle lane striping); and
5. French Road at Boxwood Drive/Yvette Drive (upgrade of fire signal);

And

WHEREAS, said resolution called upon Erie County to include the above roads in its application for funding, and

WHEREAS, on June 20, 2002, the Legislature unanimously adopted Intro. 13-3, which authorized the county to request that the State of New York assume responsibility for the maintenance and repair of William Street, and

WHEREAS, receiving a report from the Department of Public Works, Division of Highways as to the progress of 2002 CMAQ funding would be in the best interests of the residents of the town of Cheektowaga,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to assisting local governments in obtaining grant funds through programs such as the CMAQ program, in the interests of public safety and the welfare of the general public, and be it further

RESOLVED, that the Deputy Commissioner of Public Works – Division of Highways is hereby requested to report to the Legislature as to the progress of the county's 2002 CMAQ funding application and with specific reference to the roads located in the town of Cheektowaga listed above, and be it further

RESOLVED, that this Honorable Body does hereby further request that the Department report to the Legislature as to the progress of its application for state takeover of William Street, pursuant to legislative resolution Intro. 13-3 (2002), and be it further

RESOLVED, the Deputy Commissioner is hereby requested to file said report detailing the above with the Clerk of the Legislature, for reference to the Energy and Environment Committee for discussion, within 30 days of adoption of this resolution, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Public Works, the Deputy Commissioner of Public Works – Division of Highways and to the Cheektowaga Town Board.

Fiscal Impact: None for Resolution.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MR. WEINSTEIN moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 16E-33. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 392

Re: Department of Health Transfer of Funds –
 WIC Supplemental Food Program Project #492.

WHEREAS, the Department of Health Women’s, Infants and Children’s Supplemental Food Program (WIC) has analyzed its objects of expense and has determined that in Account 822 Rental Charges, expenses have exceeded appropriations by \$8,000 and in Account 826 – Other Expenses, expenses have exceeded appropriations by \$7,000, and

WHEREAS, sufficient funds are available in Account 880 Interfund Billing – ECMC to offset this transfer of funds, and

WHEREAS, a transfer of funds must be made in order to balance the grant accounts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of Project 492-270:

Increase – Account 822 – Rental Charges	\$8,000
Increase – Account 826 – Other Expenses	7,000
Decrease – Account 880 – Interfund Billing – ECMC	<u>15,000</u>
Net Increase	<u>\$ -0-</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

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SUSPENSION OF THE RULES

Item 37 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 17E-31 From CHAIRMAN DeBENEDETTI Re: 2003 Schedule of Legislative Sessions.

RECEIVED, FILED & PRINTED.

September 19, 2002

To: Laurie A. Manzella, Clerk
 From: Hon. Albert DeBenedetti, Chairman
 Subject: ***2003 SCHEDULE OF LEGISLATIVE SESSIONS***

JANUARY

8
23

JULY

3
10

FEBRUARY

6
20

AUGUST

Recess

MARCH

6
20

SEPTEMBER

4
18

APRIL

3
10

OCTOBER

2
16

MAY

8
22

NOVEMBER

13
20

JUNE

5

DECEMBER

2 *Budget*

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19

4

9 *Override*

11

Item 38 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 17D-5 From DEP Re: State Environmental Quality Review Negative Declaration Notice of Determination and Non-Significance.

Received and filed.

Item 39 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

RESOLUTION NO. 393

Re: Congratulating Local, State, and Federal Law Enforcement for Protecting Our Region from Terrorism. (Intro. 17-8)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI, GREENAN, RANZENHOFER, LARSON, CHASE, WEINSTEIN, McCARVILLE, & CUSACK

WHEREAS, the War on Terrorism is an essential fight that needs to be continued at home and overseas, and

WHEREAS, the War on Terrorism has come into our backyard with the arrest of five alleged members of an Al-Qaida terrorist cell in Lackawanna and the arrest of a sixth member of that cell in Bahrain, and

WHEREAS, the FBI is working in conjunction with the Joint Terrorism Task Force which includes the Buffalo FBI office, the Erie County Sheriff's Office, the Amherst Police Department, the Lackawanna Police Department, the New York State Police, the United States Attorney's Office Western District of New York, and many other agencies, and

WHEREAS, the situation in Lackawanna has attracted international attention in regards to the dedicated efforts of our local, state, and federal law enforcement officials, and

WHEREAS, local, state, and federal law enforcement is not only protecting us from the threat of terrorism, but is encouraging us to respect all races, nationalities, and religious beliefs, and

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NOW, THEREFORE BE IT,

RESOLVED, that the Erie County Legislature wishes to pause in its deliberations today to congratulate the men and women of the Joint Terrorism Task Force for helping to keep our community and the entire country safe from terror, and be it further

RESOLVED, that this Honorable Body urges the community to remain calm and to remember to treat all people, regardless of race, nationality, or religious belief, with respect and dignity, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to President George W. Bush, Governor George Pataki, Attorney General John Ashcroft, Sheriff Patrick Gallivan, Director Robert Mueller III of the FBI, Special Agent in Charge Peter Ahearn of the Buffalo Division of the FBI, United States Attorney Michael Battle, Superintendent James McMahon of the New York State Police, Chief John Moslow of the Amherst Police Department, Chief Dennis O'Hara of the Lackawanna Police Department, and County Executive Joel Giambra.

Fiscal Impact: None for Resolution

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsors: SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, DALE, DUSZA, & MARINELLI.

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

CARRIED UNANIMOUSLY.

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

GRANTED.

RESOLUTION NO. 394

Re: Urging Congress to Enact a New Local Anti-Terrorism Block Grant at a Minimum of \$3 Billion to Comprehensively Fund County and Municipal Law Enforcement and Public Safety Anti-Terrorism Programs. (Intro. 17-9)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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WHEREAS, counties are often the first responders to terrorist attacks, natural disasters and other major emergencies and are typically responsible for public protection in many areas, including water supplies, airports and other critical infrastructure, and

WHEREAS, counties provide the essential regional planning and coordination functions in preventing, preparing for and managing the response to emergency events, and

WHEREAS, counties have unique responsibilities to coordinate the plans and response actions of their law enforcement, public safety, public health, and other departments that assist in response actions, and

WHEREAS, elected county officials and county emergency managers provide the essential regional planning and coordination functions in preventing, preparing for and managing the response to emergency events, and

WHEREAS, the Federal Government must continue to reimburse counties for airport security costs, and reimburse counties for costs incurred on behalf of the Federal Government, and

WHEREAS, public and private sector health personnel should receive additional funding for adequate training to manage any and all public health emergencies, this is the first step in maintaining local and state public health preparedness and infrastructure, and

WHEREAS, counties across our nation are raising and redirecting local funds to ensure the safety of their communities, demonstrating commitment at the county level to the national goal of homeland security, and

WHEREAS, county officials believe it is critically important that emergency preparedness plans be coordinated and rehearsed at the local, state and federal levels as well as coordinated across the various federal and state agencies that play a role in emergency response.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby advocate the adoption of a new local anti-terrorism block grant at a minimum of \$3 Billion to comprehensively fund county and municipal law enforcement and public safety agencies and programs, and be it further

RESOLVED, that these funds should flow directly from the federal government to local governments, and funding decisions under the block grant should be made countywide as an outgrowth of the existing "all hazards" emergency management planning process, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bush, the Western New York Delegation of the United States Congress, the United States Department of Homeland Security, the County Executive, the Erie County Sheriff, the Erie County Department of Emergency Services and the New York State Association of Counties.

Fiscal Impact: To be determined.

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

CARRIED UNANIMOUSLY.

Delete the third RESOLVE clause and *Replace* with the following:

RESOLVED, that certified copies of this resolution be sent to President Bush, the Western New York Delegation of the United States Congress, the United States Department of Homeland Security, the County Executive, the Erie County Sheriff, the Erie County Department of Emergency Services, the New York State Association of Counties and the Erie County Central Police Services.

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

CARRIED UNANIMOUSLY.

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

GRANTED.

Comm. 17D-6 From the COUNTY ATTORNEY Re: Copy of Letter Re: Pesticide Notification.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 42 – (Comm. 17E-1) Apportionment & Distribution of 4% Sales Tax Received by Erie County from New York State for August.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 43 – (Comm. 17E-2) Appointment to ECOM Board of Managers.

Received and referred to the HUMAN SERVICES COMMITTEE.

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FROM THE COMPTROLLER

Item 44 – (Comm. 17E-3) Notice of Plan to Close of Bond & Note Sale Transactions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DALE

Item 45 – (Comm. 17E-4) Copy of Letter to Legislator Ranzenhofer Re: IDA Consolidation.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (Comm. 17E-5) Reappointments & Appointments to Conditional Release Commission.

RECEIVED, FILED & PRINTED.

September 12, 2002

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

Re: Reappointments & Appointments to Conditional Release Commission

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 271, New York State Corrections Law Article 12, do hereby appoint/reappoint the following individuals to the Conditional Release Commission for the terms stated.

REAPPOINTMENTS

NAME AND ADDRESS	TERM EXPIRATION
DR. TALIA HARMON 2220 Northwood Drive	September 1, 2005

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Williamsville, NY 14221

TERRY ANDERSON
618 Columbus Parkway
Buffalo, NY 14213

September 1, 2005

H. McCARTHY GIPSON
72 Northington Drive
East Amherst, NY 14051

September 1, 2005

ALPINA H. TAYLOR
8 Parliament Court
Getzville, NY 14068

September 1, 2005

NICHOLAS L. OTTAVIANI
46 Maria Lane
Cheektowaga, NY 14227

September 1, 2005

SELENA J. GARR
449 Richmond Avenue
Buffalo, NY 14222

September 1, 2005

APPOINTMENTS

NANCY A. WATERMAN
1734 West Blood Road
East Aurora, NY 14052

September 1, 2005

DOROTHY F. COSTISICK
124 Mariner Street
Buffalo, NY 14201

September 1, 2005

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

cc: Appointees
George B. Alexander, Director, Dept. of Probation

Nancy A. Watemlan
1734 West Blood Road
East Aurora, New York, 14052

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716-652-6164

EDUCATION: St. Bonaventure University
 Graduated June 1966
 B.A. – Major - Sociology
 Minor - Philosophy & Biology

EXPERIENCE: Erie County Probation Department
 October 18, 1982 to January 28, 2000
 Probation Supervisor

Erie County Probation Department
 October 8, 1974 to October 17, 1982
 Probation Officer

Erie County Department of Social Services
 Child Welfare Division
 April 1967 to October 7, 1974
 Caseworker – counseling and guidance
 Services to children & families

Erie County Department of Social Services
 Medicaid Division
 December 1966 to April 1967
 Caseworker – interviewing of clients and
 Processing of applications

REFERENCES: Furnished upon request.

Dorothy F. Costisick
 124 Mariner Street
 Buffalo, New York, 14201
 716-885-8865

EDUCATION: Temple University
 Philadelphia, Pennsylvania
 Graduated June 1954
 B.S. – Education

Boston University School of Social Work
 Boston, Massachusetts
 1955 – 1957

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EMPLOYMENT: Erie County Probation Department
September 14, 1962 – October 18, 1997
Probation Officer

City of Boston
Department of Public Welfare
October 1960 – May 1962
Social Worker

New York State Training School for Girls
New York City, New York
September 1959 – June 1960

Pinkerton's National Detective Agency
Boston, Massachusetts
June 1957 - June 1959

REFERENCES: Furnished upon request.

FROM THE COMPTROLLER

Item 47 – (Comm. 17E-6) Certificate of Determination Relative to Sale & Issuance of \$59,390,000 Public Improvement Serial Bonds & \$1,200,000 Sewer Bonds.

Item 48 – (Comm. 17E-7) Certificate of Determination Relative to Authorization, Issuance, Form & Content, Sale & Award of \$43,00,000 RAN.

The above two items were received and filed.

FROM LEGISLATOR CUSACK

Item 49 – (Comm. 17E-8) Letter to Clerk of Legislature Re: Notification of Proposed Amendment to Rules of EC Legislature.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 17E-9) County Attorney – Personnel Adjustment.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 395

Re: ECC – NYS Retirement Incentive Program
2002 – Part A. (Comm. 17E-10)

WHEREAS, the Erie Community College Board of Trustees elects to offer the New York State Retirement Incentive Program (Senate Bill 7431/Assembly Bill 11420) that was signed into law on May 20, 2002 as Chapter 69, of the Laws of 2002; and

WHEREAS, The Erie Community College Board of Trustees at the August 28, 2002 meeting elected to offer **Part A** of the 2002 Retirement Incentive established by both the ERS and TRS retirement incentive legislation, the open period of filing beginning September 28, 2002 through December 26, 2002 with a retirement date no later than December 26, 2002; and

WHEREAS, the Erie Community College Board of Trustees elects to provide the benefits of **Part A** of the 2002 State Retirement Incentive Program to eligible full-time employees with an additional one-twelfth of a year of service for each year of service up to a maximum of three years additional credit service credited as of the date of retirement; and

WHEREAS, the Erie Community College Board of Trustees directs management to control the replacement of retirees to ensure there is no negative budget impact for the 2002-03 budget year; and

WHEREAS, the Erie Community College Board of Trustees directs management to determine the number of employees who will participate in the retirement incentive; and

WHEREAS, approval will allow Erie Community College management to pay for the retirement incentive as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the actuary of the New York State and Local Employees' Retirement System (ERS) and the Teachers' Retirement system (TRS); and

WHEREAS, Erie County approval is necessary to implement **Part A** of the 2002 Retirement Incentive under Chapter 69.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves **Part A** of the 2002 New York State Retirement Incentive approved by the Erie Community College Board of Trustees, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the President of Erie Community College, the Erie County Personnel Department, the Erie County Director of Budget, Management and Finance, the Erie County Department of Law, and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 52 – MR. GREENAN presented the following the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 396

Re: ECC – NYS Retirement Incentive 2002 –
Part B. (Comm. 17E-11)

WHEREAS, The Erie Community College Board of Trustees elects to offer the New York State Retirement Incentive Program (Senate Bill 7431/Assembly Bill 11420) that was signed into law on May 20, 2002 as Chapter 69, of the Laws of 2002; and

WHEREAS, The Erie Community College Board of Trustees at the August 28, 2002 meeting elected to offer **Part B** of the 2002 Retirement Incentive established by both the ERS and TRS retirement incentive legislation, the open period of filing beginning September 28, 2002 through December 26, 2002 with a retirement date no later than December 26, 2002; and

WHEREAS, the Erie Community College Board of Trustees elects to provide the benefits of **Part B** of the 2002 State Retirement Incentive Program without benefit reduction to eligible full-time employees in Tier 2, 3, and 4 who are at least age 55 and have 25 or more years of full time service as of the date of retirement; and

WHEREAS, the Erie Community College Board of Trustees directs management to control the replacement of retirees to ensure there is no negative budget impact for the 2002-03 budget year; and

WHEREAS, approval will allow Erie Community College management to pay for the retirement incentive as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the actuary of the New York State and Local Employees' Retirement System (ERS) and the Teachers' Retirement System (TRS); and

WHEREAS, Erie County approval is necessary to implement **Part B** of the 2002 Retirement Incentive under Chapter 69.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the **Part B** of the 2002 New York State Retirement Incentive approved by the Erie Community College Board of Trustees, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the President of Erie Community College, the Erie County Personnel Department, the Erie County Director of Budget, Management and Finance, the Erie County Department of Law and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 53 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 397

Re: ECC – NYS Retirement Incentive Program
 2002 – Retirement Program. (Comm. 17E-12)

WHEREAS, the Erie Community College Board of Trustees elects to offer the New York State Retirement Incentive Program (Senate Bill 7431/Assembly Bill 11420) that was signed into law on May 20, 2002 as Chapter 69, of the Laws of 2002; and

WHEREAS, the Erie Community College Board of Trustees at the August 28, 2002 meeting elected to offer the 2002 Retirement Incentive established by the Optional Retirement Program (ORP), the open period of filing beginning September 28, 2002 through December 26, 2002 with a retirement date no later than December 26, 2002; and

WHEREAS, the Erie Community College Board of Trustees elects to provide the benefits of the Optional Retirement Program (ORP) of the 2002 Retirement Incentive Program which provides 1.25% times the employee's years of service times the employee's base salary, not to exceed 45% of the employee's annual salary; and

WHEREAS, the Erie Community College Board of Trustees directs management to control the replacement of retirees to ensure there is no negative budget impact for the 2002-2003 budget year; and

WHEREAS, the Erie Community College Board of Trustees directs management to determine the number of employees who will participate in the retirement incentive; and

WHEREAS, Erie County approval is necessary to implement the 2002 Retirement Incentive under Chapter 69.

NOW, THEREFORE, BE IT

RESOLVED: that the Erie County Legislature approves the Optional Retirement Program incentive approved by the Erie Community College Board of Trustees, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the President of Erie Community College, the Erie County Personnel Department, the Erie County Director of Budget, Management and Finance, the Erie County Department of Law and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 54 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 398

Re: Emergency Services – Request to Upgrade
 EC's Emergency Information System.
 (Comm. 17E-13)

WHEREAS, the Department of Emergency Services has requested permission to upgrade its Emergency Information System, and

WHEREAS, they have requested to purchase the upgrade, a sole source item, from their current vendor to meet their current needs, and

WHEREAS, this special service must be provided immediately due to terrorist threats and upcoming snow season.

NOW, THEREFORE, BE IT,

RESOLVED, that the provisions of Section 19.08 of the Erie County Administrative Code requiring requests for proposal are hereby waived, since this special service must be provided immediately and the vendor, Essential Technologies, is a sole source supplier, and be it further

RESOLVED, that the Commissioner of Emergency Services and the County Attorney be authorized to negotiate with Essential Technologies, a subsidiary of Environmental Support Solutions, at 1401 Rockville Pike, Suite 520, Rockville, Maryland, 20852 to upgrade our current software at a cost not to exceed \$36,000, and be it further,

RESOLVED, that the County Executive be authorized to enter into said negotiated contract, and be it further,

RESOLVED, that the amount of \$36,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to the Department of Emergency Services budget, Account 933 Lab and Technical Equipment, and be it further,

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RESOLVED, that two certified copies of this resolution be sent to the Department of Emergency Services, Office of the Commissioner, and one certified copy shall be sent to the Office of the Comptroller, the Division of Budget, Management and Finance, the Division of Information and Support Services and the Department of Law.

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

CARRIED UNANIMOUSLY.

Item 55 – (Comm. 17E-14) Senior Services – Authorization to Amend CSE & EISEP Grant Budgets & Contract with New EISEP Home Care Provider.

Item 56 – (Comm. 17E-15) Public Health Lab – Building BB Renovations at ECMC.

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

Item 57 – (Comm. 17E-16) Roofing Work at Akron Falls Park.

Item 58 – (Comm. 17E-17) Roofing Work at Wendt Beach.

Item 59 – (Comm. 17E-18) Buffalo & Erie County Botanical Gardens – Planting.

Item 60 – (Comm. 17E-19) Maintenance Agreement with NYSDOT – Route 240 Bridge.

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

Item 61 – (Comm. 17E-20) Health – Hepatitis C Transmission Study Grant.

Item 62 – (Comm. 17E-21) Health – Medicaid Managed Care Provider Grant 10/1/02 – 9/30/03.

Item 63 – (Comm. 17E-22) Health – Acceptance of Donations for Medical Examiner's Office.

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

Item 64 – (Comm. 17E-23) International Marketplace.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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Item 65 – (Comm. 17E-24) EC Sport Fishery Promotion Program – 2002 – First Amendatory Agreement.

Item 66 – (Comm. 17E-25) ECSD No. 6 – NYSERDA Program Opportunity Notice – Lackawanna Wastewater Treatment Plant.

Item 67 – (Comm. 17E-26) ECSD No. 2 – NYSERDA Program Opportunity Notice – Big Sister Creek Wastewater Treatment Plant.

Item 68 – (Comm. 17E-27) EC Southtowns Sewage Treatment Agency – NYSERDA Program Opportunity Notice – Southtowns Advanced Wastewater Treatment Plt.

Item 69 – (Comm. 17E-28) ECSD No. 6 – Wilmuth Pumping Station Evaluation.

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

Item 70 – (Comm. 17E-29) Transfer of Funds DISS to County Clerk's Office.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 71 – (Comm. 17E-30) Affiliation Agreement Between ECOM & SUNYAB.

Received and referred to the HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 72 – (Comm. 17D-1) Notification of New Slate of Officers for 2002-03 Academic Year & Minutes of Meeting Held 8/28/02.

Item 73 – (Comm. 17D-2) Notice of Various Meetings Held 9/16/02 & to be Held 9/25/02.

The above two items were received and filed.

FROM THE COMPTROLLER

Item 74 – (Comm. 17D-3) Copy of Letter to Probation & Youth Detention Re: Operation Prime Time.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 75 – (Comm. 17D-4) Notice of Meeting to be Held 9/19/02 & Agenda.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BOARD OF HEALTH

Item 76 – (Comm. 17M-1) Notice of Meeting to be Held 10/3/02.

Received and filed.

FROM THE GAR ASSOCIATION

Item 77 – (Comm. 17M-2) Limited Appraisal in a Summary Report – Great Lakes Building – 45 Oak Street.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE REGION 9 FOREST PRACTICE BOARD

Item 78 – (Comm. 17M-3) Notice of Meeting to be Held 9/19/02.

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 79 – (Comm. 17M-4) Region 9 Board Minutes for Meeting Held 9/5/02.

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 80 – (Comm. 17M-5) Notice of Meeting to be Held 9/19/02 & Minutes of Previous Meeting.

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 81 – (Comm. 17M-6) Notice of Meeting Held 9/17/02.

Received and filed.

MEMORIAL RESOLUTIONS

Item 82 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Edmund Koziel.

Item 83 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Frank Kolodziesczwk.

Item 84 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Celia Dziewa.

Item 85 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Dale Czubaj.

Item 86 – Legislator Greenan requested that when this legislature adjourns, it Honors the lovely Kathy LaRue (a.k.a. “Larve”) as she retires from 20 years of county service.

Item 87 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Marie Zilner.

Item 88 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Pastor Morris from Faith Lutheran Church.

Item 89 – Legislator McCarville requested that when this legislature adjourns, it do so in memory of Judge Frederick Marshall.

Item 90 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Don Allen, Sr.

Item 91 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Yvonne Maria Storey.

Item 92 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Barbara Neely-McDowell.

ADJOURNMENT

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Item 93 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, October 3, 2002.
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 3, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK